

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 7/10/06		Item Number: <u>A-10</u>	
AGENDA ITEM: Consideration to Award a Professional Services Contract to CDM (Camp Dresser & McKee Inc.), for the Marina del Rey Harbor Mothers' Beach and Back Basins Bacterial Total Maximum Daily Load Quantitative Analysis Project. (P-497)			
Contact Person/Dept.: Cathy Chang/PW		Phone Number: (310) 253-5619	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List via email on July 5, 2006.			
Department Approval: Charles D. Herbertson (06/29/06)		CAO Approval: Jerry B. Fulwood (07/05/06)	
City Controller Approval: Marlee Chang (07/05/06)			

RECOMMENDATION:

Staff recommends the City Council authorize awarding a professional services contract to Camp Dresser & McKee Inc. (CDM), in the amount of \$50,000.00, for the Marina del Rey Harbor (MdRH) Mothers' Beach and Back Basins Bacteria Total Maximum Daily Load (TMDL) Quantitative Analysis Project, P-497.

Staff also recommends a budget amendment to add a revenue account to record the reimbursement from other jurisdictions. **This item requires a 4/5ths vote.**

BACKGROUND:

Total Maximum Daily Load (TMDL)

The Federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board, Los Angeles Region (Regional Board), to develop water quality standards that identify beneficial uses and criteria to protect these uses for each water body found within its region. Beneficial uses include swimming, fishing, drinking water, navigability, and wildlife habitat and reproduction. The Regional Board carries out its CWA responsibilities through the State's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan (Basin Plan).

Section 303(d) of the CWA requires States to establish TMDLs for water bodies that are not meeting water quality standards and to amend the Basin Plan. TMDL refers to the maximum amount of a pollutant that a water body may receive and still meet

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its designated beneficial uses (such as recreation, wildlife habitat, etc.) and water quality standards.

Marina del Rey Harbor Mothers' Beach and Back Basins (MdRH) Bacteria TMDL

Marina del Rey Harbor (MdRH) is one of the impaired water bodies listed in California's 1998 Section 303(d), and a small fraction (less than 2%) of Culver City drains into this water body. Impairments in the MdRH are due to bacteria and toxic pollutants. MdRH Bacteria TMDL, the subject of this staff report, was adopted by the Regional Board on August 7, 2003, and requires responsible jurisdictions and agencies (RJAs) to submit an Implementation Plan by July 30, 2005, describing how they intend to comply with the numeric targets assigned in the TMDL. The RJAs for the Marina del Rey Watershed include the County of Los Angeles, Cities of Los Angeles and Culver City, and Caltrans.

The TMDL requires that compliance be achieved in three phases over a ten-year period, unless an Integrated Water Resources Approach is implemented, in which case the compliance deadline may be lengthened up to 18 years (from the effective date of another adjacent water body, the Santa Monica Bay Beaches Bacteria TMDL, adopted in December 2002). An Integrated Water Resources Approach requires a more complex and comprehensive strategy to managing water resources and water pollution (compared to the traditional treat-and-release approach) by incorporating infiltration, capture, treatment, reuse, and recycling of stormwater and urban runoff, thus the justification for the longer timeline.

Quantitative Analysis

The Implementation Plan, which was prepared by the RJAs and submitted to the Regional Board on October 31, 2005, included an Integrated Water Resources Approach. The Implementation Plan was presented to the Regional Board on April 6, 2006, at a public hearing. The Regional Board did not consider adequate the Integrated Water Resources Approach demonstrated in the Implementation Plan, and thus rejected the request for an extended (18 years) compliance deadline. The RJAs were, however, provided by the Regional Board an opportunity to request the longer compliance deadline by resubmitting the Implementation Plan with an enhanced Integrated Water Resources Approach, within nine months of the public hearing.

A required revision or enhancement is a quantitative analysis that demonstrates numerically that successful implementation of the proposed Implementation Plan will help attain the Bacteria TMDL targets and achieve multiple water quality benefits

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and other public goals. If the RJAs do not prepare a quantitative analysis, the compliance deadline will remain ten years (from December 2002), which will be extremely difficult for RJAs to achieve due to the significant time required for obtaining funding, planning, designing, bidding, constructing and testing the necessary structural treatment systems.

Due to the time constraint (revision required to be submitted to the Regional Board by January 2007) and the resource-intensive nature of performing the quantitative analysis, the RJAs have decided to retain a consultant under a cost-sharing agreement. The County of Los Angeles, City of Los Angeles, and Caltrans all have a very lengthy Request for Proposal (RFP) process necessary to hire a consultant, and Culver City's contracting process was determined the least onerous amongst the group. To facilitate this time sensitive requirement, the RJAs have requested Culver City to manage the contract for this work on behalf of the group. The County of Los Angeles staff members have agreed to provide administrative assistance in preparing the scope of work and reviewing the deliverables to alleviate the additional work load imposed by this task on the City staff.

DISCUSSION:

The RJAs have determined that CDM is the best candidate to perform the quantitative analysis by the specified deadline, based on the following reasons:

1. CDM has prior experience in developing Implementation Plans for the Santa Monica Bay Beaches (SMBB) Bacteria TMDL. Requirements for the SMBB Bacteria TMDL are very similar to those in the MdrH Bacteria TMDL. The MdrH Bacteria TMDL Implementation Plan uses the same implementation approach and strategy as the one employed in the development of the various SMBB Bacteria TMDL Implementation Plans. Also, CDM have shown to have the resources necessary to accomplish the project within the time needed.

Therefore, it was deemed by the RJAs that CDM can quickly and efficiently begin work on the Quantitative Analysis Project to the meet the Regional Board's January 2007 deadline. Any other consultant would have to spend a significant amount of time becoming familiar with the Bacteria TMDL and the Implementation Plan and may not be able to meet the required deadline.

CDM is the best candidate for this project based on their prior experience, unique capabilities, and ability to complete the project with a short deadline.

FISCAL ANALYSIS

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Sufficient funds are available in the 2006-07 P-497 account.

The estimated cost of this task is approximately \$50,000. This estimate is based on quotes provided by CDM to the Santa Monica Bay Bacteria TMDL groups, for fulfilling a nearly identical requirement. The County of Los Angeles, City of Los Angeles, and Caltrans agreed to share the project cost of \$50,000 based on the cost sharing formula for the approved percentage of area each agency occupies within the Marina del Rey Watershed. These percentages are based upon the Regional Board's watershed data for the watershed and are used in the Implementation Plan.

The City represents about 2% of the watershed; therefore, its fair share for this project is \$1,000. However, it is proposed that Culver City pay the \$50,000 and recover the costs at a later time, through memorandum of agreements (or understanding). If for some reason, the City does not get reimbursed for this agreement, the amount owed will be credited toward Culver City's share of future cost sharing items such as the monitoring and implementation expenses of the MdRH Bacteria TMDL.

ATTACHMENT

1. Draft Scope of Work Marina del Rey Bacteria TMDL Quantitative Analysis

MOTIONS:

That the City Council:

- 1) Direct staff to enter into a Memorandum of Understanding with the other jurisdictions, and with a condition that reimbursement of \$49,000 be completed no later than 120 days after the completion of the project; and approve the budget amendment of additional revenue (\$49,000 – Account #42000497.386100) for this project; and,
- 2) Award a professional services contract to Camp Dresser & McKee Inc. (CDM), for preparing a quantitative analysis report for the Marina del Rey Harbor Mothers' Beach and Back Basins Bacteria TMDL for a not-to-exceed amount of \$50,000.00; and,
- 3) Authorize the City Attorney to prepare the necessary documents and authorize the Chief Administrative Officer to execute the documents.

This item requires a 4/5ths vote