

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Public Works

BOARD AGENDA: 9.1
AGENDA DATE: May 16, 2023

SUBJECT:

Approval to Declare an Emergency in Accordance with Public Contract Code Section 22050 for the Emergency Temporary Repairs to Del Puerto Canyon Road 13 Miles West of Interstate 5

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2023-0229

On motion of Supervisor Chiesa Seconded by Supervisor Withrow
and approved by the following vote,

Ayes: Supervisors: B. Condit, Chiesa, Withrow, Grewal, and Chairman C. Condit

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

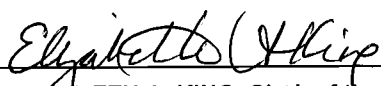
1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:


ATTEST: ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM

DEPT: Public Works

BOARD AGENDA:9.1
AGENDA DATE: May 16, 2023

CONSENT ☐

CEO CONCURRENCE: YES

4/5 Vote Required: Yes

SUBJECT:

Approval to Declare an Emergency in Accordance with Public Contract Code Section 22050 for the Emergency Temporary Repairs to Del Puerto Canyon Road 13 Miles West of Interstate 5

STAFF RECOMMENDATION:

1. Declare an emergency in accordance with California Public Contract Code Section 22050 for emergency temporary repairs to Del Puerto Canyon Road 13 Miles west of Interstate 5.
2. Approve staff's recommendation to act in accordance with California Public Contract Code Sections 20134 and 22050 to make the immediate temporary repairs to Del Puerto Canyon Road.
3. By a 4/5 vote, make the following findings:
 - a. The repairs are necessary to ensure the safety of the traveling public and to prevent the loss of essential public services.
 - b. The emergency will not allow for the delay that would result if the project were competitively bid, and the action to immediately repair the impacted road facility on an emergency basis is necessary.
 - c. Based on the substantial evidence to be set forth in the minutes, that due to the nature of the emergency a delay for competitive bidding cannot be permitted.
4. Direct the Director of Public Works or designee to serve as the Project Manager for all aspects of the project.
5. Authorize the Project Manager to procure equipment and supplies, and to negotiate and execute contracts needed to repair the roadway, without giving notice for bids, so long as they are within the Department's approved budget.
6. Require the Department of Public Works to report to the Board of Supervisors on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter until the repairs are completed, as required by Public Contract Code section 22050(c)(1).

DISCUSSION:

Del Puerto Canyon Road is a two-lane major collector located in Stanislaus County just west of the City of Patterson. It has an Average Daily Traffic volume of 250 vehicles per day and is designated as a Federal Aid Route that connects Stanislaus County to Santa Clara County. There are many residents in the Del Puerto Canyon area and Del Puerto Canyon Road is the only means of access in and out of the area. As such, usability of Del Puerto Canyon Road is vital for residents of the area for access, emergencies, and evacuations.

Sometime in April 2023, after the storm event in March of 2023, Public Works Road staff noticed that a 100-yard section of Del Puerto Canyon Road was settling (approximately 13 miles west of Interstate 5). A few weeks after the initial settling, staff noticed large visible traverse cracks and longitudinal cracks on the pavement. Due to the observed settling and cracks, Public Works was concerned of the potential imminent failure of the roadway and hillside and immediately contacted ENGEO Geotechnical. ENGEO Geotechnical made a site visit to observe the road condition on May 5, 2023 and made a preliminary determination on the cause of the settling and cracking. It was determined that the road fill was settling, and the hillside was not sliding, as such the road can remain open. ENGEO is currently drafting a scope of work to further investigate site conditions and to make recommendations for temporary repairs to the roadway. In the meantime, Public Works Road staff has repaired the cracks and patched the settlement area to provide the needed transition for the elevation change in the roadway. Additional information is being gathered which staff will present at the Board of Supervisors meeting on May 16, 2023.

Request to Declare an Emergency

California Public Contract Code (PCC) section 1102 states, "Emergency, 'as used in this code', means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." The sudden loss of this essential public roadway would be detrimental for the Del Puerto Canyon community. As discussed previously, Del Puerto Canyon Road is the only means of access in and out of the area. As a result, immediate action is needed to avoid the loss of this stretch of Del Puerto Canyon Road to ensure the road will remain in service.

As required by the Public Contract Code 22050(c)(1), staff will return to the Board of Supervisors and report on the status of the emergency repair project at its next regularly scheduled meeting and every 14 days thereafter. Staff will return to the Board to provide an update at the next regularly scheduled meeting on May 23, 2023.

POLICY ISSUE:

Public Contract Code (PCC) Section 22050(a)(1) states, "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." Further, PCC Section 22050(c)(1) requires staff to report on the emergency at its next regularly scheduled meeting and every 14 days thereafter until the emergency is terminated.

It is important to note that following emergency procedures will still require prevailing wage.

FISCAL IMPACT:

The actual cost of the repairs is not yet known. Staff will return to the Board of Supervisors with cost updates as the project progresses.

There is current funding in the Fiscal Year 2023 Adopted Road and Bridge budget to cover the immediate project costs of \$50,000. Public Works will use Highway User Tax Account Funds for these initial costs.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of *Delivering Efficient Public Services* and *Enhancing Community Infrastructure* by temporarily repairing a roadway segment that serves Del Puerto Canyon community members.

STAFFING IMPACT:

Public Works and General Services Agency staff will oversee the work related to this Emergency Project.

CONTACT PERSON:

David A. Leamon, Director of Public Works

(209) 525-4130

**2023 Approval for
Emergency Temporary
Repairs to Del Puerto
Canyon Road**

May 16, 2023

Project Location Map



Del Puerto Canyon Road Temporary Repairs

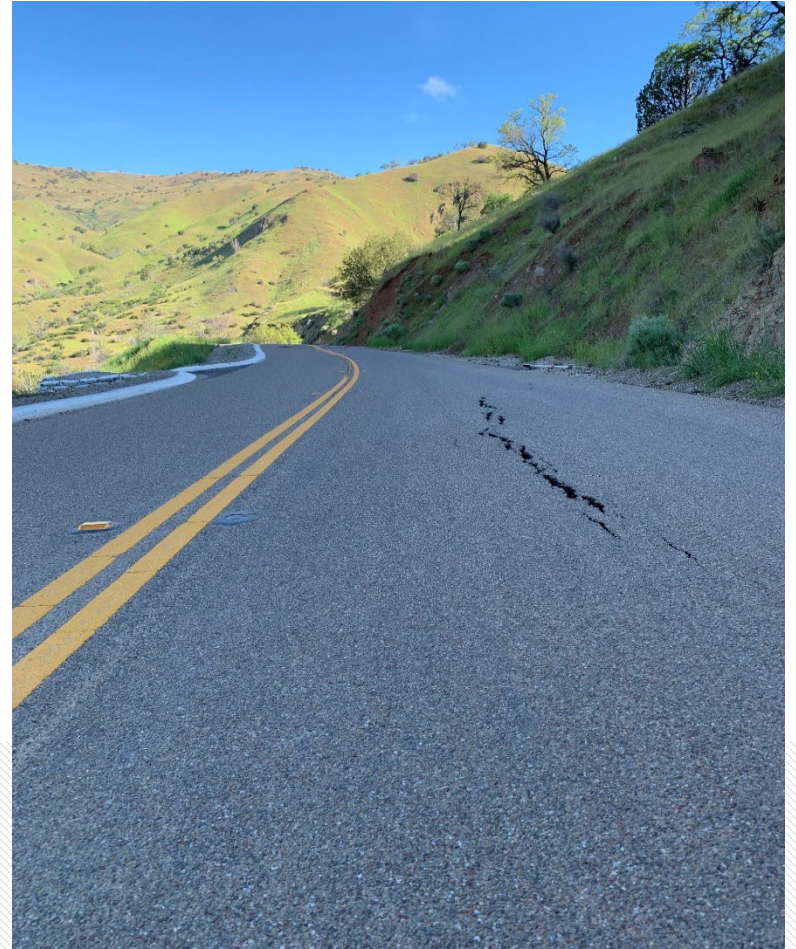
- Del Puerto Canyon Road is a two-lane Major Collector and designated a Federal Aid Route
- Del Puerto Canyon Road is the only means of ingress and egress for the Del Puerto Canyon Community
- Road damage occurred at the 13 mile marker west of I-5, road damage includes roadway settlement and large traverse and longitudinal cracks
- ENGEO Geotechnical, Inc performed site survey on May 5th, 2023 and preliminarily determined the road settled but the hillside is stable

Del Puerto Canyon Road

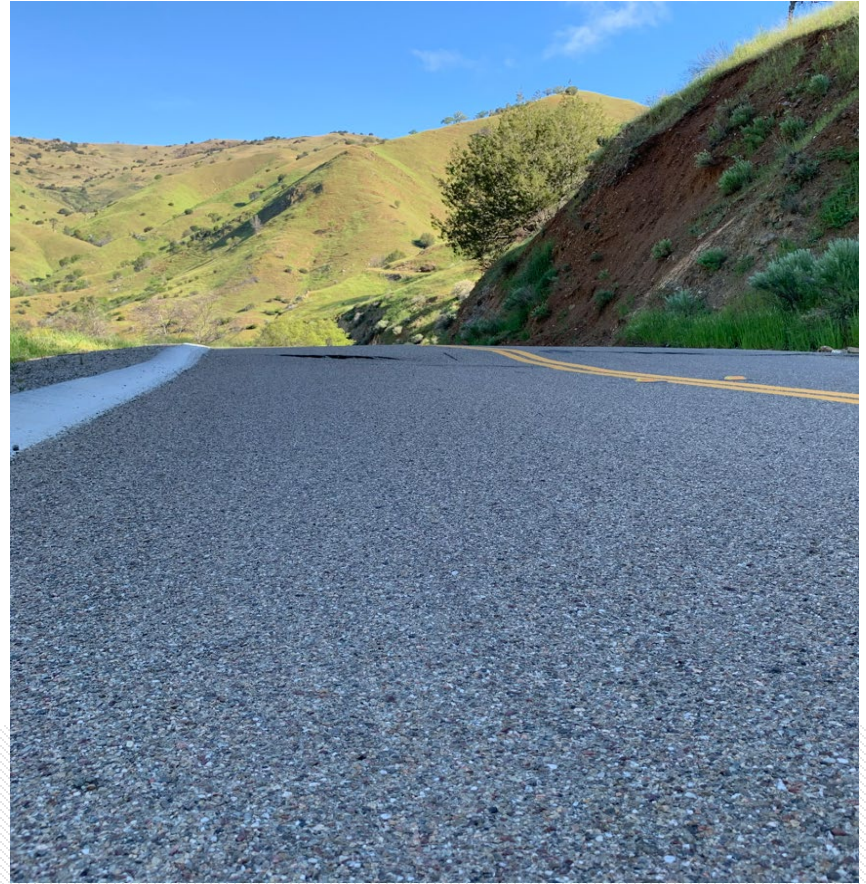
Temporary Repairs (continued)

- Repairs have been made, cracks have been filled and area of settlement have been smoothed over for needed transition
- Utilizing Public Contract Code 22050(a)(1) to make emergency repairs
- Public Contract Code 22050(c)(1) requires staff to report on the emergency at the next regularly scheduled meeting until the emergency is terminated
- The actual cost of repairs is not yet know. Staff will return to Board of Supervisors with cost updates as project progresses
- \$50,000 is the needed immediate project cost for ENGEO Services and staff time

Site Photographs



Site Photos (continued)



Site Photos (continued)



Staff Recommendations

1. Declare an emergency in accordance with California Public Contract Code Section 22050 for emergency temporary repairs to Del Puerto Canyon Road 13 Miles west of Interstate 5.
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3. By a 4/5 vote, make the following findings:
 - a. The repairs are necessary to ensure the safety of the traveling public and to prevent the loss of essential public services.
 - b. The emergency will not allow for the delay that would result if the project were competitively bid, and the action to immediately repair the impacted road facility on an emergency basis necessary.
 - c. Based on the substantial evidence to be set forth in the minutes, that due to the nature of the emergency a delay for competitive bidding cannot be permitted.

Staff Recommendations (continued)

4. Direct the Director of Public Works or designee to serve as the Project Manager for all aspect of the project.
5. Authorize the Project Manager to procure equipment and supplies, and to negotiate and execute contracts needed to repair the roadway, without giving notice for bids, so long as they are within the Department's approved budget.
6. Require the Department of Public Works to report to the Board of Supervisors on the status of the emergency project at its next regularly scheduled meeting and every 14 days thereafter until the repairs are completed, as required by Public Contract Code section 22050 (C)(1).