

## **RESOLUTION 2017-163**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO DECLARING THAT THE EMERGENCY UNDER PUBLIC CONTRACT CODE SECTION 22050 REGARDING THE IMMEDIATE REHABILITATION OF THE HILLCREST ROAD STORM DRAIN IS CONTINUING AND RATIFYING THE ACTIONS TAKEN**

WHEREAS, due to recent concerns about damage to the Hillcrest Road Storm Drain and given the forecasted winter rain storms and long-standing geotechnical issues in the Hillcrest-Wyman area, the City solicited informal bids for the Hillcrest Road Storm Drain Rehabilitation Project (320-3200-43600-HIL-EMR), which consisted of removing a 12-inch corrugated aluminum storm drain and replacing it with a 14-inch (IPS0 HDPE pipe, video inspection of the manhole, and installation of erosion protection downhill from the manhole on Hillcrest Road) on December 21, 2016;

WHEREAS, no bids were received;

WHEREAS, San Pablo Municipal Code section 3.16.070 provides an exception to regular procurement procedures in the event of an emergency as long as the requirements in the California Public Contract Code are followed: "In cases of emergency when repair or replacements are necessary, the city council may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the city council, by contractor, or by a combination of the two. In case of an emergency, if notice for bids to let contracts will not be given, the city shall comply with Chapter 2.5 (commencing with Section 22050) of the Public Contract Code";

WHEREAS, given time constraints and the forecasted winter rain storms and long-standing geotechnical issues in the Hillcrest-Wyman area including multiple landslides, on January 3, 2017, the City Council (by four-fifths vote): (1) determined that emergency conditions existed under California Public Contract Code section 22050; (2) waived any further competitive bidding requirements in state law and the City's Municipal Code to allow for the immediate rehabilitation of the Hillcrest Road Storm Drain, including the public works construction contract and any related consultant contracts; (3) authorized the City Manager to enter into a public works construction contract in excess of \$25,000 to do the immediate rehabilitation work to the Hillcrest Road Storm Drain and any other related consultant contracts such as design, engineering, geotechnical, storm drain video and inspection services that may also each exceed \$25,000, with the understanding that the City Manager would report back to the Council at each regularly scheduled City Council meeting on the work and expenditures until the emergency ceased, pursuant to California Public Contract Code section 22050;

WHEREAS, this project is categorically exempt under the California Environmental Quality Act. Section 15301 of the CEQA Regulations, Existing Facilities. A Notice of Exemption was filed with the Contra Costa County Clerk on December 22, 2016. In addition, this work is exempt from CEQA as emergency repairs and specific actions necessary to prevent an emergency pursuant to CEQA Guidelines section 15269;

WHEREAS, at the City Council meeting on January 17, 2017, the City Council determined that the necessary work to address the issue has not been completed, so that the City Council's emergency authorization continued with direction to staff to continue to report back at each regular City Council meeting; ratified the actions taken to date; and appropriated \$300,000 from FY 2016/17 General Fund Designated Reserve for Hillside Stabilization and Geotech Studies/Improvements to the Hillcrest Road Storm Drain Rehabilitation Project (320-3200-43600-HIL-EMR;

WHEREAS, at the Council meeting on February 6, 2017, staff reported that the City continues to discuss with the proposed contractor and consultants the best approach to fixing the damaged stormdrain given the saturated soils and the City has not received further invoices to date and thus staff recommended that the City Council's emergency authorization continue; and

WHEREAS, at the City Council meeting on February 21, 2017, staff reported that a construction contract with W.R. Forde Associates for the rehabilitation work had been executed for \$225,000 and that WR Forde had recommended Boring and Jacking method of construction once the soil can support the large equipment needed for this type of construction; and

WHEREAS, as reported at the City Council meetings on March 6, March 20, April 3, April 17, May 1, May 15, June 5, June 19, July 3 and July 17, 2017, no work has been completed on the project. The rains continued into May to saturate the soil and thus it was not recommended to work under such site conditions. With the drier conditions in the summer, the work should be able to commence once the large equipment becomes available later in the summer;

WHEREAS, at this time, the necessary work to address the issue has not been completed, so staff recommends that City Council's emergency authorization continue with direction to staff to continue to report back at each regular City Council meeting; and

WHEREAS, Staff has confirmed that despite the delay due to the ongoing wet weather and saturated soils that the jack and bore approach is appropriate and that the negotiated contract price remains competitive and in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Pablo hereby:

1. Determines by 4/5 vote that the necessary work to address the Hillcrest Road Storm Drain Rehabilitation Project has not been completed and that competitive bidding requirements in State law and the City's Municipal Code for the immediate rehabilitation of the Hillcrest Road Storm Drain continue to be waived, with direction to staff to continue to report back at each regular City Council meeting; and

2. Ratifies the actions taken to date as described above and continues to authorize the City Manager to enter into a public works construction contract in excess of \$25,000 to do the immediate rehabilitation work to the Hillcrest Road Storm Drain and any other related consultant contracts such as design, engineering, geotechnical, storm drain video and inspection services that may also each exceed \$25,000.

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ADOPTED this 7<sup>th</sup> day of August, 2017, by the following vote:

AYES:	COUNCILMEMBERS:	Cruz, Kinney, Morris, Calloway and Valdez
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE

ATTEST:	APPROVED:
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/s/ Elizabeth Pabon-Alvarado  
Elizabeth Pabon-Alvarado, City Clerk

/s/ Cecilia Valdez  
Cecilia Valdez, Mayor