



November 12, 2024

Honorable Mayor and Council Members:

Slater Stewart, Assistant Engineer

Title: **Emergency Contract Work Authorization for Drainage Relocation near the Donner Lake Boat Ramp**

Jen Callaway, Town Manager

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**Recommended Action:** Retroactively to November 1, 2024, Council to:

- 1) Approve a \$129,414 contract change order on the West River Street Park Project (CIP C1817) construction contract with Ruppert, Inc. for the inclusion of emergency drainage work.
- 2) Approve a 20% contingency amount of \$25,882.80 for a total drainage work expenditure not to exceed \$155,296.80.
- 3) Authorize the Town Engineer to approve additional change orders within the contingency amount.

**Discussion:**

There is an existing 24" corrugated metal pipe culvert crossing underneath Donner Pass Road that continues underneath the residential structure at 15601 Donner Pass Road before outfalling into Donner Lake. **Attachment A** ("Existing Conditions") provides figures that depict the existing alignment and condition of the culvert. This culvert carries a stream that flows year-round. No construction records for this culvert system exist. Presumably, when Highway 40 (now Donner Pass Road) was originally constructed, a culvert was installed to carry water across the width of the highway. The culvert was likely extended through the adjacent property prior to or part of the development of the property, resulting in the residential structure on top of the culvert.

The Town included work in the 2024 Paving and Drainage Project to reroute the drainage to an existing drainage system to the east. However, the planned improvement was deemed infeasible once additional utility location information was obtained through potholing efforts. As such, staff had planned to delay the work until 2025.

The current property owner of 15601 Donner Pass Road performed a camera inspection of the culvert in October 2024 which revealed the culvert is entirely blocked by rock and debris. A photo of the obstruction is included in **Attachment A**.

The current condition of the culvert has resulted in a potential threat to public health and safety constituting an emergency. To immediately and adequately mitigate the emergency, the Town of Truckee Engineering Division, utilizing an emergency exception to the public bid process, obtained Town Manager approval to contract directly with Ruppert as a designated source. Staff is now seeking ex post facto approval from Town Council for procuring a designated source to perform emergency work as required by Section 4 (Page 4) of the Town of Truckee Purchasing Rules and Regulations, which states:

*Council approval must be obtained prior to the purchase except in cases of Town Manager approved emergency, for which the Council approval can be obtained afterward.*

Section 9 of that same document also states the following:

*Certain exceptions to competitive bidding are allowed. Those include:*

- ...*Emergencies*
  - *An emergency is defined as resulting from a circumstance or the occurrence of a disaster, including, but not limited to fire, flood, snowstorm, power outage or disease or a situation which may lead to the impairment of the health, safety or welfare of the public if not immediately attended to. This may also include repairs to roads, building, drainage, infrastructure, bridges, parking lots, and any other Town maintained assets that are required due to a circumstance to maintain public safety.*
  - *The Town Manager has the sole authority to approve an emergency bidding exception.*

### **Case for Emergency:**

The condition of the existing culvert presents three main risks to public health and safety:

1. Flooding of Donner Pass Road and the public right-of-way.
  - The existing culvert does not have capacity for a high-flow event. During high flows, water in the system would likely back up into the basin on the north side of the road, and water could potentially overtop into the roadway. Flooding of the roadway and public right-of-way creates hazardous conditions for vehicles, cyclists, and pedestrians.
2. Damage to the residential structure at 15601 Donner Pass Road.
  - The garage slab, building foundation, and deck foundation of the residential structure at 15601 are situated directly over the top of the watercourse and the existing culvert has lost its structural integrity. Sугrade material will likely continue to fall into the void of the damaged culvert, undermining the building structure. The compromised building structure presents a risk to the property and any occupants.
3. Discharge of sediment and debris into Donner Lake.
  - Sediment and debris depicted in Figure 2 (Attachment B) will likely be transported by the watercourse into Donner Lake.

These three risks to public health and safety constitute an emergency that needs to be addressed immediately. Elapsed time will only increase the likelihood of a high-flow event or further damage.

### **Proposed Solution:**

Construction drawings for the new drainage alignment are attached as **Attachment B** ("Donner Lake Boat Ramp Drainage Relocation Plans"). The plan diverts the watercourse into a new parallel system and backfills the existing culvert with slurry.

The Town is currently contracted with Ruppert, Inc. for the West River Street Park (CIP C1817) construction and Ruppert provided a cost estimate for the work totaling \$129,414.00 (**Attachment C**, "Ruppert Cost Estimate"). The Engineering Division believes this to be a fair and competitive price for the scope of work. Ruppert was available to initiate work starting November 4, 2024 and so the Engineering Division recommended contracting with Ruppert to perform the emergency work through a contract change order.

Pursuant to Section 9, Page 8 of the Town of Truckee Purchasing Rules and Regulations, the Town Manager approved the contract change order with Ruppert to perform the emergency repairs. Engineering staff is now subsequently seeking ex post facto approval from Town Council for procuring a designated source to perform emergency work, as required by the Purchasing Rules and Regulations. At the time this staff report is published, Ruppert has already begun construction of the emergency work.

**Priority:**

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input checked="" type="checkbox"/> Infrastructure Investment	<input checked="" type="checkbox"/> Emergency and Wildfire Preparedness	<input type="checkbox"/> Core Service

**Fiscal Impact:**

Although the West River Park (C1817) contract with Ruppert is being utilized to prosecute the work, the work is proposed to be funded through the 2024 Paving and Drainage Project, C2402, budget using a combination of Measure V and Road Maintenance Reserve funds. C2402 has a total adopted budget amount of \$5,200,000, which is adequate to fund the contract change order amount.

**Public Communication:** None beyond this staff report.

**Attachments:**

Attachment A – Existing Conditions

Attachment B – Donner Lake Boat Ramp Drainage Relocation Plans

Attachment C – Ruppert Cost Estimate