

TO: JAMES L. APP, CITY MANAGER
FROM: JOHN R. McCARTHY, DIRECTOR OF PUBLIC WORKS
SUBJECT: FOR THE CITY COUNCIL TO APPROPRIATE FUNDS TO REPAIR DAMAGED PLATFORM TILES AT THE TRAIN STATION
DATE: JANUARY 5, 1999

Needs: For the City Council to appropriate up to \$45,000 from unappropriated funds to repair damaged platform tiles at the City's North County Transportation Center.

- Facts:**
1. Some time in March/April 1998, a work crew from Union Pacific came to the City to perform maintenance work on the railroad tracks.
 2. In May 1998, it was discovered that some of the tactile tiles started "popping out", which became a trip hazard. In addition, "bumps" on the tiles were "hacked off" and a 1-inch deep gouge runs along the entire length of the platform. It appears that a piece of heavy equipment was dragged along the tiles.
 3. On June 30, 1998, the City sent a claim to Union Pacific for these damages.
 4. On October 22, 1998, Union Pacific declined the City's claim.
 5. The City has received notices from Caltrans Rail Division and Amtrak requesting that the damaged tiles be repaired to insure public safety.

**Analysis
and**

Conclusion: The City Attorney has reviewed this matter and recommends undertaking the repair. The City Attorney further recommended that the City file a claim with its insurance carrier and the insurance carrier then file a claim with Union Pacific and/or the contractor.

Policy

Reference: None

Fiscal

Impact: Up to \$45,000 expenditure from unappropriated funds.

- Options:**
- A. That the City Council adopt the attached resolution to appropriate up to \$45,000 from unappropriated funds to repair the damage to the tactile tiles at the City's North County Transportation Center. The City will file a claim with its insurance carrier for reimbursement.
 - B. That the City Council amend, modify or reject the above option.

Attachments: (1)
1) Resolution

RESOLUTION No. 98-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING THE LETTING OF A CONTRACT WITHOUT BID FOR THE
REPAIR OF DAMAGED TACTILE TILES AT THE NORTH COUNTY
TRANSPORTATION CENTER**

WHEREAS, as part of the City's construction of the North County Transportation Center, a concrete platform with tactile tiles was installed in 1997; and

WHEREAS, in March/April 1998, Union Pacific crews came to the City to perform maintenance work on its railroad tracks by the North County Transportation Center; and

WHEREAS, in May 1998, it was discovered that the tiles have been severely damaged; and

WHEREAS, the City filed a claim with Union Pacific on June 30, 1998 to repair the damage; and

WHEREAS, on October 22, 1998, Union Pacific declined the City's claim; and

WHEREAS, the City has been put on notice by Caltrans Rail Division and Amtrak that the tiles must be repaired to avoid undue liability or face Amtrak's discontinuing train service to the City; and

WHEREAS, Section 22050 of the California Public Contract Code authorizes a public agency, in the case of an emergency and upon a four-fifths vote of its governing body, to 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; and

WHEREAS, Section 22050 of the Public Contract Code further requires that, before the governing body takes any action under that section, the governing body make 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 action is necessary to respond to the emergency; and

WHEREAS, the City Council has determined that the damage to the tactile tiles at the North County Transportation Center requires immediate repair.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. That the City Council of the City of Paso Robles does hereby find that the damage to the tactile tiles at the North County Transportation Center is an emergency that will not permit a delay resulting from a competitive solicitation for bids and that the letting of a contract to repair the tiles without such solicitation for bids is necessary to respond to the emergency. This finding is based on the facts that: (1) the damaged tiles constitute a public

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safety risk; and (2) the Caltrans Rail Division and Amtrak have put the City on notice that the tiles must be repaired to avoid undue liability or the City will face Amtrak's discontinuation of train service to the City.

Section 2. That the City Council of the City of Paso Robles does hereby authorize the City Engineer to let a contract for the repair of the damaged tiles without competitive solicitation for bids.

Section 3. That the City Engineer, upon letting the contract for repair of the damaged tiles, shall report to the City Council at its next regularly scheduled meeting the reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

Section 4. That the City Council shall review letting the contract for repair of the damaged tiles at its next regularly scheduled meeting, and at every regularly scheduled meeting thereafter until the contract is let, to determine by a four-fifths vote that there is a need to continue the letting of said contract.

PASSED AND ADOPTED by the City Council of the City of Paso Robles by a four-fifths vote, this _____ day of _____, 1999, on the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Duane J. Picanco, Mayor

ATTEST:

Madelyn Paasch, City Clerk

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