

**TO:** James L. App, City Manager  
**FROM:** Joseph M. Deakin, Public Works Director  
**SUBJECT:** North County Transportation Center Platform Tactile Tiles  
**DATE:** September 2, 2003

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**NEEDS:** For the City Council to consider appropriating \$25,000 to repair/replace damaged tactile tiles at the North County Transportation Center.

- FACTS:**
1. In 1997, the City completed the construction of the North County Transportation Center. In 1998 several of the tactile tiles had "lifted" causing a significant safety hazard to the public.
  2. The City filed a lawsuit with the contractor and a Settlement Agreement was executed. The language of the Settlement Agreement released the Contractor from further responsibility of all future defects and damages of every kind, nature and description whatsoever known or unknown, suspected or unsuspected.
  3. Several tiles have again lifted resulting in a severe trip hazard. In addition, staff has received notification from Caltrans Division of rails that in a recent inspection of the Transportation Center, they noted the damaged tiles and have "put the City on notice" that the condition is un-acceptable and must be repaired immediately. (See Attached letter)
  4. Repairs and preventative measures are estimated to cost \$25,000.

**ANALYSIS  
AND**

**CONCLUSION:** Staff contacted a firm in San Diego who are experts in the installation of these tiles to evaluate this condition. They were asked to develop a scope of work not only to repair the damaged tiles but also to recommend a measure to prevent any future further "lifting" of the tiles. To that end, the contractor is recommending that a construction joint be cut every three feet and install caulking for the entire 1000 feet of platform. Cost to repair and replace the damaged tile and install measure to prevent any future damage is estimated to be \$15000. Since the work will be adjacent to the railroad track, the City will need to have a railroad flagman on-site. Therefore, it is requested that the City Council approve a one-time budget appropriation of \$25,000.

The damaged tiles are a public safety hazard. It is requested that the City Council authorize the letting of the contract to repair the damaged tiles without bid and declare the work as being required under emergency work as allowed under Public Contract Code Section 22050. This action requires a 4/5<sup>th</sup>'s vote from the City Council.

**POLICY**

**REFERENCE:** Public Contract Code Section 22050

**FISCAL**

**IMPACT:** The City Council will need to approve a one-time budget appropriation in the amount of \$25,000 to Budget Account No. 206-140-5221-240 from the Transit Fund, not the General Fund.

- OPTIONS:**
- a. For the City Council to adopt Resolution 03-xx approving a one-time budget appropriation of \$25,000 to Budget Account No. 206-140-5221-240 and declaring the work to be done without bid in accordance to Public Contract Code Section 22050.
  - b. Amend, modify or reject the above option.

Attachments (2):

- 1) Photos
- 2) Letter from Caltrans

RESOLUTION No. 03-

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

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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 1999 a Settlement Agreement was reached between the City and the Contractor to repair the tiles; and

WHEREAS, the Settlement Agreement relieves the Contractor from any future liability; and

WHEREAS, additional tiles have recently lifted; 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 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 Capital Projects Engineer to let a contract for the repair of the damaged tiles without competitive solicitation for bids.

SECTION 3. That the Capital Projects 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.

SECTION 5. That the City Council does hereby authorize a one-time budget appropriation of \$25,000 to budget account #206-140-5221-240 to be used to repair the damaged tiles.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 2<sup>nd</sup> day of September 2003 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

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Frank R. Mecham, Mayor

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Sharilyn M. Ryan, Deputy City Clerk