



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** SEE BELOW

**DATE:** 09-24-07

Approved

*Deanna Johnson*

Date

*9/26/07*

Council District: 7

SNI: Spartan/Keyes

**SUBJECT: FIRST AMENDMENT TO AGREEMENT WITH CENTRAL COAST WILDS FOR ENVIRONMENTAL MONITORING PROGRAM FOR THE STORY RD. MITIGATION SITE NOS. 1 & 2**

## **RECOMMENDATION**

Approval of this first amendment with Central Coast Wilds to extend the term of the agreement for the environmental monitoring program for the Story Rd. Mitigation Site Nos. 1 & 2, through December 31, 2009 and increase the amount of maximum fee compensation by \$127,000, for a total amount of \$281,000.

## **OUTCOME**

This amendment extends the consultant's mitigation site monitoring services through 2009, completing the first five years of the ten year monitoring program required to achieve CEQA compliance identified by mitigated negative declarations for various bridge construction projects.

## **BACKGROUND**

The Story Rd. Mitigation Site Nos. 1 & 2 ("Site Nos. 1 & 2") provide off-site environmental mitigation for multiple City bridge projects: Trimble Rd. Bridge, Wooster Ace. Bridge and Oakland Rd. Bridge. The environmental monitoring program, begun in 2004, for the Story Rd. Mitigation Site Nos. 1 & 2 is a ten year long program which documents establishment of native revegetation areas to comply with CEQA environmental mitigation requirements for the bridge construction projects. The Story Rd. Mitigation Site Nos. 1 & 2 are located on existing parkland within the Coyote Creek riparian corridor and consist of native revegetation areas with seasonal wetland and riparian woodland plantings (map attached).

Site Nos. 1 & 2 were installed in 2004 and 2005, respectively, and require a 10 year plant establishment monitoring program to comply with the City bridge construction permits. The first five years of monitoring requires maintenance by a revegetation specialist to successfully establish the revegetation areas. Additionally, a biotic scientist must monitor the process and

prepare annual reports required by various environmental agencies for site documentation. Follow-up monitoring is required in years 7 and 10 of the program, as described in the table below:

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Site No. 1:											
Maintenance	X	X	X	X	X						
Monitoring	X	X	X	X	X		X			X	
Site No. 2:											
Maintenance		X	X	X	X	X					
Monitoring		X	X	X	X	X		X			X

In March 2004, the City entered into a consultant agreement with Biotic Resources Group (“BRG”), a biotic consultant, to provide the revegetation and monitoring program for Mitigation Site Nos. 1 & 2, through February 28, 2006. The new agreement required a consultant selected under the current City Qualifications Based Consultant Selection Policy (“QBCS”) policy. The Department of Public Works publically advertised a Request for Qualifications on January 24, 2006. Two consultant firms submitted Statements of Qualifications and interviewed for the new agreement. Central Coast Wilds (“CCW”) was ranked first and selected by the City. BRG declined to interview for the new agreement as a prime consultant, preferring to provide biotic services as a sub consultant.

The City executed a new agreement with CCW for continuation of the environmental monitoring program for Site Nos. 1 & 2. The term is from March 1, 2006 to December 31, 2007 with a maximum fee compensation of \$154,000.

**ANALYSIS**

The City’s Department of Transportation (“DOT”) provided additional funding in FY 07-08 to extend the term of the environmental monitoring program for two years through December 31, 2009. City staff negotiated a fee of \$127,000 for the two year extension, resulting in a maximum fee compensation of \$281,000 for both sites. The amended agreement includes \$16,500 for additional consultant services that may be required during monitoring program term.

**EVALUATION AND FOLLOW-UP**

The environmental monitoring program for Site Nos. 1 & 2 is currently within budget and on schedule. The 10 year monitoring program has a projected completion date in 2014. After the term of the amended agreement expires in 2009, site monitoring is required at the two sites for an additional five year period. The services of a revegetation consultant may no longer be required. DOT will provide any additional funding required to complete the monitoring program. The final five years of monitoring is planned with a biotic consultant, under a separate agreement to

be managed by DOT. No revegetation is planned during that period. The City will select that consultant consistent with the QBCS policy.

**PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This memo is not subject to Public Outreach Policy. While this action does not meet the \$1 million threshold for Criterion 1, this memorandum will be posted on the City's website for the October 16, 2007 Council agenda.

**COORDINATION**

This agreement and memorandum have been coordinated with the Departments of Planning, Building and Code Enforcement, Transportation, Parks, Recreation and Neighborhood Services, Finance, the City Attorney's Office and the City Manager's Budget Office.

**COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Project Delivery Costs	\$105,000
Consultant Agreement Fees	127,000
<b>TOTAL PROJECT COSTS</b>	<b>\$232,000</b>
  
2. COST ELEMENTS OF AMENDED AGREEMENT:

Basic Services Fees	\$113,265
Additional Services Fees	11,500
Reimbursable Expenses	2,235
<b>TOTAL COST OF FIRST AMENDMENT</b>	<b>\$127,000</b>
  
3. SOURCE OF FUNDING: 429 – Building & Structure Construction Tax Fund
  
4. OPERATING COSTS: The proposed O&M costs have no significant impact on the General Fund.

HONORABLE MAYOR AND CITY COUNCIL

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**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	RC #	Total Appn.	Total Amt. for Agreement	07-08 Proposed Capital Budget (Page)	Last Budget Action (Date, Ord. No.)
<b><u>Remaining Project Costs in FY 07-08</u></b>				<b>\$232,000</b>			
<b><u>Total Funding Available</u></b>							
429	5851	Bridge Mitigation Monitoring	133546	\$232,000	\$127,000	V-886	N/A
<b><u>Total Funding Available</u></b>				<b>\$232,000</b>			

**CEQA**

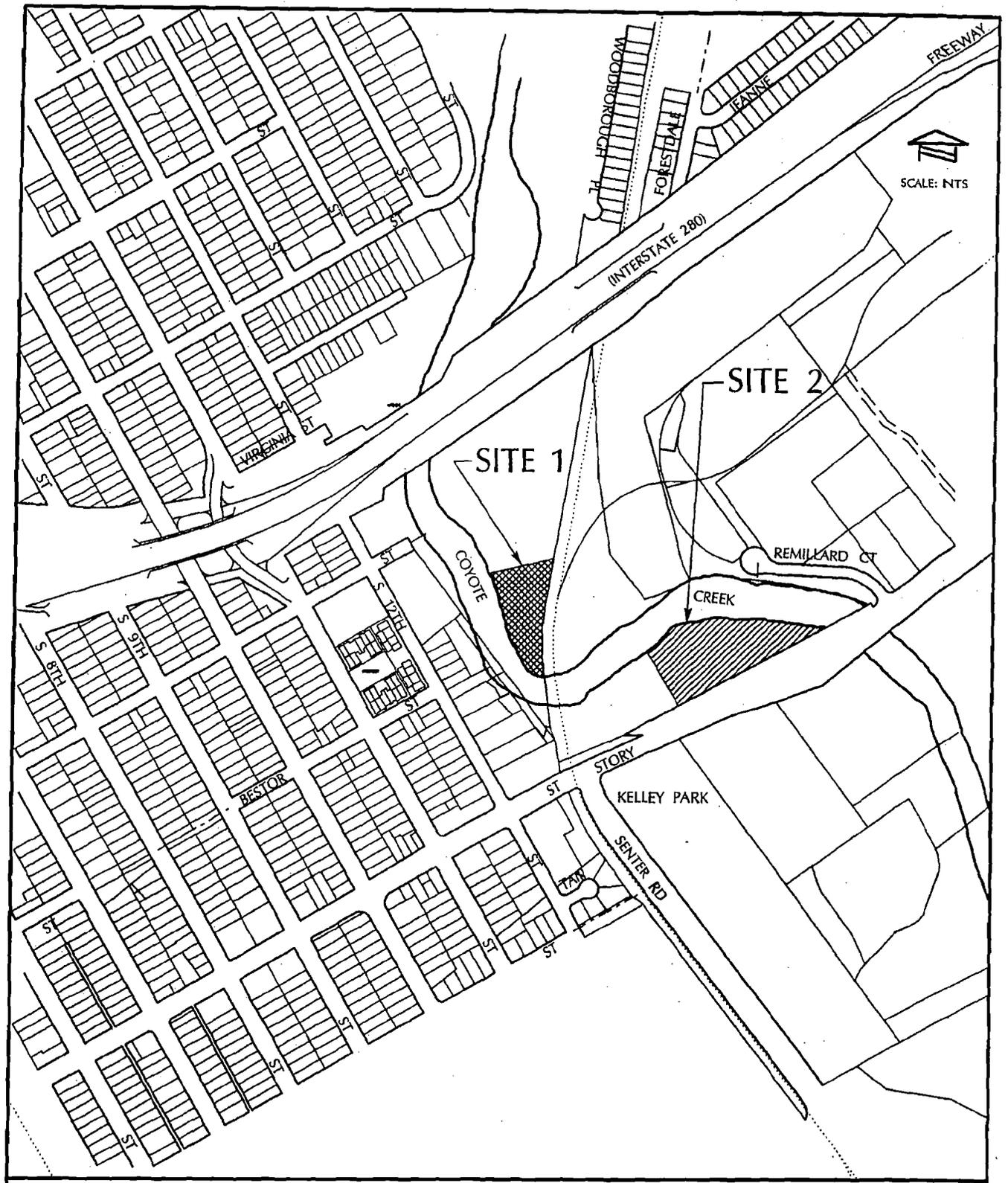
Mitigated Negative Declaration for Bridge Projects: Old Oakland Rd. File #PP96-123, Trimble Rd. File #PP97-150, Wooster Ave.. File # PP97-156.



KATY ALLEN  
Director, Public Works Department

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, at 408-535-8300.

KJ/BB/gw  
Attachments  
09\_24\_07StoryRdMitigationMonitoring



STORY ROAD MITIGATION  
SITES LOCATION MAP