

## STAFF REPORT

DATE: June 15, 2010  
TO: Utilities Commission  
FROM: Cari Dale, Water Utilities Director  
SUBJECT: **RECOMMEND APPROVAL OF AMENDMENT 1 IN THE AMOUNT OF \$34,946 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MACTEC ENGINEERING AND CONSULTING, INCORPORATED**

### **SYNOPSIS**

Staff and the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve amendment 1 in the amount of \$34,946 to the professional services agreement with MACTEC Engineering and Consulting, Incorporated, of San Diego for the cost of additional samples to replace samples lost due to the State's stop work order, and authorize the City Manager to execute the agreement upon receipt of all supporting documents.

### **BACKGROUND**

The Lower San Luis Rey River and river mouth currently suffers from elevated bacterial levels negatively impacting water quality in the river mouth and the adjacent shoreline. In 2005, this beach area was posted due to bacterial exceedance 209 days; 186 days were during one consecutive stretch. The City of Oceanside has been sampling the San Luis Rey River since 1994 to determine the source or sources of the bacterial exceedance. Thus far, the results are inconclusive. One potential source is from birds that frequent a sand island in the river mouth. During low tides when the island is not submerged hundreds of birds are found on the island. When tidal influx causes the island to be submerged, the bird waste is washed from the island and is released into the river mouth flow. It is theorized that this may contribute to bacterial exceedance in the coastal mixing zone.

On July 18, 2007, the City Council approved the adoption of a resolution authorizing entering into a Proposition 50 Clean Beach Grant Program Agreement with the State of California for the award of \$554,375 for the Lower San Luis Rey River Bacteria Source Tracking Study project. The agreement was fully executed on December 11, 2007.

On February 20, 2008, the City Council approved a professional services agreement with MACTEC Engineering and Consulting Services in the amount of \$507,275 for sampling, analysis and preparation of the San Luis Rey River Bacteria Source Tracking Study project.

## **ANALYSIS**

On December 19, 2008, all State Water Resources Control Board (SWRCB) grant project activities were suspended per the California Department of Finance Budget Letter 08-33. On December 17, 2009, the SWRCB gave the City of Oceanside notice that this project had been selected to restart. Due to the suspension of the project a request for time extension was filed and approved by the SWRCB. Amendment 1 to the professional services agreement extends deadlines and increases the total project cost for additional sampling required.

## **FISCAL IMPACT**

The total cost of Amendment No. 1 is \$34,946. Adequate grant funds are available.

Prop50 Clean Beach Grant Program Bacteria Source Tracking Study		
Budget Appropriation (908711500711)	Original Agreement	Balance Available
\$554,375	\$507,275.24	<b>\$47,130</b>

Unexpended funds must be refunded back to the State under the conditions of the grant.

## **COMMISSION OR COMMITTEE REPORT**

The Water/Sewer Committee approved staff's recommendation at its regularly scheduled meeting on June 8, 2010.

## **CITY ATTORNEY'S ANALYSIS**

The referenced documents are being reviewed by the City Attorney's office.

## **RECOMMENDATIONS**

Staff and the Water/Sewer Committee recommend that the Utilities Commission recommend that the City Council approve amendment 1 in the amount of \$34,946 to the professional services agreement with MACTEC Engineering and Consulting, Incorporated, of San Diego for the cost of additional samples to replace samples lost due to the State's stop work order, and authorize the City Manager to execute the agreement upon receipt of all supporting documents.

PREPARED BY:

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Greg Blakely  
Administration Manager