



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 24-135

Meeting Date: 5/7/2024

TITLE:

AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH GLENN LUKOS ASSOCIATES FOR THE VERNAL POOL 5, 6, AND 7 RESTORATION PROJECT AT FAIRVIEW PARK

DEPARTMENT: PARKS AND COMMUNITY SERVICES

PRESENTED BY: KELLY DALTON, FAIRVIEW PARK ADMINISTRATOR

CONTACT INFORMATION: KELLY DALTON, FAIRVIEW PARK ADMINISTRATOR
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RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute Amendment No. 2 to the Professional Services Agreement with Glenn Lukos Associates, Inc. increasing the total compensation by \$94,290 for vernal pools restoration and biological monitoring services for the Vernal Pools 5, 6, and 7 Restoration Project at Fairview Park.

BACKGROUND:

In August 2017, the City Council adopted Resolution No. 17-52, which authorized staff to file a grant application for the State of California Department of Parks and Recreation Habitat Conservation Program to restore vernal pools and their associated watersheds at Fairview Park (Attachment 1). In June 2018, the City received a notification of grant award from the California Department of Parks and Recreation Habitat Conservation Fund for \$150,000 towards the Fairview Park vernal pools restoration (Attachment 2).

After the grant approvals, the U.S. Fish and Wildlife Service approved the "Long-Term Maintenance Plan for Vernal Pools 5 and 6, and Associated Watershed Areas" (the "Plan") (Attachment 3), which includes vernal pool 7. The Plan was developed by Glenn Lukos Associates who had previously supported the City on vernal pools management and restoration efforts within Fairview Park. Their staff are listed as authorized individuals on the Native Endangered Species Recovery - Endangered Wildlife Permit issued to the City. Vernal pools 5, 6 and 7 are located in the south portion of Fairview Park adjacent to Parsons Field, Waldorf School, and the Estancia High School Stadium (Attachment 4).

On April 16, 2019, the City Council formally approved the acceptance of the California Department of Parks and Recreation grant for the Fairview Park vernal pools restoration (Attachment 5). The grant approval and a budget adjustment recognizing \$150,000 in State grant funding and \$150,000 in required matching funds by the City allowed the City to appropriate a total of \$300,000 to the Fairview Park Vernal Pool and Restoration Project. As part of the grant, the City filed a 20-year deed

restriction on the restored parcels.

On October 15, 2019, the City Council awarded a Professional Services Agreement to Glenn Lukos Associates for the Restoration of Fairview Park Vernal Pools 5, 6 and 7 in the amount of \$126,046.00, and authorized a ten (10) percent contingency of \$12,600. Between late 2019 and mid-2022, the City worked with the Glenn Lukos Associates project team to implement the first phase of the long-term restoration plan, including site preparation, weed abatement, vegetation monitoring, reporting, and coordination with the City and U.S. Fish and Wildlife Service. During much of 2020 and 2021, project activities were put on hold due to the COVID-19 pandemic, which contributed to a proliferation of non-native weeds in the site. This temporary interruption in project activities contributed to an extension in the site preparation phase that was needed for the site to be made suitable for native container plant installation and seed application.

On July 19, 2022, the City Council authorized Amendment No. 1 to the Professional Services Agreement with Glenn Lukos Associates to continue the restoration project through early 2024. Amendment No. 1 increased the compensation to Glenn Lukos Associates by \$148,731 and authorized a ten percent (10%) contingency in the amount of \$14,870. The funding provided in Amendment No. 1 allowed the consultant to continue site preparation and provide oversight during planting and seeding, which occurred in January 2023. In addition, Amendment No. 1 funded the first year of fairy shrimp monitoring, vegetation management and monitoring, reporting, and continued oversight of the restoration project through April 2024.

As of April 2024, the City has completed the initial grant-funded portion of the vernal pool restoration project, and staff has ordered the final interpretive signs for the project site to fulfill the Habitat Conservation Fund grant scope of work. Staff will be submitting the final reimbursement requests for the \$150,000 of work covered by the grant upon delivery and installation of the interpretive signs in summer 2024.

ANALYSIS:

This current proposal, Amendment No. 2, is intended to cover approximately one (1) year of professional restoration and monitoring services, which are expected to occur from May 2024 to June 2025. The scope of the vernal pools restoration project covered the Plan and the Permit includes:

- Removal of non-native plants and turf
- Planting and reestablishment of vernal pool plants
- Planting and establishment of a coastal sage scrub (CSS) buffer around the vernal pool watershed area
- Installation of a temporary irrigation system to supply water to the installed container plants during establishment
- Repair and restoration of elevation and contours of vernal pools 5 and 6
- Inoculation of fairy shrimp cysts

- Addition of delineation fencing and educational signage around the vernal pool 5, 6, and 7 watershed and buffer

The work under Amendment No. 2 is expected to be performed from spring 2024 through spring 2025, completing the 2nd year of the five-year establishment period for the restoration. City staff will continue to evaluate conditions through the end of the 2nd year of the establishment period through 2024 and early 2025 and determine a more accurate cost estimate for the remaining three years of the maintenance and monitoring activities, anticipated to take place from July 2025 through June 2028.

The U.S. Fish & Wildlife Service has specifically identified Glenn Lukos Associates, authors of the approved Plan and the authorized agents in the Permit, to conduct the restoration activities. Section 21-101, Subsection No. 3 of the Purchasing Policy outlines that, "If a contractor develops a particular expertise through demonstrated past performance which has been investigated and determined to be satisfactory in this area of expertise, then such contractor may be awarded a subsequent contract for related work, provided that the Sole Source justification requirements outlined in this Section are satisfied. Such a contractor may be designated as an exclusive contractor if the City would be adversely affected by bringing in another vendor who would be required to meet the expert contractor's level of expertise and existing knowledge and involvement in a specific project."

Due to their high-quality proposal, depth of expertise and experience in successfully performing vernal pools habitat restoration services for the City, and the federal permit that authorizes specific individuals to perform the required work, Glenn Lukos Associates is uniquely qualified to perform the work for this particular project.

Approval of the subject amendment underscores the City's continued commitment to protecting and preserving the sensitive and unique resources within Fairview Park, as envisioned in the Fairview Park Master Plan.

ALTERNATIVES:

The City may elect to not authorize execution of the amendment. However, staff does not recommend this option due to the requirement to implement the U.S. Fish and Wildlife Service approved restoration plan until the site meets final success criteria.

FISCAL REVIEW:

The increased cost of \$94,290 for Amendment No. 2 to the Professional Services Agreement with Glenn Lukos Associates, Inc. will be funded by the City Manager's contingency fund in the General Fund (101).

LEGAL REVIEW:

The City Attorney has reviewed and approved the Professional Services Agreement as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Advance Environmental Sustainability and Climate Resiliency

CONCLUSION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute Amendment No. 2 to the Professional Services Agreement with Glenn Lukos Associates, Inc. increasing the total compensation by \$94,290 for vernal pools restoration and biological monitoring services for the Vernal Pools 5, 6, and 7 Restoration Project at Fairview Park.