



**CITY OF SALINAS COUNCIL
STAFF REPORT**

DATE: AUGUST 20, 2024

DEPARTMENT: PUBLIC WORKS

FROM: DAVID JACOBS, DIRECTOR

BY: HEIDI NIGGEMEYER, NPDES PROGRAM MANAGER

TITLE: AMENDMENT 2 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SALINAS AND HARRIS AND ASSOCIATES FOR THE SALINAS CREEKS MAINTENANCE AND ENHANCEMENT PLAN

RECOMMENDED MOTION:

A motion to approve a Resolution authorizing the City Manager to execute Amendment 2 with Harris and Associates for the Salinas Creeks Maintenance and Enhancement Plan to increase the compensation by \$332,325 for a revised not to exceed amount of \$696,193, revise the scope of services, and extend the Agreement to September 1, 2026.

EXECUTIVE SUMMARY:

On December 22, 2022, the City authorized the initial scope of work for \$85,729 to initiate the permitting process to obtain streambed alteration permits for Gabilan and Natividad Creeks under a Professional Services Agreement. On October 24, 2023, Amendment 1 was approved by Council (Resolution No. 22827) to increase the scope of services and amount of compensation by \$278,139 to prepare design plans and complete the permitting process following information received from the initial feasibility study for a total Agreement amount not to exceed \$363,868. To perform work in the creeks of Salinas, streambed alteration permits are required for all the creeks, including Santa Rita Creek. Amendment 2 will add to the scope of services in the amount of \$332,325 to complete the feasibility study, permitting, conceptual mitigation plan w/engineering designs, and evaluation of Ryder Ranch parcel for potential mitigation bank project. Amendment 2 also extends the term of the Agreement to September 1, 2026 in order to complete the additional permitting requirements. The total amount of the Agreement upon approval of Amendment 2 is not to exceed \$696,193.

BACKGROUND:

The 2017 winter storms caused heavy erosion and large amounts of silts to be deposited at Gabilan Creek, Natividad Creek, and Santa Rita Creek. In the process of performing emergency work as a

result of the storm damage, staff discovered that permits required for the maintenance work within these creeks had expired.

The primary purpose of these essential drainage facilities is to convey flood water in order to protect property, human health and safety; however, opportunities exist which could enhance the ecological health of the creeks' riparian zones. Adding an ecological element to any restoration project would not only improve habitat along the drainage facility but also could have added benefits such as increasing flood water capacity, water quality, infiltration and percolation, cost effectiveness of maintenance, climate resiliency and recreational opportunities. Gabilan, Natividad, and Santa Rita Creeks offer a chance to create a nexus for these benefits.

On December 22, 2022, the City authorized the initial scope of work for \$85,729 to initiate the permitting process to obtain streambed alteration permits for Gabilan and Natividad Creeks under a Professional Services Agreement. The scope of work included the following:

- Initiate the permitting process for ongoing maintenance activities in Gabilan and Natividad Creeks
- Identify ecological enhancement opportunities
- Draft a conceptual plan that improves flood capacity, water quality, habitat and infiltration of surface flows, and
- Perform a field evaluation of existing conditions to better understand the level of investigation and analysis required to successfully complete an engineered design

During the permitting process for Gabilan and Natividad Creeks, the Regional Water Quality Control Board indicated the requirement of mitigation areas such that the ongoing maintenance does not continually require disturbance of the flora and fauna within the stream bed. In cooperation with Harris and their subconsultants, staff discussed various mitigation scenarios, evaluated alternatives, and considered the constraints along with need to remove silt deposits from streams and to conduct regular maintenance activities.

The project, called the "Salinas Creeks Maintenance and Enhancement Plan", advanced to the next phase which involved preparation of design plans and completion of the permitting process based on information acquired during the feasibility study. This included elements required by the permitting agencies that were not considered in the original scope of work. Collectively the additional scope included:

- 1) Project Management and Project Description
- 2) Technical Studies to Support Project Permitting
- 3) CEQA Compliance/Documentation
- 4) Regulatory Compliance/Permit Applications
- 5) Natividad Creek and Gabilan Creek Maintenance Plan and Conceptual Mitigation Plan
- 6) Concept Level, 65%, and 100% Design Plans.

The additional scope represented a net increase of \$278,139 to the original agreement. On October 24, 2023, Amendment 1 was approved by Council via Resolution No. 22827 to increase the scope of services of the Agreement by \$278,139 for a total not to exceed \$363,868 with the Agreement term expiring on December 31, 2024.

It came to the attention of NPDES staff that permitting for work in Santa Rita Creek and the costs for the Gabilan and Natividad permits were not included in the initial “Salinas Creeks Maintenance and Enhancement Plan” project. A streambed alteration permit is required for work in Gabilan, Natividad, and Santa Rita Creeks. Therefore, a cost estimate was requested from Harris and Associates to complete the required permitting and mitigation planning work for Santa Rita Creek as had been contracted for completion for Natividad and Gabilan creeks and add the costs of the permits for Gabilan and Natividad Creeks.

Amendment 2 will increase the scope of services of the Agreement for the “Salinas Creeks Maintenance and Enhancement Plan” project by \$332,325 to include permitting for Santa Rita Creek, as well as permits for Gabilan and Natividad Creeks for an amount not to exceed \$696,193. The amendment also extends the term of the Agreement until September 1, 2026 to provide time to complete the permitting. Also included in the increased scope of work is an evaluation of an agricultural parcel called “Ryder Ranch” for potential use as a wetlands mitigation bank. An appraisal must be performed before the City can consider purchase of this parcel. Development of a wetlands mitigation bank could provide mitigation “credits” for any work the City performs that requires mitigation measures by the State agencies.

CEQA CONSIDERATION:

The proposed scope of work includes making a determination as to the extent if any, the project has the potential for causing a “significant effect on the environment”. This will be examined during the CEQA process along with any relevant information compiled and submitted. In and of itself however, the amendment of an agreement which include such a CEQA determination does not constitute a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

The proposed project and agreement meet the City Council’s goal of Infrastructure and Environmental Sustainability (City of Salinas Strategic Plan 2022-2025) by improving City facilities.

DEPARTMENTAL COORDINATION:

Public Works will advance this project through coordination with Engineering and Maintenance Services with additional input from the Department of Library and Community Services given that the streams are located within or along City parks.

FISCAL AND SUSTAINABILITY IMPACT:

Funding is available and appropriated in 3911.50.9086 (ARPA Project Natividad Creek Silt Removal).

ATTACHMENTS:

Harris and Associates PSA Amendment 2 Resolution

Original executed Professional Services Agreement (PSA) w/Harris and Associates for the
“Salinas Creeks Maintenance and Enhancement Plan” project

Harris and Associates PSA Amendment 1 - fully executed

Resolution 22827

Harris and Associates PSA Amendment 2

Exhibit B2 Scope of Work