



## Legislation Text

---

**File #:** 21-531, **Version:** 1

---

### **TITLE:**

PROFESSIONAL SERVICES AGREEMENT FOR BIOLOGICAL MANAGEMENT AND HABITAT REHABILITATION SERVICES AT FAIRVIEW PARK

**DEPARTMENT:** PARKS AND COMMUNITY SERVICES

**PRESENTED BY:** KELLY DALTON, FAIRVIEW PARK ADMINISTRATOR

**CONTACT INFORMATION:** 714-754-5135

### **RECOMMENDATION:**

1. Award a Professional Services Agreement to Endemic Environmental Services, Inc., in an annual amount not-to-exceed \$322,595 for professional biological management and habitat rehabilitation services at Fairview Park for a term of two years, with three one-year extension options, with the option to provide Consumer Price Index (CPI) increases during each one-year extension period, plus a five-percent (5%) annual contingency for unforeseen costs, if needed.
2. Authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments to the agreement, including any amendments to extend the term and increase Endemic's compensation based on CPI or to utilize the contingency authorized herein.

### **BACKGROUND:**

Fairview Park is the City's largest park, hosting 195 acres of natural open space and 13 acres of passive parkland for a total of 208 acres. Within the 195 acres of open space there are two Native American Nationally Registered Historic Sites, and five different habitat ecosystems which are home to many rare and endangered plant and animal species. These sensitive habitats require local, state, and federal regulatory compliance related to protection and preservation. The park also offers multiple passive recreational opportunities such as picnicking, wildlife viewing, and more than seven miles of trails for walking, jogging, and bicycling. The City's land management of Fairview Park requires balancing the protected habitats, unique resources and public uses of the park.

In 2005, the City of Costa Mesa began efforts to advance the restoration and ecological value of the park by accepting mitigation projects from other entities. One of these projects, involving the 40-acre Wetlands and Riparian Habitat area of the park, contains a natural water treatment system comprised of five wetland ponds, four distinct habitat ecosystems, and several rare and endangered species. The City is under several agreements (two "Conservation Mitigation Agreements") with the U.S. Army Corps of Engineers, the Orange County Flood Control District, and the Orange County Transportation Authority (OCTA), which include specific provisions for the City to manage and

preserve the habitat areas in perpetuity.

Due to the presence of rare and listed species and the sensitivity of habitats included in this area, biological management activities are subject to state and federal oversight for compliance with the State and Federal Endangered Species Acts, the Migratory Bird Treaty Act, and other environmental regulations.

The City has completed eight years of native habitat maintenance and monitoring for the Fairview Park Wetlands and Riparian Habitat Project in the lower northern portion of the park. Project elements include approximately 17 acres of native habitat plantings, irrigation, wetland ponds, and multipurpose trails. The habitat includes coastal sage scrub, native grasslands, mulefat, and wetland vegetation.

In 2018, the City initiated a proactive management plan in the wetlands that includes several approaches to mosquito abatement, encampment clearings, and completion of a recent wetlands evaluation that identifies and makes recommendations for environmental and water system improvements in the 40 acres. Continuation and advancement of these efforts is within the scope of this project.

#### **ANALYSIS:**

In coordination with staff from various departments in the City, a scope of work was developed for biological management, environmental services, and restoration planning services for Fairview Park, and a Request for Proposals (RFP) was issued to qualified consultants. The scope of work for the contract consists of the following categories:

A. The most active management area of the park is the Fairview Park Wetlands and Riparian Habitat, a constructed wetlands mitigation site built between 2005 and 2011 experiencing periods of rapid emergent vegetation growth requiring consistent management of algae, cattail, and bull rush (seasonal/daily/weekly). The interior wetland-mitigation landscape is not open to the public, but has maintenance trails for crews and for regular OC Vector Control mosquito abatement applications. There are public trails that surround the ponds, and provide limited access for public use. Example tasks will include but are not limited to:

- Monitoring and managing water depth in channels and flow between ponds via connecting weirs;
- Monitor water changes and conditions; adjust water flows to prevent formation of mosquito habitat and other undesirable environmental conditions;
- Keep ponds and channels clear of algae and standing water;
- Continual cattail trimming / thinning / mowing;
- Improving vector and restoration access around the ponds and channels;

- Seasonal removal of emergent vegetation; and,
- Trimming of overhang on tree canopies and removal of downed trees.

B. Other park habitat restoration and management needs include:

- Invasive species identification, mapping and removal;
- Native species identification, mapping, and recommendations/implementation of protective management practices;
- Small/invasive tree and shrub removals; and,
- Small park amenity repairs, removal of trash, and assistance with occasional installation projects (fencing, trail repair).

C. Wildlife Management and Monitoring includes tasks for protected species:

- Wildlife monitoring (for endangered and listed species, seasonal listings, migratory, nesting, etc.);
- Conduct bird nesting surveys and observations; and,
- Rare and invasive species plant monitoring.

D. Assisting City staff with environmental compliance and stewardship, including:

- On-site strategic evaluation of existing habitats and potential for future habitat improvements within the Park and/or adjacent natural areas;
- Migratory Bird Treaty, Federal Endangered Species Act, CA Endangered Species Act, CEQA, and Waters of the U.S. classifications;
- Developing strategies for future open space management, habitat conservation, funding opportunities, and appropriate compatible public uses; and,
- Conducting bird nesting surveys throughout the City Park system and other landscapes.

In response to the City's RFP, two proposals were received on August 20, 2021. A panel of subject matter experts reviewed and evaluated the proposals and found them well qualified to perform the required professional services. Proposals were reviewed for compliance and responsiveness to the City's Request for Proposals; qualifications of the firm; approach and methodology; experience of project team; and cost. During the evaluation, Endemic presented their firm as having a thorough understanding of the project; and demonstrated extensive experience and technical ability to perform the scope of work outlined in the RFP.

Endemic has been the biologist for the Fairview Park Wetlands and Riparian Habitat Project since 2009, and coordinated with the City during the restoration design and implementation. Since completion of the restoration project in 2012, several noteworthy and endangered species have been documented in the habitat areas including raptors and California gnatcatchers, as well as southern tarplant, which all serve as biological indicators to the success of the restoration. As the contract biologist for the wetlands and riparian habitat, Endemic has successfully completed the required deliverables for the wetlands and riparian habitat project, including the preparation and submittal of quarterly and annual reports documenting site conditions and habitat success. Endemic has also successfully performed nesting bird surveys, vernal pool restoration, monitoring of pump station and channel flows, and supported various community outreach programs for the City at Fairview Park.

Recently, Endemic has applied aerial surveillance systems to aid the City in tracking changes in native vegetation establishment, algae growth, water circulation, and identifying illegal encampments in the sensitive habitat areas.

These innovative applications in aerial monitoring have provided multiple benefits to the City's rehabilitation of Fairview Park by strengthening the City's required habitat quality protection efforts, increasing operational efficiency and safety of park users and personnel, and enhancing the coordination with vector control staff by providing rapid detection of mosquito habitat conditions. Endemic's expertise in wildlife biology and avian monitoring is also integral to the City's ongoing collaboration with non-profit organizations such as Sea and Sage Audubon Society, which supports environmental education and conservation initiatives for birds and their habitats including Fairview Park.

Due to their high quality proposal, expertise in biological management and environmental compliance, and extensive experience with performing similar services that fulfill the needs of the park, Endemic Environmental Services, Inc. was selected as the most qualified consultant during the evaluation process.

In addition to performing the required biological management and habitat rehabilitation services for the habitat areas, Endemic's expertise will be instrumental in developing strategies to advance the long-term restoration objectives at Fairview Park. If awarded the contract, Endemic will perform the biological management and habitat rehabilitation services over a two-year period, which is tentatively scheduled to occur from February 2022 through February 2024.

### **ALTERNATIVES:**

The City may elect not to move forward with awarding the contract to Endemic Environmental Services, Inc. However, staff does not recommend this option due to the ongoing habitat

management and biological monitoring commitments associated with the wetlands and riparian habitat area, and the need to fulfill regulatory requirements associated with the listed endangered species that occupy the park. Delaying the biological management activities poses concern of a violation of contractual obligations and Endangered Species Act requirements, potential penalties, higher future restoration and maintenance costs, and the potential development of nuisance conditions in the wetlands.

**FISCAL REVIEW:**

Funding for this two-year agreement with Endemic Environmental Services, in the amount of \$322,595 annually for professional biological management and habitat rehabilitation services at Fairview Park, is available in the FY 2021-22 Park Development Fees Fund and Adopted Budget.

**LEGAL REVIEW:**

The City Attorney has reviewed and approved the Professional Services Agreement (Attachment 1) as to form.

**CITY COUNCIL GOALS AND PRIORITIES:**

**Advance Environmental Sustainability and Climate Resiliency**

Fairview Park contains a rich array of unique biological resources and ecosystems that provide critical habitat for endangered species, and support high biodiversity. Approving the proposed contract will support the City in meeting environmental, regulatory and contractual obligations associated with the wetland and riparian habitat areas of the park.

**CONCLUSION:**

It is recommended that the City Council award the Professional Services Agreement to Endemic Environmental Services, Inc. in an amount not-to-exceed \$645,190 for a term of two years (\$322,595 per year), with up to three one-year renewals, with the option for future CPI increases each year during the extension periods, plus a 5% contingency, if needed, and authorize the City Manager and the City Clerk to execute the Professional Services Agreement and future amendments within City Council-authorized limits.