



## Legislation Text

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**File #:** 2018-0371, **Version:** 1

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**DATE:** September 12, 2018

**SUBJECT:**

**EMERGENCY MARINE FENDER REPLACEMENT AT BROADWAY PIER**

- A) RESOLUTION BY A FOUR-FIFTHS VOTE AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY MARINE FENDER REPLACEMENT AT BROADWAY PIER**
- B) RESOLUTION APPROVING THE TRANSFER OF FUNDS WITHIN THE FY 2018-19 BUDGET FROM DISTRICT CONTINGENCY TO CAPITAL MAJOR MAINTENANCE CONTINGENCY IN THE AMOUNT OF \$250,000 PURSUANT TO BOARD POLICY 90, AND ALLOCATING FUTURE REIMBURSEMENT FROM VESSEL OPERATOR AND INSURANCE PROCEEDS TO DISTRICT CONTINGENCY**

**EXECUTIVE SUMMARY:**

On June 25, 2018, while the 499-foot long vessel Golden Bear was pulling into the San Diego Unified Port District's (District) Broadway Pier's north side, it made direct contact to a single Yokohama fender which overloaded the supporting marine fender system. The accident caused severe structural damage to the timber fender piles, timber walers and connecting hardware and warranted a temporary closure of Broadway Pier to berthing ships. Urgent repair is required to restore structural integrity to the marine fender elements and reinstate safe landing at Broadway Pier. Furthermore, in order to accommodate the 2018-2019 Cruise Ship Season Calls, an expeditious repair is essential.

On August 2, 2018, the Executive Director declared an emergency pursuant to California Public contract Code Sections 22035 and 22050 and District Resolution 2000-03 and also approved an emergency budget transfer of \$250,000 within the Capital Major Maintenance appropriation pursuant to BPC Policy No. 90. Staff recommends the Board approve the transfer of \$250,000 from the FY2018-19 District contingency to replenish the Capital Major Maintenance Contingency, and allocating future reimbursement from the vessel operator and insurance proceeds to District Contingency.

On August 14, 2018, the Board approved a resolution ratifying the emergency action taken by the Executive Director and authorized continued action for the emergency marine fender replacement at Broadway Pier including procurement of a consultant for investigating the extent of the damage, providing design recommendations for repairs and cost and procurement of a contractor to 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 District issued Task Authorization No.7 for Agreement (No. 191-2016AC) with structural engineering consultant, Triton Engineers, Inc. to conduct the structural investigation, prepare

construction documents for the repair and offer guidance and clarifications during the construction process. In addition, the District is finalizing Emergency Contract (No. 2018-25) with marine contractor, Marathon Construction Corp. to repair the damaged marine structure.

### **RECOMMENDATION:**

Adopt a resolution by a four-fifths vote authorizing continued action for the emergency marine fender replacement at Broadway Pier in accordance with Public Contract Code Sections 22035 and 22050 and District Resolution 2000-03.

Adopt a resolution approving the transfer of funds within the FY2018-19 budget from District contingency to Capital Major Maintenance contingency, and allocating future reimbursement from vessel operator and insurance proceeds to District Contingency.

### **FISCAL IMPACT:**

Pursuant to BPC Policy No. 90, the proposed transfer of \$250,000 from the District's Non-Operating Expense appropriation for Contingencies to the Capital Major Maintenance appropriation will replenish the Capital Major Maintenance contingency budget.

The District anticipates reimbursement from the vessel operator and insurance for all costs associated with the repairs resulting in no fiscal impact to the District.

### **COMPASS STRATEGIC GOALS:**

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

- A Port with a healthy and sustainable bay and its environment.
- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

On June 25, 2018, while the 499-foot long vessel Golden Bear was pulling into the Broadway Pier's north side, it made direct contact to a single Yokohama fender which overloaded the supporting marine fender system. The accident caused severe structural damage to the timber fender piles, timber walers and connecting hardware and warranted a temporary closure of Broadway Pier to berthing ships. Urgent repair is required to restore structural integrity to the marine fender elements and reinstate safe landing at Broadway Pier. Furthermore, in order to accommodate the 2018-2019 Cruise Ship Season Calls, an expeditious repair is essential.

On August 2, 2018, the Executive Director declared an emergency pursuant to California Public contract Code Sections 22035 and 22050 and District Resolution 2000-03. On August 14, 2018, the Board approved a resolution ratifying the emergency action taken by the Executive Director and authorized continued action for the emergency marine fender replacement at Broadway Pier. 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 structural consultant, Triton Engineers, Inc. completed their structural investigation through review of District provided diving inspection photos and video and above water inspections on August 23, 2018. Construction documents for the repair were prepared on August 31, 2018. Marathon Construction Corp. is expected to complete the installation of the piles and overall fender system by October 1, 2018. The emergency construction over water is covered by the U.S. Army Corps of Engineers General Permit #72. The Real Estate Department has coordinated with the Port tenants for the traffic control plan, temporary access, construction schedule, and staging areas. The overall goal is to complete the construction by October 14, 2018, to allow Maritime to berth a cruise ship vessel at the North side of the pier. The construction duration may be extended as needed for any unforeseen conditions.

A budget transfer was approved by the Executive Director to fund the emergency project in the amount of \$250,000 on August 2, 2018. The funds were available in Capital Major Maintenance to initiate this project swiftly. In consideration of how early this has arisen in the fiscal year, staff recommends the Board transfer \$250,000 from the FY2018-19 District contingency to Capital Major Maintenance contingency. The Capital Major Maintenance program funds have been allocated to ongoing projects and are forecast to be expended this fiscal year on planned work. Staff recommends the Capital Major Maintenance contingency be replenished to address unforeseen conditions and emergency projects if necessary throughout the remainder of the fiscal year.

### **General Counsel's Comments:**

The Office of the General Counsel has reviewed the issues set forth in this agenda sheet and approves as to form and legality. The Board must review and approve by a four-fifths vote the continued need for emergency action at each regularly scheduled Board meeting until the emergency action is terminated.

### **Environmental Review:**

This Board item to authorize continued action for the emergency marine fender replacement at Broadway Pier is Categorically Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) and Sections 3.a (1) and (9) and 3.b (1) of the District's Guidelines for Compliance with CEQA because the proposed project involves marine fender replacement to an existing pier, that would involve no expansion of use beyond the existing uses at Broadway Pier. The District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2) because the project is not located in an area that would impact an environmental resource of hazardous or critical concern, would not have cumulative impact of successive projects of the same type in the same place, would not have a significant effect on the environment due to unusual circumstances, is not within a highway officially designated as a state scenic highway, is not located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code, and would not cause a substantial adverse change in the significance of a historical resource.

This Board item complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operations of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient, for the promotion and

accommodation of commerce and navigation. The Port Act was established by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

Finally, the proposed Board direction or action is considered “excluded development” pursuant to Sections 8.a. (10) (Existing Facilities) and 8.b. (3) (Replacement or Reconstruction), of the District’s Coastal Development Permit Regulations because the project in question would involve negligible expansion of use beyond that previously existing, would be located essentially on the same site and would have substantially the same purpose and capacity as the structure being replaced. Issuance of a Coastal Development Permit is not required for the proposed Board direction or action.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

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