

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING A TWO-PARTY AGREEMENT
BETWEEN THE CITY AND NINYO & MOORE
GEOTECHNICAL AND ENVIRONMENTAL SCIENCES
CONSULTANTS TO PERFORM A PHASE II
ENVIRONMENTAL SITE INVESTIGATION AND WAIVING
THE FORMAL CONSULTANT SELECTION PROCESS

WHEREAS, the City of Chula Vista is the recipient of a Brownfields Assessment Grant from the US Environmental Protection Agency (EPA) to identify and characterize Brownfield sites in western Chula Vista; and

WHEREAS, using EPA Brownfields grant funds, a Phase I environmental site assessment (ESA) was completed in June 2013 for the property located at 1130 Fifth Avenue and owned by the Sweetwater Union High School District (SUHSD); and

WHEREAS, the Phase I ESA for this property identified potential petroleum contaminants and underground storage tanks (USTs) on the property. The property owner, SUHSD, concluded that a Phase II Environmental Site Investigation was necessary to verify the presence of contaminants, determine the characteristics and extent of those elements, and make recommendations for remediation; and

WHEREAS, Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Ninyo & Moore) was selected to prepare a proposal to perform a Phase II environmental site investigation (SI) on the subject property referenced above; and

WHEREAS, the City has determined that Ninyo & Moore is uniquely qualified to perform under the Agreement, due to its recent experience in preparing environmental assessments through the EPA's Brownfield Assessment grant program and its familiarity with the City's consultant agreement processes: Ninyo & Moore is currently under an on-call agreement with Chula Vista's Public Works Department. The timeframe to complete the work is short, so Ninyo & Moore's knowledge of the EPA requirements and process will be key to a timely completion of the project. All of which would better materially serve the City's interests. Therefore, the formal selection process for the scope of work has been waived; and

WHEREAS, Consultant warrants and represents that it is experienced and staffed in a manner such that it can deliver the services required of Consultant to City in accordance with the time frames and the terms and conditions of this Agreement; and

WHEREAS, the Development Services Director has reviewed the proposed amendment for compliance with the California Environmental Quality Act (CEQA) and has determined that the project is exempt, pursuant to Section 15061(b)(3) of the State CEQA Guidelines. Thus, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it:

1. Finds that Ninyo & Moore Geotechnical and Environmental Sciences Consultants, is uniquely qualified to perform under the Agreement, due to its recent experience in preparing environmental assessments through the EPA's Brownfield Assessment grant program and its familiarity with the City's consultant agreement processes: Ninyo & Moore is currently under an on-call agreement with Chula Vista's Public Works Department. The timeframe to complete the work is short, so Ninyo & Moore's knowledge of the EPA requirements and process will be key to a timely completion of the project. All of which would better materially serve the City's interests. Therefore, the formal consultant selection process for the scope of work is hereby waived; and
2. Approves the Agreement between the City of Chula Vista and Ninyo & Moore Geotechnical and Environmental Sciences Consultants, in the form presented, with such minor modifications as may be required or approved by the City Attorney, and authorizes and directs the Mayor or her designee to execute the same.

Presented by

Approved as to form by

Kelly G. Broughton
Development Services Director

Glen R. Googins
City Attorney