

## RESOLUTION 2017-###

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF SAN PABLO AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT FOR THE SAN PABLO FIRE STATION REPLACEMENT PROJECT**

WHEREAS, public safety, collaborative funding partnerships and economic development, are adopted policy item(s) under the FY 2015-17 Council Priority Workplan Update, effective October 1, 2016;

WHEREAS, the City of San Pablo ("City") has long partnered with the District to provide fire and emergency medical services for the City;

WHEREAS, the District has assigned a two-person emergency medical services squad (the "EMS Squad") to the District's Station 70 ("Station 70") located at 13928 San Pablo Avenue in the City ("Existing Station 70"), and the City pays the District for the costs of personnel, equipment and fuel for the EMS Squad;

WHEREAS, Station 70 is one of the busiest County fire stations, with more than 3,000 service calls each year; of which over 80% are for emergency medical services;

WHEREAS, Station 70 crews had been operating out of a "temporary" modular building for many years, and with the addition of the EMS Squad, they no longer had adequate living space;

WHEREAS, both the City and the District desires to construct a new Station 70 in the City with sufficient capacity to house the EMS Squad and other District personnel and apparatus necessary to fully staff Station 70;

WHEREAS, both the City and the District explored various options on constructing a new Station 70 ("New Station 70") and concluded that building the New Station 70 on City-owned property located at 1800 23<sup>rd</sup> Street and 1821 Powell Street ("1800 23<sup>rd</sup> Street") was the best option and provided the District a more central location compared to the Existing Station 70 location;

WHEREAS, City and District staff worked to put together the proposed Memorandum of Understanding ("MOU") to outline the deal points for the construction of the new Station 70;

WHEREAS, the District is tasked with obtaining the information to determine the feasibility of the project including CEQA compliance, environmental review, title review, project specifications, project budget, solicitation of bids and overall project feasibility. Both the City and District's governing bodies must determine the project to be feasible before the construction contract can be awarded and the project can move forward; and

WHEREAS, if the project is determined to be feasible, the City will acquire the Existing Station 70 from the District in exchange for 1800 23rd Street where the District will construct the New Station 70 as the City and District have determined that exchange of these properties is a fair transaction given the values of both properties and the governmental purposes for the exchange and that there is no gift of public funds;

WHEREAS, if the project is determined to be feasible, then the City will contribute forty percent (40%) of the District's cost of constructing the New Station 70, up to a maximum of \$4.5 million. The City contribution to be disbursed as follows: i. \$2 million after the City has conveyed 1800 23<sup>rd</sup> Street to the District and the District has awarded the construction contract for New Fire Station 70 and documents have been recorded; ii. \$1,250,000 after fifty percent (50%) of the construction of the New Station 70 has been completed; and iii. the remainder of the City Contribution concurrent with the District's conveyance of the Existing Station 70 to the City;

WHEREAS, if the District no longer provides fire or emergency medical services within the boundaries of the City, or decides to sell the New Station 70, the City will have the right of first offer to purchase the New Station 70 for 40% of the fair market value determined by an independent appraiser; and

WHEREAS, both the City and District's governing bodies must determine the project to be feasible before the project can move forward including review under the California Environmental Quality Act (CEQA). The Contra Costa County Fire Protection District (District) chose to be the lead agency under CEQA and is currently reviewing the assemblage and conveyance of the New Station 70 (defined below) to District, construction of the new Station 70, and conveyance of the Existing Station 70 (defined below) to the City. Once a proposed project budget is agreed upon and construction bids received, pursuant to Section 4(A)(8) of the Memorandum of Understanding, the City Council shall determine project feasibility, which will include at that point consideration of the CEQA review. Up to that point, the parties retain the ability to determine that the project is not feasible and to terminate the MOU. Thus, no final action will be taken until after consideration of the CEQA review prepared by the District.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

BE IT FURTHER RESOLVED, that the City Council approves and authorizes the City Manager to execute a Memorandum of Understanding by and between the City of San Pablo and the Contra Costa County Fire Protection District for the San Pablo Fire Station Replacement Project (MOU) and to make such changes or additions thereto with the concurrence of the City Attorney as are necessary or appropriate and which do not substantially alter the rights and obligations of the City thereunder. The City Manager is further authorized to execute such other documents and take such other actions as are necessary to carry out and implement the obligations of the City under the MOU.

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Adopted this 19<sup>th</sup> day of June, 2017, by the following vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

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Ted J. Denney, City Clerk

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Cecilia Valdez, Mayor