

RESOLUTION NO. 2022-262

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AUTHORIZING THE AGENCY DIRECTOR OF ADMINISTRATIVE SERVICES TO AMEND THE FY 2022/24 CAPITAL IMPROVEMENT PLAN, RECORDING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$211,067.14 TO THE PUBLIC USE FACILITIES FUND FOR THE OLD CITY HALL BUILDING AND REGAL THEATER AIR CONDITIONING UNIT REPLACEMENT; AND APPROVING THE AWARD OF A CONSTRUCTION CONTRACT WITH QUALITY LIGHT AND ELECTRICAL IN THE AMOUNT OF \$545,161.20 FOR OLD CITY HALL BUILDING AND REGAL THEATER AIR CONDITIONING UNIT REPLACEMENT; AND AUTHORIZING PROJECT CONSTRUCTION, CONSTRUCTION CONTINGENCIES AND INSPECTIONS COSTS IN THE TOTAL AMOUNT OF \$610,000.00 FOR THE OLD CITY HALL BUILDING AND REGAL THEATER AIR CONDITIONING REPLACEMENT; AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL DOCUMENTS FOR THE CONSTRUCTION OF OLD CITY HALL BUILDING AND REGAL THEATER AIR CONDITIONING UNIT REPLACEMENT; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXPEND THE CONTINGENCY FUND, IF NECESSARY, TO COMPLETE THE PROJECT.

WHEREAS, the City of San Bernardino is responsible for maintaining the Old City Hall Building and Regal Theater; and

WHEREAS, there is currently one air conditioning unit for Old City Hall Building and eight Air Conditioning units for Regal Theater that are about thirty (30) years old and no longer efficient; and

WHEREAS, on June 1, 2022, the Mayor and City Council adopted the FY2022/24 Capital Improvement Plan (CIP), established Public Use Facilities Funding in the amount of \$400,000 for Old City Hall Building and Regal Theater Air Conditioning Unit Replacement; and

WHEREAS, on October 27, 2022, the City administered a competitive bid solicitation for Old City Hall Building and Regal Theater Air Conditioning Unit Replacement Project ("Project") resulting in the receipt of one construction cost submittals; and

WHEREAS, Quality Light and Electrical, of Bloomington, California, has been determined to be the lowest responsive and responsible bidder; and

WHEREAS, the City now wishes to enter into a Construction Agreement with Quality Light and Electrical, of Bloomington, California, in the amount of \$545,161.20 to complete the Project.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Agency Director of Administrative Services is hereby authorized to amend the FY 2022/24 Capital Improvement Plan, recording a supplemental appropriation in the amount of \$211,067.14 to the Public Use Facilities fund for Old City Hall Building and Regal Theater Air Conditioning Unit Replacement Project.

SECTION 3. The City Manager is hereby authorized to execute a Construction Agreement, and any supporting documents, for Old City Hall Building and Regal Theater Air Conditioning Unit Replacement projects with Quality Light and Electrical, of Bloomington, California, in the total amount of \$545,161.20 on behalf of the City, attached hereto and incorporated herein as Exhibit “A”.

SECTION 4. The City Manager, or his designee, is hereby authorized to execute all documents in support of Old City Hall Building and Regal Theater Air Conditioning Unit Replacement (Project No. 13536) on behalf of the City and to expend contingency funds, if necessary, to complete the project.

SECTION 5. The Agency Director of Administrative Services is hereby authorized to issue a purchase order in the amount of \$545,161.20 to Quality Light and Electrical, of Bloomington, in support of the Construction Agreement.

SECTION 6. As the decision-making body for the project, the City Council has reviewed and considered the information contained in the administrative record for the proposed project. Based upon the facts and information contained in the administrative record, including all written and oral evidence presented to the City Council, the City Council finds, as follows:

(1) The administrative record has been completed in compliance with CEQA, the State CEQA Guidelines, and the City’s Local CEQA Guidelines;

(2) The proposed project is exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301 (Class 1 – Existing Facilities) of the CEQA Guidelines because it involves the replacement of Air Conditioning Units with no expansion of the existing use. Additionally, the City Council finds this Resolution is not subject to the California

Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

(3) The application of the Class 1 categorical exemption is not barred by one of the exceptions set forth in the CEQA Guidelines Section 15300.2 because HVAC Units replacement does not present any unusual circumstances; would not damage scenic resources, including any resources in the area of a Scenic Highway; would not be utilized on a hazardous waste site; and would not impact historic resources of any kind; and

(4) The determination of CEQA exemption reflects the independent judgment of the City Council.

SECTION 7. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 8. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of December 2022.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2022-262, adopted at a regular meeting held on the 7th day of December 2022 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2022.

Genoveva Rocha, CMC, City Clerk