



# City of Chula Vista

## Staff Report

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**File#:** 17-0026, **Item#:** 2.

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RESOLUTION NO. 2017-037 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SECOND AMENDMENT TO THE EXISTING AGREEMENT FOR DEVELOPING A TELEGRAPH CANYON CHANNEL NEXUS STUDY, BETWEEN THE CITY OF CHULA VISTA AND ATKINS NORTH AMERICA, INC.

### **RECOMMENDED ACTION**

Council adopt the resolution.

### **SUMMARY**

On August 11, 2015, the City Council approved an agreement with Atkins North America, Inc. (Atkins) to provide consultant services for developing a Telegraph Canyon Channel Nexus Study; and on February 16, 2016, the City Council approved the first amendment to the agreement for additional consultant services. Adoption of the resolution would approve a second amendment to the agreement to facilitate the completion of additional scope of work in order to further refine alternatives and address resource agency concerns.

### **ENVIRONMENTAL REVIEW**

#### **Environmental Notice**

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

#### **Environmental Determination**

The proposed activity has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; 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 RECOMMENDATION**

Not Applicable

### **DISCUSSION**

On August 11, 2015, by Resolution 2015-193, the City Council approved an agreement with Atkins in the amount of \$175,000 to provide consultant services for developing a nexus study (Supplemental Study) to identify Telegraph Canyon Drainage Fee eligible facilities (Fee Facilities) that may be needed within the basin.

On February 16, 2016, by Resolution 2016-021, the City Council approved the first amendment to the

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agreement with Atkins in the amount of \$46,660 to provide additional improvement options in response to comments from resource agencies, perform additional drainage system analysis iterations and create 30% level design plans for the proposed drainage facilities.

As the work progressed with the 30% level design plans, it became apparent that the 3rd and L St segment would need to be refined to minimize costs and impacts to existing utilities. This segment refinement would provide a facility that would maximize the use of existing facilities and reduce the size of the proposed facilities.

The following matrix compares the original and first amendment scope of work costs with the proposed increase in scope of work cost; and shows the total additional funds required for this contract cost increase.

Item	Original Contract Scope	1 <sup>ST</sup> Amendment	2 <sup>nd</sup> Amendment	Cost Increase
Identify deficiencies and hydraulic analysis	Examination of existing facilities, analysis of design alternatives as possible solutions to deficiencies	Two additional iterations of hydraulic analysis	One additional iteration of hydraulic analysis	\$23,758
Environmental Assessment	Determine conditions of biological resources and impacts of recommended improvements	Attendance of two additional Resource Agencies meetings	No change	No change
CIP	Develop a CIP by identifying existing deficiencies and recommending improvements	No change	No change	No change
Alternative Compliance Program	Provide alternative compliance strategies	No change	No change	No change
Regulatory Requirements	Identify existing and pending regulations that impact the study areas	No change	No change	No change
AutoCAD design plans	Deliver preliminary design plans	Creation of 30% level design plans for three improvement options	Refinement of 3 <sup>rd</sup> /L St culvert realignment option	\$21,242
<b>Second Amendment</b>				<b>\$45,000</b>

The consultant cost increase is due to additional work needed to revise and finalize the 30% level design plans. To date, the consultant has been responsive to City issues and project needs. Staff is satisfied with Atkins' performance and recommends approval of the second amendment.

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**DECISION-MAKER CONFLICT**

Staff has reviewed the property holdings of the City Council members and has found that Mayor Mary Casillas Salas and Council Members John McCann and Patricia Aguilar have real property holdings within 500 feet of the boundaries of the property which is the subject of this action. However, it is not reasonably foreseeable that the decision will have an effect on the Council Members' financial interests. 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. The Telegraph Canyon Drainage fee is a connection fee that was paid at the time of development of the subject parcels. The properties owned by the identified Council members are existing residences, thus, the Council members will not be subject to the fee. In addition, the properties owned by the Council members were not identified as properties subject to the fee when the Telegraph Canyon Drainage fee was adopted. Finally, the facilities to be constructed will replace and serve the same purpose as previously approved drainage facilities. Consequently, pursuant to California Code of Regulations Title 2, sections 18700, 18701(b), 18702(b), and 18702.2(c)(1), this item does not represent 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 Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

**LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The Supplemental Study supported the Economic Vitality goal in the City's Strategic Plan. It provides for planning drainage infrastructure of new development, which is a key City function in supporting new growth.

**CURRENT YEAR FISCAL IMPACT**

Sufficient Telegraph Canyon Drainage funds are available in CIP DR208 for completion of services associated with the second amendment.

**ONGOING FISCAL IMPACT**

Annual routine maintenance will be required after completion of identified Fee Facilities.

**ATTACHMENTS**

Attachment 1: Atkins Request for 2<sup>nd</sup> Amendment dated January 18, 2017

*Staff Contact: Luis Pelayo, Associate Civil Engineer*