

RESOLUTION R-4898

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND DECLARING THE EXISTENCE OF AN EMERGENCY RELATING TO THE BILLY CREEK RAVINE STABILIZATION PROJECT; WAIVING COMPETITIVE BIDDING REQUIREMENTS AS AUTHORIZED BY RCW 39.04.280(1)(e) AND KMC 3.85.210; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY CONTRACTS AND OTHER DOCUMENTS FOR EMERGENCY CONSTRUCTION WORK ASSOCIATED WITH THE PROJECT.

WHEREAS, the Billy Creek Ravine ("Ravine") is located in the Finn Hill and North Juanita neighborhoods in the vicinity of 93rd Place NE and NE 131st Way; and

WHEREAS, the area is currently in the Kirkland city limits; prior to June 1, 2011, it was in unincorporated King County; and

WHEREAS, the Ravine has experienced serious erosion in recent years which has resulted in significant damage to private property caused by erosion and the depositing of large amounts of mud and debris on private property downstream; and

WHEREAS, the mud and debris has also clogged the City's stormwater drainage system and deposited sediment on City streets; and

WHEREAS, King County staff has been aware of the problems with the condition of the Ravine and assured City staff as recently as February 2011 that the Billy Creek Ravine Stabilization Project ("Project") would be completed by the County prior to the effective date of annexation; and

WHEREAS, the County was unable to complete the Project by the effective date of annexation, which was June 1, 2011; and

WHEREAS, the County has completed the design for the Project and obtained a Hydraulic Project Approval ("HPA") from the State Department of Fish and Wildlife; and

WHEREAS, the terms of the HPA require that all in-stream work be completed no later than October 15, 2011; and

WHEREAS, given the approaching winter months, there is a significant likelihood that damage to private property and public infrastructure will occur in the event of a major storm event; and

WHEREAS, the County crews are available to perform this work immediately; and

WHEREAS, RCW 39.04.280(1) and KMC 3.85.210 authorize the City Council to waive the requirement of obtaining competitive bids for public works projects in the event of an emergency, which is defined in RCW 39.04.280(3); and

WHEREAS, the City Council has concluded the facts presented warrant a declaration that an emergency is presented and the Council has determined that a waiver of complete bidding requirements is therefore justified to construct the Project;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:


Section 1. Pursuant to RCW 39.04.280(1)(e) and KMC 3.85.210(a)(4), the construction work associated with the Billy Creek Ravine Project is declared an emergency.

Section 2. Pursuant to that same authority and this declaration of emergency, competitive bidding requirements are hereby waived to complete this project.

Section 3. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland all necessary contracts and other documents for the construction work associated with the Billy Creek Ravine Project.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of October, 2011.

Signed in authentication thereof this 4th day of October, 2011.


MAYOR

Attest:


City Clerk