



## 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 22050 FINDING A DETERMINATION TO CONTINUE WORK UNDER EMERGENCY CONTRACTS FOR THE OAK PARK BOULEVARD AND EL CAMINO REAL EMERGENCY STORM DRAIN SYSTEM REPAIR PROJECT, PW 2020-04

**DATE:** JANUARY 28, 2020

### **SUMMARY OF ACTION:**

Adoption of the Resolution by the required four-fifths vote will allow for the continuance of emergency repairs to the storm drain system at Oak Park Boulevard and El Camino Real.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

There are no additional fiscal impacts from this Resolution beyond that of the contract already awarded. The CalPortland Construction contract was awarded for an amount not to exceed \$150,000. Staff time is necessary to oversee construction activities with the contractor.

### **RECOMMENDATION:**

It is recommended the City Council: 1) receive and file an update of emergency storm drain system repairs on Oak Park Boulevard and El Camino Real; and 2) adopt a Resolution that there is a need to continue the emergency action for the storm drain system repairs in accordance with Public Contract Code Section 22050.

### **BACKGROUND:**

At a special meeting on January 21, 2020, the Council adopted Resolution No. 4958 declaring an emergency and authorizing the immediate expenditure of funds to repair the storm drain system on Oak Park Boulevard and El Camino Real.

Public Contract Code (PCC) Section 22050 allows a public agency, in the case of an emergency, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes without going through a formal bid process. PCC Section 22050 requires that after proceeding with an emergency project, the City Council shall

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review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the emergency action is terminated, and if it is determined that there is a need to continue the action, authorize continuation of the emergency action by a four-fifths vote. This item seeks such authorization.

**ANALYSIS OF ISSUES:**

As of January 23, 2020, the status of the project is as follows:

- The Council adopted a Resolution declaring an emergency and authorized the immediate expenditure of funds for the repairs.
- Initial box culvert debris removal was completed.
- An agreement with CalPortland Construction was initiated in an amount not to exceed \$150,000.
- CalPortland began acquiring the appropriate equipment and personnel for the repairs at the intersection of Oak Park Boulevard and El Camino Real.
- Applications for emergency permits were initiated with the US Army Corps of Engineers and Central Coast Regional Water Quality Control Board for the debris removal.

The storm drain system repairs and related lane closure on Oak Park Boulevard is affecting traffic and people that live, work, or commute in the area. One of the Council's goals is to support City infrastructure. Therefore, there is a need to protect the storm drain system and overlying roadway, and to complete the repairs. Staff strongly believes that there is a need to continue the emergency action.

As required by statute, staff will continue to bring a similar item to the Council on subsequent agendas until the repairs have been completed or until the emergency action is terminated. Until this future item, staff will continue to work with the contractor to complete the repairs.

**ADVANTAGES:**

Adoption of the Resolution will allow for the continuance of emergency repairs to the storm drain system at Oak Park Boulevard and El Camino Real and upon completion will allow the reopening of northbound Oak Park Boulevard to two lanes of traffic.

**DISADVANTAGES:**

None identified at this time.

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CONSIDERATION OF ADOPTION OF A RESOLUTION PURSUANT TO PUBLIC  
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**ALTERNATIVES:**

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

1. Adopt a Resolution determining a need to continue work under emergency action;
2. Do not adopt the proposed Resolution and direct staff to prepare a Resolution to terminate the need to continue work under emergency action; or
3. Provide staff direction.

**ENVIRONMENTAL REVIEW:**

No environmental review is needed to authorize the continuation of the emergency action.

**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 DETERMINING A NEED TO CONTINUE WORK UNDER EMERGENCY CONTRACTS TO REPAIR THE STORM DRAIN SYSTEM ON OAK PARK BOULEVARD AND EL CAMINO REAL**

**WHEREAS**, on January 21, 2020, pursuant to Public Contract Code (PCC) Sections 20168 and 22050, the City Council deemed it was in the public interest to immediately authorize the expenditure of City funds needed to safeguard the health, safety and welfare and to proceed immediately with emergency repairs of the storm drain system on Oak Park Boulevard and El Camino Real and removal of debris from the box culvert; and

**WHEREAS**, on January 21, 2020, the City Council deemed that the emergency repairs would 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, was necessary to respond to the emergency; and

**WHEREAS**, on January 21, 2020, the City Council adopted Resolution No. 4958 declaring an emergency and authorizing the immediate expenditure of funds to repair the storm drain system on Oak Park Boulevard and El Camino Real; and

**WHEREAS**, PCC Section 22050 requires that after proceeding with an emergency project, the City Council shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the emergency action is terminated; and

**WHEREAS**, if it is determined that there is a need to continue the action, PCC Section 22050 requires a four-fifths vote to authorize the continuation of the emergency action.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE** that the storm drain system emergency declared by the City Council on January 21, 2020, shall be deemed to continue.

**BE IT FURTHER RESOLVED**, that the local emergency shall be deemed to continue to exist until its termination is proclaimed 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 28<sup>th</sup> day of January, 2020.

**RESOLUTION NO.  
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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**

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