



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MAY 14, 2019**

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

SUBJECT: SECOND AMENDMENT TO PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH DUDEK FOR ENVIRONMENTAL REVIEW SERVICES AT TEQUESQUITE CREEK EXTENDING THE TERM TO FEBRUARY 28, 2021 WITH AN OPTIONAL ONE-YEAR EXTENSION AND INCREASING THE COMPENSATION BY \$14,503 FOR A TOTAL CONTRACT AMOUNT OF \$88,383

ISSUE:

Approve the Second Amendment to Professional Consultant Services Agreement with Dudek for Environmental Review Services for the Tequesquite Creek Maintenance Project, extending the term to February 28, 2021, with an optional one-year extension, and increasing the compensation by \$14,503, for a total contract amount of \$88,383.

RECOMMENDATIONS:

That the City Council:

1. Approve the Second Amendment to Professional Consultant Services Agreement with Dudek for Environmental Review Services for the Tequesquite Creek Maintenance Project, extending the term to February 28, 2021, with an optional one-year extension, and increasing the compensation by \$14,503, for a total contract amount of \$88,383; and
2. Authorize the City Manager, or his designee, to execute the Second Amendment to Professional Consultant Services Agreement with Dudek, including the optional contract extension and 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 the City going through the California Environmental Quality Act (CEQA) and Joint Project Review (JPR) processes to determine the environmental impacts of the project. To assist with these processes, in May 2017, the City procured the services of Dudek to perform environmental services to fulfill the requirement of CDFW. Upon commencement of this work, staff found that additional tasks were required to be performed to comply with environmental permitting requirements. In March 2018, a First Amendment to the agreement with Dudek was approved, resulting in an increase in compensation by \$24,425 for a total contract of \$73,880. Since that time, Dudek has prepared the historical and cultural evaluation/report, the General Habitat Assessment and Consistency Analysis, and the Determination of Biologically Equivalent or Superior Preservation (DBESP) report.

The City is currently undergoing the JPR process. Upon completion of the JPR process, Dudek will then prepare the CEQA Initial Study/Mitigated Negative Declaration.

DISCUSSION:

Based on preliminary discussions with CDFW regarding the Agreement and mitigation for this project, the City was informed that additional research and documentation may be required. Significant time has lapsed since the Agreement was first created and certain aspects of the Agreement may need revisions. Also, opportunities for mitigation must be studied, reviewed, and assessed in order to determine the most beneficial and cost effective method for the City. To address these points and, at the City's request, Dudek prepared a proposal to add additional tasks to the contract as included in the Second Amendment to Professional Consultant Services Agreement (Attachment 2). The additional compensation amount is \$14,503 for a total contract amount of \$88,383.

Discussions with CDFW and other agencies have also led to unanticipated delays. The City's Agreement with Dudek expired on February 28, 2019. An extension of contract term until February 28, 2021 will provide additional time to complete the requisite work. Some of this work, however, is dependent on reviews from regulatory agencies and, to safeguard against further delays, an optional one year extension is requested.

FISCAL IMPACT:

The fiscal impact of this action is \$14,503. 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: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Rafael Guzman, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

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