

## **RESOLUTION 26-4932**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DECLARING THAT EMERGENCY CONDITIONS PERSIST, APPROPRIATING FUNDING, AND APPROVING THE EXECUTION OF A CONTRACT FOR RECONSTRUCTION OF THE HAYES AVENUE BRIDGE AT MILLER CANYON CREEK WITHOUT NOTICE FOR BIDS PURSUANT TO CALIFORNIA PUBLIC CONTRACT CODE SECTIONS 1102, 20168, AND 22050**

**WHEREAS**, after strong winter storms, on February 6, 2025, City of Murrieta (“City”) staff encountered a pothole in the deck of the Hayes Avenue Bridge crossing Miller Canyon Creek located generally between Ivy Street and B Street (“Bridge”), requiring the City to close the Bridge until further evaluation could be completed; and

**WHEREAS**, on February 11, 2025, a contractor retained by the City conducted a structural evaluation of the Bridge and determined that the Bridge is structurally deficient for fire truck access and needs to be replaced. This unexpected occurrence, which has not yet been remedied, poses a clear and imminent danger requiring immediate action to allow the City to continue providing fire truck access to all of its residents, which is an essential public service, and the closure of the Bridge constitutes an “emergency” as defined in Public Contract Code § 1102; and

**WHEREAS**, pursuant to Public Contract Code §§ 20168 and 22050, contracts for emergency expenditures may be approved by the adoption, by a four-fifths vote, of a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property such that the City is authorized to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts; and

**WHEREAS**, the unexpected occurrence poses City desires to use the process authorized by Public Contract Code § 22050 to immediately investigate and replace the Bridge; and

**WHEREAS**, on March 18, 2025, the City Council adopted Resolution No. 25-4816 by a 5-0 vote to authorize investigations and emergency repair work to the Bridge (CIP 11004) pursuant to California Public Contract Code Sections 1102, 20168, and 22050 and amended the Capital Improvement Plan Budget to appropriate \$725,000 of Area Drainage Fees to the fund for CIP 11004; and

**WHEREAS**, on July 1, 2025, the City Council adopted Resolution No. 25-4863, appropriating \$200,000 of Area Drainage Fees funding and approving the execution of a contract for reconstruction of the Hayes Avenue Bridge at Miller Canyon Creek; and

**WHEREAS**, the project approved pursuant to the contract awarded on July 1, 2025 was not constructed due to permitting restrictions from the San Diego Regional Water Quality Control Board requiring a different structure type; and

**WHEREAS**, the ongoing structural deficiency continues to constitute an “emergency” as that term is defined in Public Contract Code § 1102; and

**WHEREAS**, once the plan for the repair work was approved by the San Diego Regional Water Quality Control Board staff undertook negotiations with several qualified contractors consistent with state law; and

**WHEREAS**, this item has been periodically reviewed as required but state law and will continue to be reviewed until the City Council can determine that the emergency has been abated.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MURRIETA, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The recitals above are true and correct and incorporated herein by this reference.

**Section 2.** The City Council finds that the facts set forth above constitute facts demonstrating that an emergency condition exists, has not been abated, and that such emergency condition does not permit the delays which would result from a competitive solicitation for bids. The City Council further finds that the immediate replacement of the Bridge is necessary to respond to the emergency conditions.

**Section 3.** Amend the Capital Improvement Plan budget to appropriate an additional \$200,000 of Area Drainage Fees into CIP 11004.

**Section 4.** The City Council hereby approves an agreement between the City and Murrieta Development Company, Inc. in an amount of \$607,750 for the construction of the bridge replacement. The City’s City Manager or his designee is hereby authorized to sign this contract.

**Section 5.** The City Council hereby authorizes a twenty-five percent (25%) construction contingency in an amount of \$151,938. The City’s City Engineer is authorized to approve contract change orders not to exceed twenty-five percent (25%) of the contract amount.

**Section 6.** The City Engineer shall cause a report on the status of the emergency circumstances to be agendized at a City Council meeting every sixty days until either the City Council finds that the repair work has been completed or that the emergency conditions have ceased to be present.

**Section 7.** The City Clerk shall certify to the adoption of this Resolution

**PASSED AND ADOPTED** this 21<sup>st</sup> day of April, 2026.

\_\_\_\_\_  
Jon Levell, Mayor

ATTEST:

\_\_\_\_\_  
Cristal McDonald, City Clerk

APPROVED AS TO FORM:

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Tiffany J. Israel, City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE   )§  
CITY OF MURRIETA        )

I, Cristal McDonald, City Clerk of the City of Murrieta, California, do hereby certify that the foregoing Resolution No. 26-4932 was duly passed and adopted by the City Council of the City of Murrieta at the regular meeting thereof, held on the 21<sup>st</sup> day of April, 2026, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Cristal McDonald, City Clerk