



Town of Moraga	Agenda Item
CONSENT	6. 6

Meeting Date: October 14, 2020

TOWN OF MORAGA

STAFF REPORT

To: Honorable Mayor and Councilmembers

From: Shawn Knapp, Director of Public Works / Town Engineer

Subject: Consider Resolution ____ - 2020 Authorizing HVAC Improvements through Negotiated Contract and Awarding an HVAC Improvement Contract to Honeywell Bay Area, Inc. for a total of \$47,800 and authorizing Town Manager to Execute Contract; and Appropriating \$13,200 from Fund 780 Government Impact Fees for HVAC Improvements (CEQA Status: Exempt); and

Consider Resolution ____ - 2020 Appropriating \$7,000 from Fund 716 – Comcast PEG (Public, Educational and Governmental) for the Purchase of a Portable TV Monitor and Speakers for the Town Council Chambers Outdoor Meeting Area, and Reallocating \$10,000 of the CARES Act, State Coronavirus Relief Fund Grant from the Small Business Relief Program to Purchase a Patio Trellis and Awnings for Town Council Chambers Outdoor Meeting Area (CEQA Status: Exempt)

Background

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in the State of California as a result of the threat of COVID-19 and proclaimed that all agencies of the State government shall use and employ state personnel, equipment, and facilities for the performance of any and all activities consistent with the direction of the California Emergency Management Agency and the State Emergency Plan.

On March 10, 2020, the Contra Costa County Board of Supervisors adopted a resolution proclaiming a state of emergency in the County to address the potential spread of novel coronavirus or COVID-19.

On March 17, 2020, the Town declared a local emergency in response to the COVID-19 pandemic spread. The proclamation allowed the Town to access resources, facilitate emergency responses, and potentially receive reimbursement for the costs associated with the pandemic.

1 The recently enacted State Budget contains provisions that pass-through funding from
2 the Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act to counties
3 and cities to assist local government with their response to the COVID-19 pandemic.
4 The Budget Act of 2020 authorizes the Department of Finance to allocate
5 \$1,289,065,000 to address the public health and public safety impacts of COVID-19,
6 including homelessness. As part of this, cities will receive \$500 million for similar
7 purposes. Federal law specifies that these funds may only be used for unbudgeted
8 costs incurred between March 1, 2020, and December 30, 2020. All funds must be
9 spent, not encumbered, by the end of the year.

10
11 Pursuant to the provisions of Control Section 11.90, cities with populations between
12 300,000 and 500,000 were allocated \$225 million and cities with populations of less
13 than 300,000 were allocated \$275 million. No city will receive less than \$50,000.
14 Based on the allocation using the population size method, the Town of Moraga was
15 determined to receive \$209,235 of the Coronavirus Relief Funds (CRF).

16
17 On July 2, 2020, the Town of Moraga submitted the Local Government Certification
18 Form to the Department of Finance to apply for the Coronavirus Relief Fund. On August
19 26, 2020, the Town Council passed Resolution 49 - 2020, accepting the \$209,235
20 Coronavirus Relief Fund Grant, approving a proposed Expenditure Plan and amending
21 the FY 2020/21 Budget accordingly. The Expenditure Plan included a recommended
22 \$45,000 in response to COVID-19 impacts for HVAC and Filtration Facility
23 Enhancements at 329 Rheem Boulevard (Town offices) and 335 Rheem Boulevard
24 (Town Council Chambers and Corporation Yard) and \$10,750 for a portable tent and
25 chairs for an outdoor meeting area at the Town Council Chambers.

26 27 **Discussion**

28 29 ***HVAC and Filtration Improvements for 329 and 335 Rheem Boulevard***

30 The American Society of Heating, Refrigeration and Air-Conditioning Engineers, Inc.
31 (ASHRAE), in response to the COVID-19 pandemic, released the Board of Directors
32 approved ASHRAE Position Document on Infection Aerosols, dated April 14, 2020. The
33 paper recommends for non-healthcare buildings a number of modifications to building
34 HVAC system operations including:

- 35
- 36 • Increase outdoor air ventilation (disable demand-controlled ventilation and open
37 outdoor air dampers to 100% as indoor and outdoor conditions permit);
 - 38 • Improve central air and other HVAC filtration to MERV-13 (ASHRAE 2017b) or
39 higher;
 - 40 • Add portable or stationary-in-duct room air cleaners with HEPA or high-MERV
41 filters to clean air delivery for common areas and conference rooms of buildings.
- 42

43 While the following is more information than necessary, it is included as the community
44 might find it helpful when considering home or business HVAC improvements. The
45 MERV scale is from 1 to 20, which rates the effectiveness of filters at removing particles
46 of different sizes (0.3 μm to 10 μm). MERV – 13 to 16 filters remove the tiny particles
47 (0.3 – 1.0 micron) are specified for hospitals and health care facilities, smoking lounges
48 and superior ventilation in commercial building. Bi-polar Ionizer technology charges the
49 oxygen molecules in the HVAC return air to cluster around microparticles, surrounding

1 and deactivating harmful substances like airborne mold, bacteria, allergens, and
2 viruses. By attaching to expelled breath droplets and dust particles that can transport
3 viruses, it enlarges them, so they are more easily caught in the restrictive MERV – 13
4 filters. These combined processes provide active and continuous disinfection and air
5 purification system.

6
7 The Town offices have been and continue to be used by Town staff to provide essential
8 services for our residents and customers. The Town offices use four packaged HVAC
9 units each serving separate building zones. As the CARES Act specifies that grant
10 funds must be expended before December 31, 2020, time is of the essence to award
11 contracts for HVAC improvements while other agencies are competing for the same
12 limited HVAC equipment resources. Honeywell Bay Area, Inc. was issued a \$10,400
13 purchase order from CARES grant funding to modify the HVAC system to use Minimum
14 Efficiency Reporting Value (MERV) – 13 filters and install Bi-polar Ionizers in each of
15 the 4 HVAC units for Phase 1 HVAC Improvement. These improvements have been
16 completed.

17
18 For the second Phase of HVAC Improvements, staff recommends installing six (6)
19 individual HEPA air purification systems installed in common work areas and
20 conference rooms where multiple people meet and work at the Town offices.
21 Additionally, staff recommends the replacement of the existing single HVAC unit at the
22 Town Council Chambers room to facilitate the installation of a MERV – 13 filter and Bi-
23 polar Ionizer, the same system used in Phase 1 for the Town offices.

24
25 The cost estimate for the second Phase of HVAC Improvements is within the \$45,000
26 project budget, but over the Town Manager's \$25,000 spending authority. It was
27 discovered, however, that the existing HVAC unit for the Town Council Chambers room
28 is an older and undersized unit that has needed numerous service repairs recently for
29 malfunctioning and is not compatible with the specified MERV – 13 filter and Bi-polar
30 Ionizer for this room space. Therefore, staff recommends replacing the unit at an
31 additional cost of \$13,200. The Asset Replacement Schedule incorrectly indicates that
32 the HVAC unit at 335 Rheem Boulevard was purchased in 2014. The unit was in place
33 in 2009 when the Town purchased the building and Honeywell personnel confirmed that
34 the unit is 15 years old and has reached the end of its useful life. Since the second
35 phase of the HVAC Improvements would be under the \$60,000 threshold for public
36 works projects, the Town is seeking authorization for the work to be performed by
37 negotiated contract, pursuant to Public Contract Code section 22032 and Moraga
38 Municipal Code sections 3.06.010 and 3.06.070.

39
40 The Town collects development impact fees to defray all or a portion of the cost of
41 public facilities needed to serve new development. More specifically, the Town collects
42 a General Government Fee (Fund 780) for enhancements to or the purchase of new
43 general government facilities, vehicles or equipment. The projected Fiscal Year
44 2020/21 ending balance of Fund 780 is \$410,667. The HVAC upgrades would qualify
45 for Fund 780 funding and staff recommends that \$13,200 from Fund 780 be allocated to
46 complete the HVAC and Filtration Improvements for 329 and 335 Rheem Boulevard
47 project.

1 **Portable Tents and Chairs for Outdoor Meeting Area at Town Council Chambers**

2 Town staff evaluated a few options for erecting portable tent(s) to create an outdoor
3 meeting area at the Town Council Chambers to be utilized when in-person meetings
4 resume and capacity inside the Council Chambers is exceeded. This will ensure
5 sufficient social distancing space is available to comply with Contra Costa County
6 COVID-19 health regulations. The three onsite locations large enough for at least 26 ft
7 by 26 ft sized tent to accommodate 18 persons at 6-foot social distancing, were as
8 follows: 1) front patio area at the Council Chambers entrance; 2) the vehicle entrance
9 drive aisle on the right side of the Council Chambers building within the fenced yard;
10 and 3) the vehicle exit drive aisle on the left side of the Council Chambers building, also
11 still within the fenced yard.

12
13 Options 2 and 3 were not recommended as they are not ADA accessible and would
14 negatively impact the Corp Yard maintenance operations for the following reasons:

- 15 • Requires a significant amount of time to move vehicle, trailers, equipment and
16 supplies to clear enough space and to set up the tent(s) within the crowded
17 corporation yard;
- 18 • The roof drains and site drainage overflows through the drive aisle and would be
19 problematic to keep the area free of surface water and the public safe;
- 20 • The drive aisles have depressed valley gutters for collection stormwater runoff
21 and are not ADA compliant surfaces (level);
- 22 • Temporary barricades would need to be set up to define further what areas are
23 off limits to public access. Possibly require the use of an additional staff
24 person(s) to monitor the public for safety issues when tent(s) are set up within
25 the corporation backyard.

26
27 It was determined that the Council Chambers front patio would be the best location for
28 setting up a 26 ft by 26 ft portable tent or awning to provide an outside meeting area
29 when capacity inside the Council Chambers is exceeded. A 26 ft by 26 ft tent would fit
30 within the patio space between the existing architectural wooden trellises providing
31 space for 18 persons at the cost of \$18,500 for a commercial grade portable model.
32 This cost estimate is unfortunately higher than the initial estimate of \$8,000 due to the
33 selection of a more durable tent that doesn't need to be fastened to the ground.

34
35 Staff explored an additional option of expanding the wooden trellises over the patio and
36 covering the trellis with either sun-shade or all-weather awning, depending on weather
37 conditions, to provide a larger usable space for approximately 22 persons for a lower
38 cost of \$18,000. The additional benefits of expanding the trellis and installation of the
39 awning include providing an all-weather patio for outdoor gatherings for Town meetings
40 and events and shading the front of the building which would provide a significant
41 reduction of heat load through the Chamber's front glass doors and reducing electricity
42 costs.

43
44 Staff recommends that the additional \$10,000 in project funding be transferred from the
45 CARES Act Small Business Relief Program. The Town has received six Small
46 Business Reilef Grant applications to date for a total of \$8,790 out of the original
47 \$30,000 budget leaving available balance of \$21,210. As CARES grants funds are "use
48 it or lose it" funding, staff recommends the transfer of \$10,000 from the Small Business

1 Relief Program budget to the Facility Enhancement Budget. After the transfer, the
2 remaining Small Business budget balance would be \$11,210.

3
4 ***Audio Visual Equipment for Outdoor Meeting Area at Town Council Chambers***

5 The purchase of a portable TV monitor and speakers for the outdoor meeting area at
6 the Town Council Chambers was envisioned as part of the Chambers outdoor meeting
7 area project to be funded with Comcast PEG Restricted funds (Fund 716). Fund 716
8 Comcast Public Education, and Government Access Channel (PEG) funds are to be
9 used for technology that enhances communications. The projected FY 2020/21 ending
10 balance of Fund 716 is \$385,252. Staff recommends the Town Council approve the
11 expenditure of \$7,000 from Fund 716 for the purchase of audio-visual equipment for the
12 outdoor meeting area.

13
14 **CEQA**

15
16 The proposed projects are categorically exempt from California Environmental Quality
17 Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities) as the proposed
18 project alteration of existing public facilities involve negligible or no expansion of existing
19 use. All improvements are complying with the Americans with Disabilities Act. No
20 special circumstances exist that would create a reasonable possibility that the projects
21 will have a significant adverse effect on the environment.

22
23 **Fiscal Impact**

24
25 Amend the Fiscal Year 2020/21 Budget to expend \$13,200 from Fund 780 – General
26 Government Fee on the HVAC and Filtration Improvements for 329 and 335 Rheem
27 Boulevard project and \$7,000 from Fund 716 - Comcast PEG Funds to purchase audio
28 visual equipment for the outdoor meeting area at the Town Council Chambers.

29
30 Reviewed by Norm Veloso, Administrative Services Director.

31
32 **Recommendation**

33
34 Approve resolutions to:

35 Complete the HVAC improvements for 329 and 335 Rheem Boulevard
36 expeditiously including awarding a \$47,800 contract to Honeywell and
37 appropriating \$13,200 from Fund 780 – General Government Fees; and

38
39 Appropriate \$7,000 from Fund 716 – Comcast PEG to purchase audio/visual
40 equipment for the Town Council Chambers Outdoor Meeting Area, and
41 Reallocating \$10,000 of the CARES Act, State Coronavirus Relief Fund Grant
42 from the Small Business Relief Program to the Town Council Chambers Outdoor
43 Meeting Area project.

44
45 **Attachments:**

- 46
47 **A.** Resolution ____ - 2020 Authorizing HVAC Improvements through Negotiated
48 Contract and Awarding an HVAC Improvement Contract to Honeywell Bay Area,
49 Inc. for a total of \$47,800 and Authorizing Town Manager to Execute Contract;

- 1 and Appropriating \$13,200 from Fund 780 Government Impact Fees for HVAC
2 Improvements (*CEQA Status: Exempt*)
3
4 **B.** Resolution ____ - 2020 Appropriating \$7,000 from Fund 716 – Comcast PEG
5 (Public, Educational and Governmental) for the Purchase of a Portable TV
6 Monitor and Speakers for the Town Council Chambers Outdoor Meeting Area,
7 and Reallocating \$10,000 of the CARES Act, State Coronavirus Relief Fund
8 Grant from the Small Business Relief Program to Purchase a Patio Trellis and
9 Awnings for Town Council Outdoor Meeting Area (*CEQA Status: Exempt*)

ATTACHMENT A

Resolution ____ - 2020 Authorizing HVAC Improvements through Negotiated Contract and Awarding an HVAC Improvement Contract to Honeywell Bay Area, Inc. for a total of \$47,800 and Authorizing Town Manager to Execute Contract; and Appropriating \$13,200 from Fund 780 Government Impact Fees for HVAC Improvements (*CEQA Status: Exempt*)

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Authorizing HVAC Improvements,)
through Negotiated Contract and)
Awarding Contract to Honeywell Bay)
Area, Inc. for a total of \$47,800 and)
Authorizing Town Manager to Execute)
Contract; and Appropriating \$13,200)
from Fund 780 Government Impact Fees)
for HVAC Improvements (*CEQA Status:*)
Exempt))

Resolution No. ___ - 2020

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency related to the COVID-19 outbreak pursuant to Section 319 of the Public Health Service Act; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of the threat of COVID-19; and

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors adopted a resolution at its Board meeting proclaiming a state of emergency in the County of Contra Costa to address the potential spread of novel coronavirus or COVID-19; and

WHEREAS, on March 17, 2020, the Town declared a local emergency in response to the spread of the COVID-19 pandemic; and

WHEREAS, the Federal Government enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act and provided funding through the Coronavirus Relief Fund (CRF) to assist local governments with expenses associated with the COVID-19 Pandemic; and

WHEREAS, the State Budget contains provisions that “pass through” funding from the Federal CARES Act to counties and cities for the purpose of assisting local government with their response to the COVID-19 pandemic; and

WHEREAS, the Town of Moraga will receive \$209,325 from the Coronavirus Relief Fund (CRF) and all monies must be spent prior to December 31, 2020; and

WHEREAS, the Town Council desires to recoup the costs of the Town in responding to the emergency, to the extent allowed by the CARES Act, associated with the COVID-19 Pandemic; and

WHEREAS, as the CARES Act specifies that grant funds must be expended before December 31, 2020, time is of the essence to award contracts for HVAC improvements while other agencies are competing for the same limited HVAC equipment resources.

WHEREAS, Moraga Municipal Code section 3.06.010 (A) allows a public project of forty-five thousand dollars (\$45,000.00) or less to be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order; and

WHEREAS, Moraga Municipal Code section 3.06.070, provides that if the legislature amends the dollar amounts in Section 22032 or Section 22034(f) of the Public Contract Code regarding projects that may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order, the dollars amounts in Sections 3.06.010 and 3.06.040 shall be adjusted to reflect the revisions to State law; and

WHEREAS, Public Contract Code section 22032 was amended as of January 1, 2019 to increase the limit for public projects performed by the employees of a public agency by force account, negotiated contract, or by purchase order to a limit of sixty thousand (\$60,000); and

WHEREAS, the Town has negotiated a contract with Honeywell Bay Area, Inc. for an amount of \$47,800, which is below the \$60,000 threshold specified in Public Contract Code section 22032.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Moraga that it hereby authorizes HVAC and Filtration Improvements at 329 and 335 Rheem Boulevard at the Town Offices and Town Council Chambers, respectively, as part of the CARES Act Expenditure Plan and authorizes an HVAC Improvement Contract through a Negotiated Contract and awards the Contract for HVAC Improvements to Honeywell Bay Area, Inc. for a total amount of \$47,800.

BE IT FURTHER RESOLVED, that the Town Council hereby authorizes the Town Manager to execute the Contract between the Town and Honeywell Bay Area, Inc., in the form to be approved by the Town Manager and Town Attorney, and to execute any other necessary documents to effectuate the terms of the Agreement.

BE IT FURTHER RESOLVED that the Town Council hereby authorizes an appropriation of \$13,200 from Fund 780 – General Government Fees to complete the HVAC and Filtration Improvements.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on October 14, 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Kymberleigh N. Korpus, Mayor

Attest:

Marty C. McInturf, Town Clerk

DRAFT

ATTACHMENT B

Resolution _____ - 2020 Appropriating \$7,000 from Fund 716 – Comcast PEG (Public, Educational and Governmental) for the Purchase of a Portable TV Monitor and Speakers for the Town Council Chambers Outdoor Meeting Area, and Reallocating \$10,000 of the CARES Act, State Coronavirus Relief Fund Grant from the Small Business Relief Program to Purchase a Patio Trellis and Awnings for Town Council Outdoor Meeting Area
(*CEQA Status: Exempt*)

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Appropriating \$7,000 from Fund 716 –)
Comcast PEG for the Purchase of a)
Portable TV Monitor and Speakers for)
the Town Council Chambers Outdoor)
Meeting Area; and Reallocating \$10,000)
of the CARES Act, State Coronavirus)
Relief Fund Grant from the Small)
Business Relief Program to Purchase a)
Patio Trellis and Awnings for Town)
Council Chambers Outdoor Meeting Area)
(*CEQA Status: Exempt*))

Resolution No. ___ - 2020

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency related to the COVID-19 outbreak pursuant to Section 319 of the Public Health Service Act; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of the threat of COVID- 19; and

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors adopted a resolution at its Board meeting proclaiming a state of emergency in the County of Contra Costa to address the potential spread of novel coronavirus or COVID-19; and

WHEREAS, on March 17, 2020, the Town declared a local emergency in response to the spread of the COVID-19 pandemic; and

WHEREAS, the Federal Government enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act and provided funding through the Coronavirus Relief Fund (CRF) to assist local governments with expenses associated with the COVID-19 Pandemic; and

WHEREAS, the State Budget contains provisions that “pass through” funding from the Federal CARES Act to counties and cities for the purpose of assisting local government with their response to the COVID-19 pandemic; and

WHEREAS, the Town of Moraga will receive \$209,325 from the Coronavirus Relief Fund (CRF); and

WHEREAS, the Town Council desires to recoup the costs of the Town in responding to the emergency, to the extent allowed by the CARES Act, associated with the COVID-19 Pandemic; and

WHEREAS, on August 26, 2020 the Town Council amended the FY 2020/21 Budget to add \$209,235 in Revenue and Expenses for Costs Associated with the Town's Emergency Response to COVID-19, including \$67,750 for Facility Enhancements and \$30,000 for a Small Business Relief Program.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Moraga as follows:

1. The Town Council hereby authorizes the reallocation of \$10,000 of the CARES Act, State Coronavirus Relief Fund Grant from the Small Business Relief Program (Account 101-000-048-02) to Facility Enhancements (Account 101-000-048-01), so the net budgets are \$20,000 for Small Business Relief Program and \$77,750 for Facility Enhancements in order to purchase a patio trellis and awnings for an outdoor meeting area for the Town Council Chambers.
2. The Town Council hereby authorizes an appropriation of \$7,000 from Fund 716 - Comcast PEG Funds for the purchase of a portable TV monitor and speakers for the Town Council Chambers outdoor meeting area.
3. The Town Manager is authorized to execute any and all documents and take all other actions necessary to effectuate the purpose of this Resolution.

PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on October 14, 2020 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Kymberleigh N. Korpus, Mayor

Attest:

Marty C. McInturf, Town Clerk