

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION BY A FOUR-FIFTHS (4/5) VOTE
AUTHORIZING CONTINUED ACTION FOR
EMERGENCY STORM WATER MANAGEMENT AT
THE CHULA VISTA BAYFRONT**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1 (Port Act); and

WHEREAS, Section 58 of the Port Act grants authority to the Board of Port Commissioners (BPC) to place into effect any emergency rule or regulation, for periods not exceeding thirty (30) days; and

WHEREAS, on January 11, 2000, the BPC adopted Resolution 2000-03, pursuant to California Public Contract Code (PCC) Sections 22035 and 22050, establishing contracting procedures in the event of an emergency or disaster allowing contracts without bids, and empowering the Executive Director of the District to waive normal bidding procedures, to enter into any necessary contract and commit District funds without first obtaining BPC approval; and

WHEREAS, the District imported approximately 220,000 cubic yards of soil to two development sites at the Chula Vista Bayfront to raise site elevations to accommodate anticipated sea level rise and prepare for two planned developments that are scheduled to begin construction in 2019; the Chula Vista Bayfront Resort Hotel & Convention Center development and the Sun Communities RV Park; and

WHEREAS, both fill sites were constructed using standard grading configurations and standard erosion control measures (BMPs); and

WHEREAS, between the dates of November 29th and December 7th, 2018, two storms occurred at the Chula Vista Bayfront development producing approximately 4.45 inches of rainfall, with 2.6 inches occurring in a six-hour window; and

WHEREAS, the storms had rainfall quantities at intensities that were well above average and caused erosion damage to the freshly graded areas; and

WHEREAS, this damage created the need for costly clean up and repairs and raised concern that future storms may create further damage and storm water discharges; and

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WHEREAS, in order to perform required clean up and repair the damages that were caused by the noted storm events, and in anticipation of future storm events, immediate repairs to the graded areas, revisions to the grading configurations, and revisions to the BMPs are being implemented to minimize risk of further damage to District property and prevent erosion and sediment runoff. These measures will deter future damage caused by storm water runoff, costly repairs, and possible citations and fines; and

WHEREAS, the normal procurement process to award a new public works contract could not happen in the timeframe necessary to do the necessary work and protect from future anticipated rain events, therefore this emergency action was deemed necessary; and

WHEREAS, pursuant to PCC Sections 22035 and 22050, Section 58 of the Port Act, and BPC Resolution 2000-03, the Executive Director declared an emergency and authorized the immediate execution of contracts to design a plan and repair the damage to protect District owned property; and

WHEREAS, the declaration of an emergency waives the necessity of formal bidding procedures for contracts exceeding \$175,000 as required by the PCC and the BPC is required to authorize this action; and

WHEREAS, at its regularly scheduled meeting on January 16, 2019, the District's BPC ratified the declaration of emergency by the Executive Director; and

WHEREAS, since then a contract was executed with Sierra Pacific West Inc. in the amount of \$200,000 and action was taken to begin repairs to the sites and implement needed BMP's; and

WHEREAS, construction of the repairs and BMP's resulting in stormwater runoff improvements are nearly complete; and

WHEREAS, public Contracting Code Sections 22035 and 22050, Section 58 of the Port Act, and Board Resolution 2000-03 requires that the Board review actions exercised by the Executive Director pursuant to a declaration of emergency at every regularly scheduled meeting, to determine, by a four-fifths (4/5) vote, that there is a need to continue the emergency until the action is terminated .

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

Adopt a resolution by a four-fifths (4/5) vote authorizing continued action for the emergency storm water management at the Chula Vista Bayfront.

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APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of February 2019, by the following vote: