



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MARCH 13, 2017**

FROM: PUBLIC WORKS DEPARTMENT **WARD: 1**

SUBJECT: FIRST AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH DUDEK FOR ENVIRONMENTAL PERMITTING SERVICES AT TEQUESQUITE CREEK EXTENDING THE TERM TO FEBRUARY 28, 2019 AND INCREASING THE COMPENSATION BY \$24,425 FOR A TOTAL CONTRACT OF \$73,880

ISSUE:

Approve the First Amendment to Professional Consultant Services Agreement with Dudek for Environmental Review Services for the Tequesquite Creek Maintenance Project, extending the term to February 28, 2019, and increasing the compensation by \$24,425, for a total contract of \$73,880.

RECOMMENDATION:

That the City Council:

1. Approve the First Amendment to Professional Consultant Services Agreement with Dudek for Environmental Review Services for the Tequesquite Creek Maintenance Project, extending the term to February 28, 2019, and increasing the compensation by \$24,425, for a total contract of \$73,880; and
2. Authorize the City Manager, or his designee, to execute the First Amendment to Professional Consultant Services Agreement with Dudek, including making minor and non-substantive changes.

BACKGROUND:

The Public Works Department inspects and maintains over 4,800 storm drains which collect and convey storm flows away from the City. The majority of these flows exit the City at various points along the Santa Ana River. Routine maintenance ensures the effective operation of the system and is necessary to prevent flooding and property damage.

On December 15, 2015, the City Council approved a long term routine maintenance agreement (Streambed Alteration Agreement, "Agreement") with the California Department of Fish and Wildlife (CDFW) for the long-term routine maintenance of Tequesquite Creek. Tequesquite Creek is tributary to the Santa Ana River and is located at the end of Tequesquite Avenue across from the Tequesquite Community Garden. The project site (Attachment 1) is bounded to the east by a

concrete lined flood control channel maintained by the Riverside County Flood Control and Water Conservation District and to the west by a habitat conservation area managed by the Riverside-Corona Resource Conservation District.

Following the City's approval of the Agreement, CDFW notified the City they would not sign the agreement without, first, the City going through the California Environmental Quality Act (CEQA) process to determine the environmental impacts of the project. After receiving proposals from qualified firms, in May 2017, the City procured the services of Dudek to perform environmental services in the amount of \$49,455 to fulfill the requirement of CDFW. Since that time Dudek has prepared an historical and cultural evaluation of the site and begun working on the CEQA Initial Study/Mitigated Negative Declaration.

DISCUSSION:

In the course of performing work thus far, Dudek found that, in order to comply with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) and the National Historic Preservation Act, additional cultural and biological tasks are required. At the City's request, Dudek prepared a proposal to add additional tasks to the original contract as included in the First Amendment to Professional Consultant Services Agreement (Attachment 2).

In addition to several tasks required to comply with MSHCP requirements, Dudek will conduct a reevaluation of the habitat mitigation requirements in the original Agreement and amend other agency permits to reflect any changes in those requirements. A contingency task has also been included to account for additional CEQA related tasks that the City may authorize. The term of the contract extends the agreement to February 28, 2019. The additional compensation amount is \$24,425 for a total contract amount \$73,880.

FISCAL IMPACT:

Sufficient funds are available in the NPDES Inspection and Monitoring account number 9725135-440301.

Prepared by: Kris Martinez, Public Works Director
Certified as to
availability of funds: Adam Raymond, Chief Financial Officer/City Treasurer
Approved by: Al Zelinka, FAICP, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Tequesquite Creek Maintenance Area Site Plan
2. First Amendment to Professional Consultant Services Agreement