

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014
RESOLUTION NO.17-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
DECLARING REPAIRS TO REGNART ROAD AN EMERGENCY; AUTHORIZING
THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THE
REPAIR OF REGNART ROAD AND TO APPLY FOR FEDERAL AND STATE
DISASTER ASSISTANCE AND AUTHORIZING AN AMENDMENT TO THE
ANNUAL OPERATING BUDGET TO APPROPRIATE \$350,000.00 FOR REGNART
ROAD REPAIR

WHEREAS, from January 3, 2017 to January 12, 2017, and again from February 13, 2017 to February 22, 2017, the State of California, the County of Santa Clara, and the City of Cupertino 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 from January 3, 2017, to January 12, 2017; and

WHEREAS, since the Federal Disaster Declaration, the State, County, and the City of Cupertino continued to experience significant rain, resulting in damage; and

WHEREAS, the County of Santa Clara and State of California are further contemplating a Declaration of Disaster for the period between February 13, 2017 to February 22, 2017, more specifically designated the "President's Day Storm Event", for purposes of obtaining State and Federal disaster assistance; and

WHEREAS, during the Declared Disaster storm events, as well during the President's Day Storm Event, the City of Cupertino experienced mudslides, roadway damages, and other storm-related damages; and

WHEREAS, Regnart Road suffered significant storm damage, as the road base was washed away, compromising the structural integrity of the roadway, and inhibiting its safe use;

WHEREAS, Regnart Road poses a clear and imminent danger requiring immediate attention to mitigate the further loss of public facilities as well as to ensure those residents served by Regnart Road have access to essential public services;

WHEREAS, a public bidding process will delay the repair of Regnart Road, increase the likelihood of further damage to the roadway, and potentially remove access for those served by the roadway; and

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, IT IS HEREBY 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. The City Manager is authorized to negotiate and execute a contract for the repair of Regnart Road in an amount not to exceed \$350,000.00, without public bidding;
2. The Fiscal Year 2016/2017 Annual Operating Budget is amended to include an increase of \$350,000.00 to the Transportation Fund; and
3. The City Manager is hereby authorized to apply for State and Federal disaster assistance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7th day of March 2017, by the following vote:

Vote

Members of the City Council

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Grace Schmidt
City Clerk

Savita Vaidhyanathan, Mayor
City of Cupertino