

## Legislation Details (With Text)

**File #:** #19-079      **Version:** 1      **Name:**

**Type:** RESOLUTIONS      **Status:** Passed

**File created:** 2/14/2019      **In control:** City Council

**On agenda:** 3/4/2019      **Final action:** 3/5/2019

**Title:** RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO DETERMINING THE FIRE STATION 70 CONSTRUCTION PROJECT FEASIBLE UNDER THE MEMORANDUM OF UNDERSTANDING DATED JUNE 19, 2017 BY AND BETWEEN THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND THE CITY OF SAN PABLO AND APPROPRIATING \$4.5 MILLION FROM GENERAL FUND DESIGNATED RESERVES - FIRE/EMS SERVICES FS#70 TO ACCOUNT CODE 100-1110-44000

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. RESO 2019-030 Fire Station 70, 2. Signed MOU dated June 2017, 3. FS70 Feb 12 2019 Letter to City of San Pablo

Date	Ver.	Action By	Action	Result
3/5/2019	1	City Council	adopted	Pass

**PREPARED BY:** CHARLES CHING

**DATE OF MEETING:** 03/04/19

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO DETERMINING THE FIRE STATION 70 CONSTRUCTION PROJECT FEASIBLE UNDER THE MEMORANDUM OF UNDERSTANDING DATED JUNE 19, 2017 BY AND BETWEEN THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT AND THE CITY OF SAN PABLO AND APPROPRIATING \$4.5 MILLION FROM GENERAL FUND DESIGNATED RESERVES - FIRE/EMS SERVICES FS#70 TO ACCOUNT CODE 100-1110-44000

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**COMPLIANCE STATEMENTS**

Public safety, collaborative funding partnerships and economic development, are adopted policy item (s) under the FY 2018-21 City Council Priority Workplan, effective November 1, 2017.

**CEQA Compliance Statement**

The Contra Costa County Fire Protection District (the "District") was the lead agency for CEQA (defined below) and a Notice of Exemption was filed by Contra Costa County on September 15, 2017, finding that the construction of Fire Station 70 (the "Project") is exempt from California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15332 as infill development. The CEQA exemption relied on various studies that concluded that no significant impacts would occur from the Project including Noise and Vibration Assessment that indicates that operation noise levels would exceed minimum requirements, but that the City of San Pablo (the "City") Municipal Code noise limits do not apply to any sources of noise resulting from the operation of the trucks

considered necessary to protect public safety.

## **BACKGROUND**

The City has long partnered with the District to provide fire and emergency medical services for the City. On June 19, 2017, the City entered into a Memorandum of Understanding (“MOU”) with the District for the funding and construction of the new Fire Station 70 on City-owned land located at 1800 23<sup>rd</sup> St. (“1800 23<sup>rd</sup>. Street”).

### Memorandum of Understanding

Below are the deal points under the MOU:

- The City will acquire the current Fire Station 70 located at 13928 San Pablo Avenue (“Existing Station 70 Property”) from the District in exchange for 1800 23<sup>rd</sup> Street where the District will construct the New Fire Station 70.
- The City will convey 1800 23<sup>rd</sup> Street to the District once City Council determines the Project to be feasible. The District will record the MOU on the Existing Station 70 Property and then convey this property to the City once the Project is complete.
- The City will contribute forty percent (40%) of the District’s cost of constructing the New Station 70 (“New Station 70”), up to a maximum of \$4.5 million. The City contribution will be disbursed as follows:
  - i. \$2 million after the City has conveyed 1800 23<sup>rd</sup> Street to the District.
  - ii. \$1,250,000 after fifty percent (50%) of the construction of the New Station 70 is complete.
  - iii. \$1,250,000 concurrent with the District’s conveyance of the Existing Station 70 to the City and completion of the construction of the New Station 70.
- 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. This will be memorialized in the form of a recorded Right of First Offer Agreement recorded on 1800 23<sup>rd</sup> Street when conveyed from the City to the District.

### Feasibility of Constructing New Fire Station 70

Under the MOU, the District is responsible for the design and construction of the New Station 70. Moreover, the District is also tasked to determine the feasibility of the project including CEQA compliance, environmental review, title review, project specifications, project budget, verification of bids and overall project feasibility. Both the City and District’s governing bodies must determine the project to be feasible before the Project can move forward.

On February 12, 2019, the City received a letter from the District determining the Project to be feasible. Per the letter, the District opened bids for the construction of the Project on January 17, 2019. The District has completed its due diligence on its lowest bidder and intends to award the construction contract at the County Board of Supervisors (“BOS”) meeting on March 12, 2019. At the

same meeting, the BOS will also make its feasibility determination required under the MOU.

The letter stated that the project feasibility is contingent on the City Planning Commission waiving its condition of undergrounding all utilities to the Project. The District has since found a way to underground all utilities and that issue has been resolved.

The total Project cost is \$13 million and the City's financial contribution will be \$4.5 million. The proposed resolution will find the Project feasible and authorize the City Manager to execute necessary documents and carry out the City's obligations under the MOU.

The proposed resolution also appropriates \$4.5 million from General Fund Designated Reserves - Fire/EMS Services FS #70 (100-0000-00000) to the Special Department Expenses account in the City Council budget (100-1110-44000).

### **FISCAL IMPACT**

The City will contribute \$4.5 million to the Project. The proposed resolution appropriates \$4.5 million from General Fund Designated Reserves - Fire/EMS Services FS #70 to the City Council budget (100-1110-44000).