



**Atherton**  
**CITY COUNCIL AGENDA**  
**September 12, 2001**  
**6:00 P.M.**  
**Town Council Chambers**  
94 Ashfield Road  
Atherton, California  
**Special Meeting**

**6:00 P.M.**    1.    **ROLL CALL**            McKeithen, Janz, Carlson, Fisher, Conwell

**6:05 P.M.**    2.    **PROCLAMATIONS**

**Constitution Week – September 16-22, 2001**

**Pollution Prevention Week – September 17-23, 2001**

**6:10 P.M.**    3.    **PUBLIC COMMENTS** (for items which are not on the agenda -  
limit of three minutes per person)

**6:20 P.M.**    4.    **CITY COUNCIL REPORTS**

**6:30 P.M.**    **CONSENT AGENDA**

5.    **ACCEPTANCE OF WORK AND AUTHORIZATION TO  
RECORD NOTICES OF COMPLETION ON THE FOLLOWING  
PROJECTS:**

A.    **2001 Pavement Patching Project No. 01-001**

B.    **2001 Crack Sealing Project No. 01-002**

**Recommendation: Accept the work and authorize the recording of  
notices of completion for the above projects.**

6.    **ADOPTION OF RESOLUTION FOR STREET STRIPING**

**Recommendation: Adopt a resolution declaring that the public  
interest and necessity demand immediate expenditure of public  
money to provide pavement markings necessary to safeguard life  
without complying with the competitive bidding provisions of  
California Public Contracting statutes, and authorizing the**

**negotiation of a contract for the 2001 Pavement Marking Project No. 01-004.**

**REGULAR AGENDA**

**6:35 P.M. 7. PRESENTATION OF PROPOSAL FOR THE POLICE DEPARTMENT COMMUNICATIONS CENTER REMODEL AND TOUR OF EXISTING CENTER BY CONSULTANT DAN WHITE**

**7:30 P.M. CLOSED SESSION**

**8. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Government Code Section 54956.9 (a)**

**Town of Atherton v. Thomas E. Bacon  
Thomas E. Bacon v. Town of Atherton**

**RECONVENE TO OPEN SESSION**

**Report of action taken.**

**ADJOURN**

 ***Please contact the City Clerk's Office at 650.752.0529 with any questions***

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the City Clerk's Office at (650) 752-0529. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CRF 35.104 ADA Title II)

Item No. 5



## **Town of Atherton**

### **CITY COUNCIL STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF SEPTEMBER 12, 2001**

**SUBJECT: ACCEPTANCE OF WORK AND AUTHORIZATION TO RECORD  
NOTICES OF COMPLETION – 2001 PAVEMENT PATCHING,  
PROJECT 01-001 AND 2001 CRACK SEALING, PROJECT 01-002**

### **RECOMMENDATION**

Pass a motion accepting work and authorizing recordation of notices of completion for the 2001 Pavement Patching and 2001 Crack Sealing projects.

### **INTRODUCTION**

The Council awarded contracts in May to G. Bartolotto Company for pavement patching, and in June, to Ruberized Crackfiller Sealant Company for crack sealing. The authorized contract amounts were \$275,000 and \$15,000 respectively. Work under both contracts has been completed.

### **ANALYSIS**

After the contracts for patching and crack sealing were awarded, staff formulated, and the Council

approved a contract for micro-surfacing a number of Town streets. The bid for that project was lower than expected, and the Council authorized expanding the scope of micro-surfacing work. The additional micro-surfacing included some streets that had not been included in the previously approved patching and sealing contracts. Because the bids for both of these projects represented exceptionally good prices, staff expanded their scopes to include the streets added to the micro-surfacing list. This work would have otherwise been put out to contract next spring. The final contract amounts for patching and crack sealing were \$393,188.13 and \$17,000.00 respectively, for a total of \$410,188.13.

**FISCAL IMPACT**

Funding for these two projects and the yet to be done micro-surfacing, which is contracted for in the amount of \$131,336, was budgeted as follows:

FY 2000/2001 Operating Budget	\$ 56,000
FY 2001/2002 Parcel Tax Street Patch, Seal and Overlay	325,000
FY 2001/2001 Gas Tax Street Patch, Seal and Overlay	<u>234,000</u>
	\$615,000

After the micro-surfacing work is done, a balance of approximately \$73,200 will remain for additional patch, seal and overlay work. This work will probably be tacked on to one or more of the street reconstruction projects that are planned to go to bid later in the fiscal year.

**CONCLUSION:**

It is appropriate for the Council to accept the work and authorize recording Notices of Completion at this time.

Respectfully submitted:

Reviewed/Approved:

*/s/Cliff Temps*  
Public Works Director

*/s/James Robinson*  
City Manager

LIST OF STREETS PATCHED SUMMER 2001

Heather	Atherton
Watkins	Barry
Fair Oaks	Elena
Selby	Valparaiso
Austin	Walsh
Stockbridge	



## Town of Atherton

### CITY COUNCIL STAFF REPORT

**TO: HONORABLE MAYOR AND CITY COUNCIL  
CITY MANAGER, JAMES ROBINSON**

**FROM: CLIFF TEMPS, PUBLIC WORKS DIRECTOR**

**DATE: FOR THE MEETING OF SEPTEMBER 12, 2001**

**SUBJECT: RESOLUTION DECLARING THAT THE PUBLIC INTEREST AND  
NECESSITY DEMAND IMMEDIATE EXPENDITURE OF PUBLIC  
MONEY TO PROVIDE PAVEMENT MARKINGS NECESSARY TO  
SAFEGUARD LIFE WITHOUT COMPLYING WITH THE  
COMPETITIVE BIDDING PROVISIONS OF CALIFORNIA PUBLIC  
CONTRACTING STATUTES AND AUTHORIZING NEGOTIATION OF  
CONTRACT FOR 2001 PAVEMENT MARKING, PROJECT 01-004**

### RECOMMENDATION

Pass a motion adopting a Resolution declaring that the public interest and necessity demand immediate expenditure of public money to provide pavement markings necessary to safeguard life without complying with the competitive bidding provisions of California public contracting statutes and authorizing negotiation of contract for 2001 Pavement Marking, Project 01-004. The striping will be funded from the Contractual Services line item in the current budget.

### INTRODUCTION

Staff put centerline and various other pavement marking work out to bid last month on a schedule that would have allowed for awarding the contract for the work at the September 12, 2001 special Council meeting and for the work to follow immediately after the completion of micro-surfacing. Announcements were sent to more than thirty striping contractors in the Bay Area and to San Mateo and Santa Clara County Builder's Exchange plan rooms. Only two contractors took out plans and none submitted bids. A table is attached showing the work that was included in the bid documents.

We are now faced with the situation that we must find another way to replace centerline and other markings that will be covered over by micro-surfacing and make sure it is done in time to avoid an extended period where these streets have no markings.

## **ANALYSIS**

Staff contacted the two contractors that took out plans, but did not submit bids, to find out why they didn't bid. Linear Options indicated that they were too busy to meet the Town's schedule, but they might be able to fit our work in later. This would require either delaying the micro-surfacing (which is also tightly scheduled at this time of year) to meet the striping contractor's schedule or having the micro-surfacing contractor install temporary "floppy tab" markers. The other contractor, On-Line Striping, told us they were too small to be get involved with supplying the bonds required by the formal contracting process, but they would be able to do the work on our schedule if we could eliminate the bond. Both contractors were asked to submit informal bids, including whatever conditions they needed to make it possible for them to do the work. Linear Options submitted a quote of \$28,399.15 for the work, if done on their schedule, plus \$1,200.00 for removing floppy tabs. On-Line Striping quoted \$43,187.63 with a 10% discount if paid within 15 days of completion.

Staff also contacted the micro-surfacing contractor to determine their willingness and the cost of them to either coordinate the schedule of their work with the availability of the first contractor or install floppy tab markers. They indicated that they strongly discourage placing floppy tabs, because they have found them to get picked up by tires and moved all over the pavement. As an alternative, they volunteered that they have successfully cooperated and coordinated their work with Linear Options in the past and would be willing to do so on this project. They also offered to confer with a striping contractor they work with on a routine basis to see if they could give us a better price than Linear Options and schedule them to do the work in conjunction with the micro-surfacing. That price will not be available until the day before the September 12 Council meeting.

With no response to the Town's call for "formal" bids and insufficient time to readvertise in time to schedule striping to immediately follow micro-sealing, we have a potential for creating a safety problem: going for an extended period of time with needed centerline markings missing. The Public Contract Code provides for dealing with this kind of situation by the passage of a resolution, by four-fifths vote, declaring an emergency and setting aside standard bidding practice. The City Attorney has been consulted and concurs that this situation warrants such an action. The price quote from the micro-surfacing contractor will be the determining factor in deciding whether to add permanent pavement marking to his contract or to award it to Linear Options, to be coordinated with micro-surfacing.

## **FISCAL IMPACT**

Funds to cover this amount of pavement marking are included in the street operating budget.

**CONCLUSION:**

Provision must be made for coordinating pavement marking work with micro-surfacing, and authorizing staff to proceed on emergency, informal contract basis, is the most reasonable way to accomplish this end.

Respectfully submitted:

Reviewed/Approved:

*/s/Cliff Temps*  
Public Works Director

*/s/James Robinson*  
City Manager

Attachments: Resolution  
Street Detail

**RESOLUTION NO. 01-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON  
DECLARING THAT THE PUBLIC INTEREST AND NECESSITY DEMAND  
IMMEDIATE EXPENDITURE OF PUBLIC MONEY TO PROVIDE PAVEMENT  
MARKINGS NECESSARY TO SAFEGUARD LIFE WITHOUT COMPLYING WITH THE  
COMPETITIVE BIDDING PROVISIONS OF CALIFORNIA PUBLIC CONTRACTING  
STATUTES AND AUTHORIZING NEGOTIATION OF CONTRACT FOR 2001  
PAVEMENT MARKING, PROJECT 01-004.**

**WHEREAS**, the Town of Atherton did award a contract to Valley Slurry Seal Company on July 18, 2001, to micro-surface certain Town collector and residential streets; and

**WHEREAS**, said micro-surfacing will obliterate street centerline and other pavement markings necessary for the safety of vehicular traffic; and

**WHEREAS**, the Town advertised for bids to replace said centerline striping and pavement marking and no bids were received; and

**WHEREAS**, it is not feasible to readvertise for bids to perform centerline striping and pavement marking in time for said striping and marking to be performed without a significant period of time occurring between the scheduled installation of micro-surfacing and the earliest time that striping and marking could occur, if competitive bidding provisions of California public contracting statutes were followed.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the Town of Atherton that: the City Council declares that the public interest and necessity demand immediate expenditure of public money to provide pavement markings necessary to safeguard life without complying with the competitive bidding provisions of California public contracting statutes and authorizes negotiation of a contract for 2001 Pavement Marking, Project 01-004.

\* \* \* \* \*

*I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on the 12<sup>th</sup> of September, 2001 by the following vote:*

*AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:*

ATTEST:

\_\_\_\_\_  
Dianne M. Fisher, Mayor  
Town of Atherton

\_\_\_\_\_  
Sharon Barker, City Clerk