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**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 20-40(A)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, DECLARING THE FAILURE OF THE WOODARD CREEK CULVERTS ON FAIRVIEW AVENUE TO CONSTITUTE AN EMERGENCY AND ~~AUTHORIZING EMERGENCY PROCUREMENT PROCEDURES~~ **AMENDING THE 2020 CAPITAL BUDGET AND AUTHORIZING EXPENDITURE OF UP TO \$500,000 350,000 FROM THE HART-ROAD FUND FOR THE WOODARD CREEK CULVERT REHABILITATION PROJECT.**

WHEREAS, Water from Woodard Creek is conveyed under Fairview Avenue in two aluminum culverts, which are owned/maintained by the City of Homer; and

WHEREAS, The culverts have experienced extensive corrosion and one failed, allowed gravel from Fairview Avenue's road bed to fall into the culvert and get washed away, thereby causing a sinkhole in Fairview Avenue; and

WHEREAS, The City closed a portion of Fairview Avenue and made emergency repairs, but a permanent solution is necessary; and

~~WHEREAS, The most effective, time efficient and least disruptive way to rehabilitate the culverts is to "slip line" the existing culverts with a fiberglass lining, which is installed in the culverts as they lay in place; and~~

WHEREAS, While the second Woodard Creek culvert has not yet failed, it has visibly corroded in the same matter as the first culvert and thus, the second culvert should be rehabilitated at this time as well; and

~~WHEREAS, There is only one contractor in the State of Alaska, Frawner Corporation, that performs slip lining installation services; and~~

~~WHEREAS, The materials required for the slip lining require a long lead time, making it necessary to execute a sole source contract with Frawner Corporation as soon as possible so the Frawner Corporation can order the materials so the slip lining can be done in a timely manner before the rainy season commences in the fall.~~

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

43 ~~Section 1. Based on the foregoing WHEREAS clauses, which shall also function as a~~
44 ~~Statement of Facts, the Homer City Council finds that the failure of the Woodard Creek culverts~~
45 ~~under Fairview Avenue constitutes an emergency, per HCC 1.08.040.~~
46

47 ~~Section 2. The City Manager is authorized, per HCC 3.16.060, to execute an exemption~~
48 ~~to the procurement procedures set forth in Homer City Code Chapter 3.16, by issuing a sole~~
49 ~~source contract for the repair/rehabilitation of the Woodard Creek Culverts.~~
50

51 ~~Section 3: This is a budget amendment ordinance, is not permanent in nature, and shall~~
52 ~~not be codified.~~
53

54 **WHEREAS, The repairs are fragile and could be damaged by a storm event laden**
55 **with high water and debris, which could cause the road to fail again; and**
56

57 **WHEREAS, The City Council needs to decide what a permanent solution should**
58 **look like, so implementation can be expedited; and**
59

60 **WHEREAS, There are two options for implementing a permanent solution; and**
61

62 **WHEREAS, The first option is to “slip line” the existing culverts with a fiberglass**
63 **lining, which is installed in the culverts as they lay in place; and**
64

65 **WHEREAS, Frawner Corporation is the only contractor that slip lines existing**
66 **culverts, in the state of Alaska, which if this option is chosen would necessitate a sole**
67 **source contract with this contractor; and**
68

69 **WHEREAS, The City received a quote, in the amount of \$152,000, from Frawner**
70 **Corporation to design, fabricate and install slip lining for both culverts; and**
71

72 **WHEREAS, This quote did not include costs for traffic control, a**
73 **performance/payment bond, permits and other incidentals that a government public**
74 **works contract requires and we are in the process of working with Frawner to price out**
75 **these elements; and**
76

77 **WHEREAS, We estimate these “soft costs” will add approximately another 20% to**
78 **the project, bringing the estimated cost to \$182,400; and**
79

80 **WHEREAS, Frawner Corporation needs at least six weeks to design and procure**
81 **materials that are customized for our specific application; and**
82

83 WHEREAS, There is another option, which involves replacing the existing two
84 culverts with a large arch culvert, thereby allowing the creek to flow naturally and
85 increase hydraulic capacity; and
86

87 WHEREAS, The Woodard Creek Watershed Management Plan, promulgated by the
88 Woodard Creek Coalition and incorporated into the 2018 Homer Comprehensive Plan
89 identifies as a “Project for Future Consideration”, “working with the City of Homer to
90 daylight Woodard Creek at Fairview Avenue”; and
91

92 WHEREAS, Woodard Creek has already been day-lighted at Spruceview Avenue and
93 Soundview Avenue; and
94

95 WHEREAS, Now would be the best time to act on the objective of daylighting
96 Woodard Creek as part of a permanent solution to the Fairview Avenue culvert failure;
97 and
98

99 WHEREAS, The conceptual cost estimate to design, furnish and install the large
100 arch culvert could be in the range of \$300,000 --\$500,000 \$350,000 and wouldn't be
101 completed until mid-2021;
102

103 WHEREAS, The City Council adopted Resolution 17-038, on April 24, 2017,
104 amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual; and
105

106 WHEREAS, The HART Manual identify various criteria for projects that may be
107 considered for HART funding; and
108

109 WHEREAS, The criteria, which would be met by repairing Fairview Avenue, include:

- 110 • Improves life, safety and traffic flow
- 111 • Corrects deficiencies of existing systems
- 112 • Corrects Drainage Problems

113 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
114

115 Section 1. The City Council declares the failure of the Woodard Creek Culvert at
116 Fairview Avenue to constitute an emergency.
117

118 Section 2. The City Council directs the City Manager and staff to execute a
119 permanent solution to the Fairview Avenue culvert failure at Woodard Creek, which
120 Select option (a) slip lines the existing two culverts or (b) daylights the Creek.
121

122 **Section 3. The City Manager is authorized, per HCC 3.16.060, to execute**
123 **exemptions to the procurement procedures set forth in Homer City Code Chapter 3.16, to**
124 **expedite the procurement of contracts to implement the preferred option.**
125


126 **Section 4. The City of Homer's 2020 Capital Budget is hereby amended by**
127 **appropriating up to \$500,000 350,000 from the HART-Roads Fund for the Woodard Creek**
128 **Culvert Rehabilitation Project.**
129

Account No.	Description	Amount
	HART Roads	\$500,000 350,000

132
133 **Section 5. This is a budget amendment ordinance, is not permanent in nature,**
134 **and shall not be codified.**
135

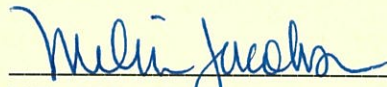
136 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 1st day of July, 2020.
137

138 CITY OF HOMER

139 
140 _____

141 KEN CASTNER, MAYOR

142 ATTEST:

143 
144 _____

145 MELISSA JACOBSEN, MMC, CITY CLERK
146

147 YES: 6

148 NO: 0

149 ABSTAIN: 0

150 ABSENT: 0
151

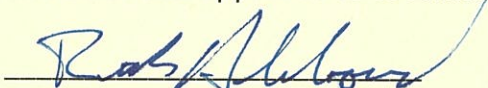
152 First Reading: 7/1/2020

153 Public Hearing: Emergency ordinance

154 Second Reading:

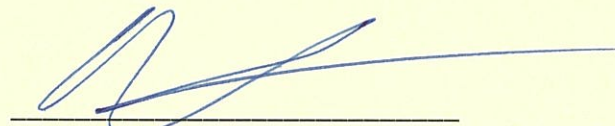
155 Effective Date: 7/1/2020
156

157 Reviewed and approved as to form:

158 
159 _____

160 Rick Abboud, Acting City Manager
161

162 Date: _____



Michael Gatti, City Attorney

Date: 8/10/2020