



**AMENDED NOTICE OF SPECIAL MEETING
CITY COUNCIL OF THE CITY OF NATIONAL CITY**

**COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, DECEMBER 17, 2019 – 5:00 P.M.**

NOTICE IS HEREBY GIVEN, that the City Council of the City of National City will hold a Special Meeting on Tuesday, December 17, 2019, at 5:00 p.m., or as soon thereafter as the matter may be considered, in the Council Chambers at the Civic Center, 1243 National City Boulevard, National City, California, 91950. The business to be transacted at said meeting will be for the City Council to consider the following:

CITY COUNCIL

OPEN SESSION

CALL TO ORDER

ROLL CALL

1. Resolution of the City Council of the City of National City: (1) Finding a Public Works Emergency that occurred on December 11, 2019 at Racheal Avenue resulting in a sink hole; (2) ratifying the declaration, contracting per the emergency contracting procedure, and appropriations of a not to exceed amount of \$100,000 for emergency work to repair the Racheal Avenue sink hole; and (3) ratifying the waiving of competitive bidding procedures under emergency conditions consistent with Section 22050 "Emergency Contracting Procedures" of the California Public Contract Code and Chapter 2.62 "Alternative Bid Procedures for Public Projects," Section 2.62.070 "Emergencies" of the National City Municipal Code. (Engineering / Public Works)

CLOSED SESSION

PUBLIC MAY COMMENT ON CLOSED SESSION AGENDA ITEMS.

2. Conference with Legal Counsel – Pending Litigation
Existing Litigation under Government Code Section 54956.9(d)(1)
Carlsbad Police Officers Association et. al. v. City of Carlsbad, et al.
SDSC Case No. 37-2019-00005450-CU-WM-CTL
3. Conference with Legal Counsel – Potential Litigation: Four Cases
Potential Litigation Pursuant to Governmental Code Section 54956.9(d)(2)
4. Conference with Labor Negotiators – Government Code Section 54957.6
Agency Designated Representatives: Eddie Kreisberg, Mark Roberts, Robert Hernandez, Alfredo Ybarra, Robert Meteau and Lilia Munoz
Employee Organization: Firefighters' Association and Municipal Employee Association.

CLOSED SESSION REPORT: AT THE END OF REGULAR COUNCIL MEETING

ADJOURNMENT

Dated: December 16, 2019.



ALEJANDRA SOTELO-SOLIS, MAYOR



AMENDED AGENDA OF A SPECIAL MEETING
NATIONAL CITY CITY COUNCIL

COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA

TUESDAY, DECEMBER 17, 2019, 5:00 PM

ALEJANDRA SOTELO-SOLIS

Mayor

RON MORRISON

Vice Mayor

JERRY CANO

Councilmember

GONZALO QUINTERO

Councilmember

MONA RIOS

Councilmember

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m., unless otherwise noted. Special Meetings begin in Open Session at 5:00 p.m., or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website:

www.nationalcityca.gov.

PUBLIC COMMENTS: Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak, or if comments become repetitious or irrelevant.

*1243 National City Blvd.
National City
619-336-4240*

*Meeting agendas and
minutes available on web*

WWW.NATIONALCITYCA.GOV

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audiófonos están disponibles en el pasillo al principio de la junta.

COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.

OPEN TO THE PUBLIC

OPEN SESSION

CALL TO ORDER

ROLL CALL

1. Resolution of the City Council of the City of National City: (1) Finding a Public Works Emergency that occurred on December 11, 2019 at Rachael Avenue resulting in a sink hole; (2) ratifying the declaration, contracting per the emergency contracting procedure, and appropriations of a not to exceed amount of \$100,000 for emergency work to repair the Racheal Avenue sink hole; and (3) ratifying the waiving of competitive bidding procedures under emergency conditions consistent with Section 22050 “Emergency Contracting Procedures” of the California Public Contract Code and Chapter 2.62 “Alternative Bid Procedures for Public Projects,” Section 2.62.070 “Emergencies” of the National City Municipal Code. (Engineering/Public Works)

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Employee Organization: Firefighters’ Association and Municipal
Employee Association.

CLOSED SESSION REPORT: AT THE END OF REGULAR COUNCIL MEETING.

ADJOURNMENT

Next Regular City Council Meeting: Tuesday, December 17, 2019, 6:00 p.m.,
City Council Chambers, Civic Center – National City, California.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: December 17, 2019

AGENDA ITEM NO. 1

ITEM TITLE:

Resolution of the City Council of the City of National City: (1) Finding a Public Works Emergency that occurred on December 11, 2019 at Racheal Avenue resulting in a sink hole; (2) ratifying the declaration, contracting per the emergency contracting procedure, and appropriations of a not to exceed amount of \$100,000 for emergency work to repair the Racheal Avenue sink hole; and (3) ratifying the waiving of competitive bidding procedures under emergency conditions consistent with Section 22050 "Emergency Contracting Procedures" of the California Public Contract Code and Chapter 2.62 "Alternative Bid Procedures for Public Projects," Section 2.62.070 "Emergencies" of the National City Municipal Code.

PREPARED BY: Roberto Yano Deputy City Engineer

DEPARTMENT: Engineering/Public Works

PHONE: 619-336-4383

APPROVED BY:

EXPLANATION:

See attached Staff Report.



FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

Statutorily Exempt under Public Resources Code § 21080, and 14 CCR § 15269 (b).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Adopt Resolution ratifying the declaration of emergency, contracting per the emergency contracting procedure, and appropriations of a not to exceed amount of \$100,000 for emergency work to repair the Racheal Avenue sink hole.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Staff Report
2. Declaration of Emergency Letter from City Manager
3. Resolution

Staff Report

On Wednesday, December 11, 2019 the Public Works Department learned of a sinkhole that formed on Rachael Avenue just north of 18th Street. Rachael Avenue runs in a north-south direction on the east side of National City. The centerline of Rachael marks the boundary between the City of San Diego (east side of the road) and the City of National City (west side of the road). Public Works crews quickly responded and secured the site to prevent any vehicles from driving over and into the sinkhole.

On Thursday, December 12th, Engineering and Public Works staff inspected the site and discovered that a failed 36" corrugated metal pipe (CMP) segment that begins in the City of San Diego and crosses under Rachael into National City was what caused the sinkhole. The sinkhole measured 10 feet wide, by 10 feet long, by 8 feet deep. On December 12th, based on the recommendation of the Deputy City Engineer, the City Manager declared this work as an "emergency," consistent with the provisions included in Section 22050 "Emergency Contracting Procedures" of the California Public Contract Code and Section 2.60.230 "Emergency Purchases-Emergency Defined" of the National City Municipal Code.

The evening of December 12th, staff obtained two quotes for repairing the sinkhole from different contractors familiar with the area. MJC Construction, the lowest of the two quotes, began repair work on December 13th.

The repair work should be completed by December 17th and the road should be open to traffic on December 18th. Based on quotes received for these emergency construction services, staff requests an increase of \$80,000 to the General Fund Environmental Compliance Contract Services appropriation (001-416-030-299-0000) through use of General Fund fund balance to complete the emergency work. Negotiations with the City of San Diego for cost-sharing are ongoing. Once they are completed, staff will provide an update to Council.

Staff also requests that the City Council ratify the City Manager's declaration of emergency and waiving of competitive bidding procedures, as provided under emergency contracting procedures of the National City Municipal Code.



Engineering & Public Works Department
1243 National City Boulevard, National City, CA 91950
Phone: (619) 336-4380 Fax: (619) 336-4397

December 12, 2019

Brad Raulston, City Manager

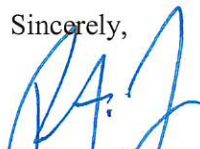
RE: REQUEST FOR EMERGENCY SERVICES – RACHAEL AVENUE NORTH OF 18TH STREET

Dear Brad,

On Wednesday, December 11, 2019 the Public Works Department learned of a sinkhole that formed on Rachael Avenue just north of 18th Street. Rachael Avenue runs in a north-south direction on the east side of National City. The centerline of Rachael marks the boundary between the City of San Diego (east side of the road) and the City of National City (west side of the road). Public Works crews quickly responded and secured the site to prevent any vehicles from driving over and into the sinkhole. On Thursday, December 12th Engineering and Public Works staff inspected the site and discovered that a failed 36” corrugated metal pipe (CMP) segment that begins in the City of San Diego and crosses under Rachael into National City was what caused the sinkhole. The sinkhole measured 10 feet wide, by 10 feet long, by 8 feet deep. The sinkhole is now an imminent threat to public health and safety. I recommend that you declare this work as an “emergency,” consistent with Section 2.60.230 “Emergency Purchases-Emergency Defined” of the National City Municipal Code.

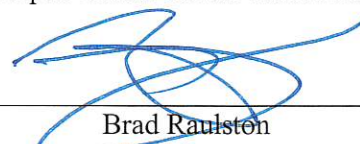
Our department will work with the City of San Diego, and with all other present utilities, to perform this repair as safe and as quickly as possible. Two of the City’s on-call consultants, Geosyntec Consultants, Inc. and MJC Construction, provided a quote for the emergency construction services necessary to repair the failed CMP and surrounding areas.

Sincerely,



Roberto Yano
Deputy City Engineer

I, Brad Raulston, hereby declare the repair efforts for the Rachael Avenue Sinkhole as emergency work.



Brad Raulston
City Manager

cc: Roberto M. Contreras, Deputy City Attorney

RESOLUTION NO. 2019 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY: (1) FINDING A PUBLIC WORKS EMERGENCY THAT OCCURRED ON DECEMBER 11, 2019 AT RACHAEL AVENUE RESULTING IN A SINKHOLE; (2) RATIFYING THE DECLARATION, CONTRACTING PER THE EMERGENCY CONTRACTING PROCEDURE, AND APPROPRIATIONS OF A NOT TO EXCEED AMOUNT OF \$100,000 FOR EMERGENCY WORK TO REPAIR THE RACHEAL AVENUE SINKHOLE; AND (3) RATIFYING THE WAIVING OF COMPETITIVE BIDDING PROCEDURES IN ACCORDANCE WITH SECTION 22050 “EMERGENCY CONTRACTING PROCEDURES” OF THE CALIFORNIA PUBLIC CONTRACT CODE AND CHAPTER 2.62 “ALTERNATIVE BID PROCEDURES FOR PUBLIC PROJECTS,” SECTION 2.62.070 “EMERGENCIES” OF THE NATIONAL CITY MUNICIPAL CODE

WHEREAS, on Wednesday, December 11, 2019 the Public Works Department learned of a sinkhole that formed on Rachael Avenue just north of 18th Street; and

WHEREAS, Rachael Avenue runs in a north-south direction on the east side of National City with the centerline of Rachael Avenue marking the boundary between the City of San Diego (east side of the road) and the City of National City (west side of the road); and

WHEREAS, Public Works crews quickly responded and secured the site to prevent any vehicles from driving over and into the sinkhole; and

WHEREAS, on Thursday, December 12, 2019, Engineering and Public Works staff inspected the site and discovered that a failed 36” corrugated metal pipe (CMP) segment that begins in the City of San Diego and crosses under Rachael Avenue into National City was what caused the 10 feet wide, by 10 feet long, by 8 feet deep sinkhole; and

WHEREAS, on December 12, 2019, based on the recommendation of the Deputy City Engineer, the City Manager declared this work as an “emergency” pursuant to California Public Contract Code Section 22050 “Emergency Purchases-Emergency Defined” and National City Municipal Code Section 2.60.230; and

WHEREAS, on December 12, 2019, staff obtained two quotes for repairing the sinkhole from different contractors familiar with the area with MJC Construction, being the lowest of the two quotes, began repair work on December 13, 2019; and

WHEREAS, repair work should be completed by December 17, 2019 and the road should be open to traffic by December 18, 2019; and

WHEREAS, staff is requesting an increase of \$80,000 to the General Fund Environmental Compliance Contract Services appropriation through the use of General Fund fund balance for a not to exceed amount of \$100,000 to complete the emergency work and to ratify the City Manager’s declaration of emergency and waiving of competitive bidding procedures, as provided under emergency contracting procedures.

**Resolution No. 2019 –
Page Two**

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City does hereby authorize the Mayor to ratify the declaration, contracting per the emergency contracting procedure, and appropriations of a not to exceed amount of \$100,000 for emergency work to repair the Racheal Avenue sink hole.

BE IT FURTHER RESOLVED, that the City Council of the City of National City does hereby authorize the Mayor to ratify the waiving of competitive bidding procedures in accordance with Section 22050 “Emergency Contracting Procedures” of the California Public Contract Code and Chapter 2.62 “Alternative Bid Procedures for Public Projects,” Section 2.62.070 “Emergencies” of the National City Municipal Code.

PASSED and ADOPTED this 17th day of December, 2019.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil Morris-Jones
City Attorney