

RESOLUTION R2019-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, DETERMINING THERE IS A NEED TO CONTINUE THE EMERGENCY ACTION TO EXECUTE AND IMPLEMENT CONTRACTS FOR THE DESIGN, PERMITTING AND CONSTRUCTION OF THE CREEK BANK AND SIDEWALK REPAIRS ADJACENT TO BROWNS VALLEY CREEK AT BROWNS VALLEY ROAD AND VALLEY GLEN LANE AND DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS RESOLUTION ARE EXEMPT FROM CEQA

WHEREAS, on the morning of February 14, 2019, following heavy rains, Public Works staff was notified of a sudden and unexpected erosion of the northerly bank of the Browns Valley Creek that caused an undermining and failure of a portion of the public sidewalk located south of Browns Valley Road near Valley Glen Lane; and

WHEREAS, Public Works crews have secured the location by installing barriers that: (1) closed the eastbound lane of Browns Valley Road to vehicular traffic (from the intersection with Partrick Road from the east, to the intersection with Buhman Avenue to the west), while maintaining open vehicular traffic on westbound Browns Valley Road, and (2) maintained a safe passageway on the south side of Browns Valley Road for pedestrians travelling to and from Browns Valley Elementary School; and

WHEREAS, on February 20, 2019, based on a recommendation from the Acting Public Works Director, the City Manager made a written determination that the impact of the sudden and unexpected bank erosion on the adjacent sidewalk, and the potential future impact on Browns Valley Road, poses a clear and imminent danger requiring immediate action to repair the existing damage and to prevent or mitigate further loss or damage, including the design, permitting and construction of the Browns Valley Creek Bank Repair; and

WHEREAS, Public Works Engineering staff have contacted an engineering and environmental specialist to assist with necessary design and permitting for the necessary emergency repair work, but the actual physical repair work has not yet commenced; and

WHEREAS, per the direction of the Finance Director, there are sufficient funds in the adopted Capital Improvement Program fund (30101-57601), and any funds spent on this project will be replenished by non-recurring General Fund allocation; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

## ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby determines that the actions authorized by this Resolution are exempt from CEQA pursuant to CEQA Guidelines Section 15269 (Statutory exemption for emergency repairs, in accordance with California Public Resources Code Section 21080(b)(2)); CEQA Guidelines Section 15301 (Categorical exemption Class 1 Existing Facilities), which exempts repair, maintenance, or minor alteration of existing facilities involving negligible or no expansion of use; and CEQA Guidelines Section 15302 (Categorical Exemption Class 2 Replacement or Reconstruction), which exempts replacement or reconstruction of existing facilities on the same site and with the same purpose.

3. The City Council hereby determines there is a need to continue the emergency action described in this resolution, including the design, permitting and construction of the creek bank and sidewalk repairs adjacent to Browns Valley Creek at Browns Valley Road and Valley Glen Lane, as initially authorized by the City Manager on February 20, 2019.

4. This Resolution shall take effect immediately upon its adoption.

**ATTACHMENT 1**

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 5<sup>th</sup> day of March, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney