



Napa County

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Title: Director of Public Works requests award of the contract for the "White-Sobelman Landslide Nuisance Abatement - 3435 Redwood Road Project," RDS 21-33 to Rehak General Engineering of Auberry, California, for their low base bid of \$549,840, and authorization for the Chair to sign the construction contract.

Sponsors: Board of Supervisors

Indexes:

Code sections:

Attachments: 1. Notice of Nuisance, 2. Citation Order to Correct Code Violation, 3. Administrative Hearing Decision, 4. Default Judgment, 5. Project Budget

Date	Ver.	Action By	Action	Result
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TO: Board of Supervisors

FROM: Steve Lederer, Director of Public Works

REPORT BY: James Reese - Associate Engineer - Public Works

SUBJECT: Award of Construction Contract for "White-Sobelman Landslide Nuisance Abatement - 3435 Redwood Road"

RECOMMENDATION

Director of Public Works requests award of the contract for the "White-Sobelman Landslide Nuisance Abatement - 3435 Redwood Road Project," RDS 21-33 to Rehak General Engineering of Auberry, California, for their low base bid of \$549,840, and authorization for the Chair to sign the construction contract.

EXECUTIVE SUMMARY

Various dangerous and unauthorized improvements were made by the property owner at 3435 Redwood Road, APN: 035-320-002-000, resulting in a landslide that blocked Redwood Rd. for several days. Although that slide was cleared, it is necessary for the County to implement hillside improvements to stabilize the site from causing more damage. The County will attempt to recover the costs of this work from the property owner.

Temporary stabilization measures were installed last winter to protect the site ahead of the expected winter

rains. The permanent repair design is to extend an existing gabion wall and then grade the hillside back at a stable slope. Drainage improvements will also be made.

On June 7, 2022 the Board of Supervisors approved the White-Sobelman Landslide Nuisance Abatement - 3435 Redwood Road Project Plans and Specifications and authorized to advertise for sealed bids and opening of the bids pursuant to Section 20150.8 of the Public Contract Code. Bids were opened on July 14, 2022. Staff is now requesting to award the construction contract to move the project into construction.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Project has been funded from ACO, but the County will seek reimbursement from the property owner. Fund 2040, Org 2040500, Project 22006
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	If left unattended, additional landslides and thus impact to Redwood Rd. and passing motorists will likely occur.
Is the general fund affected?	Yes
Future fiscal impact:	Property will become less of a liability to the County once repair is made.
Consequences if not approved:	Further damage at the site may happen with future rains and pose a hazard to the County road.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit
Additional Information	None

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 (“Existing Facilities”) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County’s Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

In response to a slope failure that occurred on the property of 3435 Redwood Road, APN: 035-320-002-000 (the “Subject Property”) on February 28, 2019, the County of Napa, Public Works Department closed Redwood Road and began removing debris and soil from Redwood Road. On February 28, and March 7, 2019, County Engineering and Code Compliance staff conducted inspections of the Subject Property following authorization from the owner, Timothy White. Those inspections were to observe and document the landslide and conditions of the hillside for areas of instability that were determined to pose a threat to life and safety. During those inspections staff observed and documented evidence of grading, building, and environmental violations on the

Subject Property, consisting of removal of trees from the hillside, construction of retaining walls backfilled with soil, expansion of an existing parking pad, construction of a detached garage, diversion of run-on to the area where the slope failed, and various items stored outdoors in excess of what is allowed under Napa County Code. Napa County records indicate the grading and construction were completed without the benefit of permits.

Napa County staff continued periodic site inspections throughout the wet season and identified three areas of continued instability on the subject property that pose a hazard to the property as well as Redwood Road. These areas include the eastern and western flanks of the existing landslide area and the vertical face along the private drive, which is currently being retained by one of the unpermitted retaining walls. On March 31, 2019, additional material from the existing landslide was released onto Redwood Road requiring the Department of Public Works to mobilize and remove the soil and debris from the Redwood Road right-of-way.

In an effort to gain voluntary compliance in correcting the Violations, County staff sent a notice of nuisance on April 9, 2019 to identify the violations and provided a reasonable amount of time to correct those violations. The violations had not been corrected and on June 5, 2019, Citation No. CE19-00075-1 was issued to the property owners. The citation directed the property owners to immediately remediate the erosion and slope stability hazards; apply for grading permits and stabilize hillside to mitigate further slope failure; apply for a building or demolition permit for the retaining walls which were constructed without the benefit of permit; and store building materials in one area of not more than 100 square feet. No Administrative penalty was imposed. The property owner formally contested this citation and filed a request for Hearing regarding Citation CE19-00075-1 pursuant to Napa County Code Section 1.28.090. A hearing was held on October 30, 2019, at the Office of Administrative Hearings at which time an Administrative Law Judge ordered that Napa County Citation No. CE19-00075-1 issued to the property owners was affirmed.

After the Hearing Officer denied the appeal of the citation, the property owner filed a complaint for inverse condemnation, seeking damages from the County for the damage caused by the landslide. The County filed a counterclaim for, among other things, abatement of the nuisance. After initial pleadings, the property owners apparently abandoned the property and the litigation. They stopped responding to correspondence and failed to respond to discovery served by the County. As a result, the Court granted terminating sanctions, dismissing their complaint and their answer to the County's cross-claim. The Court then entered judgment in the County's favor.

The Department of Public Works and the Department of Planning Building and Environmental Services in partnership are implementing required improvements to stabilize the site. The first phase of this stabilization was a short term stabilization to prepare for last winter's rains.

On June 7, 2022 the Board of Supervisors approved the "White-Sobelman Landslide Nuisance Abatement - 3435 Redwood Road Project," RDS 21-33 Plans and Specifications and authorized to advertise for sealed bids and opening of the bids pursuant to Section 20150.8 of the Public Contract Code. Bids were opened on July 14,

2022 and the lowest responsive bid was from Rehak General Engineering of Auberry, California,

Staff recommends award to Rehak General Engineering for their lowest responsive base bid of \$549,840. The total estimated project cost with construction management and contingency is \$800,000.

Rehak General Engineering, is not a local vendor; however, the Public Contract Code requires that the Board award the construction contract to the lowest responsible and responsive bidder regardless of whether the low bidder is local or not. Staff reached out to the local construction contractor community by advertising the request for bids in the Napa Valley Register and the Solano-Napa Builder's Exchange, and by posting on the County website.

Staff has been authorized a budget of \$800,000 from the County's Accumulated Capital Outlay Fund (ACO) for this project and after opening bids that amount appears to be sufficient to complete the project.