

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE MEASURE P INFRASTRUCTURE, FACILITIES, AND EQUIPMENT EXPENDITURE PLAN AND TRANSFERRING \$500,000 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 WITH SPINIELLO COMPANIES (4/5 VOTE REQUIRED)

WHEREAS, on November 8, 2016 the People 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;

WHEREAS, per Chula Vista Municipal Code (CVMC) 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”;

WHEREAS, as required by CVMC section 3.33.160.A, 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;

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

WHEREAS, per Ordinance 3371, the function of the Measure P Citizen Oversight Commission (COC) shall be to review and report on City compliance with the terms of this Ordinance and the spending guidelines contained in the Expenditure Plan approved by the City Council;

WHEREAS, after reviewing the urgent nature of the necessary repairs, as identified in this resolution and accompanying agenda statement, staff determined it was necessary to bring this item directly to the City Council and intends to present this item to the COC at its next scheduled meeting on July 23, 2020;

WHEREAS, staff has e-mailed the agenda statement accompanying this resolution to the COC members and informed them that this item will be considered by the City Council at the July 14, 2020 Council meeting in order to provide them the opportunity to provide comments; and

WHEREAS, on July 17, 2018, the City Council adopted Resolution 2018-139 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;

WHEREAS, due to a pipe failure and resulting sinkhole requiring extensive repairs, cost increases to the Project will exceed the approved contingencies;

WHEREAS, it is necessary to complete the sinkhole repair to prevent further pipe failures or failure of the adjacent road, which would necessitate significantly more costly repairs;

WHEREAS, the scope and location of the sinkhole repair is compliant with the Measure P commitment of fixing failed corrugated metal pipe outside of the public right of way; and

WHEREAS, the amendment to the Expenditure Plan will transfer \$500,000 from the Measure P Pavement Rehabilitation category (STL0430) to the Other Infrastructure (storm drain) category (DRN0211) to complete an emergency storm drain repair;

WHEREAS, staff has determined amending the Expenditure Plan to transfer funds from STL0430 to DRN0211 to fund emergency contract change orders is compliant with the Measure P guidelines and is urgent due to the nature of the failure;

WHEREAS, CVMC 2.56.160.C.2 authorizes the City Engineer to approve change orders up to the remaining CIP Budget.

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 \$500,000 in Measure P appropriations 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