



AGENCY: City Council  
MEETING DATE: September 23, 2024  
DEPARTMENT: Public Works  
PRESENTED BY: C. O'Neal  
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## AGENDA ITEM SUMMARY

**TITLE: Receive Report and Consider Adoption of City Council Resolution Approving Emergency Repair of a Stormdrain Line on North McPherson Street and Authorizing the City Manager to Execute the Contracts to Effect the Repairs and Finding the Project Exempt under CEQA 15301(b), 15301(d), and 15302(c)**

### **ISSUE:**

A sinkhole was discovered on the 100 block of N. McPherson Street. Upon inspection it was determined that approximately 12 linear feet of a 30" stormdrain main had collapsed. City crews responded and determined that approximately 50 feet of pipe between the two drain inlets (crossing perpendicular to N McPherson Street) has deteriorated and needs to be repaired or replaced. City maintenance crews were able to perform a temporary fix and patched the roadway with a cold mix-asphalt. Permanent repairs need to be completed prior to oncoming seasonal rains. After assessment of the conditions of the pipe and coordination with the City's on-call Engineering Services provided by Lumos & Associates, staff recommends emergency repair of the stormdrain main. The City of Fort Bragg Municipal Code (FBMC) and the California Public Contract Code (PCC) provide the proper authorities to expedite purchases of Goods and Services in the case of an emergency.

### **ANALYSIS:**

After the appearance of a sinkhole in the roadway on North McPherson Street, City Crews determined the cause was a failed stormdrain line that crosses perpendicular to the roadway. The existing stormdrain line is a 30" cement pipe that has deteriorated over time, causing soil erosion around and beneath the pipe, resulting in material wash-out and undermining the roadway. Sustained seepage from this compromised pipe will progressively lead to undue roadway damage, accumulation of debris, public safety concerns, and property damage. The longer a storm drain remains unrepaired, the more extensive the damage can become, leading to higher repair costs over time and more complex interventions to fix the problem.

The City's Municipal Code provides guidance for the completion of emergency repairs of this kind to ensure expeditious resolution in keeping with Public Contract Code regulation. **FBMC Section 3.20.030** provides:

- D. In case of an emergency, when public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.
- G. When, by a four-fifths vote, the District Board specifically waives the procedures described in this chapter and authorizes staff to negotiate the purchase.

**PCC Section 20168** provides under Article 4, Cities, that:

**20168.** In case of an emergency, the legislative body may pass a resolution by a four fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. Upon adoption of the resolution, it may expend any sum required in the emergency without complying with this chapter. If notice for bids to let contracts will not be given, the legislative body shall comply with Chapter 2.5 (commencing with Section 22050).

**Chapter 2.5** of the PCC, entitled Emergency Contracting Procedures, states:

**22050. (a) (1)** In the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may 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 giving notice for bids to let contracts.

**(2)** Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency

At this time, staff requests that the City Council authorize the use of Street Sales Tax funds to complete the repair of the failed stormdrain line to prevent further damage to property and minimize risk to life and property. The Scope of Work is expected to include the removal and replacement of up to 50 feet of 30" stormdrain pipe. Once replaced, the trench will be backfilled and properly compacted to ensure the structural integrity of the street section, and finally, Hot Mix Asphalt (HMA) will be placed according to Caltrans specifications to complete the work. Timely repairs are essential to prevent these risks and maintain the structural integrity of roadways and surrounding areas.

**RECOMMENDED ACTION:**

Staff recommends the adoption of the Resolution to complete the emergency repair of the stormdrain main to prevent further property damage and reduce risk. Four of the five Councilmembers must approve the emergency repair resolution per Section 22050(a)(1) for it to be adopted.

**ALTERNATIVE ACTION(S):**

1. Take no immediate action and wait to complete the project by the standard design and bid process.
2. Provide alternative direction to staff.

**FISCAL IMPACT:**

Lumos & Associates will prepare a single basic plan sheet describing the remediation necessary and reference City and State standard specifications. Because of the emergency nature of the project and the relative simplicity of the corrections, full plans and specifications will not be prepared if Council decides to approve the corrective actions through the emergency repair process. Lumos & Associates will provide project management, preparation of a budget, and construction ready plans for a fee of \$5,300 under the on-call

services contract. At this preliminary stage, the engineers estimate of construction costs is \$57,615.00, which is anticipated to be funded with streets dollars.

**ENVIRONMENTAL ANALYSIS:**

Staff reviewed the proposed project and determined it to be a Categorical Exemption under the California Environmental Quality Act (CEQA) 15301(b), 15301(d), and 15302(c). The project consists of the maintenance, repair, and minor alteration of existing facilities to rehabilitate 50 linear feet of damaged storm drain main. The project is necessary to provide public utility services and the replacement of existing utility systems involves negligible or no expansion of capacity.

**CONSISTENCY:**

City Council approval is required for contracts in excess of \$25,000. City Code section 3.20.030 authorizes the City Council to suspend competitive bidding for the purchase of services or supplies when, upon a four-fifths vote, the City Council determines it is in the best interest of the City to do so.

**IMPLEMENTATION/TIMEFRAMES:**

Engineering and procurement are to begin within 48 hours of approval.

**ATTACHMENTS:**

- Resolution Approving Emergency Repair Activity

**NOTIFICATION:**

- Lumos & Associates