



## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** BILL ROBESON, PUBLIC WORKS DIRECTOR

**BY:** JILL MCPEEK, CAPITAL IMPROVEMENT PROJECT MANAGER

**SUBJECT:** CONSIDERATION OF ADOPTION OF A RESOLUTION PURSUANT TO PUBLIC CONTRACT CODE SECTION 20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT A COMPETITIVE SOLICITATION FOR BIDS PURSUANT TO PUBLIC CONTRACT CODE SECTION 22050 FOR THE OAK PARK BOULEVARD AND EL CAMINO REAL EMERGENCY STORM DRAIN SYSTEM REPAIR PROJECT (PW 2020-04)

**DATE:** JANUARY 21, 2020

**SUMMARY OF ACTION:**

Adoption of the Resolution will allow for immediate emergency repairs to the storm drain system at Oak Park Boulevard and El Camino Real without needing to go out to bid.

**IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

The amended Capital Improvement Program budget includes \$177,580 for the Oak Park Boulevard at El Camino Real Emergency Storm Drain Systems Repair Project. Staff time will be necessary to coordinate construction activities with the contractor.

**RECOMMENDATION:**

It is recommended the City Council: 1) adopt a Resolution finding that an emergency exists within the City and authorizing contracting without a competitive solicitation for bids; and 2) Authorize the City Manager, or designee, to execute a contract with CalPortland Construction.

**BACKGROUND:**

During the rain event at the end of December 2019, Public Works crews responded to flooding on El Camino Real east of Oak Park Boulevard. Investigations revealed the flooding was caused by storm drain system failures along Oak Park Boulevard and El Camino Real. These failures have caused substantial soil and debris deposits in the storm drain pipes and box culvert, and have created a large void surrounding a manhole on Oak Park Boulevard at El Camino Real. A semi-permanent lane closure has been established to direct traffic away from the area of the void. On January 14, 2020, the Council established an emergency repair project for the storm drain system on Oak Park Boulevard at El Camino Real.

**CITY COUNCIL**

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**JANUARY 21, 2020**

**PAGE 2**

**ANALYSIS OF ISSUES:**

Normally, the Public Contract Code (PCC) requires a competitive solicitation for bids on all public works projects. However, PCC Section 20168 allows the Council to adopt a Resolution by four-fifths vote declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. In addition, pursuant to this section and PCC Section 22050, in the case of an emergency the Council by a four-fifths vote may procure the necessary services to repair a public facility without giving notice for bids. PCC Section 1102 defines an emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

In this case, there is an imminent danger to public health and safety for the following reasons including, without limitation, the potential for storm water overflows and development of a sinkhole within the void.

It should be noted that Public Contract Code Section 22050 requires that after proceeding with an emergency project the City Council will also need to review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated to determine, by a four-fifths vote, that there is a need to continue the action. Therefore, staff will be returning to the City Council with updates as required by the statute.

Adopting the proposed Resolution will ratify the emergency; authorize staff to execute the appropriate contract with CalPortland Construction; and ensure that CalPortland Construction will be properly compensated for its emergency response and repair.

**ADVANTAGES:**

Adoption of the Resolution will allow for immediate emergency repairs to the storm drain system at Oak Park Boulevard and El Camino Real without the delays that would occur if the project had to go out to bid and upon completion will allow the reopening of northbound Oak Park Boulevard to two lanes of traffic.

**DISADVANTAGES:**

None identified at this time.

**CITY COUNCIL**

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**JANUARY 21, 2020**

**PAGE 3**

**ALTERNATIVES:**

The following alternatives are provided for the Council's consideration:

1. Approve staff's recommendations;
2. Do not approve staff's recommendations and request further information;
3. Modify staff's recommendation and approve; or
4. Provide direction to staff.

**ENVIRONMENTAL REVIEW:**

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guideline Section 15301(b) for the repair of existing publicly-owned facilities used to provide public storm drain utility services.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

## RESOLUTION NO.

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING AN EMERGENCY AND AUTHORIZING THE IMMEDIATE EXPENDITURE OF FUNDS TO REPAIR THE STORM DRAIN SYSTEM ON OAK PARK BOULEVARD AT EL CAMINO REAL**

**WHEREAS**, the City owns, operates and maintains a storm drain system including a catch basin on El Camino Real east of Oak Park Boulevard (the “catch basin”) and a storm drain pipe (the “storm drain pipe”) running from the catch basin to a manhole on Oak Park Boulevard; and

**WHEREAS**, during the rain event at the end of December 2019, the catch basin was not draining and caused the roadway to flood. Investigations following the rain event revealed that a previous repair to the storm drain pipe running from the catch basin to a manhole on Oak Park Boulevard that occurred over twenty years ago had failed and had created a plug in the pipe. This failure also created an avenue for storm water to exit the pipe thereby eroding the surrounding soil; and

**WHEREAS**, further investigations revealed that the manhole riser, which had been constructed with corrugated metal pipe and previously repaired with high-density polyethylene pipe as opposed to concrete, had also been exposed to constant water scour causing failure and additional soil erosion; and

**WHEREAS**, the result of these failures is a large void surrounding the manhole and substantial soil and debris deposits in the storm drain pipe that exits the manhole and empties into a box culvert further west along El Camino Real. This storm drain pipe, which runs under Oak Park Boulevard, had become completely full of sediment and substantial soil and debris deposits are also present in the box culvert hindering flow from the pipe. During the first weeks of January 2020, City crews have worked to clean out the storm drain pipe under Oak Park Boulevard, and have set up temporary road signs to direct traffic away from the area of the void; and

**WHEREAS**, the failure and large void surrounding the manhole and soil and debris deposits has created a situation that constitutes an imminent threat to the public health, safety and welfare and requires immediate corrective action to repair the manhole and storm drain pipe, and remove debris from the box culvert in order to allow for the storm drain pipe under Oak Park Boulevard to flow and to enable the storm drain system to function correctly; and

**WHEREAS**, pursuant to Public Contract Code Section 22050, the City Council deems it is in the public interest, to immediately authorize the expenditure of City funds needed to safeguard the health, safety and welfare in order to proceed immediately with the needed repairs; and

**RESOLUTION NO.**

**PAGE 2**

**WHEREAS**, the City Council further finds that the need for immediate repair of the storm drain system on Oak Park Boulevard at El Camino Real, and removal of debris from the box culvert, is necessary in order to protect the public health, safety and welfare and will not permit a delay resulting from a competitive solicitation for bids and that prompt action, including authorization to expend all funds required for such repairs without competitive bidding, is necessary to respond to the emergency described herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE** that the public interest and necessity demand the immediate expenditure of funds to safeguard the public health, safety and welfare, without strict compliance with the provisions of Public Contract Code. The extent of the manhole and storm drain pipe damage, size of the void, or how much box culvert excavation will be required will not be known until the area is opened up to begin the work. Reallocation of previously budgeted storm drain improvement funds will allow work to begin immediately on the storm drain system repairs.

**BE IT FURTHER RESOLVED**, that the City Manager is authorized to enter into any contract or agreement in order to immediately repair the storm drain system on Oak Park Boulevard at El Camino, and removal of debris from the box culvert, and to report back to the City Council regarding said activity at its next regularly scheduled meeting, pursuant to Public Contracts Code Section 22050. All acts of the City Manager in addressing this emergency taken prior to the effective date hereof are hereby duly ratified by the City Council.

On motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and on the following roll call vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

The foregoing Resolution was passed and adopted this 21<sup>st</sup> day of January, 2020.

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**CAREN RAY RUSSOM, MAYOR**

**ATTEST:**

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**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

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**JAMES A. BERGMAN, CITY MANAGER**

**APPROVED AS TO FORM:**

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**TIMOTHY J. CARMEL, CITY ATTORNEY**