



CITY COUNCIL AGENDA STATEMENT



July 14, 2020

File ID: 20-0267

TITLE

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)

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

On July 17, 2018, City Council awarded a construction contract to Spiniello Companies for the CMP Rehabilitation Outside the Right of Way Phase II Project FY2017/2018 CIP No. DRN0211 funded by Measure P. Due to a pipe failure and resulting sinkhole requiring extensive emergency repairs, cost increases to the project exceed the approved contingencies. Additional funds were transferred to this project via Council action on April 21, 2020, and May 26, 2020, for the sinkhole repair. However, due to the underground nature of the work, the full scope of emergency repairs could not be known at those times. Unforeseen difficulties in the repair and the discovery of an additional pipe failure at this location have resulted in the need for additional funds.

On November 8, 2016, Chula Vista voters approved Measure P, authorizing a one-half cent sales tax increase on retail sales within the City for a period of ten (10) years to repair failed or failing assets throughout the city. Staff recommends (1) amending the Infrastructure, Facilities, and Equipment Expenditure Plan, and (2) transferring \$500,000 in Measure P from STL0430 to DRN0211 to complete the emergency construction change order with Spiniello Companies.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities) and Section 15302 Class 2 (Replacement or Reconstruction) because the proposed project would not result in a significant effect on the environment, create a cumulative impact, damage a scenic highway, or cause a substantial adverse change in the significance of a historical resource. Thus, no further environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

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.

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 on July 23, 2020. However due to the emergency nature of the issue, staff will e-mail the COC members the staff report that will be considered by the City Council at the July 14, 2020 Council meeting in order to provide them the opportunity to provide comments.

DISCUSSION

On December 31, 2019, a sink hole was discovered at a recycled aggregate processing and storage facility operated by Pavement Recycling Systems Inc. at 855 Energy Way. Research revealed that the sinkhole was within a City of Chula Vista drainage easement, and centered above an access riser on a 66 inch diameter Corrugated Metal Pipe (CMP) owned by the City of Chula Vista.



Figure 1 – Drone Aerial Photo of 855 Energy Way Sinkhole

The City engaged Spiniello Companies on an emergency basis to make required repairs. Wet weather conditions prevented the repair work from beginning until March 24, 2020. Work to date has included reconstruction of the slope adjacent to Energy Way, removal of unsuitable material in the sinkhole, dewatering, shoring construction to allow safe working conditions, and excavating to expose the 66-inch diameter pipe.



Figure 2 - Reconstructed Slope and Welders Beginning the Shoring Construction

Due to the 35-foot depth of the excavation, unforeseen difficulties in the shoring construction and excavation have hindered the work and slowed progress. Once the excavation reached the known pipe collapse location, an additional pipe failure was discovered. The completion of the repair of the original pipe collapse and repair of the new pipe failure will require additional funds. The expected cost of the remaining work is \$500,000 including contingency.



Figure 3 - View into Excavation Pit Showing Shoring and Existing CMP



Figure 4 - Examination of the pipe



Figure 5 - Additional CMP Failure Discovered Downstream of the Excavation Pit

STL0430 - Street Pavement Rehab Phase II

CIP STL0430 was awarded to Eagle Paving by Council on April 16, 2019. STL0430 is the second phase of the pavement rehabilitation project and included the remaining street segments with a Pavement Condition Index (PCI) of less than 25. This project is approximately 95% complete. Based upon the contingency fund needs to date, there is sufficient funding available to complete the paving project after transferring \$500,000 from STL0430 (pavement rehabilitation category) to DRN0211 (storm drain category). Staff will continue to monitor the paving project closely to ensure that any unforeseen conditions that may arise are managed within the limits of the remaining contingency amount.

Infrastructure, Facilities and Equipment Expenditure Plan

The City Council adopted the Infrastructure, Facilities and Equipment Expenditure Plan (Plan) on December 6, 2016, relating to the expenditure of the Measure P Sales Tax. Both projects were approved and funded as part of the Measure P Pavement Rehabilitation category (STL0430) and the Other

Infrastructure (storm drain) category (DRN0211). 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. Staff has determined amending the Plan to include the sinkhole repair is compliant with the Measure P guidelines and is urgent due to the significant nature of the failure.

Due to the nature of the emergency, staff recommends amending the Infrastructure, Facilities and Equipment Expenditure Plan (Expenditure Plan) due to the risks of additional damage and increased costs if delayed. The funding of CMP is an authorized expense category in the plan. The amendment would only be to reallocate funds between two categories as indicated below. Staff is planning on presenting this item for review to the Measure P COC on July 23, 2020. The amended Expenditure Plan and various expenditure categories are summarized below:

ITEM DESCRIPTION	DEPARTMENT	PRIOR	FY 2020-21	
		MEASURE P	REQUESTED	NEW FY 2020-21
		ALLOCATION	ADJUSTMENT	ALLOCATION
Street Pavement Rehab Phases I/II (STL0427/STL0430)	Eng & Capital Proj	\$ 15,551,566	\$ (500,000)	\$ 15,051,566
CMP Rehab Outside ROW (DRN0209/DRN0211/DRN0216)	Eng & Capital Proj	\$ 9,341,000	\$ 500,000	\$ 9,841,000
	TOTALS	\$ 24,892,566	\$ -	\$ 24,892,566

Change Orders

On May 9, 2017, City Council approved Resolution 17-0174 to adopt ordinance (Ord. 3400 § 1, 2017) of the City of Chula Vista and amend Chapter 2.56 of the Chula Vista Municipal Code – “Purchasing System”. This ordinance amended the change order limits and authorizes the City Engineer to approve change orders up to the remaining CIP budget available for the CIP project. As such, amending the Expenditure Plan and transferring funds to DRN0211 would allow the City Engineer to enter into necessary contract change orders.

DECISION-MAKER CONFLICT

Staff has determined this decision solely concerns repairs, replacement or maintenance of existing streets, water, sewer, storm drainage or similar facilities, and City Council members’ property will not be affected disproportionately to other properties receiving the same services. Consequently, pursuant to California Code of Regulations Title 2, sections 18700 and 18702.2(d)(1)), this item does not present a real property-related conflict of interest under the Political Reform Act (Cal. Gov’t Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

Approval of the resolution will (1) amend the Infrastructure, Facilities, and Equipment Expenditure Plan, and (2) transfer \$500,000 in Measure P from STL0430 to DRN0211 accelerating the repair and replacement of critical assets.

ONGOING FISCAL IMPACT

Upon completion of the project, the improvements will require routine maintenance.

ATTACHMENTS

None.

Staff Contact: Jonathan Salsman, Senior Civil Engineer