

RESOLUTION NO. 2024-034

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE SECOND AMENDMENT TO THE CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND KLEINFELDER CONSTRUCTION SERVICES, INC. TO PROVIDE ON-CALL CAPITAL IMPROVEMENT PROGRAM (CIP) CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, the Department of Engineering and Capital Projects manages the preliminary engineering, design, construction management, and inspection of the City's CIP and Developer-funded projects, and construction oversight and inspection of various permits, including utility permits and telecommunication facility permits; and

WHEREAS, Kleinfelder Construction Services, Inc. ("Kleinfelder") assists with the construction management and inspection of capital improvement program ("CIP") projects, developer-constructed roadway improvements and grading permits, and utility and telecommunication facility permits when workload exceeds the capacity of existing City staffing levels; and

WHEREAS, Kleinfelder, with City oversight, provides construction management and inspection of telecommunications facility permits associated with fiber network expansion projects by companies like Verizon/MCI, AT&T, Crown Castle, and Wyyer; and

WHEREAS, the City made commitments to deliver capital improvements for infrastructure throughout Chula Vista, which takes significant effort to plan, fund, and construct, and due to the increases in funding associated with Measure P, Gas Tax, Transnet, and grants, the CIP budgets in Fiscal Years 2022-23 and 2023-24 amounted to \$117.1 million, with allocations of \$50.5 million and \$66.6 million, respectively; and

WHEREAS, during this time, Kleinfelder has provided construction management and inspection services for multiple CIP paving, traffic signal, sewer, and bridge replacement projects; and

WHEREAS, Developer-funded and utility and telecommunication permitted projects constructed in the City's public right of way include the multi-year fiber optic system buildouts by Verizon/MCI, AT&T, Crown Castle, and Wyyer; and

WHEREAS, the City's construction oversight and inspection of Developer-funded and utility and telecommunication projects does not impact the City's General Fund, but instead, Developer deposit accounts are created, and City and Consultant staff charges are billed to the deposit accounts and reimbursed by the Developers and telecommunication companies; and

WHEREAS, the fiber optic telecommunication companies pursued aggressive construction schedules which initially caused damage to private sewer laterals, inadequate public street trench repairs, and substandard work practices, and as a result, the City increased its oversight and inspection of the fiber optic work by using a dedicated Kleinfelder resident engineer and additional inspectors to monitor the multiple work locations; and

Resolution No. 2024-034

Page No. 2

WHEREAS, the increased oversight minimizes impacts to private residents and the City's assets and infrastructure; and

WHEREAS, Kleinfelder has provided well-qualified staff with experience and expertise, and the City would like to maintain this level of consistent oversight and inspection for the duration of the various telecom companies fiber optic system buildouts, which is expected to continue through 2026; and

WHEREAS, on August 23, 2022, by Resolution No. 2022-193, Council approved the Agreement with Kleinfelder for On-Call CIP Construction Management services ("Agreement"); and

WHEREAS, on August 8, 2023, by Resolution No. 2023-115, Council approved the First Amendment to the Agreement to increase the maximum allowable amount to be paid from \$2,000,000 to \$4,000,000 for services performed between August 2022 and June 2024 and increased the maximum allowable amount to be paid for services performed through June 30, 2027 to \$7,000,000; and

WHEREAS, the City and Kleinfelder anticipate the performance of the CIP, Developer-funded, and utility and telecommunication projects oversight and inspection will require payment to Kleinfelder in excess of the maximum amount of \$4,000,000 for services performed between August 2022 and June 2024 and will exceed the maximum allowable amount to be paid for services performed through June 30, 2027, of \$7,000,000 as set forth in the First Amendment; and

WHEREAS, the City and Kleinfelder anticipate the performance of the CIP, Developer-funded, and utility and telecommunication projects oversight and inspection will require payment to Kleinfelder in excess of the maximum amount of \$1,000,000 for services performed between July 2024 and June 2025 as set forth in the original Agreement; and

WHEREAS, the City and Kleinfelder desire to amend the Agreement to provide additional on-call construction management and inspection services by increasing the maximum allowable amount to be paid from \$4,000,000 to \$7,000,000 for services performed between August 2022 and June 2024, increasing the maximum allowable amount to be paid from \$1,000,000 to \$4,000,000 for services performed between July 2024 and June 2025, and increasing the maximum allowable amount to be paid for services performed through June 30, 2027 from \$7,000,000 to \$13,000,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista that it approves the Second Amendment to the Consultant Services Agreement between the City of Chula Vista and Kleinfelder, in the form presented, with such modification as the City Attorney may approve or require, to increase the maximum allowable amount to be paid from \$4,000,000 to \$7,000,000 for services performed between August 2022 and June 2024, increase the maximum allowable amount to be paid from \$1,000,000 to \$4,000,000 for services performed between July 2024 and June 2025, and increase the maximum allowable amount to be paid for services performed through June 30, 2027, from \$7,000,000 to \$13,000,000, a copy of which shall be kept on file in the Office of the City Clerk, and authorizes and directs the Mayor to execute same.

Presented by

DocuSigned by:  
*William S. Valle*  
05056EE1933347E  
William S. Valle, P.E.  
Director of Engineering & Capital Projects

Approved as to form by

DocuSigned by:  
*Jill D.S. Maland*  
EFB949DC9B5747E  
Jill D.S. Maland  
Lounsbury Ferguson Altona & Peak  
Acting City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 20th day of February 2024 by the following vote:

AYES: Councilmembers: Chavez, Gonzalez, Preciado, and McCann

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

DocuSigned by:  
*John McCann*  
7804EC23B90B473  
John McCann, Mayor

ATTEST:

DocuSigned by:  
*Kerry K. Bigelow*  
9805BE9D2D684B0...  
For  
Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )  
CITY OF CHULA VISTA )

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2024-034 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 20th day of February 2024.

Executed this 20th day of February 2024.

DocuSigned by:  
*Kerry K. Bigelow*  
9805BE9D2D684B0...  
For  
Kerry K. Bigelow, MMC, City Clerk