STAFF REPORT

ITEM NO. 6

CITY OF OCEANSIDE

DATE: December 22, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **APPROVAL OF AMENDMENT 1 TO THE PROFESSIONAL SERVICE AGREEMENT WITH TECHNOLOGY ASSOCIATES INTERNATIONAL CORPORATION OF SAN DIEGO FOR THE MYERS PROPERTY HABITAT RESTORATION**

SYNOPSIS

Staff recommends that the City Council approve Amendment 1 to the Professional Services Agreement (PSA) with Technology Associates International Corporation (TAIC) of San Diego in an amount not to exceed $60,998.00 for continuing work on the Myers property habitat restoration program and authorize the City Manager to execute the amendment.

BACKGROUND

In 2001, the City Council authorized the acquisition of a 35-acre parcel located west of El Camino Real and south of Loma Alta Creek through the San Diego County Water Authority ("SDCWA"), which real property is commonly known as the Myers Property. The SDCWA and the State of California Department of Fish and Game provided funds for purchase of the Myers Property as part of the mitigation obligation for SDCWA's Emergency Storage Project. The City's acquisition of the Property added a key open space parcel to the City's proposed "Wildlife Corridor Planning Area" as described in the draft Multiple Habitat Conservation Program and the City's draft Subarea Plan.

As a condition of the acquisition of the Myers Property by the City, the City agreed to be responsible for the restoration and management of the site as natural open space pursuant to an approved habitat management plan. In September 2004 the City Council accepted a $445,245 grant from the SWRCB and adopted a budget resolution in the amount of the state grant and the City's required grant matching fund total of $67,430 for the Myers property and adjacent creek habitat restoration and management.

On April 6, 2005 Council approved a PSA with TAIC for professional engineering and design services, installation and associated maintenance and monitoring programs required for habitat restoration and management for the Myers property.

The City applied for and was awarded a one-time San Diego Association of Governments (SANDAG) grant of $60,998 to install additional fencing along the western and northern property lines to further restrict unauthorized pedestrian, domestic animal, and two-wheel-vehicle accesses; remove any invasive species and repair and reseed areas that have been damaged through unauthorized access and repair and/or replace erosion-control devices in support of the Myers Property Habitat Restoration Program.

ANALYSIS

Through the recommended amendment, TAIC will administer the grant requirements for the City. This will include:

- All grant administrative required summary reports.
- Access controls will be established or restored, including the installation of additional t-post with barbed wire fencing where necessary.
- Invasive species and weeds will be removed from disturbed areas and as necessary from the remaining areas of the property.
- Repair and stabilize previously restored trails and rivets.
- Hydroseed remediation areas, invasive species removal areas, and the top of the ridge on the Myers property.
- Repair scoured out areas around the long dams to restore their ability to function as a sediment stabilizer and to slow down flows from the upstream water shed.

FISCAL IMPACT

Council adopted a budget resolution in September 2004 to create a Myers Property Habitat Restoration account. Council accepted the $60,998 in grant funds from SANDAG on December 9, 2009 and appropriated these funds to the Myers Property Habitat Restoration account 917119300273.4376 for expenditures being spent for professional services under account 917119300273.5305. The account has sufficient funds to provide for the cost of the recommended amendment no new budget resolution is required.

INSURANCE REQUIREMENTS

The City's standard insurance requirements will be provided.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council approve Amendment 1 to the Professional Services Agreement (PSA) with Technology Associates International Corporation (TAIC) of San Diego in an amount not to exceed $60,998 for continuing work on the Myers property habitat restoration program; and authorize the City Manager to execute the amendment.

PREPARED BY:

Gary P. Gurley
General Services Manager

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Douglas E. Eddow, Real Estate Manager

Teri Ferro, Financial Services Director

AMENDMENT NO. 1
MYERS PROPERTY RESTORATION
PROFESSIONAL SERVICES AGREEMENT

THIS AMENDMENT NO. 1TO PROFESSIONAL SERVICES AGREEMENT, dated _____, 20__, for identification purposes, is made and entered into by and between the CITY OF OCEANSIDE, a municipal corporation, hereinafter designated as "CITY", and Technology Associates International Corporation of San Diego hereinafter designated as "CONSULTANT."

RECITALS

WHEREAS, CITY and CONTRACTOR are the parties to a Professional Services Agreement, dated April 6, 2005 for the Myers property restoration and;

WHEREAS, CONTRACTOR and CITY desire to amend the Professional Services Agreement as set forth below.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and conditions contained herein, the parties hereto agree as follows:

1. The Agreement is hereby amended as follows:

Section 1. <u>SCOPE OF WORK</u>, shall be amended to add subsection 1.1 as follows:

1.1 Amendment 1 Scope of Work.

CONTRACTOR will provide all necessary tools, labor, material, and expertise for the repair and restoration of erosion control devices, invasive species removal and improved access control as outlined in **Attachment 1 to Exhibit A Scope of Work.**

Section 7. <u>COMPENSATION</u>, is amended to add subsection 7.1, as follows:

7. 1 CONTRACTOR's compensation for all work performed in accordance with this Amendment 1, shall not exceed $60,998.

2. All other terms, conditions, covenants and provisions of the PROFESSIONAL SERVICES AGREEMENT shall remain in full force and effect.

AMENDMENT NO. 1
MYERS PROPERTY RESTORATION
PROFESSIONAL SERVICES AGREEMENT

IN WITNESS WHEREOF, the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this Amendment 1 to Professional Services Agreement to be executed by setting hereunto their signatures on the day and year respectively written herein below.

TECHNOLOGY ASSOCIATES
INTERNATIONAL CORPORATION

By: _____
Name/Title

By: Elizabeth McIntyre, Contracts Manager
Name/Title

CITY OF OCEANSIDE

By: _____
Peter A. Weiss
City Manager

APPROVED AS TO FORM:

_____, ASST.
City Attorney

NOTARY ACKNOWLEDGMENTS OF TENANT'S SIGNATURE(S) MUST BE ATTACHED

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

State of California
County of San Diego

On November 18, 2010 (Date) before me, Christina Levesque, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Elizabeth McIntyre (Name(s) of Signer(s)),

who proved to me on the basis of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [signature] (Signature of Notary Public)

CHRISTINA ROSE LEVESQUE
Commission # 1878993
Notary Public - California
San Diego County
My Comm. Expires Feb 2, 2014

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Amend. No 1, Myers Property Restoration Professional Ser. Agmnt.

Document Date: no date Number of Pages: 6

Signer(s) Other Than Named Above: no other signers

Capacity(ies) Claimed by Signer(s)

Signer's Name: Elizabeth McIntyre

☒ Corporate Officer — Title(s): Contracts Manager
☐ Individual
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name:

☐ Corporate Officer — Title(s):
☐ Individual
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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Item #5907

AMENDMENT NO. 1
MYERS PROPERTY RESTORATION
PROFESSIONAL SERVICES AGREEMENT

Attachment 1 to Exhibit A Scope of Work

Scope of Work

The project will include repair and restoration of erosion control devices, invasive species removal and improved access control.

Task #1. Site Visit
The TAIC Team will conduct a site visit to identify the exact locations to install additional access control, erosion repair and removal of invasive species.

Task #2. Access Control
No access to the property is permitted to avoid disturbing biological resources, specifically the California gnatcatcher, damage to the reseeded areas and erosion control devices. The only allowable access to the property is for maintenance purposes only, including maintenance access by the surrounding Eternal Hills Memorial Park. Current access controls are working properly, except where previous access controls have been removed to allow access by Eternal Hills to their sedimentation basin at the base of their property. Eternal Hill holds an access easement on the Myers property on an improved road alongside the unnamed tributary. In order to prevent public access from this road to the remainder of the Myers property, access controls will be established or restored, including the installation of t-post with barbed wire fencing at the access points of restored trails as well as along restored trails (see map).

Deliverables: Access control installation with photos.

Task #3. Invasive Species removal
Under the supervision of a TAIC biologist, invasive species and weeds will be removed from disturbed areas and as necessary from the remaining areas of the property. If required, up to three applications of Glyphosate herbicide will be administered by a licensed applicator.

Deliverables: Summary report.

Task #4. Stabilization of Unauthorized Trails
As indicated on the attached details and map, the TAIC Team will repair deep erosion rivets in one of the previously restored trails by filling the rivets using nine gravel bags, plant material (40 1-gallon container per each species: *Opuntia littoralis* and *Cylindropuntia prolifera)* and Dry Water® tubes and gel packs. Old erosion control wattles will be removed and legally disposed of. Approximately 2,000 linear feet of 9-inch woven coconut fiber wattles will be installed along this trail.
Deliverables: Summary report.

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Task #5. Reseeding of Unauthorized Trails.
Hydroseed will be applied to remediation areas, invasive species removal areas, and the top of the ridge on the Myers property (see attached map). The seed mix will be a native plant mix including bonded fiber for erosion control and mycorrhizal fungi inoculums.

Deliverables: Summary Report.

Task# 6. Log Dam Repair.
The TAIC Team will repair scoured out areas around the long dams to restore their ability to function as a sediment stabilizer and to slow down flows from the upstream water shed. The repair will occur by trenching and installing coconut fiber blanket and 8-inch minus rock.

Deliverables: Summary report.

Task#7. Summary Report.
Within six week of completion of remediation actions, TAIC will develop and submit to the City of Oceanside a summary report of all above activities. Report will included a detailed account tasks, materials, and photographic documentation as appropriate. TAIC will submit one draft report for review, implement comments, and submit one final report to the City of Oceanside. The final report will be submitted electronically (Microsoft Word and pdf-format) and in three hard copies.

Deliverables: Summary report.

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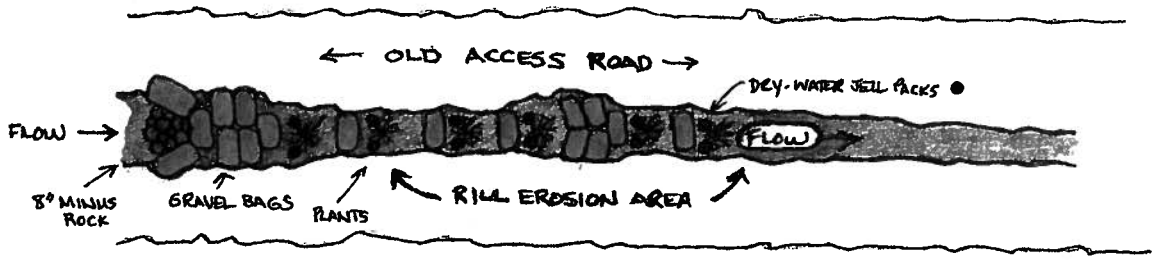
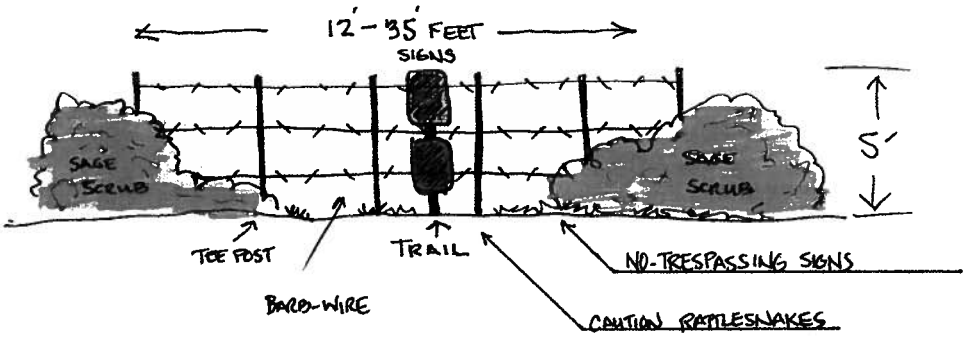
MYERS PROPERTY RESTORATION
PROFESSIONAL SERVICES AGREEMENT

Details:

Rill Erosion Repair:



Fencing and Sign Detail:



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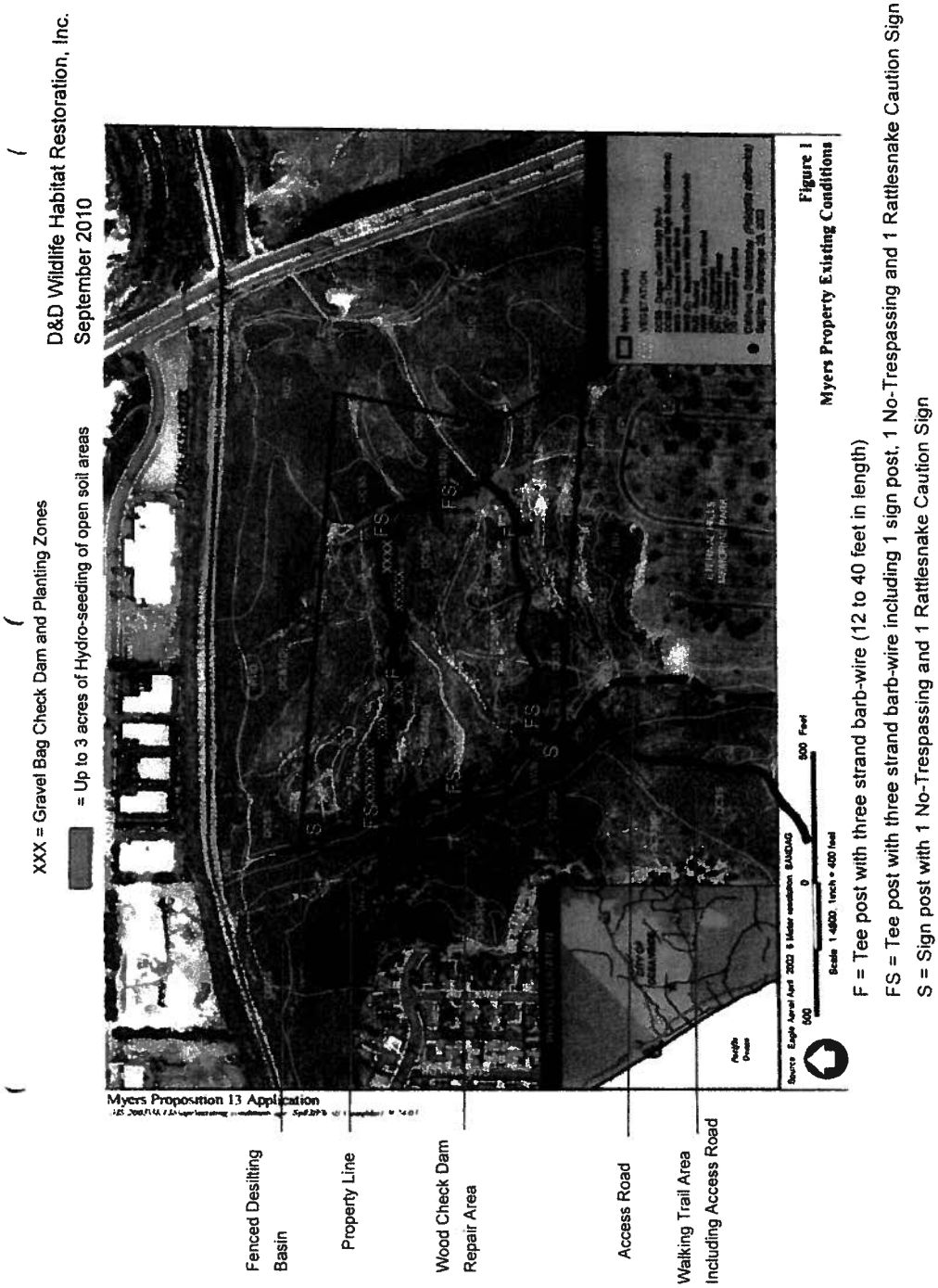
Map