



Item Number: 1

City Council / Board of Directors

Public Hearing(s)

Meeting of: August 20, 2024

Submitted By:

Fredy Bonilla, City Engineer

Subject:

Eucalyptus Street Infrastructure Restoration Project - Approve Notice of Exemption and Award of a Construction Contract

Recommendation:

That the Honorable City Council:

- (1) Open and conduct a public hearing, receiving testimony regarding the proposed Capital Improvement Project (CIP) and CEQA Notice of Exemption;
- (2) Close the Public Hearing;
- (3) Approve the CEQA Notice of Exemption and authorize staff to file the notice with the Office of Planning and Research and the County Clerk; and
- (4) Award a Construction Contract to Kirtley Construction, Inc. dba TK Construction, in the amount of \$716,989.50 for the Eucalyptus Street Infrastructure Restoration Project.

Fiscal Impact:

The recommended action will result in a fiscal impact of \$766,989.50, which includes \$50,000.00 for associated construction support and materials testing from an on-call geotechnical engineering consultant. This project will be funded by the following funds: Storm Drain, Fund 202; Measure I, Fund 250 and; Water, Fund 410. Please refer to the table below that shows the account numbers, associated available budget, and the total budget.

Account No.	Available Budget
(Fund 202) 2025060-52440	\$41,562.31
(Fund 250) 2504500-55325-61038	\$390,318.78
(Fund 410) 4104500-55360-61038	\$345,000.00

Total: \$776,881.09

Strategic Plan Goal:

The Eucalyptus Street Infrastructure Project (Project) aligns with “Goal E: Invest in Infrastructure” in the City of Victorville Strategic Plan 2023-2026. The work will restore vital infrastructure damaged by Tropical Storm Hilary to its original condition, which will mitigate potential hazards to the public and the environment.

Background:

The City of Victorville is located within an arid, desert climate and is exposed to a variety of seasonal fluctuations. The City is located east of the San Bernardino and San Gabriel Mountains, sheltering it from precipitation clouds that are produced over the coastal cities to the west. On average, there are approximately 28 days in the year where measurable rainfall is produced. The average monthly cumulative rainfall amounts in the last 30 years reported by the National Oceanic and Atmospheric Administration (NOAA) falls between 0.04 to 1.27 inches, less than what historically would be considered a 2-year theoretical storm event of approximately 2.5 inches for a 30-day period.

Hydrology, the study of water, is a science utilized by Civil Engineering in the design of storm drainage systems. Theoretical design storm events are calculated utilizing information from NOAA to size storm drainage systems based upon the amount of potential storm water flows that will impact an area. These systems consider the amount of rainfall in inches that falls in a 1-hour period for a 2, 10, 25, and 100-year storm. A 100-year event is an event that occurs once every 100 years theoretically, making it the worst-case scenario. Storm drain systems utilizing pipes are typically designed to carry storm water flows for a 10-year storm event.

On Saturday, August 19, 2023, it was forecasted that an uncharacteristic Category 2 hurricane, designated as Hurricane Hilary, was expected to hit Baja, California and bring heavy rain and high winds to Southern California. California Governor Gavin Newsom proclaimed a state of emergency in response. The storm made landfall in the City of Victorville on Saturday, August 19, 2023, and sustained through Sunday, August 20, 2023. According to NOAA, the storm generated a cumulative rainfall amount of 2.6 inches over the span of two days, slightly less than the equivalent of a theoretical 10-year design storm event for a 2-day period of 2.8 inches. Some of the existing infrastructure throughout the City, especially in the older parts was not designed adequately to capture and convey stormwater runoff of this magnitude. During the storm event, several streets and parks were closed due to flooding.

City staff performed an investigation of City infrastructure once the storm passed to assess the condition and identify any hazards. On Monday, August 21, 2023, Public Works staff identified significant damage that occurred during the storm event to a storm drain located on Eucalyptus Street. The storm drain collected stormwater runoff from the street and diverted it to the Oro Grande Wash, which is identified as a water of the United States and is federally regulated. The amount of stormwater runoff generated by the storm breached the curb surrounding the storm drain inlet, and quickly began to erode the soil around the buried storm drain pipeline within the bank of the wash. The erosion

undermined the storm drain and caused a section of it to fail. Please refer to Attachment D for pictures of the damage to the storm drain. Public Works staff also identified an underground municipal water pipeline near the storm drain pipeline that was exposed, causing the line to sag and leak at the exposed joints.

Public Works staff immediately identified the damage as a public safety concern and notified the Lahontan Regional Water Quality Control Board (LRWQCB), the United States Army Corps of Engineers (USACE), and the California Department of Fish and Wildlife (CDFW). These agencies regulate and monitor activity within waters of the United States. An on-call emergency response contractor, High Desert Underground, was dispatched to remove the failed storm drain pipeline and backfill the area. The damaged municipal water pipeline segment was isolated by closing valves located on either side of the segment, deeming it inactive until repairs could be made. No residents have been negatively impacted as this segment of pipeline is part of a looped system, allowing it to be turned off without negative short-term impacts.

On Tuesday, August 22, 2023, per Fish and Game Code §1610, an Emergency Notification was submitted through the CDFW Environmental Permit Information Management System (EPIMS) for the emergency work performed by High Desert Underground. The emergency work was intended to be a temporary intervention to protect the public, ensure the environment remained free of hazards, and to prevent further damage to the infrastructure.

Discussion:

The damaged storm drain system and municipal water pipeline pose a substantial risk to the public. Without restoring the infrastructure to its pre-storm condition, the upcoming rainy season has a high potential of further eroding the bank of the wash away, threatening an adjacent residential development and more damage to Eucalyptus Street. If the other municipal waterline feeding the area becomes compromised, requiring it to be shut down, the residents will be without water from a water source until one of the pipelines is repaired. The limits of work for the Project are between Cloverly Avenue and Cobalt Road on Eucalyptus Street, please refer to Attachment A for a map showing the Project Location. In addition to the restoration repairs, the Project scope includes a new headwall design and additional storm drain inlets to prevent erosion from compromising the integrity of the infrastructure in future storm events.

Construction projects that may result in a significant and adverse change in the environment require an environmental review per the California Environmental Quality Act (CEQA). It is a routine requirement to comply with CEQA before construction starts on a CIP. The City must review all Public Works projects to determine how they will comply with CEQA requirements before making a discretionary recommendation of approval of a construction project prior to award of a Construction Contract.

The California Code of Regulations Title 14, Division 6, Chapter 3 provides guidelines for the implementation of CEQA. Article 5 of such guidelines identifies certain types of projects which have been determined not to have a significant effect on the environment

and which are exempt from the provisions of CEQA. City staff evaluated the scope of this Project and determined it is Statutorily Exempt under Article 18, Section 15269 (b)(c): Emergency Projects.

Pursuant to Article 5, Section 15061, after determining that a Project is exempt from CEQA, and once the Project is approved by its governing body, the Notice of Exemption will be recorded to initiate a 35-day statute of limitations, for any appeals submitted from a party feeling a statutory exemption is being improperly used, to limit the possibility of legal challenge. The Notice of Exemption to be recorded is included as Attachment B to this report.

This Project was bid using formal bid procedures in accordance with Victorville Municipal Code Section 2.28.210 and the California Public Contract Code. Advertising of the Project started on June 10, 2024. On July 11, 2024, two (2) bids were received and publicly read aloud. The bid results are shown below.

<u>Company</u>	<u>Base Bid Amount</u>
Kirtley Construction dba TK Construction	\$716,989.50
High Desert Underground	\$979,296.50

It should be noted that High Desert Underground submitted a total bid amount of \$978,996.50, which had an addition error, being \$300.00 too low. This total bid amount was corrected by staff after the bids were submitted and opened, in accordance with the rules stipulated in the “Bid Schedule Instructions”.

After a careful review and tabulation of the bid proposals, staff determined that the lowest responsive, responsible bidder is Kirtley Construction dba TK Construction. The Engineer’s estimate for the project was \$650,000.00 to \$700,000.00. The current low bid came in at 2% above the estimate. The price increase for construction is attributed to higher costs for materials, equipment, and labor.

The Engineering Department will be responsible for the management of the construction for this Project. Construction is likely to start in September 2024. It is estimated that the duration of the Project will be approximately thirty (30) Working Days. The total duration of the Project will depend on weather conditions and construction material availability.

Staff recommends that the City Council approve the Notice of Exemption and award a Construction Contract (Attachment C) in an amount of \$716,989.50 to Kirtley Construction dba TK Construction for the Eucalyptus Street Infrastructure Restoration Project.

Staff remains available for any questions Council may have.

Attachments: A. Location Map
 B. Notice of Exemption
 C. Construction Contract
 D. Pictures