



TOWN OF FAIRFAX

SPECIAL MEETING

STAFF REPORT

March 30, 2022

TO: Mayor and Town Council

FROM: Hamid Shamsapour, Interim Public Works Director

SUBJECT: Adopt a Resolution Declaring the Existence of a Local Emergency at or Near 195 Pine Drive, Fairfax, and Authorizing the Emergency Procurement of Materials and Labor without Competitive Bidding

RECOMMENDATION

Adopt the Resolution.

BACKGROUND

The Police Department received a call at 3:41 AM on Monday, March 29, 2022, from a concerned neighbor residing on Pine Drive, who had heard a crushing sound in the neighborhood. The Fire Department was dispatched to the neighborhood. When they arrived at the scene, they discovered the house located at 195 Pine Drive had collapsed and slid downhill. Fire personnel detached the electrical service from this unit.

The Town Staff were notified about this incident later, the same morning. The staff also called the office of Town Engineer and the local contractor who had recently worked on fixing the damaged retaining wall and roadway along Sir Francis Drake Blvd. and asked them to come onsite and assist the Town Staff in assessing the extent of the damage and how to fix the problem. The Town Engineer's Office has expertise in Geotechnical Engineering and their Preliminary Engineer's Report is attached to this report.

DISCUSSION

Sections 22035 and 22050 of the California Public Contract Code authorize the Town of Fairfax to proceed with awarding a public works contract to perform emergency work upon adoption by the Town Council by a four-fifths vote of a resolution declaring that the public interest and necessity demand the immediate expenditure of public funds to safeguard life, health, or property.

Public Contract Code Section 22050 also provides that the Town Council may, by resolution, delegate the authority to order any action required by the emergency and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let the contracts, to the Town Manager, her designee, or any other officer.

The Town may exercise its emergency powers under Section 22050 by making a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids and that the Town's action is necessary to respond to the emergency.

In doing so, the Town Council shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the work so ordered is completed and the emergency terminated sufficiently that any additional work may be awarded on the basis of bidding. Such review shall be for the purpose of determining, by a four-fifths vote, that there is a need to continue the work. Said review may be conducted as a consent calendar item.

The Town's Interim Public Works Director and its consulting Town Engineer recommend that the Town Council find that — in order to stabilize the roadway to prevent and mitigate loss or impairment of life, health, property, and reopen the roads to the public — the Town must act in an expeditious manner. Further, the Town's Interim Public Works Director and consulting Town Engineer concur that time does not permit the preparation of specifications and the solicitation of competitive bids before commencement of the emergency stabilization and road re-opening and recommend the Town Council find accordingly.

Staff therefore respectfully recommends that the Town Council:

- Find, by a four-fifths majority, that the recitals in the attached Emergency Resolution are true and correct.
- Find and determine, based on substantial evidence in this Staff Report and oral testimony, the existence of a local emergency at or in the vicinity of 195 Pine Drive, Fairfax, Marin County, California.
- Order and authorize the Interim Town Manager to provide for the emergency repair or replacement of those public facilities necessary to stabilize conditions and reopen the roadway in the vicinity of 195 Pine Drive, to take any directly related and immediate action required by those emergency conditions, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts pursuant to Public Contract Code Sections 22035 and 22050. Said contract(s) may exceed the Town Manager's purchasing authority, but shall not exceed \$260,000 for construction and \$70,000 for design/construction management costs without further approval by the Town Council.

FISCAL IMPACT

To the extent funding is required to be spent from the Town's general fund, such amounts are hereby deemed budgeted and appropriated for such improvements.

ATTACHMENT

- A. Resolution
- B. Preliminary Engineer's Report

Attachment A

EMERGENCY RESOLUTION 22-21

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY AT OR NEAR
195 PINE DRIVE, FAIRFAX, AND AUTHORIZING THE EMERGENCY PROCUREMENT OF
MATERIALS AND LABOR WITHOUT COMPETITIVE BIDDING**

WHEREAS, Sections 22035 and 22050 of the Public Contracts Code authorize the Town of Fairfax to proceed with awarding a public works contract to perform emergency work upon adoption by the Town Council by a four-fifths vote of a resolution declaring that the public interest and necessity demand the immediate expenditure of public funds to safeguard life, health, or property; and

WHEREAS, Public Contract Code Section 22050 also provides that the Town Council may, by resolution, delegate the authority to order any action required by the emergency and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let the contracts to the Town Manager, her designee, or any other officer; and

WHEREAS, the Town may exercise its emergency powers under Section 22050 by making a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids and that the Town's action is necessary to respond to the emergency; and

WHEREAS, the Town was forced to close a portion of the roadway at or near 195 Pine Drive on March 29, 2022, due to the collapse of a residential structure at that location, and limit travel to residential traffic only in order to protect persons and property; and

WHEREAS, the Town finds that in order to stabilize the roadway at the above listed site, to prevent and mitigate loss or impairment of life, health, property, and reopen the road to the public, it must act in an expeditious manner; and

WHEREAS, the roadway condition at the above listed location on Pine Drive poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, and essential public services; and

WHEREAS, time does not permit the preparation of specifications and the solicitation of competitive bids before commencement of the emergency stabilization and road re-opening; and

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Fairfax hereby declares and orders as follows:

SECTION 1. The Town Council hereby finds, by a four-fifths majority, that the recitals in this Emergency Resolution are true and correct. The Town Council finds and determines based on substantial evidence in the staff report and oral testimony the existence of a local emergency at or in the vicinity of 195 Pine

Drive, Fairfax. These emergency findings shall be deemed to be entered into the minutes of the meeting at which this Emergency Resolution is passed.

SECTION 2. The Town Manager is hereby ordered and authorized to provide for the emergency repair or replacement of those public facilities necessary to stabilize the roadway condition and reopen the roadway located at or near 195 Pine Drive, Fairfax to take any directly related and immediate action required by those emergency conditions, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts pursuant to Public Contract Code Sections 22035 and 22050. Said contract(s) may exceed the Town Manager's purchasing authority, but shall not exceed \$260,000 for construction and \$70,000 for design/construction management costs without further approval by the Town Council. To the extent said funding is required to be spent from the Town's general fund, such amounts are hereby deemed budgeted and appropriated for such improvements.

SECTION 3. The Town Council shall review the emergency action at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the work ordered hereby is terminated. Such review shall be for the purpose of determining, by a four-fifths vote, that there is a need to continue the work. Said review may be conducted as a consent calendar item.

SECTION 4. This resolution shall be effective immediately upon adoption by four affirmative votes of the Town Council of the Town of Fairfax.

The foregoing resolution was duly passed and adopted at a special meeting of the Town Council of the Town of Fairfax held in said Town on the 30th day of March 2022 by the following vote:

AYES:
NOES:
ABSENT:

Stephanie Hellman, Mayor

Attest: _____
Michele Gardner, Town Clerk

Attachment B

Preliminary Engineer's Report

SITE OBSERVATIONS:

On arrival around 9:15 am, I observed that the existing 2-story wood-framed residence structure on the downhill side of Pine Drive has completely collapsed. The structure appears to have been supported on timber cribbing to facilitate an ongoing foundation replacement/underpinning project. Several tens of yard of soil (apparent excavation spoils) have been stockpiled on steep slopes west of the house, likely in part to accommodate equipment access to the excavation.

Shallow footing excavations are visible beneath the pile of structural debris, as well as a skid-steer machine. Along the uphill side of the collapsed structure, a series of (3) retaining walls of varying CMU (Concrete Masonry Unit) and reinforced concrete construction have collapsed. The remnants of these walls are also visible through the debris pile and appear to have each utilized shallow footings no more than about a foot thick/deep. Below the wall debris, sheets of plywood appear to have been utilized as temporary shoring for a near-vertical, 4- to 5-foot-high cut directly below the walls.

Below the collapsed residence, descending slopes steepen to typical inclinations of about 1:1 and funnel into a well-defined channel that leads down to the property at 520 Cascade Drive.

At the project site, Pine Drive is asphalt-paved and about 15-feet wide. There is a 4-inch AC dike along the downslope edge of the road. Slopes above the road are inclined very steeply, typically between about 2:1 (H:V) and 0.5:1 (H:V) and expose intermittent boulders or "floaters" of hard graywacke sandstone in a matrix of stiff clayey soil. Below the roadway, slopes extend at inclinations of about 1:1 for 8- to 10-feet to the former location of the uppermost (collapsed) retaining wall. The collapsed walls have resulted in exposure of a 6-foot-high vertical (exposed) scarp; however, the roadway elevation appears to be about 20-feet above the base of the failed cut below the collapsed walls. The vertical scarp exposes moist to wet, stiff clayey soil with a few visible cobbles/boulders of harder sandstone rock. The outboard 6-feet of asphalt pavement above the collapse has settled by about 3-inches, and fresh open cracks in the asphalt surface are about 1.5" wide. The failure extends for a horizontal distance of about 50-feet along the downslope side of the road.

During my visit, soils were noted to be damp from light to moderate rain last night, but no significant surfaced runoff or evidence of concentrated/unusual drainage issues were observed. The AC dike along the downslope side of the road appears intact and extends beyond the failure in both directions.

PRELIMINARY CONCLUSIONS:

Based on my observations, it appears that a vertical cut below the existing retaining walls on the upslope side of the residence failed and undermined the walls. In turn, the collapsing walls appear to have "pushed" the house off its temporary cribbing. No evidence indicative of slope instability concentrated or unusual drainage/runoff, or other contributing geotechnical problems was observed.

PRELIMINARY GEOTECHNICAL RECOMMENDATIONS:

1. Given the settlement of the outboard edge of the roadway and steep unsupported scarp just downhill, delineators should be placed along the AC cracks to confine vehicles to the inboard side of the street. As discussed onsite with you and Fairfax PD, traffic should be limited to essential travel (residents of the 3 houses beyond the jobsite) and emergency vehicles only. Heavy traffic, construction vehicles, garbage trucks, etc. should be prohibited until lateral support for the road can be restored. The site should be monitored daily by Fairfax staff, and the roadway should be closed to all vehicle traffic in the event additional subsidence is observed, or in the event additional cracking/distress is noted upslope of the current distress.
2. The homeowner should consult with their Geotechnical Engineer, who should provide recommendations for stabilizing the unsupported cut below the roadway and securing the site.
3. It is currently unclear what risk exists in regard to mobilization of the structural debris and potential impact to downslope properties. At the time of inspection, the remnants of the house appear to be partly supported by a timber debris wall (presumably installed for the purpose of catching/stockpiling excavation spoils) that is damaged, and slopes below the wall appears to extend for a hundred feet or more at very steep inclinations of 1:1 or steeper. There is a home at 520 Cascade at the base of the hill, which appears to be set slightly west of the drainage axis, such that any mobilized structural debris would likely impact the garden at 520 Cascade. However, a site reconnaissance is recommended to assess conditions at the base of the hill and determine whether any protective measures should be implemented.
4. Based on observations and discussion with you and Gary Ghilotti of Maggiora & Ghilotti Construction, site stabilization and debris cleanup will likely require heavy mechanized equipment and a crane. As such, roadway stabilization will likely need to be accomplished prior to implementation of any onsite stabilization or cleanup work as a result of otherwise limited equipment access.
5. The wall collapse has resulted in loss of subjacent support for the roadway. The roadway should be supported with a new retaining structure that is designed in consideration of traffic surcharge loads. In order to accommodate future site stabilization and debris cleanup, the new structure will need to be founded at least a few feet below the bottom of the planned onsite excavations. Likewise, since the ultimate retained height for such a

structure will approach 20-feet, tiebacks will likely be required to provide adequate lateral support, since a cantilevered wall would require very large steel beams/rebar cages that cannot be placed due to limited site access/overhead clearance.

SCOPE AND REPAIR DESCRIPTION:

Our scope of services will include drilling 1 test boring at the edge of the road with a small track-mounted drill rig. The boring will extend to an anticipated maximum depth of about 30- to 40-feet, or 5-feet into firm bedrock. A geologist without office will log the boring and collect samples at select intervals for laboratory testing. Lab testing will include determination of soil moisture content, density, strength, and/or other pertinent physical properties as needed to develop design criteria for the new retaining wall.

We will also subcontract with a licensed Land Surveyor to procure a topographic and boundary survey of the site area. On the basis of our exploration and lab testing, and using our topographic survey as a base map, we will perform engineering calculations as needed to design the new wall. We will prepare construction plans, details, and technical specifications for the project. We anticipate that general specifications and project “frontend” contract documents will be provided by the Town. If needed, we can provide an itemized bid sheet and/or engineer’s estimate for the work once the plans are complete. We anticipate coordinating with Fairfax DPW and Maggiora & Ghilotti Construction during the design and plan development process to accommodate a “fast-track” timeframe and allow for most efficient procurement of bids, materials, and other needs.

During construction, we will be present intermittently to observe the geotechnical portions of the work, to determine whether actual conditions encountered are as expected, and to provide supplemental recommendations if and as needed. Items anticipated to require our observation and/or testing will include drilled pier excavations, tieback drilling, steel rebar placement, concrete and grout placement, wall drainage construction, wall backfill compaction, tieback load-testing, and roadway subgrade/baseroak/asphalt compaction testing. The results of our construction services will be summarized in a brief letter report upon satisfactory completion of the work.

PRELIMINARY SCHEDULE:

We anticipate delivery of “50%” plans within about 10 days of authorization and complete 100% plans shortly thereafter following Town review and approval. The test boring will be drilled tomorrow, March 30.

ESTIMATED COSTS:

Our services will be provided on a time and expense basis in accordance with our current Schedule of Charges. Based on recent experience with the Sir Francis Drake project and the scope and schedule described above, I anticipate our total fees to be \$70,000 including surveying (expected to be about \$10,000). Based on my most recent cost/bid data and using a \$300/SF unit cost for tieback concrete retaining walls, I expect construction costs to be about \$260,000 for a total project cost about \$330,000.