

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE INFRASTRUCTURE, FACILITIES, AND EQUIPMENT EXPENDITURE PLAN AND TRANSFERRING \$331,000 IN MEASURE P APPROPRIATIONS FROM STL0430 TO DRN0211, STORM DRAIN (CMP) REHABILITATION OUTSIDE THE RIGHT OF WAY (PHASE II) PROJECT, FOR EMERGENCY CONTRACT CHANGE ORDERS (4/5 VOTE REQUIRED)

WHEREAS, on November 8, 2016, the voters of the City of Chula Vista approved Measure P authorizing a one-half cent sales tax on retail sales within the City for a period of ten (10) years; and

WHEREAS, per Chula Vista Municipal Code Section 3.33.160.A, all revenue generated by the tax shall be accounted for in the General Fund as a separate line item and will then be transferred to a General Fund subfund entitled “Measure ‘P’ Sales Tax Fund”; and

WHEREAS, staff has created the 2016 Measure P Sales Tax Fund (Fund 201) for the purpose of accounting for all revenues and expenditures of Measure P monies; and

WHEREAS, the Measure P Infrastructure, Facilities, and Equipment Expenditure Plan (“Expenditure Plan”) has been and continues to be updated to reflect the ratification of Measure P and the expenditures pursuant thereto; and

WHEREAS, per Ordinance 3371, the function of the Measure P Citizen Oversight Commission shall be to review and report on City compliance with the terms of this Ordinance and the spending guidelines contained in the City Council Intended Infrastructure, Facilities and Equipment Expenditure Plan and each Measure P Spending Plan presented and approved by the City Council, thereafter; and

WHEREAS, due to the COVID-19 emergency, the City Manager has cancelled all Boards and Commission meetings until further notice unless he determined that an emergency meeting was necessary. After reviewing the nature of the item, it was determined that CMP projects are eligible expenditures identified in the Plan and the item can be brought back for COC consideration as soon as the next meeting could be scheduled.

WHEREAS, staff will e-mail the COC members the staff report that will be considered by the City Council at the April 21st Council meeting in order to provide them the opportunity to provide comments as individuals.

WHEREAS, the street pavement rehabilitation category (STL0430) and other improvements (storm drain) category (DRN0211) were approved and funded by Measure P; and

WHEREAS, the proposed amendment to the Expenditure Plan would transfer funds from the street pavement rehabilitation category to the other improvements (storm drain) category to complete the emergency storm drain repairs described herein; and

WHEREAS, on July 17, 2018, the City Council adopted Resolution 2018-0137 awarding a construction contract to Spiniello Companies for the CMP Rehabilitation Outside the Right of Way Phase II Project FY2017/2018, CIP No. DRN0211 (“Project”) and work is currently in progress for the Project; and

WHEREAS, on December 31, 2019, a sinkhole was discovered at a recycled aggregate processing and storage facility located at 855 Energy Way within a City drainage easement; and

WHEREAS, it is necessary to complete the sinkhole repair to prevent failure of the adjacent road, which would necessitate significantly more costly repairs in the event of such failure; and

WHEREAS, the scope and location of the needed sinkhole repair are within the scope of work for the Project and compliant with the Measure P commitment to fixing failed corrugated metal pipe outside of the public right-of-way; and

WHEREAS, staff has determined that an emergency contract change order for the Project is the most efficient and cost-effective means to complete the needed sinkhole repair due to the urgent nature of the failure; and

WHEREAS, Chula Vista Municipal Code section 2.56.160.C.2 authorizes the City Engineer to approve change orders up to the remaining CIP budget available for any CIP project; and

WHEREAS, staff has determined amending the Expenditure Plan to transfer funds from STL0430 to DRN0211 to allow for a contract change order to complete the sinkhole repair is compliant with the Measure P guidelines and is urgent due to the nature of the failure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it amends the Measure P Infrastructure, Facilities, and Equipment Expenditure Plan and transfers \$331,000 from STL0430 to DRN0211 for emergency contract change orders.

Presented by

Approved as to form by

William S. Valle
Director of Engineering & Capital Projects

Glen R. Googins
City Attorney

