



## MEMORANDUM

FC 14 (01-02-07)

**TO:** Norma Camacho  
Interim Chief Executive Officer

**FROM:** Melanie Richardson  
Interim Chief Operating  
Officer - Watersheds

**SUBJECT:** Emergency Declaration to Repair Stevens  
Creek Bank. Pursuant to Public Contract  
Code §22050

**DATE:** August 18, 2017

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The purpose of this memorandum is to formally request that you as the Santa Clara Valley Water District (District) Chief Executive Officer (CEO) immediately declare an emergency pursuant to California Public Contract code §22050 to enable the prompt repair of the recent bank sloughing along Stevens Creek located downstream of El Camino Real, in the City of Mountain View, California. This emergency declaration will provide the District the authority to take any directly related immediate action to complete the interim bank repair, including procuring the necessary equipment, services, and supplies without going through the District's formal contracting process.

This recent creek bank sloughing created a 60-foot long gap within the District's maintenance access road (Attachment 1), which is considered an essential facility to maintain the District's watershed asset.

This recent creek bank soil loss is adjacent to the re-routed Stevens Creek Trail detour, which was constructed in June 2017 by the City of Mountain View. The trail detour was constructed to replace the original trail which was closed in January 2017 due to a bank failure caused by storms. The trail is heavily used by the public, both recreationally and for day-to-day transportation by pedestrians and bicyclists. The creek banks are owned by the District with a Joint Use Agreement with the City of Mountain View along the top of the bank to maintain the trail.

In order to perform interim repair of the essential facility, i.e. District maintenance access road for flood protection work and to provide lateral support to the re-routed Stevens Creek trail and adjacent property, an Emergency Declaration is requested.

### **BACKGROUND:**

Due to heavy rains in the month of January 2017, controlled releases at Stevens Creek Reservoir and inflow from the Permanente Creek Bypass farther upstream, the creek sustained higher than normal flows for a prolonged duration which weakened the native soil material, resulting in localized erosion where steep embankments exist. The President's Day storm event further increased and exacerbated the soil loss along the existing bank failure.

The sustained high flows and weakened soils caused a localized landslide approximately 180 feet in length, which resulted in enabling many trees, that were previously either removed or cut and left in place, to fall into the creek. This localized bank failure has left exposed a 25 foot-near vertical wall with loose material accumulating at the toe of original creek bank. The overall height of the bank failure from the creek bottom to the top of asphalt-paved trail is approximately 35 feet.

The recent soil loss within the last six weeks created a gap in the District's maintenance access road, which was already closed due to the January and February storm events. This maintenance access road is an essential facility to enable the District to undertake maintenance in the adjacent segment of Stevens Creek.

Since January 2017, a temporary trail detour required pedestrians and bicyclists to use the sidewalks along El Camino Real and Yuba Drive respectively to bypass the eroded bank area. In April 2017, the City of

Mountain View Councilmembers voted to appropriate funds from the CIP Reserve Fund to construct a temporary paved trail detour to divert the trail around the eroded segment and directly adjacent to the current trail by securing a year-long lease from the neighboring hotel property (Extended Stay America). The new temporary paved trail detour was completed and opened in June 2017.

On August 11, 2017, City of Mountain View staff informed the District of additional soil loss along the creek trail, with the potential to erode the recently completed temporary paved trail located between the hotel and a chain link fence barrier. Subsequent site reconnaissance indicates the bank failure continues to grow in width and length, and is approximately five to six feet away from compromising the structural integrity of the temporary trail, in addition to undermining several redwood trees within the vicinity. The extent and severity of the continued erosion was unexpected.

It is staff's observation that if left unaddressed, the current rate of soil loss will further damage additional segments of the existing trail, which also serves as a District maintenance road within this reach of the Stevens Creek. Ensuring that additional segments of the maintenance road are not damaged is critical. The road is used by District staff to conduct inspections and creek maintenance such as trash, debris and downed tree removal; vegetation management; and other activities related to the District's flood protection work. In addition, allowing the maintenance road to experience further erosion may also result in higher construction costs when the project is permanently repaired next year, as originally planned.

There is not adequate time to complete a formal competitive bidding process to procure contractors to complete the work to arrest the erosion before the start of the rain season (October 15). Staff must immediately begin work with a qualified contractor to stop the erosion. The emergency work will not result in restoration of the road, but just stop the erosion from progressing. A larger capital project to restore the road is planned to be undertaken next year.

If the emergency action is not taken, the erosion will likely result in the loss of the temporary trail and collapse of additional segments of the District maintenance road. As recommended by our geotechnical consultant, Cal Engineering & Geology, Inc., Dan Peluso, G.E., emergency repairs must be undertaken to arrest further erosion, which poses an imminent threat to the temporary public trail segment, District maintenance road and adjacent property. Absent the emergency action, high flows in the creek coupled with saturation of the eroded embankment will likely hasten the already alarming rate of soil erosion.

The current and likely conditions resulting from the erosion described above poses an emergency condition. Per California Public Contract Code §1102, an emergency is "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."

A Declaration of Emergency is now needed from you, so immediate action can be taken to complete the bank erosion repair. Based on the evidence detailed above, I am recommending that you as the District CEO officially declare that an emergency situation exists as defined by the California Public Contract Code §1102. If you agree with this recommendation, please sign below.



Melanie Richardson, P.E.  
Interim Chief Operating Officer-Watersheds

Concur:



Norma J. Camacho  
Interim Chief Executive Officer

District Counsel:



Anthony Fulcher  
Senior Assistant District Counsel

Attachment 1: Site Photographs

## Stevens Creek Downstream of El Camino Real

Photo 1: Looking southerly at bank failure along east bank (April 2017)





## Stevens Creek Downstream of El Camino Real

Photo 2: Looking southerly at bank failure along east bank (August 2017)

