**File #:** 336-2021, **Version:** 1

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| To: | Honorable Mayor and Members of City Council |
| From: | Julie Lucido, Public Works Director |
| Prepared By: | Tim Wood, Senior Civil Engineer |

**TITLE:**
Emergency Replacement of Oak Street Storm Drain

**RECOMMENDED ACTION:**
Adopt a resolution determining there is a need to continue the emergency action to execute and implement contracts for the construction to replace the Oak Street Storm Drain from Franklin Street to Brown Street, and determining that the actions authorized by this resolution are exempt from CEQA.

**DISCUSSION:**
The City operates and maintains an underground storm drain system throughout the City, including an 18-inch storm drain pipe below Oak Street between Brown Street and Franklin Street (the "Oak Street Storm Drain").

Damage to the Oak Street Storm Drain was first identified through the development of a sink hole within the City street at the intersection of Oak Street and Franklin Street earlier this year. At that time, steel plates were installed to support vehicle traffic at this location; however, the severity of the underground problem was not known. The storm drain line was inspected through video technology and the inspection showed evidence of severe damage with full to partial pipe collapse for segments of the Oak Street Storm Drain between Brown Street and Franklin Street. Immediately upon learning of the severity of the damage, the City's engineering team expedited the evaluation, survey, design, and preparation of the bid package for replacement of the Oak Street Storm Drain. The storm drain replacement includes the installation of approximately 1,100 lineal feet of new 18-inch reinforced concrete pipe for the main line and 180 lineal feet of new 15-inch reinforced concrete pipe for the associated laterals.

In order to not cause further damage to the surrounding infrastructure, the replacement of the Oak Street Storm Drain must be completed prior to heavy winter rains. The standard time for the construction bidding process would result in at least three months before the start of construction. The normal process includes a series of steps including advertisement, bid acceptance, bid review, placement on the City Council agenda for contract award, bond and insurance submittals, contract execution and finally the notice to proceed with contract construction work. Utilizing the standard contracting procedures would result in construction beginning in November or December which would create a significant risk of further damage to public property and public safety due to the likelihood of runoff from heavy storms eroding the subgrade causing the street to collapse and

damage other utilities.

Per NMC Section 2.91.040, the Public Works Director recommended to the City Manager the declaration that the failed Oak Street Storm Drain is an "emergency" resulting in the need to expedite its replacement.  NMC Section 2.91.020 defines "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.  The identification of the failure of the storm drain was a sudden, unexpected occurrence.  The determination of the emergency condition will allow immediate action to commence contracting for the replacement of the public infrastructure to prevent loss of property, protect essential public services and protect public safety.

The proposed work plan under the emergency declaration will balance the need to commence the construction to replace the Oak Street Storm Drain within the six weeks while administering a modified bid process to obtain competitive prices by including a minimum of three qualified contractors that have successfully completed projects in the City.  The bid package (with contract documents) is being prepared, subject to approval as to form by the City Attorney, and it will document the contract selection criteria based on the lowest and best bid submitted, following a shortened bid period of two weeks.  The selection criteria will identify bid evaluation based on a combination of factors including the bid price, schedule for performance, and the experience of the bidder and its assigned personnel.

Emergency Determination:
On August 25, 2021, for the reasons summarized in this report, the City Manager determined that the Oak Street Storm Drain replacement requires immediate action to resolve an emergency, and authorized the Public Works Director to execute emergency contracts.(See Attachment 2.)

City staff recommends that the City Council adopt the resolution, by four-fifths vote, determining there is a need to continue the emergency action summarized in this report, pursuant to NMC Section 2.91.040. City staff will continue to update the City Council regarding the status of emergency work for this project at each regular City Council meeting until the emergency is resolved.

**FINANCIAL IMPACTS:**
There are no financial impacts at this time. Damage to the Oak Street Storm Drain was identified prior to the adoption of the current CIP budget and funding for the replacement was included as the Road Maintenance Project FY 21/22-Oak Street Emergency Repair (ST22PW01).

**CEQA:**
City staff recommends that the City Council determine that the Recommended Action is 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.  In this case the existing facility is the Oak Street Storm Drain system.

**DOCUMENTS ATTACHED:**
ATCH 1 - Resolution

ATCH 2 - City Manager's Emergency Declaration

**NOTIFICATION:**
None.