



CITY OF ATASCADERO SPECIAL CITY COUNCIL AGENDA

VIRTUAL MEETING INFORMATION:

In accordance with City Council Resolution No. 2023-001 and the requirements of AB 361, the City Council Meeting will be available via teleconference only and will not be physically open to the public. City Council Members and staff will be teleconferencing into the meeting.

HOW TO OBSERVE THE MEETING REMOTELY:

To participate remotely, residents can livestream the meeting on **Zoom or listen-in by calling** (669) 900-6833 (Meeting ID: 889 2347 9018).

To participate remotely using the Zoom platform please visit: https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA

HOW TO SUBMIT PUBLIC COMMENT:

Individuals who wish to provide public comment virtually may call (669) 900-6833 (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the **Zoom** platform using the link above.

If you wish to comment but not via a live platform, please email public comments to cityclerk@atascadero.org. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. ***To ensure distribution to the City Council prior to consideration of the agenda, the public is encouraged to submit comments no later than 12:00 p.m. the day of the meeting.*** Those comments, as well as any comments received after that time, but before the close of the item, will be distributed to the City Council, posted on the City's website, and will be made part of the official public record of the meeting. ***Please note, email comments will not be read into the record.***

AMERICAN DISABILITY ACT ACCOMMODATIONS:

Any member of the public who needs accommodations should contact the City Clerk's Office at cityclerk@atascadero.org or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: www.atascadero.org/agendas.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.

NOTICE OF VIRTUAL SPECIAL MEETING

ATASCADERO CITY COUNCIL

Wednesday, February 1, 2023
2:00 p.m.

****VIRTUAL MEETING ONLY****

To participate in this Virtual Special Meeting, please click the below Zoom link:
https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA

AGENDA

ROLL CALL:

DISCUSSION:

1. Emergency Contract Award for Atascadero Creek Slope Stabilization Project at Lift Station #5
 - Fiscal Impact: \$263,037.
 - Recommendation: Council ratify, by review and determination, that there is a need to continue the Emergency Services Director's authorization to contract with Michael Frederick Paving Company, Earth Systems Pacific and Terra Verde Environmental Consulting to complete emergency Atascadero Creek Slope Stabilization Project at Lift Station #5, pursuant to City's Purchasing Police and Public Contract Code Section 22050. [Public Works]

PUBLIC COMMENT:

ADJOURNMENT:

The City Council will adjourn to the next Regular Session scheduled on Tuesday, February 14, 2023 at 6:00 p.m.



Atascadero City Council

Staff Report - Public Works Department

Emergency Contract Award for Atascadero Creek Slope Stabilization Project at Lift Station #5

RECOMMENDATION:

Council ratify, by review and determination, that there is a need to continue the Emergency Services Director's authorization to contract with Michael Frederick Paving Company, Earth Systems Pacific and Terra Verde Environmental Consulting to complete emergency Atascadero Creek Slope Stabilization Project at Lift Station #5, pursuant to City's Purchasing Policy and Public Contract Code Section 22050

DISCUSSION:

Background:

As result of the January 2023 storms, flood water levels in Atascadero Creek resulted in the failure of a portion of the creek bank adjacent to Lift Station #5, located behind the Community Center at 5599 Traffic Way. Loss of this creek bank threatened wastewater facilities owned and maintained by the City and posed a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of property or essential public services.

Due to the need to protect essential infrastructure, the Emergency Services Director made a finding that the emergency would not permit a delay resulting from a competitive solicitation for bids, and that hiring a contractor to stabilize the creek bank near Lift Station #5 is necessary to respond to the emergency. The Emergency Services Director directed City staff to urgently contact and request a proposal from a contractor with immediate availability and experience in this type of slope stabilization. Michael Frederick Paving Corporation (MFPC) was contacted due to their recent experience constructing a similar embankment repair and armoring project in 2017. MFPC provided a proposal for slope stabilization work, which was reviewed by a geotechnical engineer, Earth Systems Pacific, and confirmed to be appropriate at this location. MFPC supplied an itemized cost proposal for a total of \$231,037 to complete this work.

The Emergency Services Director determined that this project is emergency work and needs to be completed immediately since its completion is imperative before the next storm event. The slope condition is currently unstable and unsafe, in an area with

significant transient pedestrian traffic, and the rising of Atascadero Creek during the next storm event will almost certainly result in further slope failure. Further destabilization of the creek bank will risk failure of the City wastewater infrastructure, including Lift Station #5, force main piping, overflow pipe, and the overflow basin. Failure of any of these Lift Station components would result in untreated sewage being released directly into Atascadero Creek.

Analysis:

The City lacks the capacity and/or expertise to repair the damages at this location in a timely manner. Even when expedited, the normal procurement process to hire needed contractors takes between two to three months, from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to make repairs and stabilize the creek bank in a timely manner.

Under the California Public Contract Code, public projects exceeding \$200,000 should be let to contract by formal bidding procedure (§ 22032). However, Section 22035 allows that in cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, or giving notice for bids to let contractors. Section 22035 further stipulates that Section 22050 be followed for projects that would otherwise be formally bid, but are instead awarded as emergency projects. Section 22050(c) allows for the governing body's delegated person (Emergency Services Director/City Manager) to order emergency action be taken, with the governing body to review the emergency action not later than seven days after the action, or at its next regularly scheduled meeting if that meeting will occur not later than 14 days after the action. The contractor was authorized to commence work on Thursday, January 26.

City Public Works staff evaluated the cost proposal and individual Base Bid Items. Analysis and comparison of costs is difficult because the City has had no similar public projects within the last decade. However, the County of San Luis Obispo does have an available spreadsheet for Standard Unit Costs for Project Bonding, which estimated project cost at \$297,400. Subsequently, staff believes the cost proposal is fair and reasonable.

Due to significant risk to public safety, public health, and City facilities, it is recommended that this contract be awarded on an emergency basis to MFPC. Based upon review of the proposal's scope and fees, staff believes this proposal meets the intention of the Public Contract Code under this emergency situation.

City staff has also contracted with Terra Verde Environmental Consulting and Earth Systems Pacific to provide environmental permitting and construction oversight services, respectively. This project is considered emergency work and eligible for permitting under the expedited process for San Francisco District Regional General Permit (RGP) No. 5 (RGP 5) for Repair and Protection Activities in Emergency Situations. Terra Verde completed and submitted the permit application under RGP 5 for this project on January 30, 2023.

FISCAL IMPACT:

The fiscal impact of this action is to ratify the expenditure of \$263,037 in unbudgeted funds. The City will aggressively pursue funding from City insurance, FEMA and other potential disaster assistance.

ESTIMATED EXPENDITURES	
Construction Contract	\$ 231,037
Environmental Permitting	7,000
Construction Engineering / Testing / Administration	25,000
Total Estimated Expenditures:	\$ 263,037

ATTACHMENTS:

None