



City of Chula Vista

Staff Report

File#: 14-0755, **Item#:** 3.

RESOLUTION NO. 2015-019 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

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

Staff has prepared a two-party agreement for professional services with Ninyo & Moore Geotechnical and Environmental Sciences Consultants (Ninyo & Moore), to perform a Phase II Environmental Site Investigation (SI) for the property owned by the Sweetwater Union High School District (SUHSD) and located at 1130 Fifth Avenue. The purpose of the SI is to assess the extent of waste on the subject property and characterize the waste in preparation of a remediation plan. The waste analysis will facilitate redevelopment of the property and implement the City's US EPA- funded Community-wide Brownfields Assessment program.

ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed agreement 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.

BOARD/COMMISSION RECOMMENDATION

Not Applicable

DISCUSSION

A Phase I Environmental Site Assessment (ESA) for the subject property was completed in June 2013, which identified potential petroleum contaminants and underground storage tanks (USTs) on the property. Now, the property owner (SUHSD) has asked the City of Chula Vista to assist in the recommended Phase II analysis, the cost of which will be funded by the Brownfields Assessment Grant.

Background

In May 2008, the Chula Vista Redevelopment Agency was awarded a Community-wide Brownfields Assessment grant for \$400,000 (Grant). The purpose of the Brownfields Assessment program was to inventory, characterize, assess and plan for the cleanup of contaminated properties known as "brownfield sites" in western Chula Vista.

In the years following the award of the Grant, the Chula Vista Redevelopment Agency selected a consultant to do a community-wide assessment, as well as consultants to do various Phase I and Phase II environmental studies.

In April 2013, a consultant performed Phase I ESAs for four (4) sites owned by the Sweetwater Union High School District (SUHSD) that were being considered for redevelopment within western Chula Vista: one of those sites was the subject property, located at 1130 Fifth Avenue.

The purpose of the Phase I ESA was to investigate readily observable conditions and identify any Recognized Environmental Conditions (RECs) on the property through visual observations, environmental regulatory agency records review, review of available historical documents, review of available facility records, and interviews. The Phase I ESA for 1130 Fifth Avenue indicates the possible presence of petroleum contaminants and USTs. 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.

Proposed Phase II Agreement

Ninyo & Moore is the environmental engineering firm selected to perform the Phase II environmental site investigation on the subject property. Staff recommends Council approve the Agreement to assess the condition of the site and implement the Brownfields program.

Scope of Work

As detailed in Attachment 2, the scope of work includes the performance of a Phase II Environmental Site Investigation for the property located at 1130 Fifth Avenue, at a cost of \$68,254. Due to the use of EPA grant funds, the consultant will coordinate closely with the EPA Officer in preparing a Sampling and Analysis Plan (SAP), and following through the EPA protocol as the Phase II progresses. The Phase II is eligible under the EPA Brownfields Assessment grant, and staff recommends entering into the agreement to complete the scope of work.

Waiver of Consultant Selection Process

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, staff recommends the formal selection process for the scope of work be waived.

DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the City Council and has found no property holdings within 500 feet of the boundaries of the property which is the subject of this action. Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

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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 agreement supports the Healthy Community and Economic Vitality goals as it identifies and characterizes environmental contaminants, in preparation for remediation. Ultimately, SUHSD plans to entitle the property for new residential townhomes.

CURRENT YEAR FISCAL IMPACT

No appropriations are needed as a result of this action; appropriations for the EPA grant are included in the fiscal year 2015 budget, which are sufficient to cover the \$68,254 contract costs. Staff has confirmed that the proposed work is eligible for a full reimbursement under the grant agreement.

ONGOING FISCAL IMPACT

Not applicable; all work will be completed prior to June 30, 2015.

ATTACHMENTS

1. Site Map
2. Two-Party Agreement with Ninyo & Moore
3. Council Resolution

Staff Contact: Janice Kluth, Senior Project Coordinator, Development Services Department