



## **PUBLIC WORKS DEPARTMENT**

CITY HALL

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## **CITY COUNCIL STAFF REPORT**

Meeting: March 7, 2017

### Subject

Regnart Road Emergency Work Declaration, Authorization for the City Manager to Negotiate and Execute a Contract for the Repair Work, and Designate the City Manager to apply for Federal and State Disaster Assistance

### Recommended Action

Staff recommends Council Adopt Resolution 17-XXX to:

1. Declare the repairs necessary to restore Regnart Road as Emergency Work, per Cupertino Municipal Code Section 3.23.130 and Public Contract Code Section 22050, and award a contract without public bidding;
2. Authorize the City Manager to negotiate and execute a contract to perform the repairs in an amount not to exceed \$350,000; and
3. Designate the City Manager to be authorized to apply for Federal and State disaster assistance for storm related damages, if available
4. Approve a budget adjustment in the amount of \$350,000 to the Transportation Fund 270-85-821 900-990.

### Discussion

The State of California has experienced a period of sustained, significant rains. On February 14, 2017, the Federal Government approved the State of California's Major Disaster Declaration for the severe winter storms, flooding and mudslides that occurred from January 3, 2017, to January 12, 2017. Since the Federal Disaster Declaration, Cupertino has continued to experience significant rain, resulting in further damage. Many other portions of the State have also experience further damage, which has resulted in the State contemplating an additional Declaration of Disaster for the period of February 13, 2017 to February 22, 2017, more specifically designated the "President's Day Storm Event".

Due to this storm event, on or around February 20, 2017, the road base along a portion of Regnart Road was washed away, resulting in a section of road that has been undermined. The City maintenance crews set up traffic control devices to direct cars

away from the destabilized section of roadway. The undermined section of roadway is a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of essential public services to the residents in the Regnart Canyon area. The emergency will not permit a delay resulting from a competitive solicitation for bids, and immediate action is necessary to respond to the emergency and to prevent further destruction of the roadway.

As Regnart Road is the only reasonable means of access for approximately 50 residences along Regnart Road and Regnart Canyon Drive, the Public Works Department needs to ensure that the road remains open and is repaired as quickly as possible.

Declaring the road repairs as Emergency Work and authorizing the City Manager to negotiate and execute a contract through a non-competitive bidding process will permit the Public Works Department to streamline the construction of the repairs, reducing the potential for any impacts to the residents who live beyond the compromised section of road. It further allows the City to make repairs necessary to prevent additional deterioration of the roadway.

The City Council may delegate to the City Manager, through a resolution passed by a four-fifths vote, the authority to cause the repair of a public facility and to take any immediate action required by an emergency, without giving notice for bids to let contracts.

#### Sustainability Impact

There is no sustainability impact.

#### Fiscal Impact

An amount not to exceed \$350,000 to facilitate the repair of the roadway.

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Prepared by: Chad Mosley, City Engineer

Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

#### Attachments:

A – Draft Resolution

B – Photographs of area needing repair

C – Regnart Canyon Area Exhibit