



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: November 7, 2023

Agenda Item: 7F

Department: Public Works

Prepared By: Amir K. Ilkhanipour, Principal Civil Engineer

Subject:

CONSIDERATION OF A RESOLUTION TO ACCEPT AND FILE NOTICE OF COMPLETION FOR THE CYPRUS SHORE STORM DRAIN EMERGENCY RELOCATION, PROJECT NO. 12004

Fiscal Impact:

Yes. The total construction cost of \$138,772 is within the approved budget of \$441,000 for emergency relocation, purchase of materials and lining from the Storm Drain Fund Depreciation Reserve, Account No. 059-553-45300-000-12004.

Summary:

Before the Council is the acceptance and Notice of Completion (Attachment 2) for the Storm Drain Emergency Relocation, as shown on the Location Map (Attachment 1).

Background:

On October 19, 2021, the City Council ratified a construction contract with O'Connell Engineering and Construction, Inc. (O'Connell), on a time and materials basis for up to \$40,000, for the Cyprus Shore Storm Drain Emergency Relocation (Attachment 3). The work consisted of establishing a bypass system for the damaged storm drain so that the storm runoff would not drain over the failed slope. On December 7, 2021, the City Council approved an additional \$30,635 to O'Connell's contract for installation of K-Rails, sandbags and visqueen to enhance the storm drain diversion into the nearby park (Attachment 4). On April 5, 2022, the City Council ratified approval of a change order to O'Connell's contract, on a time and materials basis, in the amount of \$59,000 to construct a new storm drain manhole/junction structure in front of the Club House for the diversion storm drain system from below ground to the surface (Attachment 5). In late March 2023, the temporary storm drain diversion system needed repairs due to the winter storm events. These emergency repairs had to be performed in order to keep up the temporary diversion storm drain system operable for the upcoming storms. These repairs were performed under time and materials in the amount of \$9,535. The total expenditures to-date is \$138,772.

This phase of the project is completed and a Notice of Completion is recommended for O'Connell Engineering and Construction, Inc.

Council Options:

- Adopt Resolution No. 23-125 (Attachment 6), which would accept the completed construction work for the Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004.
- Adopt Resolution No. 23-125 with modifications.

- Continue the item with direction to provide additional information.

Environmental Review/Analysis:

When this emergency project started, it was determined to be categorically exempt from the California Environmental Quality Act (CEQA) under 15269. *Emergency Projects, (b) Emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety or welfare.*

Recommended Actions:

STAFF RECOMMENDS THAT the City Council adopt Resolution No. 23-125, which would:

1. Accept the Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004, from O'Connell Engineering and Construction, Inc.;
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Cyprus Shore Storm Drain Emergency Relocation; and
3. Authorize the City Clerk to release the Payment Bond 35 days from the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the Contractor, O'Connell Engineering and Construction, Inc.

Attachments:

1. Location Map
2. Notice of Completion
3. Staff Report, dated October 19, 2021
4. Staff Report, dated December 7, 2021
5. Staff Report, dated April 5, 2022
6. Resolution No. 23-125

Notification:

None.

Recording Requested By:
City of San Clemente

When Recorded, Mail To:
Public Works Department
City of San Clemente
910 Calle Negocio
San Clemente, CA 92673

Recorded for the benefit of the City of San Clemente and exempt from recording fees pursuant to Government Code Section 27383.

Space above this line is for Recorder's Use Only

NOTICE OF COMPLETION

Notice is hereby given by the City of San Clemente, a Municipal Corporation, that a public work of improvement has been completed as follows:

1. *Project title or description of work:* Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004
2. *Date of completion:* September 11, 2023
3. *Street address or legal description of the project site:* Avenida de Las Palmera and Calle Ariana, San Clemente, CA 92672
4. *Name of owner:* Cyprus Shore HOA / City of San Clemente Easement
5. *Interest or estate of owner:* Cyprus Shore HOA Fee / City of San Clemente Easement
6. *Address of owner:* 910 Calle Negocio, San Clemente, CA 92673
7. *Name and address of contractor:* O'Connell Engineering and Construction, Inc., 36572 Deauville Road, Winchester, CA 92596

I am the Public Works Director/City Engineer for the City of San Clemente, a Municipal Corporation, the owner of the indicated interest or estate in the property described above. I make this verification on behalf of the City of San Clemente. I have read this Notice of Completion and know its contents. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ in San Clemente, California.

David Rebensdorf,
Public Works Director/City Engineer
City of San Clemente



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: October 19, 2021

Approvals:

City Manager

ES

15

Dept. Head

DR

Attorney

Finance

JR

Department: Utilities
Prepared By: David Rebensdorf, Utilities Director DR

Subject: RATIFICATION OF EMERGENCY PURCHASES, PROFESSIONAL SERVICES AGREEMENT WITH AKM CONSULTING ENGINEERS AND CONSTRUCTION CONTRACTS WITH O'CONNELL ENGINEERING FOR CYPRUS SHORE STORM DRAIN EMERGENCY RELOCATION AND CYPRUS SHORE PUMP STATION EMERGENCY RELOCATION, PROJECT NO.'S 12004 AND 12209.

Fiscal Impact: Yes. An estimated \$205,400 is recommended for continuous emergency operation of the pump station and bypass for two months. An appropriation of \$205,400 is recommended from the Sewer Fund Depreciation Reserve to Account No. 054-476-45300-000-12209.

The initial estimated cost for design, permitting and power for a temporary pump station relocation with remote monitoring and improved operating capabilities is \$88,580. An appropriation of \$88,580 is recommended from the Sewer Connection Fee Reserve to Account No. 054-477-45300.

The estimated cost for the temporary relocation of the storm drain is \$256,000. An appropriation of \$256,000 is recommended from the Storm Drain Fund Depreciation Reserve to Account No. 059-553-45300-000-12004.

There is sufficient fund balance within all proposed funds for the recommended appropriations.

Summary: Coastal bluff movement at Cyprus Shore necessitated an emergency response to ensure uninterrupted wastewater and storm drainage in September 2021. In order to protect public health and safety, staff recommends the City Council ratify the emergency Professional Services Agreement and construction contracts approved by the City Manager with AKM Consulting Engineers and O'Connell Engineering and Construction, Inc. (O'Connell) and appropriate funding for the expenditures including construction management/inspection services for Dudek Engineering, material purchases and rentals.

Background: When the Cyprus community was developed, the collection system, a sewer pump station serving approximately 400 homes and a portion of the storm drain system was dedicated to and accepted by the City. Due to coastal bluff movement adjacent to the Cyprus Shore Clubhouse near the intersection of Calle Ariana and Avenue de las Palmeras and to protect public safety and property a temporary emergency sewer bypass was installed by City staff on September 20, 2021. In addition, a bypass of the storm drain in Avenue de las Palmeras and the private beach access road may be

necessary to accommodate urban runoff and storm flows until the bluff is stabilized and rebuilt. Design analysis to address urban runoff and storm flows is ongoing, and alternative methods may be implemented.

The temporary emergency sewer pump station bypass is utilizing two existing manholes and pumps with generator power to convey wastewater in above ground piping to the sewer forcemain. This type of operation should be considered temporary due to lack of storage within the system and is recommended for continuous monitoring to prevent a sewer spill in the event a pump or generator fails to operate. Due to limited City staffing and to ensure preventative maintenance activities are being completed by City staff for other facilities, O'Connell was hired to perform pump watch for a cost of \$83,988 for 30 days. Staff contacted four companies and O'Connell provided the lowest informal bid, Xylem provided a bid in the amount of \$123,000 per month. Newest and J.R. Filanc did not provide a bid due to lack of available staffing.

Due to the emergency nature of wastewater pump station operation, AKM Consulting Engineers was hired to design a temporary pump station to ensure uninterrupted operation by adding power, telemetry and wastewater storage instead of relying on storage within existing manholes and pipelines that can clog from debris and grease. The additional capacity created from storage can be utilized in conjunction with the existing pump station which will increase available response time in the future when operation failures of Cyprus Shore Pump Station occur. Due to the need for increased capacity, the Sewer Connection Fee Reserve is being recommended to fund the temporary pump station. Additional funding, material purchases and construction costs are anticipated and will be considered as more information becomes available.

To assist with the design and construction for temporary relocations of the wastewater pump station and storm drain, AKM Consulting Engineers was hired for an amount not to exceed \$98,464. O'Connell was hired for 30 days of pump watch in the amount of \$83,988, with an option to extend the contract for an additional 30 days and \$40,000 for installation of the Storm Drain Emergency Bypass. In addition, 500 linear feet of High Density Polyethylene pipe and fittings was ordered from P&F Distributors in the amount of \$122,392. Dudek Engineering was contacted and will provide construction management and inspection services, through an existing on-call agreement, for the duration of the emergency construction relocations. The City Manager has the authority to approve emergency contracts and purchases when there is a need to protect public health and safety per Section 3.40.070 of the City of San Clemente Municipal Code.

The estimated cost for temporary wastewater service operations, temporary sewer pump station design and temporary relocation of the storm drain are shown on the following page.

Sewer Costs

Emergency Pump Station Operation Estimated Costs

Pump, Piping and Fittings	\$ 8,000/month
K-Rail	700/month
Generator	10,000/month
Pump Watch (O'Connell)	84,000/month
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Subtotal	102,700/month
Total (Assumes two months of operation)	\$205,400

Temporary Pump Station Relocation Estimated Costs

Engineering	\$ 48,580
Administration/Permitting	15,000
Power (Transformer and Meter)	25,000
Inspection/Construction Management	TBD
Manhole/Wetwell	TBD
Construction	TBD
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Total Cost	\$ 88,580

Storm Drain Costs

Temporary Relocation Costs

Engineering	\$ 49,884
Administration/Permitting	15,000
Inspection/Construction Management	10,000
500' of 36-inch HDPE Pipe and Fittings	125,000
Construction	40,000
Contingency	10,116
Sandbags	3,800
K-Rail (550/month X 4 months)	2,200
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Total Cost	\$256,000

Recommended

Action:

STAFF RECOMMENDS THAT the City Council:

1. Make a finding that an emergency exists due to the potential failure of an existing sewer pump station and storm drain system and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process;
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health;
3. Approve an appropriation in the amount of \$205,400 to Account Number 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve;

4. Approve an appropriation in the amount of \$88,580 to Account Number 054-477-45300 from the Sewer Connection Fee Reserve;
5. Approve an appropriation in the amount of \$256,000 to Account Number 059-553-45300-000-12004 from the Storm Drain Fund Depreciation Reserve;
6. Ratify a Construction Contract with O'Connell Engineering and Construction, Inc. on a time and materials basis for up to \$83,988 and authorize the City Manager to extend the Contract for an additional 30 days, if needed, for Cyprus Shore Emergency Pump Station Bypass Operation, Project No 12209;
7. Ratify a Construction Contract with O'Connell Engineering and Construction, Inc. on a time and materials basis for up to \$40,000 for Cyprus Shore Storm Drain Emergency Relocation, Project No 12004;
8. Ratify a purchase with P&F Distributors for storm drain pipe and fitting in the amount of \$122,391.75 for Cyprus Shore Storm Drain Emergency Relocation, Project No 12004: and,
9. Ratify an Emergency Professional Services Agreement with AKM Consulting Engineers on a time and materials basis for up to \$98,464 for Cyprus Shore Storm Drain Emergency Relocation and Cyprus Shore Emergency Pump Station, Project No.'s 12004 and 12209.

- Attachments:**
1. Location Map.
 2. Construction Contract with O'Connell for Cyprus Shore Emergency Pump Station Bypass Operation.
 3. Construction Contract with O'Connell for Cyprus Shore Storm Drain Emergency Relocation.
 4. P&F Distributors Quote.
 5. Professional Services Agreement with AKM Consulting Engineers for Cyprus Shore Storm Drain Emergency Relocation and Cyprus Shore Emergency Pump Station.

Notification: None.



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: December 7, 2021

Agenda Item 6J

Approvals:
City Manager EL gf
Dept. Head DR
Attorney _____
Finance gf

Department: Utilities
Prepared By: David Rebensdorf, Utilities Director DR

Subject: *RATIFICATION OF EMERGENCY PURCHASES AND SUPPLEMENTAL FUNDING FOR CYPRUS SHORE PUMP STATION EMERGENCY OPERATION AND CYPRUS SHORE STORM DRAIN EMERGENCY RELOCATION, PROJECT No.'s 12209 AND 12004.*

Fiscal Impact: Yes. \$205,400 was approved for an initial 60 days of emergency bypass pump station operation. An additional 60 days of operation is recommended with funding from a supplemental appropriation in the amount of \$236,000 from the Sewer Fund Depreciation Reserve to Account No. 054-476-45300-000-12209.

The initial estimated cost for the temporary relocation of the storm drain was \$256,000. Based on design and procurement of materials, the updated cost estimate is \$411,000. Staff is recommending a supplemental appropriation in the amount of \$155,000 from the Storm Drain Fund Depreciation Reserve to Account No. 059-553-45300-000-12004.

There is sufficient fund balance within all proposed funds for the recommended appropriations.

Summary: Coastal bluff movement at Cyprus Shore necessitated an emergency response to ensure uninterrupted wastewater and storm drainage. On September 20, 2021, City staff installed a temporary emergency sewer bypass pump system adjacent to the Cyprus Shore Clubhouse near the intersection of Calle Ariana and Avenue de las Palmeras. In order to protect public health and safety, the City Council ratified the emergency Professional Services Agreement and construction contracts approved by the City Manager with AKM Consulting Engineers and O'Connell Engineering and Construction, Inc. (O'Connell) and an initial appropriation of funding for expenditures, including construction management/inspection services for Dudek Engineering, material purchases and rentals at its October 19, 2021 City Council Meeting. With the need for continued operation of the pump station with pump watch while a more permanent facility is constructed and based on detailed design of the storm drain relocation, additional funding is being recommended. In addition, due to lack of availability of materials and changes in suppliers, ratification of purchases is required.

Background: To continue sewer service to approximately 400 homes within the Cyprus community while design and construction of a temporary pump station with electric power and monitoring capabilities, additional costs for pump watch are needed. Staff is anticipating approximately 60 additional days may be needed for pump watch to ensure uninterrupted service and to prevent a sewer spill. O'Connell was hired through

an emergency contract to provide 30 days of pump watch for \$83,988 which was extended for 30 days as previously authorized by the City Council. Several temporary and permanent pump station options were evaluated which requires additional time to for design. Staff is recommending the City Council authorize the City Manager to approve a contract change order for as needed pump watch for an additional 60 days with O'Connell. In addition, funding is needed for expenditures related to rentals and purchase of materials, such as, electrical equipment, piping, pumps, emergency generator and fuel to operate the temporary pump station. The temporary relocation of the pump station is under design and electrical power is being installed by SDG&E. Staff anticipates completion of pump watch in February 2022. Once design is finalized, staff will recommend additional funding and contracts for the temporary relocation of the pump station.

The storm drain above ground bypass is under construction and consists of approximately 500 linear feet of above ground 36-inch High Density Polyethylene (HDPE) Pipe and 100 linear feet of 18-inch HDPE Pipe routed south of the association Clubhouse and through the private community park. K-rail, sandbags and visqueen will be utilized to route nuisance and storm flows around the clubhouse and into the 18-inch storm drain (see Exhibit 2). Due to an issue with availability of pipe, the ratified purchase from P&F Distributors by the City Council on October 19, 2021 was not completed. Fortunately, storm drain pipe and fittings were available through Envirocon Systems in the amount of approximately \$120,000. In addition, staff is requesting the City Council ratify a construction contract with Sancon Technologies, Inc. in the amount of \$57,280 to install approximately 225 linear feet of liner from the above ground junction structure near the clubhouse to the intersection of Avenue de las Palmeras and Calle Marlena due to increased pressure in the storm drain caused by the above ground piping. Construction for the relocation of the storm drain is anticipated to be complete by the end of December 2021.

The City Manager has the authority to approve emergency contracts and purchases when there is a need to protect public health and safety per Section 3.40.070 of the City of San Clemente Municipal Code. The estimated cost for temporary wastewater service operations and temporary relocation of the storm drain are shown below.

Emergency Wastewater Operation Cost Estimate

Pump, Piping and Fittings	\$ 8,500/month
K-Rail	700/month
Generator	11,000/month
Diesel Fuel	3,800/month
Pump Watch (O'Connell)	84,000/month
Contingency 10%	10,000/month
Subtotal	118,000/month
Total (Assumes two months of operation)	\$236,000

Storm Drain Temporary Relocation Costs

Approved Initial Estimate

Engineering	\$ 49,884
Administration/Permitting	15,000
Inspection/Construction Management	10,000
500' of 36-inch HDPE Pipe and Fittings	125,000
Construction	40,000
Contingency	10,116
Sandbags	3,800
K-Rail (550/month X 4 months)	2,200
Total Cost	\$256,000

Current Cost Estimate

Engineering	\$ 49,884
Administration/Permitting	15,000
Inspection/Construction Management	22,500
500' of 36-inch and 100' of HDPE Pipe and Fittings	120,000
Thrust Restraint Pipe Clamps	20,000
Construction	40,000
36-inch Storm Drain Liner	60,000
Contingency 12%	40,616
36-inch Storm Drain Plug Rental and Maintenance	35,000
Sandbags	3,800
K-Rail (700/month X 6 months)	4,200
Total Cost	\$411,000

Recommended Action:

STAFF RECOMMENDS THAT the City Council:

1. Make a finding that an emergency exists due to the potential failure of an existing sewer pump station and storm drain system and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process;
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health;
3. Approve a supplemental appropriation in the amount of \$236,000 to Account Number 054-476-45300-000-12209 from the Sewer Fund Depreciation Reserve;
4. Approve a supplemental appropriation in the amount of \$155,000 to Account Number 059-553-45300-000-12004 from the Storm Drain Fund Depreciation Reserve;

5. Authorize the City Manager to approve a change order with O'Connell Engineering and Construction, Inc. on a time and materials basis for up to \$168,000 for Cyprus Shore Emergency Pump Station Bypass Operation, Project No 12209;
6. Ratify a purchase with Envirocon Systems for storm drain pipe and fittings in the amount of \$120,000 for Cyprus Shore Storm Drain Emergency Relocation, Project No 12004: and,
7. Ratify a Construction Contract with Sancon Technologies, Inc. in the amount of \$57,280 Cyprus Shore Storm Drain Emergency Relocation, Project No 12004.

- Attachments:**
1. Location Map.
 2. Storm Drain Location Exhibit.
 3. Envirocon Systems Initial Purchase Order.
 4. Sancon Technologies, Inc. Construction Proposal for a 36-inch Storm Drain Liner.
The Construction Contract is on-file with the City Clerk's Office.
 5. October 19, 2021 City Council Agenda Report without attachments.

Notification: None.



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 5, 2022

Agenda Item 6J
Approvals:
City Manager ES 18
Dept. Head DR
Attorney CJ
Finance JW

Department: Utilities
Prepared By: David Rebensdorf, Utilities Director DR

Subject: *RATIFICATION OF EMERGENCY PURCHASES, CONSTRUCTION CONTRACT WITH O'CONNELL ENGINEERING & CONSTRUCTION FOR CYPRUS SHORE PUMP STATION RELOCATION, AND FIRST AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH AKM CONSULTING ENGINEERS, PROJECT NO.'S 12004 AND 12210.*

Fiscal Impact: Yes. The total estimated project cost for the Cyprus Shore Pump Station Relocation, Project No. 12210 is \$2,623,150. The project was originally budgeted for \$88,580, and a supplemental appropriation of \$2,534,570 is recommended from the Sewer Connection Fee Reserve to Account No. 054-477-45300-000-12210.

A total of \$411,000 has been budgeted for Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004. Based on actual costs and addition funding for project management, a supplemental appropriation is recommended in the amount of \$40,000 from the Storm Drain Fund Depreciation Reserve to Account No. 059-553-45300-000-12004.

There is sufficient fund balance within all proposed funds for the recommended supplemental appropriations.

Summary: Staff recommends additional funding for Project No.'s 12004 and 12210, ratifying a Construction Contract with O'Connell Engineering and Construction, Inc. (O'Connell) in the amount of \$1,974,950 for the Cyprus Shore Pump Station Relocation, ratifying a change order with O'Connell for the Storm Drain Relocation, and approval of a First Amendment to a Professional Services Agreement with AKM Consulting Engineers (AKM).

Background: Coastal bluff movement at Cyprus Shore necessitated an emergency response to ensure uninterrupted wastewater and storm drainage. On September 20, 2021, City staff installed a temporary emergency sewer bypass pump system adjacent to the Cyprus Shore Clubhouse near the intersection of Calle Ariana and Avenue de las Palmeras. In order to protect public health and safety, the City Council ratified the emergency Professional Services Agreement and Construction Contract approved by the City Manager with AKM and O'Connell and an initial appropriation of funding for expenditures, including construction management/inspection services for Dudek Engineering, material purchases and rentals at its October 19, 2021 City Council Meeting. With the need for continued operation of the pump station with pump watch while a more permanent facility is designed and constructed, additional operational

funding was approved on December 7, 2021 and February 15, 2022. Design was completed for the Pump Station Relocation by AKM and bids were received.

Discussion:

Project No. 12210 - Cyprus Shore Pump Station Relocation, AKM prepared a design for the relocation of the pump station, which includes the following: wet well, three pumps, replacement of the six-inch forcemain in Calle Ariana, electrical equipment and instrumentation with emergency generator backup power to be purchased separately. The project will improve the pumps, electrical and motor control systems. Based on a bid package prepared by AKM, City staff contacted three contractors that have satisfactorily completed previous City projects to receive bids for the emergency Cyprus Shore Pump Station Relocation. The following bids were received on March 8, 2022:

O'Connell Engineering and Construction, Inc.	\$1,974,950
Jennette Company	\$2,467,935
SCW Contracting Corporation	\$4,096,168

Based on the low bid, construction costs are estimated as follows:

Design/Construction Services	\$ 77,200
Installation and Monitoring an Inclinometer	25,000
Construction Management, Inspection and Testing	175,000
Construction	1,974,950
Emergency Generator	75,000
Contingency (15%)	296,000
Total Project Cost	\$2,623,150

Based on the low bid, the City Manager approved a construction Contract with O'Connell in the amount of \$1,974,950. The City Manager has the authority to approve emergency contracts and purchases when there is a need to protect public health and safety per Section 3.40.070 of the City of San Clemente Municipal Code.

In addition, a First Amendment to the Professional Service Agreement with AKM is recommended to provide construction related engineering support services and to finalize design for the permanent relocation of the pump station in the amount of \$77,158 (Attachment 7). The original Professional Services Agreement with AKM was for preliminary design and analysis for the pump station and storm drain in the amount of \$98,464 and did not include final design or construction period services.

The pump station relocation project was budgeted for preliminary design and analysis in the amount of \$88,580. Based on the bids and additional services needed to complete the project, the total project cost is estimated at \$2,623,150, based on the project costs, a supplemental appropriation of \$2,534,570 is needed to fund the project.

Project No. 12004 – Cyprus Shore Storm Drain Emergency Relocation, the Emergency Storm Drain Relocation is partially constructed due to negotiations between the City and Cyprus Shore HOA related to its placement. The pipeline and fittings have been purchased, the pipeline has been partially placed and stored above

ground have been constructed. Based on a time and materials basis, approximately \$130,000 has been spent with O'Connell for equipment, staffing and materials. The original contract was approved for \$39,405 with a change order in the amount of \$31,230 approved within the project contingency limit. Based on actual construction costs to date, the City Manager approved a change order in the amount of \$59,000. As previously mentioned, the City Manager has the authority to approve emergency contracts and purchases when there is a need to protect public health and safety per Section 3.40.070 of the City of San Clemente Municipal Code.

Based on current construction costs, design, construction management, purchase of materials, storm drain lining, and plug installation and maintenance, approximately \$441,000 has been spent to date. Staff is requesting an additional \$10,000 for project management and contingency until the location of the pipeline is determined. At that time, additional funding will be needed to complete the relocation project. A total of \$411,000 has been budgeted, based on the cost as previously mentioned, a supplemental appropriation is recommended in the amount of \$40,000.

**Recommended
Action:**

STAFF RECOMMENDS THAT the City Council:

1. Make a finding that an emergency continues to exist due to the potential failure of an existing sewer pump station and storm drain system and that the situation requires immediate action to prevent or mitigate impairment to property and public services, that might otherwise occur if required to incur delays attributed to the typical engineering design and public competitive bidding process;
2. Declare that the public interest and necessity demand the immediate expenditure of public funds to safeguard public health;
3. Approve a supplemental appropriation in the amount of \$2,534,570 to Account Number 054-477-45300-000-12210 from the Sewer Connection Fee Reserve for Cyprus Shore Pump Station Relocation, Project No.12210;
4. Approve a supplemental appropriation in the amount of \$40,000 to Account Number 059-553-45300-000-12004 from the Storm Drain Fund Depreciation Reserve for Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004;
5. Ratify a Construction Contract with O'Connell Engineering and Construction, Inc. in the amount of \$1,974,950 for Cyprus Shore Pump Station Relocation, Project No.12210;
6. Ratify a Change Order with O'Connell Engineering and Construction, Inc. on a time and materials basis for \$59,000 for Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004; and,
7. Approve and authorize the City Manager to execute, Amendment No. 01 to Contract C21-43 by and between the City of San Clemente and AKM Consulting Engineers. This Amendment increases the contract amount from \$98,464 to \$175,622 (an increase of \$77,158).

- Attachments:**
1. Location Map.
 2. Construction Contract with O'Connell Engineering & Construction for Cyprus Shore Pump Station Relocation, Project No.12210 (without attachments).
 3. First Amendment to Professional Services Agreement with AKM Consulting Engineers.

Notification: None.

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PROJECT
LOCATION



NOT TO SCALE



City of San Clemente

910 Calle Negocio, Suite 100
San Clemente, CA 92673
Tel (949) 361-6100
Fax (949) 361-8316

LOCATION MAP

**Cyprus Shore Storm Drain and
Pump Station Relocation**

PN 12004 & 12209

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Attachment 2

SECTION 00500 CONTRACT

THIS CONTRACT is made this _____ day of _____, 2022, in the County of Orange, State of California, by and between the City of San Clemente hereinafter called City, and _____, hereinafter called Contractor. City and the Contractor for the considerations stated herein agree as follows:

ARTICLE 1. SCOPE OF WORK. The Contractor shall perform all Work within the time stipulated the contract and shall provide all labor, materials, equipment, tools, utility services, and transportation to complete all of the Work required in strict compliance with the Contract Documents as specified in Article 5 below for the following Project:

CUPRUS SHORE PUMP STATION RELOCATION, PROJECT NO. 12209

The Contractor and its surety shall be liable to City for any damages arising as a result of the Contractor's failure to comply with this obligation.

ARTICLE 2. TIME FOR COMPLETION. The Work shall be commenced on the date stated in City's Notice to Proceed. The Contractor shall complete all Work required by the Contract Documents within 130 working days from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the time for completion set forth above is adequate and reasonable to complete the Work.

ARTICLE 3. CONTRACT PRICE. City shall pay to the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Contract Documents, and including all applicable taxes and costs, the sum of One Million, Nine Hundred Seventy Four Thousand, Nine Hundred Fifty Dollars (\$1,974,950.00). Payment shall be made as set forth in the General Conditions.

At any time during the term of the Contract, City may, pursuant to the terms and provisions of the Contract Documents, request that the Contractor perform additional work. Contractor shall not perform, nor be compensated for, additional work without written authorization from the City pursuant to the terms and provisions of the Contract Documents.

ARTICLE 4. LIQUIDATED DAMAGES/EARLY COMPLETION INCENTIVE. Liquidated damages have been waived for this project.

ARTICLE 5. COMPONENT PARTS OF THE CONTRACT. The "Contract Documents" include the following:

- Contract
- Notice Inviting Bids
- Instructions to Bidders
- Bid Form
- Contractor's Certificate Regarding Workers' Compensation
- Designation of Subcontractors
- Information Required of Bidders
- Noncollusion Declaration form
- Iran Contracting Act Certification

SECTION 00500
CONTRACT

Public Works Contractor Registration Certification
Performance Bond
Payment Bond
General Conditions
Special Conditions
Technical Specifications
Plans and Drawings
Addenda
Approved and fully executed change orders
Any other documents contained in or incorporated into the
Contract

The Contactor shall complete the Work in strict accordance with all of the Contract Documents.

All of the Contract Documents are intended to be complementary. Work required by one of the Contract Documents and not by others shall be done as if required by all. This Contract shall supersede any prior agreement of the parties.

ARTICLE 6. PROVISIONS REQUIRED BY LAW. Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of applicable federal, state and local laws, rules and regulations, including, but not limited to, the provisions of the California Labor Code and California Public Contract Code which are applicable to this Project.

ARTICLE 7. INDEMNIFICATION. Contractor shall provide indemnification as set forth in the General Conditions.

ARTICLE 8. PREVAILING WAGES. Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at City of San Clemente Public Works Department or may be obtained online at <http://www.dir.ca.gov/dlsr> and which must be posted at the job site.

IN WITNESS WHEREOF, this Contract has been duly executed by the above-named parties, on the day and year above written.

SECTION 00500
CONTRACT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the respective dates set forth opposite of their signatures.

CITY OF SAN CLEMENTE

By: _____

Its: _____

Dated: _____, 20__

ATTEST:

CITY CLERK of the City of
San Clemente, California

**APPROVED AS TO FORM:
BEST BEST & KRIEGER**

City Attorney

**APPROVED AS TO AVAILABILITY
OF FUNDING:**

Finance Authorization

("CONTRACTOR")

By: _____

Its: _____

Dated: _____, 20__

END OF CONTRACT

Attachment 3

**FIRST AMENDMENT TO
PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR
Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004; and Cyprus
Shore Pump Station Emergency Relocation, Project No. 12209**

This First Amendment to Professional Consultant Services Agreement for **Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004; and Cyprus Shore Pump Station Emergency Relocation, Project No. 12209** (this "First Amendment") is made and entered into on this ____ day of _____, 20__, by and between the CITY OF SAN CLEMENTE, a California municipal corporation ("City"), and AKM Consulting Engineers, Inc., an engineering consulting firm, with its principal place of business at 553 Wald, Irvine, CA 92618 ("Consultant").

RECITALS:

- A. City and Consultant entered into that certain Professional Consultant Services Agreement for Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004; and Cyprus Shore Pump Station Emergency Relocation, Project No. 12209 (the "Agreement") on October 19, 2021.
- B. City and Consultant desire to amend the Agreement in the manner provided herein.

COVENANTS:

Section 1: Section 3.3.1 of the Agreement is hereby amended by increasing the total compensation from Ninety Eight Thousand, and Four Hundred Sixty Four Dollars (\$98,464) to One Hundred Seventy Five Thousand, and Six Hundred Twenty Two Dollars (\$175,622) and extends the agreement until January 31st, 2023. In addition to the services to be performed by Consultant as referenced in Exhibit A to the Agreement, Consultant shall also perform those services described in Exhibit "A" to this First Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Except as expressly amended by this First Amendment, the remaining portions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed on the respective dates set forth opposite of their signatures.

CITY OF SAN CLEMENTE

By: _____

Its: _____

Dated: _____, 20____

ATTEST:

CITY CLERK of the City of
San Clemente, California

**APPROVED AS TO FORM:
BEST BEST & KRIEGER**

City Attorney

**APPROVED AS TO AVAILABILITY
OF FUNDING:**

Finance Authorization

("CONSULTANT")

By: _____

Its: _____

Dated: _____, 20____

EXHIBIT "A"
(See Attached)



AKM Consulting Engineers
553 Wald
Irvine, CA 92618
Telephone: 949.753.7333 Facsimile: 949.753.7320
www.akmce.com

*Water Resources
Infrastructure
Construction Management*

March 21, 2022

City of San Clemente
910 Calle Negocio
San Clemente, CA 92673

Attention: Mr. David Rebensdorf, Utilities Director
Mr. Amir Ilkhanipour, Senior Civil Engineer

Subject: Request for Additional Budget for Cyprus Shore Lift Station Emergency Relocation (Project No.12209) Additional Services and Topographic Surveying.

Dear Mr. Rebensdorf:

The original scope of work for this project was to develop contract documents consisting of design-build level of concept plans, which would require the construction contractor to develop further details and construct a temporary lift station with a pre-packaged motor control center. AKM completed this work.

The City then decided to evaluate the feasibility of constructing two (2) permanent lift stations, along with new influent sewers and forcemains. AKM developed concept plans with alternatives for one lift station at the south end of Calle Ariana with its 4-inch forcemain along Calle Ariana, Calle Marlena, Avenida de las Palmera, Calle Establo, and Avenida Vista del Oceano to the new second lift station near the Cyprus Cove Club House. The second lift station was planned to be constructed just west of the Cyprus Cove Club House with a 6-inch forcemain in Avenida Vista del Oceano and Vista Azul, connecting to the existing 6-inch forcemain at Vista Blanca. AKM developed implementation cost estimates for this alternative for review by the City. This work was not included in the original scope of work.

Following review of these alternatives, the City decided to proceed with a more permanent lift station in Avenida de las Palmera, just west of Calle Ariana. This required the preparation of plans and specifications for a design-bid-build project. AKM prepared 16 sheets of plans, technical specifications and front-end documents, and cost estimates for the project, which included constant speed pumps.

The plans and technical specifications were subsequently revised at City's request to change operation of the pumps with variable frequency drives. AKM revised the electrical plans and specifications to implement this change. This work was not included in the original scope of work.

During the preparation of the drainage plans, it became necessary to prepare a topographic map of the work area. AKM completed this work thorough a subconsultant. This work was not included in the original scope of work. This work has already been billed and paid for, which is removed from the request for additional budget

4-5-22 / 6J-12



Cyprus Shore Additional Services

for design and bidding services. We request a budget augmentation of \$36, 426 for this effort, as detailed in the table below:

Additional Design and Bidding Services									
Item	Description	Project	Project	Associate	CAD	Word	Total	Subconsultant/ Expenses	Cost (\$)
		Director/ Rate	Manager /Rate	Engineer /Rate	Operator /Rate	Processing /Rate			
		\$232	\$225	\$155	\$107	\$76			
1	Two New Lift Stations Alternative	8		4			12		\$2,476
2	Design-Bid-Build Lift Station Documents	18	48		80	4	150		\$23,840
3	Revise Electrical Plans and Specs	8	24		18		50		\$9,182
4	Bidding Support Services	4					4		\$928
5	Topographic Surveying (Billed)	2					2	8,360	\$8,824
	Total Hours	40	72	4	98	4	218		
6	Total Additional Work	\$9,280	\$16,200	\$620	\$10,486	\$304		8,360	\$45,250
7	Requested Additional Budget for Design and Bidding (6-5)								\$36,426

With the changes in the project's method of implementation, we expect to perform additional engineering services during construction of the lift station and approximately 1200 feet of new forcemain. These will include additional shop drawing and submittal reviews, responses to requests for information, participation in start-up and testing of the lift station, and preparation of as-built record drawings, as detailed below. We request an additional budget of \$40,732 for engineering services during construction. We will invoice these services on a time and materials basis.

Item	Description	Project	Project	Associate	CAD	Word	Total	Subconsultant/ Expenses	Cost (\$)
		Director/ Rate	Manager /Rate	Engineer /Rate	Operator /Rate	Processing /Rate			
		\$232	\$225	\$155	\$107	\$76			
1	Review Shop Drawings and Submittals	8	16	60		8	92		\$15,364
2	Respond to RFIs	4	8	8			20		\$3,968
3	Field Meetings	8	16				24	\$250	\$5,706
4	Start-up and Testing	4	20				24	\$250	\$5,678
5	Prepare As-Built Plans	4		8	64		76	\$1,000	\$10,016
	Total Hours	28	60	76	64	8	236		
6	Total Additional Work - Eng. Services During Construction	6,496	13,500	11,780	6,848	608	0	\$1,500	\$40,732

Our total additional budget request is \$ 77,158. Should you have any questions or require additional information, please do not hesitate to contact the undersigned at (949) 753-7333.

Very truly yours,

AKM Consulting Engineers

Zeki Kayiran, P.E.
Principal

RESOLUTION NO. 23-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AND FILING A NOTICE OF COMPLETION FOR THE CYPRUS SHORE STORM DRAIN EMERGENCY RELOCATION PROJECT FROM THE STORM DRAIN FUND DEPRECIATION RESERVE, ACCOUNT NO. 059-553-45300-000-12004

WHEREAS, On October 19, 2021, The City Council Ratified a construction contract with O'Connell Engineering on a time and materials basis for up to \$40,000 for the Cyprus Shore Storm Drain Emergency Relocation; and

WHEREAS, The necessary work consisted of establishing an emergency bypass system for the storm drain so that the storm runoff would not drain over the failed slope; and

WHEREAS, On December 7, 2021, the City Council approved an additional \$30,635 to O'Connell's contract for the installation of K-Rails, sandbags and visqueen to enhance the storm drain diversion effort; and

WHEREAS, On April 5, 2022, the City Council ratified the approval of a change order to O'Connell's contract, on a time and materials basis, in the amount of \$59,000 to construct a new storm drain manhole/junction structure in from of the Club House for the diversion storm drain system; and

WHEREAS, In late March 2023, the temporary storm drain system needed repairs and were performed under time and materials in the amount of \$9,535 with a total expenditure to date of \$138,772; and

WHEREAS, When the project first began it was determined to be categorically exempt from the California Environmental Quality Act (CEQA) under section 15269, Emergency Projects.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby find, determine and resolve as follows:

SECTION 1. That the above recitations are true and correct and incorporated herein.

SECTION 2. Accept the Cyprus Shore Storm Drain Emergency Relocation, Project No. 12004, from O'Connell Engineering and Construction, Inc.

SECTION 3. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Cyprus Shore Storm Drain Emergency Relocation.

SECTION 4. Authorize the City Clerk to release the Payment Bond 35 days from

the recordation of the Notice of Completion upon verification with the Engineering Division that no liens have been levied against the Contractor, O’Connell Engineering and Construction, Inc.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this _____ day of _____, 2023.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 23-125 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney