



## NOTICE AND CALL OF THE SPECIAL MEETING OF THE MADERA CITY COUNCIL

205 W. 4<sup>th</sup> Street, Madera, California 93637

### NOTICE AND AGENDA

Wednesday, June 5, 2024  
6:00 p.m.

Council Chambers  
City Hall

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The Madera City Council meetings are open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may also observe the live-streamed meeting on the City's website at [www.madera.gov/live](http://www.madera.gov/live). Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 837 5313 6682#. Comments will also be accepted via email at [citycouncilpubliccomment@madera.gov](mailto:citycouncilpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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#### **CALL TO ORDER:**

**ROLL CALL:** Mayor Santos Garcia  
Mayor Pro Tem Cece Gallegos, District 1  
Councilmember Jose Rodriguez, District 2  
Councilmember Steve Montes, District 3  
Councilmember Anita Evans, District 4  
Councilmember Elsa Mejia, District 5  
Councilmember Artemio Villegas, District 6

**INVOCATION:** Pastor Brandon Hopkins, Grace Community Church

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF AGENDA:**

**PUBLIC COMMENT:**

Members of the public shall have an opportunity to address the City Council regarding matters on this Agenda at the time the agenda item is called. Speakers should limit their comments to three (3) minutes.

**A. PETITIONS, BIDS, RESOLUTIONS, ORDINANCES, AND AGREEMENTS:**

**A-1 Emergency Repairs to Avenue 13 Sewer Trunk Main between Granada Drive and Road 24**


**Recommendation:** Adopt a Resolution making a finding of emergency relating to sewer failure on the sewer main in Avenue 13 between Granada Drive and Road 24, affirming the emergency actions taken by the City Manager to make emergency repairs on the sanitary sewer main, and ratifying the award of emergency contracts without competitive bidding for the emergency repairs on the sewer main (Report by Keith Helmuth)

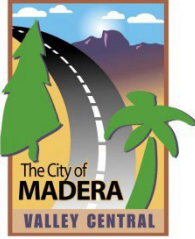
**ADJOURNMENT:**

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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) . Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: City Clerk, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
  - The services of a translator can be made available. Please contact the City Clerk's Office at (559) 661-5405 or emailing [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.
  - Please silence or turn off cell phones and electronic devices while the meeting is in session.
  - Regular meetings of the Madera City Council are held the 1st and 3rd Wednesday of each month at 6:00 p.m. in the Council Chambers at City Hall.
  - A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (559) 661-5405 or by email at [cityclerkinfo@madera.gov](mailto:cityclerkinfo@madera.gov) .
  - Questions regarding the meeting agenda or conduct of the meeting, please contact the City Clerk's Office at (559) 661-5405.
  - Para asistencia en español sobre este aviso, por favor llame al (559) 661-5405.
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I, Alicia Gonzales, City Clerk for the City of Madera, declare under penalty of perjury that I posted the above agenda for the Special Meeting of the Madera City Council for June 5, 2024, near the front entrances of City Hall and on the City's website [www.madera.gov](http://www.madera.gov) at 5:30 p.m. on June 4, 2024.

  
Alicia Gonzales, City Clerk



## REPORT TO CITY COUNCIL

Approved by:

Keith Helmuth, Department Director

for Arnaldo Rodriguez, City Manager

Council Meeting of: June 5, 2024

Agenda Number: A-1

### SUBJECT:

Emergency Repairs to Avenue 13 Sewer Trunk Main between Granada Drive and Road 24

### RECOMMENDATION:

Adopt a Resolution making a finding of emergency relating to sewer failures on the sewer main in Avenue 13 between Granada Drive and Road 24, affirming the emergency actions taken by the City Manager to make emergency repairs on the sanitary sewer main, and ratifying the award of emergency contracts without competitive bidding for the emergency repairs on the sewer main

### SUMMARY:

On Monday, June 3, 2024, at approximately 2:30 PM, County staff was notified by a resident of a significant failure in Avenue 13 near Mission Bell winery. County crews notified City staff of a likely sewer failure at the location. City crews confirmed by visual inspection that the 48-inch sewer trunk main had experienced a failure in the top of the pipe causing a large void in the road and partially obstructing the flow.

The condition is very similar to the initial sewer and roadway collapse along the northern shoulder of Avenue 13 (Pecan Avenue), 30 feet west of Granada Drive, that occurred in January, 2023. Due to the critical nature of the repair and the potential disastrous impact to the community from the complete loss of sewer collection infrastructure, immediate action was taken by the City to secure the site, implement bypass pumping and plan for the repair.

The City engaged several contractors under Public Contract Code section 22050, which allows the City Council to authorize the City Manager to enter into contracts for emergency work without engaging in competitive bidding. This allowed the City to start work on this project immediately. Funds for the sewer repairs are included in the City's Fiscal Year (FY) 2023/24 Sewer Budget under the Avenue 13 Sewer Trunk Main Rehabilitation Project.

Adoption of this resolution requires a 4/5 vote of the Council.

**DISCUSSION:**

Though we are still investigating, it is believed the pipe failure was caused by concrete degradation in the top of the pipe. The pipe is subject to high Hydrogen Sulfide (H<sub>2</sub>S) gas concentrations, which is a byproduct of the natural degradation process of raw sewage. This H<sub>2</sub>S gas contributes to the pipe deterioration process. The location is downstream of the convergence of two large sewer mains which also contributes to the condition noted above.

While the collapse was sudden, there have been concerns relative to the structural integrity of pipelines within the City to which the Engineering staff has been actively addressing. On November 3, 2021, the City hired MKN and Associates (MKN) for professional engineering and construction management services for the Avenue 13 Interceptor Sewer Rehabilitation, City Project No. SS-00014 ("Project"). The Project consists of rehabilitating 24,570 Lineal Feet (LF) of 42-inch to 48-inch sanitary sewer. A portion of the sewer line is located along Schnoor Avenue, from Industrial Avenue to Almond Avenue. The remaining portion is on City easements south of Schnoor (Evapco & ADS properties) and along Avenue 13, east of Road 25, leading to the City's Waste Water Treatment Plant (WWTP).

With assistance from American Rescue Plan Act funds and earmarks from Congressman Costa, Senator Caballero, and Congressman Duarte, the City has been able to prioritize rehabilitation of the Avenue 13 sewer trunk main. Ironically, the City recently advertised and opened bids on Phase I and Phase II, combined, which will rehabilitate the pipeline from Granada Drive all the way to Road 21 ½ at the WWTP. This emergency repair is within the limits of that project. Fortunately, it does not compromise the planned project moving forward.

Staff requests that an emergency action in accordance with Public Contract Code 22050 be declared, allowing staff to continue with an accelerated repair and construction. Such a declaration would enable staff to perform these tasks and forego the steps typically required for advertisement and award under the requirements of the Public Contract Code.

The remainder of the Avenue 13 project is on track for construction this summer with award of the project anticipated for the June 19 City Council meeting. The City received four bids on May 29th that appear to have met all the requirements of the bid documents and are within the project budget.

**FINANCIAL IMPACT:**

It is difficult to provide a cost estimate at this time due to the unknown conditions. Based on costs from the previous sewer collapse, traffic control costs are estimated around \$40,000. Set up and break down costs and the first week of bypass pumping are in the neighborhood of \$60,000; following weeks of bypass pumping are currently estimated at \$25,000 per week. The quote from FJC for the previous initial repair of sewer main failure at Granada Drive was \$150,000 to repair the pipeline and roadway.

City Council will be notified of project costs as they occur and are identified. Table 1 identifies a preliminary project cost.

<i>Item</i>	<i>Responsible Party</i>	<i>Cost</i>
Repair the pipeline and street repair	FJC	\$150,000
By-pass pump rental for week one	Rain-for-Rent	\$60,000
Traffic Control	Safety Network	\$40,000
Testing and Investigations	Various	10,000

It is anticipated that the cost of emergency repairs and bypass pumping will be applied to the Avenue 13 Sewer Trunk Main Rehabilitation Project, SS-00014.

**ALTERNATIVES:**

Given that emergency repairs have commenced, there are not likely any reasonable options to be considered.

**ATTACHMENTS:**

1. Resolution
2. Location Map
3. Photos

**ATTACHMENT 1**

Resolution

**RESOLUTION NO. 24-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA,  
CALIFORNIA, MAKING A FINDING OF EMERGENCY RELATING TO SEWER  
FAILURES ON THE SEWER MAIN AT AVENUE 13 BETWEEN GRANADA  
DRIVE AND ROAD 24, AFFIRMING THE EMERGENCY ACTIONS TAKEN BY  
THE CITY MANAGER TO MAKE EMERGENCY REPAIRS ON THE SANITARY  
SEWER MAIN, AND RATIFYING THE AWARD OF EMERGENCY CONTRACTS  
WITHOUT COMPETITIVE BIDDING FOR THE EMERGENCY REPAIRS ON THE  
SEWER MAIN**

**WHEREAS**, Public Contract Code Section 220250 provides that in the case of an emergency, a public agency, pursuant to a four-fifths vote of its governing body, may 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.

**WHEREAS**, Public Contract Code further provides that before a governing body takes any action as set in the recital hereinabove, it shall 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.

**WHEREAS**, pursuant to Public Contract Code Section 1102 an “emergency,” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

**WHEREAS**, the sewer main located at Avenue 13 between Granada Drive and Road 24 is the sole sewer main that conveys all City sewerage to the City’s Wastewater Treatment Plant; and

**WHEREAS**, the sewerage main collapsed on June 3, 2024 resulting in a large void in the roadway and sewerage flows temporarily backing up into the City system requiring operators to install temporary by-pass pumps in order to pump the sewerage past the localized line break and to maintain by-pass pumping continuously on a 24-hr basis at all hours until the repair is complete; and

**WHEREAS**, the sewer main services the entire City and community of Parkwood and failure of the pipeline, without the by-pass pumping, would result in a large sanitary sewer overflow; and

**WHEREAS**, sanitary sewer overflows over 1,000 gallons will result in a Notice of Violation from the California Water Board per Water Quality Order 2006-0003-DWQ; and

**WHEREAS**, the repairs necessary are described as follows: provide traffic control, pump out and bypass the area of main collapse, remove and replace the main at the line break, make repairs and rehabilitation to potential failure conditions upon further discovery and investigation, secure all utilities in conflict at the location, backfill and around sewer main and trench, repair damage to street and demobilize; and

**WHEREAS**, the City of Madera has secured several contractors and specialty trades to remedy the situation including Floyd Johnston Construction to make the necessary repairs and investigation, Rain for Rent to provide temporary pumps to provide by-pass pumping of the sewage; Safety Network to provide traffic control for the road closure and site protection; and

**WHEREAS**, additional goods, trades and services may be required including but not limited to sewer video inspection, pipe cleaning, geotechnical engineering, materials and appurtenances for repairs; and

**WHEREAS**, the City crews also worked overtime to maintain the sewer pumps and to provide Construction Management for this project; and

**WHEREAS**, in accordance with Madera City Code Section 3-2.04, the City Manager has provided a detailed staff report setting forth the specific facts establishing the emergency, why the emergency did not permit a delay resulting from a competitive solicitation for bids, and why his actions were necessary to respond to the emergency associated with the aforementioned repairs as well as on the costs associated with the repairs; and

**WHEREAS**, it is highly likely that failure to immediately make the required repairs will result in danger to the health, safety, and welfare of the City residents, members of the public, and/or public facilities; and

**WHEREAS**, the City Council has considered the written report and verbal report of the City Manager at a regular meeting and determined that the facts and circumstances are such that emergency repairs were and are needed.

**NOW, THEREFORE** the City Council resolves as follows:

1. The staff report regarding this resolution and the recitals herein are incorporated herein by reference.
2. The repairs described in the recitals and staff report constitute an emergency requiring the need to take immediate action and require procurement of necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
3. The “emergency” described in this resolution meets the requirements as set forth in the Public Contract Code as it constitutes a sudden, unexpected occurrence that posed a clear

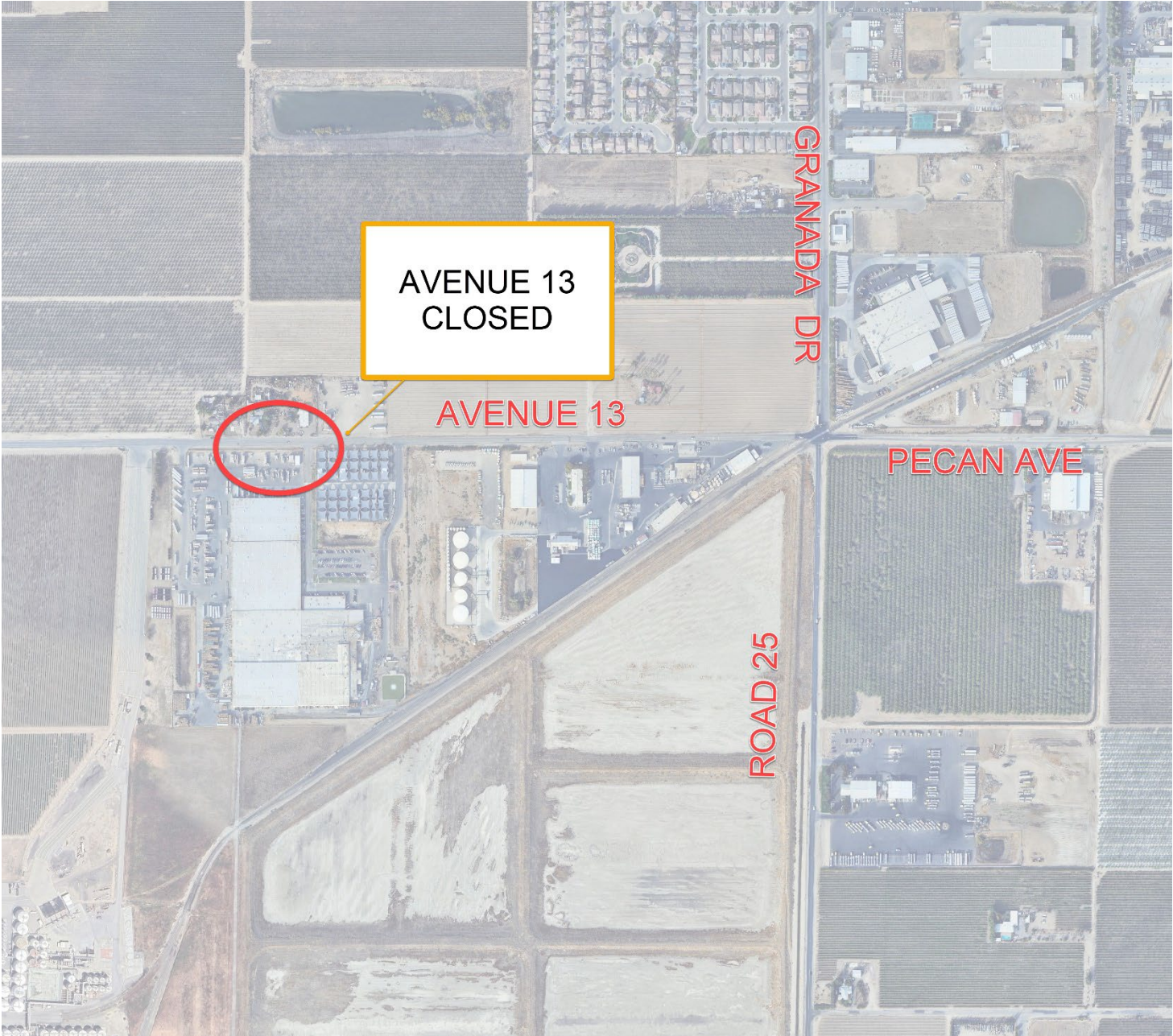
and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

4. The Council finds the emergency will not permit a delay resulting from a competitive solicitation for bids and that the action was and is necessary to respond to the emergency.
5. The City Council ratifies the emergency action taken by the City Manager, including the award of an emergency purchase orders and contracts without competitive bidding for the emergency repairs.
6. Upon completion of the aforementioned emergency repairs and stabilization work, any other work shall be made through a competitive bid process as required by the Madera City Code and Public Contract Code.
7. The City Council hereby directs the City Manager to make status reports at each regularly scheduled Council meeting, pursuant to Section 22050 of the Public Contracts Code until the repairs have been completed.
8. This Resolution shall become effective upon adoption.

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**ATTACHMENT 2**

Location Map



AVENUE 13  
CLOSED

GRANADA DR

AVENUE 13

PECAN AVE

ROAD 25

**ATTACHMENT 3**

Photos



Hole approximately 18 feet  
deep and 20 feet wide

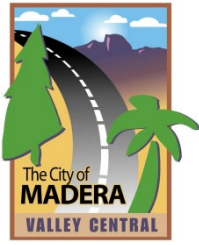


Network: Jun 5, 2024 at 1:18:52 AM PDT  
Local: Jun 5, 2024 at 1:18:52 AM PDT  
10SGF5794391944 ±18.74m  
CA, Madera, Avenue 13

Bypass Pumping Set Up



Jun 5, 2024 at 9:25:40 AM  
24479 Avenue 13  
Madera CA 93637  
United States



## REPORT TO CITY COUNCIL Late Distribution Notice

**DATE:** June 4, 2024  
**TO:** Mayor and City Councilmembers  
**FROM:** Keith Helmuth, City Engineer  
**SUBJECT:** June 5, 2024 City Council Meeting  
Late Distribution Report for Item A-1

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Additional time is needed to complete, review, and finalize the report for Item A-1: Emergency Repairs to Avenue 13 Sewer Trunk Main between Granada Drive and Road 24, the report will be distributed as soon as it is available. Thank you for your understanding.