



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: March 19, 2024

Agenda Item: 10G

Submitted By: Public Works

Prepared By: Amir Ilkhanipour, Principal Civil Engineer

Subject:

CONSIDERATION OF A RESOLUTION TO ACCEPT AND FILE A NOTICE OF COMPLETION FOR THE PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$35,000 FOR DESIGN SERVICES TO REBUILD THE CHANNEL WALL

Fiscal Impact:

The total construction cost of \$79,415 is within the approved budget of \$99,585 in the Storm Drain Depreciation Fund, Account No. 059-553-43420-000-26001. A supplemental appropriation in the amount of \$35,000 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund is requested for design services and preparation of a bid package for rebuilding the channel wall.

Summary:

Before the City Council is the acceptance and Notice of Completion (Attachment 2) for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, as shown on the Location Map (Attachment 1), and approving a supplemental appropriation in the amount of \$35,000 for design services and preparation of a bid package for rebuilding the channel wall.

Background:

On February 20, 2024, the City Council awarded a construction contract to Diamond Construction & Design for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista project (Attachment 3). The work consisted of removal of some debris, temporary stabilization of the slope by placing riprap at the toe, and diversion of water to the other side of the channel. This temporary remedial work provides additional protection from further distress due to slope saturation or movement, as a more comprehensive design for the repair of the failed wall is being completed.



Channel Before Wall Failure



Channel After Wall Failure



Channel After Temporary Slope Repair

A summary of the total construction expenditures is provided below:

Construction Administration, Management & Inspection:	\$ 2,200
<u>Construction Contract:</u>	<u>77,215</u>
Total Construction Cost	\$ 79,415

While funding was appropriated for the initial temporary repair, staff is recommending a supplemental appropriation of \$35,000 for design services, including: structural and geotechnical services for rebuilding the channel wall and preparation of a bid package for public advertising. At the time of construction contract award, staff will be coming back to the City Council to request funding for rebuilding the channel wall.

Council Options:

- Adopt Resolution No. 24-42 (Attachment 4), which would accept the completed construction work for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista and approve a supplemental appropriation in the amount of \$35,000.
- Adopt Resolution No. 24-42 with modifications.
- Continue the item with direction to provide additional information.

Environmental Review/Analysis

Acceptance and filing of a notice of completion is not a project pursuant to the California Environmental Quality Act (CEQA). The work undertaken was previously determined to be categorically exempt from CEQA under Class 1 (Existing Facilities - 14 CCR §15301) of the State CEQA Guidelines. Staff anticipates finding the permanent repairs that are being designed to also be categorically exempt from CEQA under Class 1 of the State CEQA Guidelines.

Recommended Actions:

STAFF RECOMMENDS THAT the City Council adopt Resolution No. 24-42, which would:

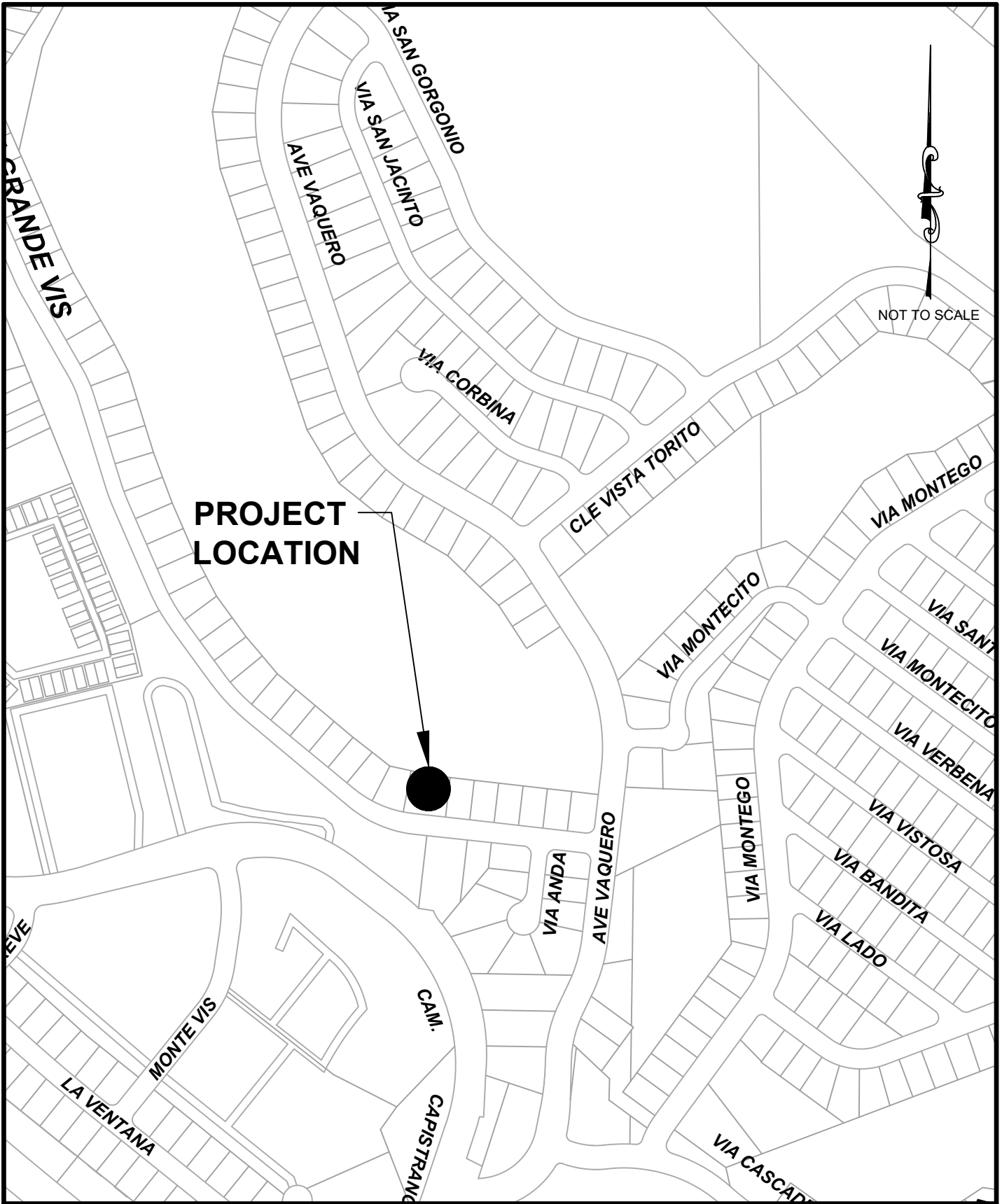
1. Accept Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, Project No. 26001, from Diamond Construction & Design;
2. Authorize the Public Works Director/City Engineer to execute and record the Notice of Completion for the completed Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista;
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, Diamond Construction & Design; and
4. Approve a supplemental appropriation in the amount of \$35,000 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista for design services.

Attachment:

1. Location Map
2. Notice of Completion
3. Staff Report dated, February 20, 2024
4. Resolution No. 24-42

Notification:

None.



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City of San Clemente

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

LOCATION MAP
M01 Grande Vista
Channel Wall Stabilization
PN 26001

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:* Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, CIP Project No. 26001
2. *Date of completion:* February 12, 2024
3. *Street address or legal description of the project site:* 2914 Calle Grande Vista, San Clemente, CA 92672
4. *Name of owner:* City of San Clemente
5. *Interest or estate of owner:* Easement
6. *Address of owner:* 910 Calle Negocio, San Clemente, CA 92673
7. *Name and address of contractor:* Diamond Construction & Design, 921 North Harbor Boulevard Suite #622, La Habra, CA, 90631

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

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

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

Meeting Date: February 20, 2024

Agenda Item: 10F

Submitted By: Public Works

Subject:

RATIFICATION OF AN EMERGENCY CONSTRUCTION CONTRACT WITH DIAMOND CONSTRUCTION & DESIGN FOR PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA PROJECT; APPROVING A PROJECT CONTINGENCY; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$99,585

Fiscal Impact:

A supplemental appropriation in the amount of \$99,585 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund is requested for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista.

Summary:

On February 5, 2024, a portion of the Prima Deshecha Canada Channel (Facility No. M01) channel wall adjacent to Calle Grande Vista between Calle Grande Vista and the Shorecliffs Golf Course failed. See the location map (Attachment 1) for the approximate location of the damaged channel wall.

Before the City Council for consideration is a resolution to ratify an emergency construction contract with Diamond Construction & Design for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, in the amount of \$77,215, approve a 19% project contingency and approve a supplemental appropriation in the amount of \$99,585 to fund the project.

Background:

On February 5, 2024, a portion of the Prima Deshecha Canada Channel (Facility No. M01) channel wall failed. Repairs were unable to be completed due to the continued rainfall and the large amount of runoff through the channel. During this time the slope and nearby residence were monitored.

Staff requested proposals from three contractors, including one local contractor (GCI Construction, Inc.) within the City for the removal of the damaged wall and other debris, the stabilization of the slope and the temporary diversion of the waters within the channel to further protect the slope from added erosion at the base of the slope. All three of these companies have completed previous projects for the City satisfactorily. Staff received two proposals in the amounts of \$77,215 and \$142,000 from Diamond Construction & Design and Harbor Coating & Restoration, respectively.

Staff reviewed the two proposals and recommended that the City Manager declare an emergency and approve a construction contract with Diamond Construction & Design to complete repairs for

the stabilization of the channel wall. The construction contract has been drafted and signed by Diamond Construction & Design (Attachment 2) and it before the City Council for ratification. The work must be completed before additional precipitation occurs and potentially increases to the deterioration of the channel wall and adjacent slope.

Based on the low bid, the estimated construction cost for this project is as follows:

Construction Administration, Management & Inspection:	\$ 7,700
Construction Contract:	77,215
<u>Contingency (19%):</u>	<u>14,670</u>
Total Estimated Construction Cost:	\$ 99,585

As required by the City policy and state law, the Contractor will be required to provide performance and payment bonds simultaneously with execution of the construction contract.

Council Options:

- Adopt Resolution No. 24-26 (Attachment 3) ratifying the Emergency Construction Contract with Diamond Construction & Design, approving a 19% project contingency and approving a supplemental appropriation in the amount of \$99,585.
- Continue the Item and direct staff to provide additional information.

Environmental Review/Analysis:

This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) as it pertains to the repair of an already existing flood control channel under Class 1 of the state CEQA Guidelines, Section 15301 – Existing Facilities. A notice of exemption has been filed for this project (See Attachment 4).

Recommended Actions:

Staff Recommendation

Adopt Resolution No. 24-26, which will:

1. Make a finding that an emergency existed due to the need for immediate channel and slope stabilization and required immediate action to protect public health and safety, which might not have been possible if delays attributable to the typical public competitive bidding process had been incurred;
2. Declare that the public interest and necessity demanded the immediate expenditure of public funds to safeguard public health;
3. Approve a supplemental appropriation in the amount of \$99,585 to Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista;
4. Ratify the Construction Contract with Diamond Construction & Design for an amount not to exceed \$77,215 for the stabilization of the M01 channel wall and its adjacent slope; and

5. Approve a 19% project contingency of \$14,670.

Attachment:

1. Location Map
2. Draft Contract
3. Resolution 24-26
4. Notice of Exemption

Notification:

All bidders.

RESOLUTION NO. 24-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, ACCEPTING AND FILING NOTICE OF COMPLETION FOR THE PRIMA DESHECHA CANADA CHANNEL (FACILITY NO. M01) WALL STABILIZATION AT GRANDE VISTA, PROJECT NO. 26001; AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$35,000 FOR DESIGN SERVICES TO REBUILD THE CHANNEL WALL

WHEREAS, on February 20, 2024, the City Council awarded a construction contract to Diamond Construction & Design for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, CIP Project No. 28206; and

WHEREAS, an emergency was declared that required immediate channel and slope stabilization efforts to protect public health and safety as a result of heavy rains causing a failure of the channel wall; and

WHEREAS, the stabilization efforts are located on the slope adjacent to 2914 Calle Grande Vista and in the existing M01 channel. The project was conducted immediately as permitted when precipitation ceased; and

WHEREAS, as a result of the emergency repair work, the slope has been stabilized to protect both the adjacent property and the damaged channel wall while allowing for the continued operation of the drainage channel which the rebuilding of the channel wall could be designed and bid out.

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. That the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, CIP Project No. 26001, is hereby accepted from Diamond Construction & Design.

SECTION 3. That the Public Works Director/City Engineer is authorized and directed to execute and record the Notice of Completion for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista, CIP Project No. 26001.

SECTION 4. That the City Clerk is authorized and directed 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, Diamond Construction & Design.

SECTION 5. That the a supplemental appropriation in the amount of \$35,000 to

Account Number 059-553-43420-000-26001 from the Storm Drain Depreciation Fund for the Prima Deshecha Canada Channel (Facility No. M01) Wall Stabilization at Grande Vista is hereby approved.

SECTION 6. 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 _____, 2024.

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. 24-42 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