

## **RESOLUTION 2019-007**

### **RESOLUTION BY A FOUR-FIFTHS (4/5) VOTE RATIFYING THE EMERGENCY ACTION TAKEN BY THE EXECUTIVE DIRECTOR AND AUTHORIZING CONTINUED ACTION FOR THE EMERGENCY STORM WATER MANAGEMENT AT THE CHULA VISTA BAYFRONT INCLUDING PROCUREMENT OF A CONSULTANT TO PROVIDE DESIGN FOR THE STORM WATER MANAGEMENT REVISIONS, AND PROCUREMENT OF A CONTRACTOR TO IMPLEMENT THE STORM WATER MANAGEMENT IMPROVEMENTS**

**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 29<sup>th</sup> and December 7<sup>th</sup>, 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

**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

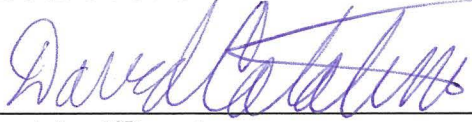
**WHEREAS**, the declaration of an emergency waives the necessity of formal bidding procedures for contracts exceeding \$175,000 as required by the PCC and the BPC is required to authorize this action; and

**WHEREAS**, pursuant to PCC Sections 22035 and 22050, Section 58 of the Port Act, and BPC Resolution 2000-03, a four-fifths (4/5) affirmative vote of the Board is required to ratify the Executive Director's declaration of emergency.

**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 including procurement of a consultant to provide design for the storm water management revisions, and procurement of a contractor to implement the storm water management improvements.

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 16<sup>th</sup> day of January 2019, by the following vote:

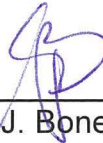
AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, and Zucchet

NAYS: None.

EXCUSED: Valderrama

ABSENT: None.

ABSTAIN: None.



Garry J. Bonelli, Chairman  
Board of Port Commissioners

ATTEST:



Donna Morales  
District Clerk

(Seal)