



Legislation Text

File #: 2023-0106, Version: 1

Report to Mayor and City Council

Tuesday, June 06, 2023

Consent

SUBJECT:

CONSIDER APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT FOR CONTRACT SERVICES BETWEEN THE CITY OF CARSON AND MICHAEL BAKER INTERNATIONAL, INC. FOR STORMWATER FACILITIES IMPLEMENTATION PLAN

I. SUMMARY

On May 3, 2022, Michael Baker International was awarded Contract No. 22-102 to create a comprehensive Stormwater Facilities Implementation Plan (SWFIP) that will inform the city's stormwater capital planning, maintenance, operations, and program management and provide guidance on stormwater compliance, financial strategy, and non-structural programs. The proposed Amendment will address three additional stormwater tasks needed by the City, which have arisen since the execution of the agreement.

Item 1 - Supplemental Environmental Project

In July 2022, the City was informed of an additional stormwater capital improvement opportunity by the Los Angeles County Sanitation District (LACSD) imposed by the Regional Water Quality Control Board (RWQCB) due to a sewage spill caused by a sewer collapse that occurred on December 30, 2021. As part of the remedy, LACSD has the option to engage in a Supplemental Environmental Project (SEP) with the City. The SEP is estimated to be capable of funding a \$5,980,000 stormwater capital improvement project entirely, which will remove pollutants from flowing into the Dominguez Channel and assist the City in complying with RWQCB water quality mandates.

To pursue the SEP, the City must identify potential unique projects and develop a concept and workplan for approval by the RWQCB. The Amendment will authorize development of the SEP and submittal of the application to the RWQCB. City staff used input from Mayor Davis-Holmes and Councilman Hilton to select Calas Park as the location of a future stormwater capture facility.

Item 2 - Low Impact Development Ordinance

The City of Carson last updated Section 5809 of its Municipal Code in 2014 to incorporate

stormwater regulations for low impact development (LID) and green streets (GS) policy in accordance with the Los Angeles County Municipal Separate Storm Sewer Systems (MS4) Permit. The Los Angeles County MS4 Permit was subsequently updated in 2021 as Order R4-2021-0105 and includes additional requirements that are not currently addressed in the Municipal Code. The proposed Amendment will identify deficiencies in the code and offer remedies to ensure the Code is current.

Item 3 - Green Streets Implementation

As part of Measure W, the City has been awarded approximately \$2.4 million per annum in funds to be used for stormwater and stormwater-adjacent projects. The City's Capital Improvement Program has identified Green Streets Implementation as the use for these funds for the current and upcoming fiscal year.

The Amendment includes the investigation, development, and final bid package to construct Green Streets that provide drainage improvements for three streets. Following completion of this item, the City will be able to begin construction of the projects, which will improve water quality and assist the City in complying with water quality mandates.

The City Council is requested to approve the proposed Amendment No. 1 which will add \$257,211 to the existing contract sum thereby increasing the contract sum to \$1,364,143, and extend the term to January 31, 2024 allowing consultant sufficient time to perform the additional services.

II. RECOMMENDATION

TAKE the following action:

1. APPROVE Amendment No. 1 to the Agreement for Contract Services between the City and Michael Baker International; and
2. AUTHORIZE the Mayor to execute Amendment No. 1 following approval as to form by the City Attorney.

III. ALTERNATIVES

1. DO NOT APPROVE the recommendations presented to City Council. However, this alternative may not allow for the full completion of the scope of work for the project as planned and may result in missed funding opportunities.

2. Take another action the City Council deems appropriate, and consistent with the requirements of the law.

1. IV. **BACKGROUND**

On May 3, 2022, Michael Baker International (MBI) was awarded Contract No. 22-102 to create a comprehensive Stormwater Facilities Implementation Plan (SWFIP) that will inform the city's stormwater capital planning, maintenance, operations, and program management and provide guidance on stormwater compliance, financial strategy, and non-structural programs. Since the execution of the contract, three additional stormwater tasks needed by the city have arisen which requires amendment to the existing contract to allow MBI to address them, these tasks are the following:

Item 1 - Supplemental Environmental Project (SEP)

Assembly Bill 2017 passed into law in October 2015 and defines Supplemental Environmental Projects as environmentally beneficial projects that a person subject to an enforcement action voluntarily agrees to undertake in settlement of the action and to offset a portion of a civil penalty. On December 5, 2017, the California State Water Board adopted Resolution 2017-0074, an amended Policy on Supplemental Environmental Projects. These amendments allow for the proposal of projects which will be considered, if including benefits to disadvantaged communities, and consideration on a relationship between the location of a violation and location of a proposed SEP. The process allows up to 50 percent of an administratively imposed civil liability under the Water Boards to be used towards an approved project, with the remaining used as revenue for the Water Boards.

LACSD reached out to the City of Carson regarding potential fines that they would receive from the Water Boards due to a sewage spill occurred at the intersection of 212th Street and Moneta Street in December 2021. The spill occurred due to a sewer collapse and discharged approximately 8.5 million gallons of raw sewage into the Dominguez Channel. The Sanitation Districts expects a civil liability fine from the Water Boards and reached out to the City of Carson to pursue a SEP to offset the fine.

City staff, Michael Baker International, and LACSD have been working closely to apply for SEP funds. The SEP is estimated to be capable of funding a \$5,980,000 stormwater capital improvement project entirely, which will remove pollutants from flowing into the Dominguez Channel and assist the City in complying with RWQCB water quality mandates. Due to the limited scope of the original contract, work cannot be completed in a manner sufficient to obtaining SEP funds. Therefore, an amendment is required. The contractor is currently working out of scope to complete the necessary tasks.

On December 8th, 2022, MBI met with City staff from Community Services, Public Works, City Management, as well as Mayor Davis-Holmes and Councilman Hilton, to discuss the

selection of a location for the SEP. With the input given during the meeting, Calas Park was selected as the site for the project and work proceeded on a conceptual plan for the Calas Park Stormwater Infiltration and Water Quality Improvement project.

Item 2 - Low Impact Development Ordinance

The Los Angeles County MS4 permit is part of regulations established by the National Pollutant Discharge Elimination System, a federal program aimed at reducing pollution in the nation's waterways. The permit specifies actions that municipalities must take as part of this program. Actions include regulating discharges and pollution prevention practices for construction, private developments, and municipal properties and incorporating the requirements into City Code. Article V, Section 8 of the Carson Municipal Code regulates Storm Water and Urban Runoff Pollution Control. Updates to this section in the form of an Ordinance will work to bring the City into compliance with the updated permit, and will allow further improvements to water quality in the Dominguez Channel and Machado Lake.

Additionally, on June 8th, 2022, City Council adopted Resolution No 22-095, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING COMPLETE STREETS AND GREEN STREETS POLICY. This resolution adopted a policy to provide streets that would allow for safe and convenient travel for all users and further the health, safety, welfare, economic vitality, and environmental wellbeing of local communities. The Green Streets Policy outlines stormwater treatment and capture steps that the City will undertake. A Low Impact Development Ordinance will assist in the application of this policy.

Item 3 - Green Streets Implementation

In 2018, the residents of Los Angeles County passed Measure W, which created the Safe, Clean Water Program that is funded by a special parcel tax that generates revenue for municipalities and the Los Angeles County Flood Control District (LACFCD) to address water resilience challenges. Part of the funding for Measure W is allocated directly to municipalities, under contract with the LACFCD, for use on projects that increase water supply, improve water quality, or protect public health.

Every year, cities must identify how Measure W funds will be used. The City of Carson has identified that part of the funds for FY 21-22 and the entire funds for FY 22-23 be used towards the construction of Green Streets and is obligated to put these funds towards the program.

Staff requests that the City Council approve the proposed Amendment No. 1 to allow Michael Baker International to provide additional services to complete the above three items, for an additional amount of \$257,211 thereby increasing the contract sum to \$1,364,143, and to extend the Agreement term to January 31, 2024 to allow consultant to complete the additional services.

V. FISCAL IMPACT

There is no impact on the city's General Fund. As part of Measure W, the City receives approximately \$2.19 million per annum in funds to be used for stormwater related projects. Funds for this expense will be drawn from the City's Measure W Fund 295. These funds have been paid to the City from the County and have been used for the current agreement, project PW 1682. Work will commence after the beginning of Fiscal Year 23-24 to not impact the current fiscal year.

VI. EXHIBITS

1. Scope of Services and Cost Proposal for Amendment 1
2. Amendment No. 1 to the Stormwater Facilities Implementation Plan

1.

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