



City of Culver City

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Staff Report

File #: 22-81, **Version:** 1

Item #: C-4.

(1) Approval of the Final Plans and Specifications and Authorization to Publish a Notice Inviting Bids for the Mesmer Low-Flow Diversion Project, PR-005 (Mesmer Project); and (2) Adoption of a Resolution Making the Necessary Findings for Carrying Out the Mesmer Project and Adopting the Mitigation Monitoring Program (MMP) of the Ballona Creek Bacteria Total Maximum Daily Load Project Final Environmental Impact Report, Pursuant to the California Environmental Quality Act.

Meeting Date: August 23, 2021

Contact Person/Dept: Sean Singletary/Public Works - EPO
Phone Number: 310-253-6457

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐ **Action Item:** ☐ **Attachments:** ☐

Commission Action Required: Yes ☐ No ☐ **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (08/18/2021)

Department Approval: Charles D. Herbertson, Public Works Director/City Engineer (07/27/2021)

RECOMMENDATION

Staff recommends the City Council (1) approve the plans and specifications and authorize the publication of a Notice Inviting Bids for the construction of the Mesmer Low Flow Diversion Project, PR-005 (Mesmer Project); and (2) adopt a resolution making the necessary findings for carrying out the Mesmer Project and adopting the Mitigation Monitoring Program (MMP) of the Ballona Creek Bacteria Total Maximum Daily Load Project Final Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA).

BACKGROUND/DISCUSSION

On December 28, 2012, the Los Angeles County Municipal Separate Storm Sewer System Permit (MS4 Permit) became effective in accordance with the Clean Water Act. The Los Angeles MS4 Permit covers unincorporated areas of Los Angeles County, the Los Angeles County Flood Control District, and 84 cities within Los Angeles County, including the City of Culver City. Various milestones were set for the treatment of pollutants in stormwater. The City's deadline to address dry weather

bacteria and metals exceedances in storm drains was January 2016, and was extended by approval of the Los Angeles Regional Water Quality Control Board through a Time Schedule Order (TSO). The Mesmer Project is one of three projects approved in the TSO to comply with the Ballona Creek Bacteria Total Maximum Daily Load (TMDL) for dry weather bacteria flows. The Mesmer Project is jointly funded by Cities of Los Angeles, Culver City, Inglewood, and the County of Los Angeles. The following three regional projects collectively comply with the final water quality based effluent limitations during dry weather as specified by the Ballona Creek bacterial TMDL:

1. Low Flow Treatment Facility (LFTF) #1 Project at Ballona Creek
2. Low Flow Treatment Facility (LFTF) #2 Project at Sepulveda Channel
3. Mesmer Low Flow Diversion Project at Centinela Creek

Culver City is taking the lead in managing both design and construction of the Mesmer Project, while the City of Los Angeles is managing the LFTF #1 and LFTF #2 Projects.

On March 26, 2018, City Council approved a professional services agreement for civil design for the Mesmer Low Flow Diversion Project (Mesmer Project) PR-005. This Project is a low flow diversion system that will divert dry weather run-off from the Centinela Creek Channel into the existing decommissioned Mesmer Pump Station where the run-off will be pumped into an existing sewer main for conveyance to City of Los Angeles' Hyperion Water Reclamation Plant (Hyperion) for treatment. The Project was conceptually designed to divert dry weather run-off strictly using gravity flow. However, during design, there were concerns with operational failures to the proposed check valve which should prevent backflow of sewage from the sewer wet well to the creek. A separate low flow diversion pump station designed upstream of the existing sanitary wet well will eliminate any potential of sewer overflows from entering Centinela Creek Channel. City Council approved an amendment to the CWE agreement for this design service on January 28, 2019.

The Mesmer Project plans were submitted to several agencies including the US Army Corp of Engineers for review and approval. The US Army Corps of Engineers granted its permission for the Mesmer Project, pursuant to its authority under federal law 33 USC 408 (408 Permit) in January 2021. An agreement with Los Angeles County Flood Control District (LACFCD) to modify the Centinela Creek channel was approved by City Council on August 10, 2020.

Plans and specifications for the project have been completed, and staff is prepared to publish a Notice Inviting Bids for implementation. The 100% plans can be viewed from this link:

<https://www.culvercity.org/files/assets/public/documents/agenda-files/18271mesmeraveplans-21-06-30.pdf>.

Subject to City Council approval, the Notice Inviting Bids along with a copy of the Plans and Specifications will be posted on the City's website. During the bidding period staff will release a request for proposal for construction management and construction inspection services for the project.

Environmental

As the project is the smallest of the three total projects to address dry-weather bacteria in Ballona Creek and the City of Los Angeles is managing the other two, the City of Los Angeles led the Environmental process for all three projects. The City of Los Angeles conducted a Final

Environmental Impact Report (EIR) process, with public scoping meetings conducted in March 2017, and circulated the Draft EIR from August 17, 2017 to October 16, 2017, with additional public hearings in September 2017. All significant findings from the Final EIR were discussed in a final Findings Report and Mitigation Monitoring Program (MMP) which was approved by the Board of Public Works of the City of Los Angeles on April 25, 2018 and the City of Los Angeles Council certified the Final EIR on June 29, 2018. The MMP requires Culver City to comply with several measures during the construction of the Mesmer Project including protection of cultural resources; protection of hydrologic and water resources; and minimization of noise impacts during construction. All potential impacts will be monitored by City staff, project inspectors and Native American tribal designated members.

Staff recommends adoption of a Resolution making the necessary findings for carrying out the Mesmer Project, and adopting the MMP of the Ballona Creek Bacteria Total Maximum Daily Load Project Final Environmental Impact Report, pursuant to CEQA.

Funding Sources

The California Department of Water Resources (DWR) issued Proposition 1 Integrated Regional Water Management (IRWM) Grant Program Guidelines and Proposal Solicitation Package in April 2019 for water resources-related projects that address water supply, water quality and habitat/open space needs in a region. The City's Mesmer Project was awarded \$607,846.99 through DWR's Proposition 1 program to be administered by the LACFCD. The agreement between LACFCD and the City of Culver City was approved by Council on November 9, 2020.

In November 2018, Los Angeles County voters approved Measure W, Los Angeles County's Safe Clean Water Program to improve water quality, increase local water supply, and enhance communities. The program provides local dedicated funding through a parcel tax to increase local water supply, improve water quality, and protect public health. Public Works Environmental Programs & Operations Division (EPO) applied for Measure W Regional Infrastructure Funds in the amount of \$950,000 for this project, and funding was approved by the Los Angeles County Board of Supervisors on October 13, 2020.

FISCAL ANALYSIS

There is no fiscal impact at this time. Staff will return to City Council to award the construction contract.

The project is funded by Safe Clean Water (Measure W) Regional Funds, Prop 1 Grant, and local funds.

Estimated Project Expenses:

Design - CWE (Encumbered)	\$ 264,162
Estimated Construction Cost	\$1,383,612
Estimated Construction Management/Inspection Services	\$ 100,000
<u>Estimated Geotech. Construction Services (Observation & Testing)</u>	<u>\$ 50,000</u>
Total Estimated Project Expenses	\$1,797,774

Proposed Project Budget:

Mesmer Low Flow Diversion CIP (43480000.730100.PR005)	\$ 239,928
Prop 1 Grant	\$ 607,846
<u>Safe Clean Water Regional Funds</u>	<u>\$ 950,000</u>
Total Proposed Project Budget	\$1,797,774

ATTACHMENTS

1. 2021-08-23_ATT 1_Findings Report, MMP and SOC for the Ballona Creek Bacteria TMDL Project and Final EIR
2. 2021-08-23_ATT 2_Proposed Resolution Adopting MMP and Related Findings

MOTION

That the City Council:

1. Approve the Final Plans and Specifications and authorize the publication of a notice inviting bids for the Mesmer Low-Flow Diversion Project, PR005; and
2. Adopt of Resolution making the necessary findings for carrying out the Mesmer Project and adopting the Mitigation Monitoring Program (MMP) of the Ballona Creek Bacteria Total Maximum Daily Load Project Final Environmental Impact Report, pursuant to the California Environmental Quality Act.