



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 9/24/2024

To: Board of Directors, Sonoma County Water Agency
Department or Agency Name(s): Sonoma County Water Agency
Staff Name and Phone Number: Grant Davis, 547-1911
Vote Requirement: 4/5th
Supervisorial District(s): Second

Title:

Receive Report and Make Findings to Continue Emergency Work to Repair Retaining Wall and Channel Liners in Washington Creek

Recommended Action:

Receive Report and Make Findings to Continue Emergency Work to Repair Retaining Wall and Channel Liners in Washington Creek. (Second District) (4/5th Vote Required)

Executive Summary:

This item requests the Board of Directors (“Board”) for the Sonoma County Water Agency (“Sonoma Water”) receive a report and make findings that there is an ongoing need to Repair the Retaining Wall and Channel Liners in Washington Creek. □

Discussion:

In 2023, Sonoma Water staff began planning efforts to address the leaning retaining wall and slipping concrete channel liners in Washington Creek, located immediately adjacent to East Washington Boulevard and upstream of North McDowell Boulevard. A consultant was hired to generate an Engineering Evaluation Report in late 2023. It appeared the retaining wall and channel liner panels were failing due to inadequate drainage. After the rainy season of 2023/2024, conditions on Washington Creek degraded significantly. In response, Sonoma Water hired a Geotechnical Consultant to evaluate the soil conditions and determine if the retaining wall and liner panels would withstand another rainy season.

The consultant found: “If not mitigated prior to the next rainy season, there is a significant risk that continued and accelerated failure of these structures could occur and result in damage to the surrounding residential properties and adjacent roadway infrastructure.” Therefore, immediate mitigative action is required prior to the next rainy season to prevent or mitigate imminent harm to public safety, public services, and property. Collapse of the wall or channel liner panels could result in failure of the upstream slope, damage to nearby residence, damage to the adjacent box culvert and roadway, and/or subsequent blockage of the channel, during a major storm event, resulting in flood damage and significant public safety hazard. □

On July 11, 2024, the General Manager of Sonoma Water, pursuant to authority delegated in Resolution # 06-0649, declared the existence of an emergency for Sonoma Water due to failing infrastructure assets on Washington Creek.

Based upon the above, there is an urgent need to repair these structures of Washington Creek. The normal contracting process takes two to three months from a minimum advertising period through assessing bids and awarding and executing contracts. This delay would mean that it would not be possible to perform necessary preventative measures to protect public health and safety before the next rainy season.

Public Contract Code section 22050 authorizes Sonoma Water to enter into contracts for public projects as may be necessary to mitigate emergency conditions without giving notice for bids. Additionally, pursuant to Public Contract Code section 22035, this emergency work may proceed without adopting plans or specifications. This item will be brought back to the Board every 14 days for the General Manager to report on actions related to the emergency declaration and to determine if there is a need to continue the action without competitive bidding. The Board is obligated to terminate the waiver of the bid process at the earliest possible date that conditions warrant so that the remainder of the work may be completed under the bid process.

The existing authority does not include provisions for obtaining right of way needed to construct emergency repairs. This update requests that the Board delegate authority to Sonoma Water's General Manager to negotiate and execute agreements for temporary and permanent property rights necessary for the emergency work in a form approved by County Counsel, and to take other actions as necessary to complete the transactions. The price for temporary and permanent property rights will be no greater than necessary to provide just compensation to the property owner for the property interest.

On July 16, 2024, the Board approved the following actions:

- A) Made findings that there is an emergency needed to stabilize dangerous conditions resulting from failing infrastructure assets on Washington Creek; and
- B) Suspended competitive bidding requirements; and
- C) Authorized the General Manager of Sonoma Water to execute contracts, not to exceed \$750,000, necessary to stabilize dangerous conditions resulting from failing infrastructure assets on Washington Creek; and
- D) Ratified any emergency contracts entered into by the General Manager of Sonoma Water relating to these issues.
- E) Adopted a Resolution authorizing adjustments to the Board Adopted Budget for FY 2045/2025 for the Flood Control Zone 2A in the amount of \$447,100.

California Environmental Quality Act

This section of Washington Creek is located within Sonoma Water's Stream Maintenance Program (SMP). The "in kind" repair and replacement of failing concrete structures that require bank stabilization within SMP channels is included in the Stream Maintenance Program Environmental Impact Report (EIR). On June 23, 2009, Sonoma Water's Board of Directors certified the SMP EIR and approved the project in accordance with the requirements of the California Environmental Quality. □

Progress to date:

Sonoma Water staff began crafting a suitable solution to these failing infrastructure assets with a Geotechnical and Structural Engineering Consultant. A conceptual design is being evaluated and selected based on constructability and material availability.

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A License Agreement has been drafted to grant permission for construction activities on the adjacent property. Sonoma Water is engaging with the property owner with the intent of securing access permission with further definition of the design and construction sequence.

Ghilotti Construction Company has been selected as the Contractor to perform the required improvements to mitigate the emergency conditions on Washington Creek. Sonoma Water staff is coordinating with Ghilotti to determine what construction materials and equipment are available given the expedited timeline of this emergency project.

Additionally, the following has occurred:

- 1) Terms and Conditions of License Agreement and Permanent Easement have been agreed to and signed by property owner. The total cost of the License Agreement and Permanent Easement was \$20,000.
- 2) Ghilotti is acquiring Encroachment Permit from City of Petaluma and will begin construction in mid-September, and
- 3) Construction drawings have been received and are being used to generate construction plan and purchase materials.

Strategic Plan:

N/A

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

No

Prior Board Actions:

09/10/2024: A) Received Report and Made Findings to Continue Emergency Work to Repair Retaining Wall and Channel Liners in Washington Creek; B) Delegated Authority To Sonoma Water's General Manager To Negotiate And Execute Agreements For Temporary And Permanent Property Rights Necessary For The Emergency Work In A Form Approved By County Counsel, And To Take Other Actions As Necessary To Complete The Transactions.

08/20/2024: Received Report and Made Findings to Continue Emergency Work to Repair Retaining Wall and Channel Liners in Washington Creek.

07/16/2024: Approved Resolution Making Findings of an Emergency Need to Perform Repair of Retaining Wall and Channel Liners in Washington Creek. Board approved the following actions: A) Made findings that there is an emergency needed to stabilize dangerous conditions resulting from failing infrastructure assets on Washington Creek; B) Suspended competitive bidding requirements; C) Authorized the General Manager of Sonoma Water to execute contracts, not to exceed \$750,000, necessary to stabilize dangerous conditions resulting from failing infrastructure assets on Washington Creek; D) Ratified any emergency contracts entered into by the General Manager of Sonoma Water relating to these issues. E) Adopted a Resolution authorizing adjustments to the Board Adopted Budget for FY 2045/2025 for the Flood Control Zone 2A in the amount of \$447,100.

06/23/09: Approved and Certified Sonoma Water's Stream Maintenance Program Final Environmental Impact

Report and Project.

FISCAL SUMMARY

Expenditures	FY24-25 Adopted	FY25-26 Projected	FY26-27 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The current authorized expenditure for emergency-related procurements of equipment, material, and services is \$900,000 pursuant to the 7/16/2024 Board action for this project. If needed, further additional expenditure authorization will be requested of the Board in the future.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

Attachments:

None.

Related Items "On File" with the Clerk of the Board:

None.