



Agenda Report

March 25, 2019

TO: Honorable Mayor and City Council

FROM: Pasadena Water and Power

SUBJECT: AUTHORIZATION TO ENTER INTO A CONTRACT WITH DUDEK FOR PREPARATION OF THE ARROYO SECO CANYON PROJECT ENVIRONMENTAL IMPACT REPORT FOR AN AMOUNT NOT TO EXCEED \$350,000

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed action is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 21065 of CEQA and Sections 15060 (c)(2), 15050 (c)(3), and 15378 of the State CEQA Guidelines and, as such, no environmental document pursuant to CEQA is required for the project; and
2. Authorize the City Manager to enter into a contract, based on a competitive selection process, pursuant to Pasadena Municipal Code Section 4.08.047, with Dudek for the preparation of an Environmental Impact Report ("EIR") for the Arroyo Seco Canyon Project for an amount not-to-exceed \$350,000, which includes the proposed fees of \$303,385 to prepare the EIR, and a contingency of \$46,615.

BACKGROUND:

The proposed Arroyo Seco Canyon Project ("ASCP") is the repair and replacement of facilities in the Arroyo Seco area damaged by the 2010 floods following the 2009 Station Fire. The ASCP will improve habitat and the health of the ecosystem in the Arroyo Seco Canyon, and allow for maximum use of the City of Pasadena's ("City") surface water rights. The project being assessed is to repair and replace the damaged facilities in the upper Arroyo Seco Canyon for the purpose of restoring and improving rates of diversion for stream flows during storm events. Some of this flow was within the City's surface water rights, yet, has been bypassed due to the damage and limitations of the facilities. The proposed project will restore the impaired capacity and improve the system to better facilitate using the surface water rights for beneficial purposes, which is an important component in protecting those rights.

In 2015 the City approved the Conditional Use Permit (“CUP”) and the Initial Study/Mitigated Negative Declaration (“IS/MND”) for the ASCP, which are the City’s permits for the project.

On March 23, 2017, the Los Angeles County Superior Court ordered the City to invalidate the approval of the CUP and IS/MND for a portion of the project.

Subsequently in July 2017 the City Council repealed the approval of the CUP and the IS/MND for the components of the project found to have been inadequately analyzed under CEQA.

Before proceeding with construction of the ASCP, the City must prepare and certify an EIR. The EIR will analyze the potentially significant effect of the diversion and spreading facilities and the potential impact of increased water diversion from the Arroyo Seco on downstream biological resources.

Pasadena Water and Power (“PWP”) initiated a permit for the ASCP by submitting a streambed alteration notification to the California Department of Fish and Wildlife (“Fish and Wildlife”). Fish and Wildlife advised that the project can be permitted only after obtaining an approved CEQA document covering all project elements.

In order to respond to the ASCP’s environmental and regulatory challenges, the City Council authorized a contract with Psomas in November 2017 to conduct a habitat impact study on the effect of increased flow diversion as a separate step preceding the required EIR. The work linked established hydrology and hydraulics with ecology as basis to determine the ecosystem response to a change in flows. The study, completed in November 2018, concluded that reduced flows associated with the ASCP diversion are not expected to result in any measurable effects on downstream riparian habitat. Now that the habitat impact study has been completed, PWP is proceeding with the required EIR.

On November 2, 2018, a Request for Proposals (“RFP”) was issued to solicit professional services for preparation of an EIR and assistance with environmental permitting for the ASCP. The RFP was posted on PlanetBids, and targeted vendors in the Engineering and Environmental Consulting Services field. Sixty-nine prospective respondents downloaded the RFP, and two proposals were received by the due date of December 4, 2018. Both proposals were from local Pasadena consultants.

The proposals were evaluated based on the procedures and criteria listed in the RFP. Both consulting firms were interviewed by a PWP panel comprised of two Engineering Managers, and one Engineer. Attachment A illustrates the ranking of the proposals as well as evaluation summary and the criteria listed in the RFP.

The proposed contract complies with the City's competitive selection process.

Dudek is a reputable consulting firm and demonstrated the knowledge and technical expertise to successfully complete the tasks defined in the scope of work. The firm has also completed complex and controversial projects, and has a qualified project team with key personnel located in its Pasadena office.

It is recommended that the City Council award a contract to Dudek for an amount not to exceed \$350,000 to prepare the EIR. Dudek also has an existing contract with the City of Pasadena, Department of Public Works for the update of the City's Sewer Master Plan valued at \$500,000.

COUNCIL POLICY CONSIDERATION:

The proposed action is consistent with the Public Facilities Element of the General Plan and supports the City Council Strategic Planning Goal to improve, maintain, and enhance public facilities and infrastructure and implement capital improvements that will maintain and rehabilitate infrastructure.

ENVIRONMENTAL ANALYSIS:

The action proposed herein is not a project subject to CEQA in accordance with Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is authorization to enter into a professional services contract with Dudek for the preparation of the Arroyo Seco Canyon Project EIR, which is an organizational and administrative action that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Therefore, the proposed action is not a "project" subject to CEQA, as defined in Section 21065 of CEQA and Section 15378 of the State CEQA Guidelines. Since the action is not a project subject to CEQA, no environmental document is required.

FISCAL IMPACT:

The maximum value of this contract if the contingency is awarded is \$350,000. Funding for this action will come from the existing appropriations in the adopted FY 2019 Capital Improvement Program Budget Number 1040 – Arroyo Seco Canyon Project. It is anticipated that all of the funds will be spent in FY 2019 and FY 2020. The contract administration to be performed by staff will be approximately \$75,000.

The total fiscal impact summary is as follows:

| | FY 2019 | FY 2020 |
|----------------------------|------------------|------------------|
| Consultant's Fee | \$105,000 | \$245,000 |
| Contract Administration | \$ 30,000 | \$ 45,000 |
| Total Fiscal Impact | \$135,000 | \$290,000 |
| | \$425,000 | |

Respectfully submitted,

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Attachments:

- Attachment A – RFP Evaluation Scores
- Attachment B – Tax Payer Protection Amendment