



City of Culver City

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Staff Report

File #: 22-600, **Version:** 1

Item #: C-9.

CC - (1) Approval of Fourth Amendment to Existing Professional Services Agreement with California Watershed Engineering (CWE) for the Mesmer Low-Flow Stormwater Diversion Project for Construction Support and Post-Construction Project Monitoring in an Amount Not-to-Exceed \$113,934 to increase the total contract Not-to-Exceed amount to \$378,096; and (2) (FOUR FIFTHS VOTE REQUIREMENT): Approval of Related Budget Amendment .

Meeting Date: January 24, 2022

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 (01/20/2022)

Department Approval: Yanni Demitri, Public Works Director (12/28/2021)

RECOMMENDATION

Staff recommends the City Council approve a fourth amendment to the existing professional services agreement with California Watershed Engineering (CWE) for the Mesmer Low-Flow Stormwater Diversion Project for Construction Support and Post-Construction Project Monitoring in an amount not-to-exceed \$113,934 to increase the total contract Not-to-Exceed amount to \$378,096 and approval of related budget amendment (requires four fifths vote requirement).

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. The project partners are currently working on a cost-sharing memorandum that will come before Council for approval in 2022, however, in the interest of compliance, Culver City is proceeding with our project now with grant and local funding.

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 the City of Los Angeles' Hyperion Water Reclamation Plant (Hyperion) for treatment. A low flow diversion pump station will be installed upstream of the existing sanitary wet well, along with appurtenant demolition, piping and connections in the Pump Station property.

Council approved a construction contract with Beador Construction Company on December 10, 2021, and construction is expected to begin in February 2022 and slated to be completed by May 2022. The construction occurs in the Centinela Creek channel and on the City's Mesmer Pump Station property. Impacts to residents are anticipated to be minimal.

On March 26, 2018, Council approved a contract with CWE for \$129,805 for the design of the Mesmer project. On January 28, 2019, Council approved a first amendment in order to include design of a low flow diversion pump station in order to ensure sewer backflow prevention into the Creek, at an additional not-to-exceed cost of \$28,582. On April 13, 2020, a second amendment was approved for additional services to perform a Historic Resource Assessment (HRA) and US Army Corps of Engineers (USACE) permit application coordination, at an additional not-to-exceed cost of \$67,505. Finally, on January 25, 2021, a third amendment was approved for grant administration assistance, at an additional not-to-exceed cost of \$38,270. With this amendment, the not-to-exceed contract total will increase from \$264,162 to \$378,096.

Due to the specialized nature of the project, the project designer, CWE, will provide engineering support during construction, including approving submittals, responding to RFIs submitted by the contractor, change order reviews, diversion/bypass plan reviews, and as-built record drawings once construction is complete.

Additionally, to meet the requirements of the various granting agencies, including Integrated Regional Water Management (IRWM) and Safe Clean Water Program, CWE will compile a monitoring plan for the City to measure the project's performance, and perform post-project monitoring through field collection of samples and laboratory analysis, as well as summarizing the findings annually as required by the granting agencies.

CWE will also assist staff with grant support in a variety of reporting tasks.

FISCAL ANALYSIS

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 \$607,857 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.

The following is a breakdown of project revenue sources and the anticipated construction costs for the project:

Mesmer Low Flow Diversion Project PR005 - Revenue Sources		
Revenue Source/Account	Funding Strip	Revenue Amount
Safe/Clean Water Protection - M CW	43416100.313700.	\$ 393.44
Prop 1 Grant	42380000.340880.PR005	607.85
Safe/Clean Water Regionl Funds (Measure W)	43480000.373710.PR005	950.00
Total Revenue Sour		\$ 1,951.30

Mesmer Low Flow Diversion Project PR005 - Project Expense				
Project Expense Activity	Fiscal Year of Actual/Anticip	Total Project Expense	Actual Expended to Date	FY22 Anticipated Expense
CWE - Design	FY18	\$ 202,274	(202,274)	-
Beador Construction Inc. Bid	FY22	\$ 1,259,770	-	\$ 1,259,770
Contingency (10%)	FY22	\$ 125,978	-	\$ 125,978
Construction Management Services (On-Call Contract)	FY22	\$ 199,426	-	\$ 199,426
Estimated Geotech. Constr Services (Observation & Test)	FY22	\$ 50,000	-	\$ 50,000
Construction Design Support - CWE	FY22	\$ 113,934	-	\$ 113,934
Total Estimated Project		\$1,951,382	(202,274)	1,749,108
Mesmer Low Flow Diversion Project PR005 - Project Budget				
Fund Source	Funding Strip	Total Project Budget	Budget Expended to Date	FY22 Budget
Safe/Clean Water Protection CW	43480000.730100	\$1,004,917	(202,274)	1,004,917
Prop 1 Grant	42380000.730100	\$607,853	-	\$607,853
Safe/Clean Water Contract	43480000.619800	\$96,975	-	\$96,975
Budget Amendment Request	43480000.730100	\$39,227	-	\$39,227
Total Appropriated & Available		\$1,951,382	(202,274)	1,749,108

The additional contract amendment for construction design support exceeds the project budget by \$39,227; therefore, staff recommends City Council approve a budget amendment to the FY 2021/2022 Adopted Budget in the amount of \$39,227 in (Account #434.8000.730100.PR005).

ATTACHMENTS

None

MOTION

That the City Council:

1. Approve a Fourth Amendment to Existing Professional Services Agreement with California Watershed Engineering (CWE) for the Mesmer Low-Flow Diversion Project PR005 in an amount not-to-exceed \$113,934 to increase the total contract Not-to-Exceed amount to \$378,096; and
2. Approve a budget amendment to the FY 2021/2022 Adopted Budget in the amount of \$39,227 to Account #434.8000.730100.PR005 (four fifths vote requirement); and
3. Authorize the City Attorney to review/prepare the necessary documents; and
4. Authorize the City Manager to execute such documents on behalf of the City.