

RESOLUTION NO. 23-xxx

A RESOLUTION OF THE CUPERTINO CITY COUNCIL DECLARING REPAIRS TO STEVENS CREEK STORM DRAIN AN EMERGENCY; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACTS TO CONSTRUCT THE REPAIRS WITHOUT A PUBLIC BIDDING PROCESS.

WHEREAS, a portion of the Stevens Creek Storm Drain Main system has suffered significant deterioration since originally observed in 2022, such that the pipe has completely failed, compromising the structural integrity of the roadway, and inhibiting its safe use; and

WHEREAS, the City Engineer has declared that vehicular use of a portion of Stevens Creek Boulevard poses a clear and imminent danger requiring immediate attention to prevent or mitigate the loss of essential public services to the residents and businesses; and

WHEREAS, a public bidding process would delay the repair of Stevens Creek Storm Drain, increasing the likelihood of further damage to public infrastructure, and potentially removing vital access for those served by Stevens Creek Boulevard.

WHEREAS, this action is statutorily exempt from the California Environmental Quality Act (CEQA) under California Code of Regulation, Title 14, Regulation 15269(b); and the City Council is the decision maker and approves this exemption.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve that:

1. Pursuant to Municipal Code section 3.23.130(C), the City Council finds that the foregoing recitals demonstrate that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property.

2. Pursuant to Municipal Code section 3.23.130(C), the City Manager is authorized to negotiate and execute a contract to construct the repairs, without a public bidding process, for an amount not to exceed the project's approved funding level of \$880,000.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Cupertino this 10th day of October 2023, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> _____ Hung Wei, Mayor City of Cupertino	 _____ Date
<p>ATTEST:</p> _____ Kirsten Squarcia, City Clerk	 _____ Date