



# Memo

TO: Ronald L. Olson, City Manager

THRU: Juan Perales, Jr. P.E., Assistant City Manager 

FROM: Pete Anaya, P.E. Director of Engineering Services 

SUBJECT: **Request for Waiver to Authorize Emergency Repair  
Ocean Drive at Elizabeth – Pavement Assessment  
Declaration of Emergency**

DATE: August 29, 2011

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**SUMMARY:** A dip in the street pavement exists on Ocean Drive in the vicinity of the Elizabeth Street intersection. The City Engineering and Street departments have been monitoring this area for the past year. Recent longitudinal cracking in the northbound outside travel lanes and sidewalk prompted the City to request further subsurface soil and pavement laboratory testing to assess the current condition of the area. On Friday, August 26, 2011, Rock Engineering and Testing Laboratories delivered a report to the City Engineering Department which confirmed a change in roadway elevation and determined the safety factor for the slope adjacent to the street at this location is at an unacceptable level. The report concluded remedial measures need to be performed before slope stabilization further decreases. A rain event could further reduce the slope stability safety factor and pose a greater risk of property damage and public safety.

**ACTIONS TAKEN:**

1. Freese and Nichols, Inc. was immediately contacted Friday afternoon to develop a more detailed monitoring plan and develop short and long term improvements to prevent further slope stabilization issues in the area.

**FUTURE ACTIONS:**

1. **Use of an external contractor may be necessary to complete corrective actions to permanently address the situation on a time and materials cost basis.**

**CONTRACT AUTHORITY:**

The City Manager is authorized to approve contracts in excess of \$50,000 by Charter Art. X, Sec.2(a) in case of an emergency, but such action must be reported to the Council. Additionally, the Local Government Code 252.022(a) exempts this repair from State competitive bid requirements because it is necessary to:

1. preserve the property of the municipality;
2. preserve or protect the public health or safety of the municipality's residents; and
3. is due to unforeseen damage to public machinery, equipment or other property.

**FUNDING:**

The cost of the repairs is unknown at this time. The repairs will be funded through either General or Debt Fund Reserves.

**RECOMMENDATION:** It is recommended that:

1. staff be authorized to administratively issue a notice to proceed with the repairs; and
2. an emergency be declared to preserve the property of the municipality, protect the public health or safety of the municipality's residents, and that the procurement is necessary because of unforeseen damage to public machinery, equipment, or property.

**CONCUR:**

  
R. Jay Reining  
First Assistant City Attorney

8/20/2011  
Date

**APPROVED:**

  
Ronald D. Olson  
City Manager

30 Aug 2011  
Date

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