

**REPORT TO MAYOR AND COUNCIL****TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: July 28, 2008

SUBJECT: REVIEWING THE EMERGENCY ACTION FOR PROJECT NO. 2034, YGNACIO VALLEY ROAD EMERGENCY REPAIR AND CONTINUATION OF EMERGENCY**Report in Brief**

Over the past number of months, the Council has continued the emergency status of Ygnacio Valley Road every two weeks as required by the Public Contract Code. While the permanent repair is not in place, the continuing emergency status allows the City to forego the bidding requirement of the Public Contract Code and to engage a contractor immediately if the landslide recurs.

Staff recommends that the Council continue the emergency status for Project No. 2034, Ygnacio Valley Road pursuant to Section 22050 of the Public Contract Code.

Background

In March 2006, a 1,000-foot segment of Ygnacio Valley Road was closed due to a landslide. On May 16, 2006, the Council adopted Resolution No. 06-78 as provided for under Section 20168 of the Public Contract Code declaring that the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health, or property. Under this emergency declaration, the City constructed an auxiliary lane, thus restoring two eastbound lanes along the affected segment of Ygnacio Valley Road.

Discussion

Pursuant to Section 22050 of the Public Contract Code, Resolution No. 06-78 requires the City Manager or his designee to report back to the Council every 14 days to review the emergency action and to determine by 4/5th vote of the Council whether such emergency action should continue. As such staff will present this report to the Council every two weeks until the award of a construction contract for the permanent repair. At that time, staff will recommend the termination of the emergency status.

The continuing emergency status allows the City to forego the bidding requirement of the Public Contract Code, thus allowing the City to engage a contractor immediately if the landslide recurs.

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2034, YGNACIO VALLEY ROAD EMERGENCY REPAIR**

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Fiscal Impact

As noted above, the continuing emergency status allows the City to engage a contractor immediately if a landslide recurs, thus allowing the City to undertake immediate action. This minimizes the potential for further damage and thus minimizes the potential cost to the City.

Public Contact

Posting of the Council agenda

Recommendation for Action

Continue the emergency action for Project No. 2034, Ygnacio Valley Road Landslide, pursuant to Section 22050 of the Public Contract Code.

Reviewed by: Alex Pascual, P.E., Director
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Edward R. James
Interim City Manager