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Title: A) RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY

B) ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET INCREASING THE MAJOR MAINTENANCE EXPENSE APPROPRIATION BY \$150,000 FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT TO BE FUNDED FROM AN INSURANCE REIMBURSEMENT OF \$150,000

C) RESOLUTION BY 2/3 VOTE APPROVING A \$100,000 TRANSFER OF FUNDS, PURSUANT TO BPC POLICY NO. 90 FROM THE FISCAL YEAR 2022 BUDGETED PERSONNEL EXPENSE APPROPRIATION TO THE MAJOR MAINTENANCE EXPENSE FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT FROM SAVINGS IN THE PERSONNEL APPROPRIATION RELATED TO VACANCIES

Sponsors:

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Attachments: 1. 4. 2021-0359 Attachment A, 2. 4. 2021-0359 Draft Resolution A, 3. 4. 2021-0359 Draft Ordinance B, 4. 4. 2021-0359 Draft Resolution C

| Date | Ver. | Action By | Action | Result |
|-----------|------|-----------------------------|---------|--------|
| 11/9/2021 | 1 | Board of Port Commissioners | adopted | |

DATE: November 9, 2021

SUBJECT:

- A) RESOLUTION BY 4/5 VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY REPAIR OF 6-INCH FIRE LINE AND RELATED DAMAGES AT THE GENERAL SERVICES ADMINISTRATION BUILDING IN NATIONAL CITY**
- B) ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET INCREASING THE MAJOR MAINTENANCE EXPENSE APPROPRIATION BY \$150,000 FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT TO BE FUNDED FROM AN INSURANCE REIMBURSEMENT OF \$150,000**
- C) RESOLUTION BY 2/3 VOTE APPROVING A \$100,000 TRANSFER OF FUNDS, PURSUANT TO BPC POLICY NO. 90 FROM THE FISCAL YEAR 2022 BUDGETED PERSONNEL EXPENSE APPROPRIATION TO THE MAJOR MAINTENANCE EXPENSE FOR THE FIRE LINE AND SITE REPAIRS AT GENERAL SERVICES ADMINISTRATION BUILDING PROJECT FROM SAVINGS IN THE PERSONNEL APPROPRIATION RELATED TO VACANCIES**

EXECUTIVE SUMMARY:

On September 14, 2021, the Board approved a resolution ratifying the emergency action taken by the Executive Director for the emergency repair of a 6-inch fire line and related damages at General Services Administration Building, including procurement of a contractor to excavate, investigate the extent of damage, and repair the damage. On October 12, 2021, the Board approved a resolution of authorizing continued action for the emergency Repair of 6-Inch Fire Line and Related Damages at General Services Administration Building. This Agenda allows the Board to review the emergency action and determine that continued action is needed in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03 (Attachment A).

On Sunday morning, August 22, 2021, General Services staff noticed a substantial water leak coming from underneath the pavement in front of the General Services Building entrance to the north maintenance bay. The line was determined to be a 6-inch fire service water line and was quickly shut off. A sinkhole formed several hours later above the damaged 6-inch fire line and was observed to be approximately 10-feet in diameter and 4-feet deep and within a foot of the building's northern edge. It is not known how long the leak ran before being shut off. Since the sinkhole is in an area of the parking lot that is highly used by the General Services Staff and is located at the entrance to the north maintenance bay, urgent investigations and repairs to the site were required to prevent further damage to District property. The Executive Director authorized use of emergency action and notified the Board at the meeting on September 14, 2021, to authorize continued use of emergency contracting to provide investigation, design, and repair to the 6-inch fire line and related damages. The authorization of the emergency contracting waived the necessity of formal bidding procedures as required by the State of California Public Contract Code. An emergency construction contract with the contractor, Cass Arrieta, was executed on September 10, 2021 and is expected to continue through the month of October. A resolution by a 4/5 vote is required for continued action to repair the site.

Funding for this project has been identified in two sources without drawing from the District's reserves. An insurance claim has been submitted to the District's insurance provider for this incident and it is anticipated that they will cover costs above and beyond the District's deductible. The District deductible of \$100,000 will be funded from savings within the FY 2022 Personnel Expense which has resulted from vacancies.

RECOMMENDATION:

- A) Adopt a Resolution by a 4/5 vote authorizing continued action for the Repair of a 6-Inch Fire Line at General Services Administration Building in National City.
- B) Adopt an ordinance amending the Fiscal Year 2022 Budget increasing the Major Maintenance Expense Appropriation by \$150,000 for the Fire Line and Site Repairs at General Services Administration Building project to be funded from an insurance reimbursement of \$150,000.
- C) Adopt a resolution by a 2/3 vote authorizing a \$100,000 transfer of funds, pursuant to BPC Policy No. 90, from the Fiscal Year 2022 budgeted Personnel Expense Appropriation to the Major Maintenance Expense Appropriation for the Fire Line and Site Repairs at General Services Administration Building project from savings in the Personnel Appropriation related to vacancies.

FISCAL IMPACT:

Approval of these agenda items will increase the FY 2022 Budget by \$150,000 from expected reimbursement from the District's insurance provider. An additional \$100,000 will be reallocated from Personnel Expense identified as savings from vacancies. As a result, The Major Maintenance Expense appropriation will be increased by \$250,000 to fund the Fire line and Site Repairs at General Services Administration Building project.

COMPASS STRATEGIC GOALS:

This agenda item supports the following Strategic Goal(s).

- A Port that is a safe place to visit, work and play.

DISCUSSION:

On September 14, 2021, the Board approved a resolution ratifying the emergency action taken by the Executive Director for the emergency repair of a 6-inch fire line and related damages at General Services Administration Building, including procurement of a contractor to excavate, investigate the extent of damage, and repair the damage. This Agenda allows the Board to review the emergency action and determine that continued action is needed in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03.

The line was determined to be a 6-inch fire service water line and was quickly shut off. A sinkhole formed several hours later above the damaged 6-inch fire line and was observed to be approximately 10-feet in diameter and 4-feet deep and starts approximately 1-foot away from the building's northern edge. It is not known how long the leak ran before being shut off. There appears to be a depression in the pavement adjacent to the sinkhole, and the existing asphalt pavement heaved approximately 4 to 6-inches at the entrance to the north maintenance bay. The base of the sinkhole collapsed, and the void under the pavement goes up to the building foundation wall, then slopes to the bottom of the pipe at the break location. The condition threatened the structural integrity of the pavement and potentially undermined the south building column and footing at the north maintenance bay. General Services secured the area by placing fencing around the affected area, and a 24-hour fire watch was established.

The Engineering on-call geotechnical consultant, Ninyo & Moore, will be onsite to conduct geotechnical investigations throughout the construction duration to provide recommendations for the repair of the sinkhole and damaged AC pavement and subbase. An emergency construction contract with the contractor Cass Arrieta was executed and documented for the repair work on September 10, 2021. The site construction began on September 15, 2021. Based on discussions with the National City Fire Marshal, a National City Fire Permit and inspection is required for the repairs and is anticipated to take a minimum of two weeks to obtain a permit. Depending on the fire line material required by the Fire Marshal, staff anticipates up to a three-to-four-week lead time to procure materials. Therefore, construction is anticipated to continue through the month of November 2021.

The damaged pavement caused by the fire line rupture has been repaired with new asphalt concrete and the National City Fire Permit application was submitted for fire department review. It is anticipated an approved National City Fire Permit to be received by the end of October 2021 and the fire line repairs completed shortly after receipt of the approved permit.

Until the fire line repairs are completed, the continued threat to persons, District property, and provision of District services necessitates continuation of the emergency contract, and the urgency in repairing the area to remedy the emergency conditions still does not allow time for traditional competitive bidding.

Funding for this project has been identified in two sources without drawing from the District's reserves. An insurance claim has been submitted to the District's insurance provider for this incident and it is anticipated that they will cover costs above and beyond the District's deductible. The District deductible of \$100,000 will be funded from savings within the FY 2022 Personnel Expense which has resulted from vacancies.

On October 12, 2021, the Board approved a resolution of authorizing continued action for the emergency Repair of 6-Inch Fire Line and Related Damages at General Services Administration Building. This Agenda allows the Board to review the emergency action and determine that continued action is needed in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03.

General Counsel's Comments:

The Office of the General Counsel has reviewed and approved this agenda, resolutions, and ordinance, as presented, as to form and legality.

Environmental Review:

The proposed Board actions, including without limitation, a vote continuing emergency action and authorizing emergency repairs to a fire line and related damages at the District General Services Administration Building, is Statutorily Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15269 (Emergency Projects) and Section 2.f of the District's Guidelines for Compliance with CEQA because the project in question involves emergency repairs to a fire line and related damages at the District General Services Administration Building to maintain service, alleviate a potential hazard to public safety, and prevent further destruction of public property. A CEQA Exemption was previously issued for this project on September 2, 2021. Pursuant to Section 15378(c) of the State CEQA Guidelines, the term "project" refers to the activity being approved, which may be subject to several discretionary approvals of governmental agencies and does not mean each separate governmental approval. Accordingly, the proposed Board actions are a subsequent discretionary approval of a previously approved project. No further action under CEQA is required.

The proposed Board actions comply with Sections 21, 35, 81, and 87 of the Port Act, which allow the Board to pass resolutions, to do all acts necessary and convenient for the exercise of its powers, to use funds for expenses of conducting District, and which authorizes the use of tidelands for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures, and appliances incidental,

necessary, or convenient for the promotion and accommodation of any of those uses. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board actions are consistent with the Public Trust Doctrine.

In accordance with the District's Coastal Development Permit (CDP) Regulations (Regulations), the proposed actions constitute Emergency Development under 7.d.(2) of the regulations. The District issued an Emergency Permit (2021-107) for the Project on September 2, 2021. No further action under the Coastal Act is required.

Diversity, Equity, and Inclusion Program:

Due to the emergency nature of this project, no SBE goal was established.

PREPARED BY:

Devon Beach
Capital Project Manager, Engineering-Construction

Attachment(s):
Attachment A: Board Resolution 2000-03