

229
City of Las Cruces[®]
 PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 13 Ordinance/Resolution# 11-239

For Meeting of _____
 (Ordinance First Reading Date)

For Meeting of June 6, 2011
 (Adoption Date)

TITLE: A RESOLUTION AUTHORIZING BURN CONSTRUCTION CO., INC., TO CONSTRUCT AND INSTALL AN 8-INCH STEEL HIGH-PRESSURE GAS MAIN AS PART OF THE NORTH LOOP 8-INCH HIGH PRESSURE DISTRIBUTION GAS LINE PROJECT OUTSIDE OF THE HOURS OF 7:00 A.M. TO 6:00 P.M. AS REQUIRED BY THE CITY OF LAS CRUCES MUNICIPAL CODE, SECTION 19-131.

PURPOSE(S) OF ACTION:

To authorize a variance to the hours of construction as required by Municipal Code.

COUNCIL DISTRICT: 1, 4, 5, and 6		
<u>Drafter/Staff Contact:</u> Carl Clark	<u>Department/Section:</u> Utilities	<u>Phone:</u> 528-3527
<u>City Manager Signature:</u>		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On July 17, 2000, the City of Las Cruces City Council passed Ordinance No. 1814 amending Section 19-131 of the City's Municipal Code allowing for more effective enforcement of the construction restrictions. Ordinance 1814 prohibits specified construction, repair or demolition work between the hours of 6:00 p.m. and 7:00 a.m. if the work disturbs the comfort or repose of others except in case of urgent public necessity as determined by the City Council.

On March 10, 2011, the Las Cruces Utilities Board of Commissioners for the City Council approved LCU Resolution 10-11-180 awarding a bid to Burn Construction Co., Inc., (Burn Construction) for the installation of a new 8-inch high-pressure steel gas line as part of the City of Las Cruces North Loop 8-inch High-Pressure Distribution Gas Line Project. Currently, the project is under construction.

As part of the North Loop 8-inch High-Pressure Distribution Gas Line Project, Burn Construction has submitted a letter requesting a variance to the City of Las Cruces (City) Municipal Code, Section 19-131. Due to the proximity of the existing 4-inch high-pressure steel gas line to the location of the new 8-inch steel gas main, the constraints of the roadway, and the large amount of traffic; Burn Construction has requested to install the new 8-inch high-pressure gas line at five (5) roadway crossings from 7:00 p.m. to 7:00 a.m. Burn Construction will use this time to close

(Continue on additional sheets as required)

roads and detour traffic in order to excavate, construct, and install the steel high-pressure gas line.

Allowing the installation of the steel gas line during these hours will minimize the impact to motorists and ensure safety of the contractor's personnel and City inspection personnel. The projected schedule for the road closing is one (1) closure per night at five (5) different locations, for a total of five (5) nights starting June 13, 2011, and ending June 17, 2011. The streets that will be affected by the after hours construction and road closures are North Triviz Drive, the intersection of North Triviz Drive and Boxter Way, the intersection of Spitz Street and El Camino Real, El Camino Real, and Dona Ana Road.

Staff has reviewed the request and evaluated the potential impact to adjacent residential areas. Based on that review, the proximity of the residential areas to the work site, and coupled with the type of work proposed, staff feels there will be a minimal adverse impact to residents if work outside required hours is permitted.

As part of the Resolution, staff is recommending that Utilities staff coordinate and monitor the conditions and any concerns raised as a result of the variance and then bring them to the attention of the project officials for immediate action.

SUPPORT INFORMATION:

1. Resolution.
2. Attachment "A", Las Cruces Municipal Code Section 19-131.
3. Attachment "B", Contractor's Letter Request.
4. Attachment "C", Overall Project Map.
5. Attachment "D", Road Closure Map.

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
	<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.	
Does this action create any revenue? N/A	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY _____.
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

(Continue on additional sheets as required)

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote YES on the Resolution. This will authorize Burn Construction to construct and install an 8-inch steel high-pressure gas main as part of the North Loop 8-inch High-Pressure Distribution Gas Line Project outside of the hours of 7:00 a.m. to 6:00 p.m., as required by the City of Las Cruces Municipal Code, Section 19-131
2. Vote NO on the Resolution. This will not authorize Burn Construction to construct and install an 8-inch steel high-pressure gas main as part of the North Loop 8-inch High-Pressure Distribution Gas Line Project outside of the hours of 7:00 a.m. to 6:00 p.m., as required by the City of Las Cruces Municipal Code, Section 19-131.
3. Postpone consideration of the Resolution. The Council has the option of postponing consideration of this Resolution to determine alternate courses of action.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION NO. 11-239

A RESOLUTION AUTHORIZING BURN CONSTRUCTION CO., INC., TO CONSTRUCT AND INSTALL AN 8-INCH STEEL HIGH-PRESSURE GAS MAIN AS PART OF THE NORTH LOOP 8-INCH HIGH-PRESSURE DISTRIBUTION GAS LINE PROJECT OUTSIDE OF THE HOURS OF 7:00 A.M. TO 6:00 P.M. AS REQUIRED BY THE CITY OF LAS CRUCES MUNICIPAL CODE, SECTION 19-131.

The City Council of the City of Las Cruces is informed that:

WHEREAS, on July 17, 2000, the City of Las Cruces City Council passed Ordinance No. 1814 amending Section 19-131 of the City's Municipal Code allowing for more effective enforcement of the construction restrictions. Ordinance 1814 prohibits specified construction, repair or demolition work between the hours of 6:00 p.m. and 7:00 a.m. if the work disturbs the comfort or repose of others except in case of urgent public necessity as determined by the City Council; and

WHEREAS, on March 10, 2011, the Las Cruces Utilities Board of Commissioners for the City Council approved LCU Resolution 10-11-180 awarding a bid to Burn Construction Co., Inc., (Burn Construction) for the installation of a new 8-inch high-pressure steel gas line as part of the City of Las Cruces North Loop 8-inch High-Pressure Distribution Gas Line Project; and

WHEREAS, as part of the North Loop 8-inch High-Pressure Distribution Gas Line Project, Burn Construction has submitted a request for a variance to the City of Las Cruces (City) Municipal Code, Section 19-131, which stipulates construction hours of 7:00 a.m. to 6:00 p.m.; and

WHEREAS, Burn Construction will need to install an 8-inch high-pressure gas line from 7:00 p.m. to 7:00 a.m. over the course of June 13, 2011, through June 17, 2011; and

WHEREAS, the contractor will use this time to close roads and detour traffic so that the gas line will be installed, minimizing impact to the public and ensuring safety of both contractor and City personnel. The projected schedule for the road closing is one (1) closure per night for a total of five (5) nights starting June 13, 2011, and ending June 17, 2011; and

WHEREAS, the streets that will be affected by after hours construction are North Triviz Drive, the intersection of North Triviz Drive and Boxster Way, the intersection of Spitz Street and El Camino Real, El Camino Real, and Dona Ana Road; and

WHEREAS, City Staff has reviewed the request and evaluated the potential impact to adjacent residential areas, and, based on that review, staff feels there will be a minimal adverse impact to residents if work outside required hours is permitted; and

WHEREAS, Utilities staff will coordinate and monitor the conditions and any concerns raised, as a result of the variance, and will bring them to the attention of the necessary project officials for immediate action.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Burn Construction be allowed to install an 8-inch high-pressure gas line from June 13, 2011, through June 17, 2011, from the hours of 7:00 P.M to 7:00 A.M. as part of the North Loop 8-inch High-Pressure Distribution Gas Line Project outside of the hours of 7:00 A.M. to 6:00 P.M. as required by the City of Las Cruces Municipal Code, Section 19-131.

(II)

THAT City staff would reserve the right to reduce or modify the extended hours of operation by written notice to Burn Construction if adverse conditions are observed and cannot be remedied.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 20__.

APPROVED:

Mayor

ATTEST:

City Clerk

(SEAL)

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

ASST Maicra O...
City Attorney

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Sec. 19-131. - Construction, repair or demolition work.

Construction, repair or demolition work to commercial or residential buildings, roadways, utility facilities or infrastructure other than between the hours of 7:00 a.m. and 6:00 p.m., which work disturbs the comfort or repose of others, shall be deemed a violation of this division except in case of urgent public necessity as determined by the city council.

(Code 1988, § 21-86; Ord. No. 1814, § I, 7-17-00)

Cross reference— Buildings and building regulations, ch. 30.

BURN CONSTRUCTION COMPANY, INC.**GENERAL CONTRACTORS • CONSTRUCTION ENGINEERS**

• POST OFFICE DRAWER 1869 • 2100 WEST AMADOR • LAS CRUCES, NEW MEXICO 88004
 • NEW MEXICO CONTRACTORS LICENSE NO. 1762 DENNIS M. BURN, P.E. PHONE: (575)526-4421 FAX: (575)526-1714
 PRESIDENT

May 3, 2011

Eric Navarrete, P.E.
 City of Las Cruces
 PO Box 20000
 Las Cruces, NM 88004

RE: North Loop 8 inch High Pressure Distribution Gas Line
 Project No. 10-11-180

Dear Mr. Navarrete:

We would like to request permission to work outside of the normal business hours of 7:00 AM to 6:00 PM to complete the street crossings on the following streets:

Triviz, Boxter, Spitz, El Camino Real and Dona Ana Road

We are requesting this due to the complexity of the HP Gas Line installation. Each joint has to be welded by a certified steel welder and then x-rayed to insure proper welding. This would be a difficult task if the streets were not closed to traffic.

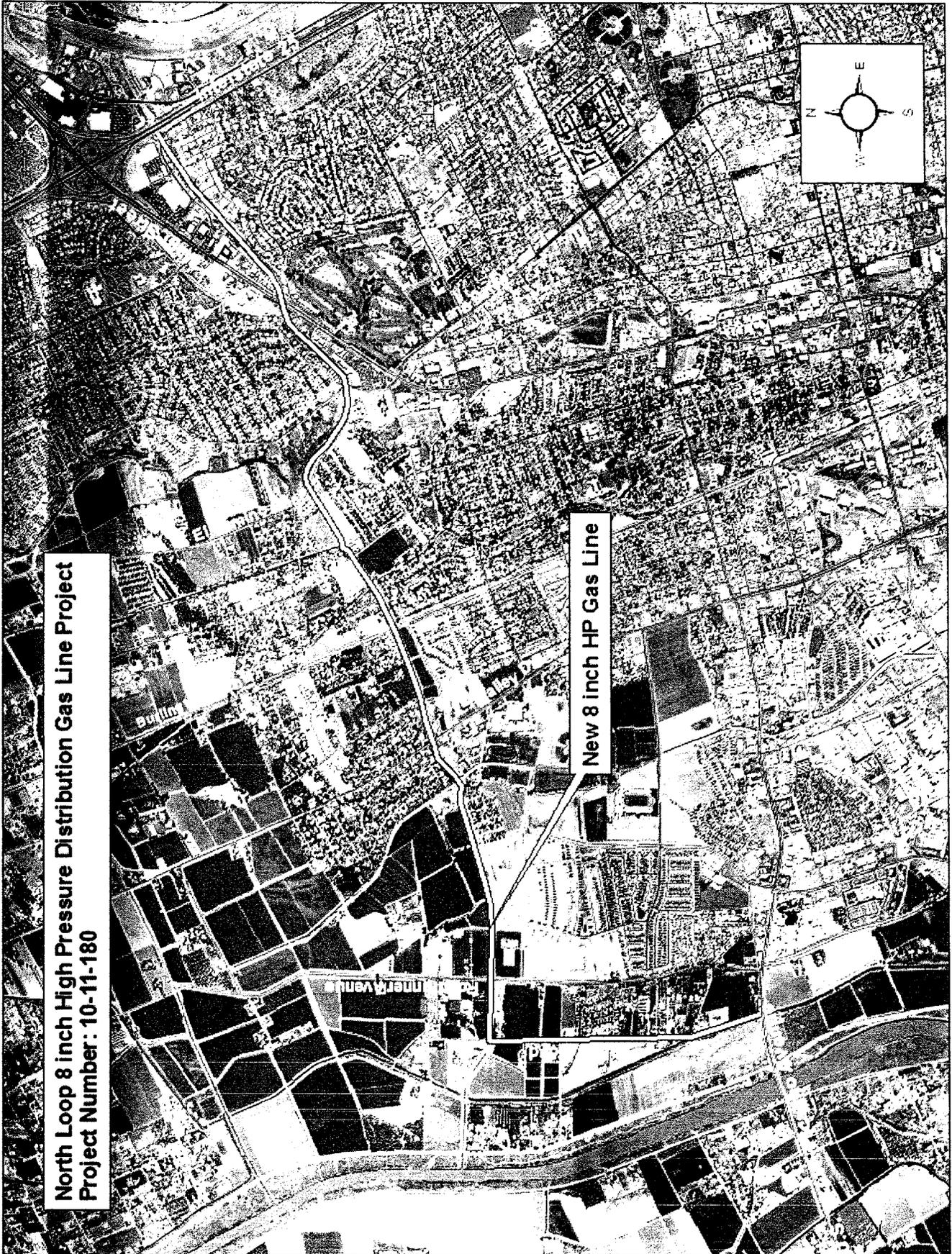
We could complete the crossings during the week of June 13th -17th, 2011. Our crews would work 7:00 PM to 7:00 AM to get the crossings in and out of the way of traffic.

Please let me know if this is acceptable.

Sincerely,

Burn Construction Company, Inc.

Rachel Bustos, P.E.
 Executive Vice President



**North Loop 8 inch High Pressure Distribution Gas Line Project
Project Number: 10-11-180**

New 8 inch HP Gas Line

