



COUNCIL AGENDA: 11/27/18  
FILE: 18-1549  
ITEM: 2.9

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Jon Cicirelli

**SUBJECT: MITIGATION, MONITORING,  
MAINTENANCE AND REPORTING  
FOR PARKS AND TRAILS PROJECTS**

**DATE:** November 15, 2018

Approved

Date

11-15-2018

## RECOMMENDATION

Approve the First Amendment to the agreement between the City of San José and H.T. Harvey and Associates for a Master Consultant Agreement (Agreement) providing mitigation, monitoring, maintenance and reporting for park and trail projects. This Amendment will extend the Term of the Agreement from December 31, 2023 to December 31, 2027, and increase the Maximum Total Compensation by \$1,125,000 from \$2,000,000 to \$3,125,000.

## OUTCOME

Approval of the amendment for the consultant services will allow the City to meet existing environmental permit conditions as required by the California Department of Fish and Wildlife, the Santa Clara Valley Water District, San Francisco Bay Regional Water Quality Control Board, and various other permit agencies. Permit conditions from these agencies require certain capital projects to provide mitigation planting areas and requires qualified biologists to prepare and submit reports regarding the condition of the sites. The work enabled by the requested amendment will lead to the completion of current existing mitigation, monitoring, maintenance and reporting projects.

## BACKGROUND

In June 2013, the City Council authorized the City Manager to negotiate and execute a master agreement, amendments, and/or extensions related to mitigation and monitoring consulting services with H.T. Harvey and Associates. The Maximum Total Compensation of the Agreement was not to exceed \$2,000,000 with a term of 10 years. The approval also authorized the PRNS Director to negotiate and execute related annual service orders not to exceed an amount consistent with the annual budget. H.T. Harvey was selected through a competitive Request for Proposals posted from December 2012 to February 2013.

On July 24, 2013, the City entered an agreement with H.T. Harvey and Associates to provide mitigation, monitoring maintenance and reporting consultant services. Since 2013, the City has managed and reported on six (6) mitigation projects annually, reporting to various state agencies. Current sites include:

1. San Tomas Aquino/Saratoga Creek Trail Reach 6 Offsite Remedial Mitigation at Watson Park;
2. Las Gatos Creek Trail Reach 4;
3. Happy Hollow Park and Zoo;
4. Coyote Creek Trail Los Lagos to Tully;
5. Watson Park Outfalls; and
6. Penitencia Creek Trail Reach 1.

Each mitigation project has a specific number of years for mitigation and reporting required by the permitting agency and the current project completion dates range from 2018 to 2027, which exceeds the Contract Term Limit by four (4) years.

Due to the high number of ongoing projects, a site requiring redesign and relocation work due to a water washing out the mitigation project, and requirement compliance with the permitting agencies, the \$2,000,000 Maximum Total Compensation allowed in the Agreement will be reached during fiscal year 2018-2019.

### **ANALYSIS**

Increasing the compensation and term on this Master Agreement will allow H.T. Harvey to continue to provide consultant services for mitigation, monitoring, maintenance and reporting for existing park and trail projects until the end of the reporting period for the existing projects. It is anticipated that all existing permit monitoring periods will be completed by December 31, 2027.

To continue to meet the requirements of the existing agency permits and provide continuity for annual maintenance and reporting, staff recommends the First Amendment to the Agreement with H.T. Harvey & Associates, which will extend the Term of the Agreement through December 31, 2027, and increase the Maximum Total Compensation by \$1,125,000, from \$2,000,000, for an amount not to exceed \$3,125,000.

### **EVALUATION AND FOLLOW-UP**

In the coming years, new and future projects will likely require mitigation and monitoring. Staff will conduct a Request for Proposals (RFP) process to solicit consultant services for a new master consultant agreement(s) for mitigation, monitoring, maintenance and reporting for future park and trails projects beginning in 2019. H.T. Harvey will retain services related to the

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existing projects noted above, with future project monitoring completed by the selected consultant in the 2019 RFP

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's website for the November 27, 2018, City Council Agenda.

### **COORDINATION**

This memorandum and First Amendment have been coordinated with the City Manager's Budget Office and the City Attorney's Office.

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **FISCAL/POLICY ALIGNMENT**

The Master Agreement with H.T Harvey and Associates has been developed in accordance with the Council adopted consultant selection process and the provisions of the Local Business and Small Business Preference Ordinance.

### **COST SUMMARY/IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$1,125,000.
2. SOURCE OF FUNDING: 391 – Parks City-Wide Construction and Conveyance Tax Fund

On an ongoing basis, the 2019-2023 Capital Improvement Program allocates \$190,000 annually in the Parks City-Wide Construction and Conveyance Tax Fund to the Environmental Mitigation Maintenance and Monitoring appropriation, which is the funding source for this contract. Staff will recommend adjustments to this allocation as necessary to meet its environmental compliance obligations related to parks and trails projects.

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**CEQA**

Not a Project, File No. PP17-002, Consultant services for design, study, inspection, or other professional services with no commitment to future action.

/s/

JON CICIRELLI

Acting Director of Parks, Recreation  
and Neighborhood Services

For questions please contact Nicolle Burnham, Deputy Director at (408) 973-5514.