



# CITY COUNCIL AGENDA STATEMENT



August 25, 2020

File ID: 20-0284

## TITLE

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TWO-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND RECON ENVIRONMENTAL, INC TO SERVE AS A PRESERVE STEWARD/BIOLOGIST, AUTHORIZING UP TO TWO 1- YEAR EXTENSIONS TO THE AGREEMENT AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A TWO-PARTY AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND ENVIRONMENTAL SCIENCE ASSOCIATES TO SERVE AS A PRESERVE STEWARD/BIOLOGIST, AUTHORIZING UP TO TWO 1- YEAR EXTENSIONS TO THE AGREEMENT AND APPROPRIATING FUNDS THEREFOR (4/5 VOTE REQUIRED)

## RECOMMENDED ACTION

Council adopt the resolutions.

## SUMMARY

On March 2, 2020, a Request for Proposals was distributed to qualified biological consultants in order to solicit candidates interested in land management services to assist in managing Multiple Species Conservation Program (MSCP) preserve lands and implementing resource management plans and area specific management directives. Upon completing a competitive bidding process, the City selected RECON Environmental Inc. (RECON) and Environmental Science Associates (ESA) to serve as Preserve Steward/Biologists to manage and monitor the biological resources within the City's MSCP Subarea as well as Otay Ranch preserve lands located within the unincorporated County of San Diego (County). The Preserve Steward Biologist (PSB) providing these services will act at the direction of City staff.

Staff has prepared separate two-party agreements with RECON and ESA, respectively, for these services for Council consideration.

## ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it involves only the approval of contracts to provide biological technical services to the City as the MSCP and Otay Ranch Preserve Steward/Biologist; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION/COMMITTEE RECOMMENDATION**

Not applicable.

## **DISCUSSION**

In 2003, the Chula Vista City Council adopted the City of Chula Vista MSCP Subarea Plan. The MSCP is a comprehensive, long-term habitat conservation plan that addresses the needs of multiple species and the preservation of natural vegetation communities of San Diego County. The City of San Diego along with the County of San Diego and other adjacent jurisdictions developed a subregional plan under the California Natural Community Conservation Planning Act of 1991 that encompasses 582,243 acres across a total of 12 jurisdictions. This plan provides a framework for preserving and protecting natural resources and federal and state endangered, threatened, or sensitive species. It addresses the potential impacts of urban growth, loss of natural habitat and species endangerment, and creates a plan to mitigate for the potential loss of covered species and their habitats due to direct, indirect, and cumulative impacts of future development of both public and private lands within the MSCP area.

This MSCP Subregional Plan is implemented through local Subarea Plans prepared by the participating jurisdictions. These Subarea Plans are prepared in coordination with federal and state resource agencies and result in the issuance of permits that allow for a certain level of impact to state and federally listed species. The MSCP Subarea Plan is a plan and a process for the local issuance of permits under the federal and state Endangered Species Acts for impacts to threatened and endangered species. Also included in the MSCP Subarea Plan are implementation strategies, preserve design, and management guidelines.

The City's adopted MSCP Subarea Plan guides implementation of the MSCP within its corporate boundaries. The City's MSCP Subarea Plan ensures conservation and management of approximately 9,243 acres. Of this total, an estimated 4,993 acres will be located within the City's jurisdictional boundaries and will result in a Preserve that is managed by the City. In cooperation with the County, the City is further committed to preserving approximately 4,250 acres located outside the City's jurisdictional and MSCP Subarea Plan boundary, within the County's MSCP Subarea Plan. To date, 3,296 acres have been conserved within the City and an additional 3,604 acres have been conserved outside of the City; total of 6,900 acres or 75% preserve assemblage.

The MSCP Subarea Plan designates a natural habitat preserve system and provides a regulatory framework for determining impacts and designating mitigation associated with proposed projects. The MSCP Subarea Plan identifies a series of focused planning areas within which some lands will be dedicated for preservation of native habitats. Each area of the Chula Vista Preserve is unique in terms of existing conditions, Preserve configuration, ownership of land, the existence and location of sensitive species, and management needs. Eighty-six sensitive plant and wildlife species are MSCP Subarea Plan covered species.

The City has identified the need to enlist qualified consultants to assist City Development Services Department staff due to the number of MSCP preserve management and monitoring obligations throughout the City. On March 2, 2020, a Request for Proposals was distributed to qualified biological consultants in order to solicit candidates interested in land management services to assist in managing MSCP preserve lands and implementing resource management plans and area specific management directives. City received four (4) proposals from consultant teams interested in providing such services. Upon completing a competitive bidding process, the City selected RECON Environmental Inc. (RECON) and Environmental Science Associates (ESA) to serve as Preserve Steward/Biologists to manage and monitor the biological resources within the City's MSCP Subarea as well as Otay Ranch preserve lands located within the unincorporated County of San Diego. The consultant selection process has been conducted in accordance with Section 2.56.110 (C) of the Chula Vista Municipal Code. City may procure work on zero up to several

preserve projects of varying size and complexity throughout the duration of each consultant agreement. The Preserve Steward Biologist (PSB) providing these services will act at the direction of City staff.

The selected Preserve/Steward Biologists, RECON and ESA, will assist in implementing monitoring and management tasks that are necessary to ensure that the covered species are adequately protected. Additionally, as funding is identified, they will implement tasks that will enhance the quality and function of the Preserve.

Staff has prepared separate two-party agreements with RECON and ESA, respectively, outlining the scope of work anticipated for each Preserve Steward/Biologist. Services to be provided to the City include, but are not limited to the following:

- Implement the long-term management directives of Central City Preserve Area Specific Management Directives
- Implement the long-term management directives of the Otay Ranch Resource Management Plans
- Implement the long-term management directives of the Rolling Hills Ranch Area Specific Management Directives
- Implement the long-term management directives of the Bella Lago Area Specific Management Directives
- Implement the long-term management directives of the Sunbow Area Specific Management Directives
- Prepare and implement a Quino checkerspot butterfly (QCB) Recovery Program per the City's MSCP Subarea Plan and Otay Ranch Village mitigation obligations
- Prepare and implement habitat restoration plans

Pursuant to the separate two-party agreements, RECON and ESA, respectively, will serve as Preserve Steward/Biologists for a duration of 4-years. The City has the option to renew these Agreements on an annual basis, for a maximum of two additional 1- year terms. The City Manager shall have the authority to exercise each option to renew. The combined total of all assigned projects under the RECON contract will not exceed the yearly authorization limit of \$1.2 million. The combined total of all assigned projects under the ESA contract will not exceed the yearly authorization limit of \$500,000.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council and has found that Mayor Salas and Council Members Padilla and McCann have real property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. However, to the extent that any decision would have a reasonably foreseeable financial effect on the member's real property, the effect would be nominal, inconsequential, or insignificant. Consequently, pursuant to California Code of Regulations Title 2, sections 18700 and 18702(b), this item does not present a real property-related conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, *et seq.*).

Staff is not independently aware, and has not been informed by any City Councilmember, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

### **CURRENT-YEAR FISCAL IMPACT**

Staff has estimated up to \$1.2 million annually will cover the costs for RECON Preserve Steward/Biologist to implement management and monitoring of the Multiple Species Conservation Program (MSCP) preserve

lands assigned to them; and up to \$500,000 total cost for ESA Preserve Steward/Biologist to implement management and monitoring of the Multiple Species Conservation Program (MSCP) preserve lands assigned to them.

Funding source for these contracts will be provided through various City Community Facility Districts including: CFD 97- 2 (Otay Ranch Preserve), CFD 11M (Rolling Hills Ranch), and CFD 98-3 (Sunbow II) and endowments including: Bella Lago Open Space Endowment Fund 266365, Tarplant Management Plan Endowment Fund 266366, and Preserve Management Endowment Fund 266367, as summarized in the following tables.

<b>RECON</b>		
Otay Ranch Preserve	CFD 97-2	\$1,041,200
Rolling Hills Ranch	CFD 11M	\$40,000
Bella Lago Open Space Endowment Fund	Org Key 266365	\$20,000
Tarplant Management Plan Endowment Fund	Org Key 266366	\$10,000
Preserve Management Endowment Fund	Org Key 266367	\$70,000
<b>Total:</b>		<b>\$1,181,200</b>

<b>ESA</b>		
Sunbow II	CFD 98-3	\$10,000
Shinohara Remediation	OD00014-880-DISBURS	\$125,000
<b>Total:</b>		<b>\$135,000</b>

CFD 97-2, CFD11M and Org Key 266367 budgets were included as part of the FY21 adopted budget. Funding Source OD00014-880-DISBURS is a deposit account with funds currently available for use; appropriation is not required for a deposit account. The prepared Resolutions include appropriations for \$20,000 from the available balance of Bella Lago Open Space Endowment Fund (Org Key 233365), \$10,000 from the available balance of the Tarplant Management Plan Endowment Fund (Org Key 266366), and 10,000 from the available fund balance of Sunbow II (CFD 98-3)

Additionally, staff regularly seeks grant and other additional funding to implement habitat restoration and enhancement activities spanning a variety of habitats throughout the City’s Preserve system. As funding is identified, the tasks will be assigned to a Preserve Steward/Biologist within the terms of their respective two-party agreements. The cost to implement the two-party agreements with RECON and ESA will not result in a fiscal impact to the general fund.

**ONGOING FISCAL IMPACT**

The various CFDs referenced above were established to provide a perpetual funding source for maintenance and monitoring of the Otay Ranch Preserve, Rolling Hills Ranch Preserve and Sunbow II Preserve. The endowments are in interest-bearing accounts and were calculated to fund long-term management for Otay Tarplant in Rolling Hills Ranch, enhanced management programs within the North City and Otay Ranch preserve management areas and Bella Lago preserve management areas.

The current estimated annual management and monitoring budget will not exceed a total of \$1.7 million. The budget amount may vary each year and will be reassessed on an annual basis. The annual budget will be based upon management and monitoring needs and requirements outlined in annual work plans to be prepared by RECON and ESA, which will be subject to the review and approval of the City.

Neither two-party agreement will have any impact on the General Fund on an on-going basis.

#### **ATTACHMENTS**

1. Two-Party Agreement: City of Chula Vista and RECON
2. Two-Party Agreement: City of Chula Vista and ESA

*Staff Contact: Cheryl Goddard, Senior Planner*