



TOWN OF FAIRFAX

STAFF REPORT

February 1, 2023

TO: Mayor and Town Council

FROM: Loren Umbertis, Public Works Director

SUBJECT: Adopt a Resolution Terminating the Local Emergency Declared March 30, 2022 at or near 195 Pine Drive, Making a Supplemental Budget Appropriation, Accepting the Work as Complete and Directing the Issuance of a Notice of Completion for the Repairs Made

RECOMMENDATION

Adopt a Resolution Terminating the Local Emergency Declared March 30, 2022, Making a Supplemental Budget Appropriation in the amount of \$60,623.90, Accepting the Work as Complete and Directing the Issuance of a Notice of Completion for the Repairs Made to the Roadway at or near 195 Pine Drive, Fairfax in Response to the Local Emergency Declared March 30, 2022.

BACKGROUND

With action during a special meeting of March 30, 2022 the Town Council of the Town of Fairfax adopted Emergency Resolution No. 22-21 finding, unanimously, that:

1. the recitals in said Emergency Resolution were true and correct; and
2. finding and determining 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 were deemed to be entered into the minutes of the meeting at which this Emergency Resolution is passed.

On that basis, as documented in said Emergency Resolution No. 22-21, the Town Manager was ordered and authorized to:

1. provide for the emergency repair or replacement of those public facilities necessary to stabilize the roadway condition and repair the retaining wall and reopen the roadway located at or near 195 Pine Drive, Fairfax; and
2. 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.

On June 1, 2022 the Town Council authorized the Town Manager to execute a Time and Materials contract not to exceed \$481,000 for construction without further approval by the Town Council and said funding was deemed budgeted and appropriated for the improvements.

The Town Council unanimously adopted continuing resolutions regarding the emergency at its meetings between the original declaration on March 30, 2022 and continuing to the present.

DISCUSSION

After the failure and collapse of the roadway at or near 195 Pine Drive due to excavation by a private party, Staff and its consulting engineers responded to the site to evaluate the condition and propose a repair to reestablish the roadway and access to residences beyond the failure point. Staff and its consulting engineers evaluated the conditions and presented a design to repair a retaining wall and the roadway based upon limited visual and available soils condition information.

Staff and the Town's consulting engineers, scientists and contractors did their best to evaluate the actual conditions encountered once the condition of the roadway and the failed supporting wall were able to be evaluated after the collapse of the roadway, developed a construction sequence to fix the problem using locally-available materials and contractors to get the roadway repaired and restored to full use as quickly as possible to provide access for residents and services beyond the site of the affected area.

Based upon visual inspections of the affected area and the input and design of Staff and consulting engineers, an initial scope of work was created and presented to Maggiora & Ghilotti. Based upon the available information and design, Maggiora & Ghilotti provided a Time and Materials Not to Exceed proposal of \$481,000 which was presented and approved by the Town Council on June 1, 2022. The project team emphasized responsiveness, reliability, previous successful public works projects and minimizing delays in selecting Maggiora & Ghilotti—primarily owing to the importance of quickly restoring resident access to the roadway and residences at the end of Pine Drive. Maggiora & Ghilotti and their sub-contractors completed their work expeditiously and completed additional work as directed by Town Staff including additional paving and other similar work required to re-open the roadway to local residents on or about September 21, 2023.

The hazards associated with the local emergency have been satisfactorily addressed. Staff recommends that the emergency declaration be terminated, the work and repairs be accepted as complete, that a Notice of Completion be issued, and that a supplemental appropriation be made to allow the contractor to be paid in full for its prompt, responsive work to benefit the Town and its residents.

FISCAL IMPACT

Staff's initial estimate of the cost to make the repairs necessary to address the repair of the retaining wall and the roadway was \$481,000. Maggiora and Ghilotti provided a Time and Materials estimate based upon available information and the design from Miller Pacific Engineering. During the course of construction Staff directed Maggiora and Ghilotti to increase the area of road recompaction, repaving and curb repair by double based upon field observations during construction and as required by the conditions discovered onsite during construction, and the contractor also experienced difficult construction challenges that led to an additional ten (10) days over the original anticipated schedule. These directions by staff and the construction delays resulted in additional costs of \$60,623.90 over the \$481,000 for a total of \$541,623.90. Staff recommends that a supplemental appropriation in the amount of \$60,623.90 be made to cover the Town's obligations.

ATTACHMENT

Resolution

RESOLUTION 23-__

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX
TERMINATING THE DECLARATION OF A LOCAL EMERGENCY AT OR NEAR 195 PINE DRIVE,
FAIRFAX, DECLARED MARCH 30, 2022, MAKING A SUPPLEMENTAL BUDGET
APPROPRIATION, AUTHORIZING PAYMENT, ACCEPTING THE WORK AS COMPLETE AND
DIRECTING THE ISSUANCE OF A NOTICE OF COMPLETION FOR THE REPAIRS MADE TO
THE ROADWAY AND RETAINING WALL IN RESPONSE TO THE LOCAL EMERGENCY**

WHEREAS, with the unanimous passage and adoption of Emergency Resolution 22-21 at a special meeting of the Town Council of the Town of Fairfax on the day of March 30, 2022, and confirmed and continued Emergency Resolutions 22-25, 22-29, 22-31, 22-49, 22-62, 22-71, 22-89 and 22-96 at the Town Council's regular meetings, the Town Council appropriated funds in the total amount of \$481,000 for a Time and Materials agreement for the repair of the roadway and retaining wall at 195 Pine Drive and ordered and authorized the Town Manager to execute a contract with Maggiora and Ghilotti to provide for the emergency repair or replacement of those public facilities necessary to stabilize the roadway condition and reopen the roadway (the "Work"); and

WHEREAS, the hazards associated with the local emergency have been satisfactorily addressed and Staff has recommended that the Work be accepted as complete; and

WHEREAS, in accordance with Government Code section 8630(d), the Council desires to take action to terminate the declaration of local emergency declared March 30, 2022; and

WHEREAS, the Work has been completed and Staff recommends that the work be accepted as complete and that a Notice of Completion be issued; and

WHEREAS, Staff has received, reviewed and approved all invoices associated with said Work for payment in full subject to a supplemental appropriation in the amount of \$60,623.90 over and above the appropriation made with Emergency Resolution 22-31 and respectfully requests that Council make such supplemental appropriation and authorize the Town Manager to make all remaining payments for the Work;

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

SECTION 1. Town Council of the Town of Fairfax, California hereby proclaims the termination of the local emergency declared on March 30, 2022, effective immediately upon adoption of this Resolution.

SECTION 2. The Town Council accepts the Work as complete and directs that a Notice of Completion be issued.

SECTION 3. The Town's current budget for the Work is amended by the supplemental appropriation of \$60,623.90 in addition to the \$481,000 appropriated with Resolution No. 22-31.

SECTION 4. The Town Manager is hereby authorized to make all approved payments for the Work approved under Resolution No. 22-31.

The foregoing resolution was duly passed and adopted by the Town Council of the Town of Fairfax at a duly noticed meeting held in said Town on the 1st day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Attest: _____
Michele Gardner, Town Clerk

Chance Cutrano, Mayor