

Office of the City Manager

REVISED AGENDA MATERIAL

Meeting Date: November 6, 2007

Item Number: 11

Item Description: Contract Amendment: Gilman Project Permit Process - LSA Associates

The staff report for Item 12 on the agenda was inadvertently added to the agenda packet. Attached is the correct report.

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Office of the City Manager

CONSENT CALENDAR
November 6, 2007

To: Honorable Mayor and Members of the City Council
From:  Phil Kamlarz, City Manager
Submitted by: William Rogers, Acting Director, Parks Recreation & Waterfront
Subject: Contract No. 7344 Amendment: Gilman Fields Project Permit Process
– LSA Associates

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7344 with LSA Associates, Inc. for environmental consulting services for the Gilman Fields Project by \$18,056 for a total not to exceed \$36,336 and extending the term through December 31, 2008.

FISCAL IMPACTS OF RECOMMENDATION

Sufficient funding for this contract is allocated in FY 2008 in budget code 010-5850-450-30.35-04PK69. The CMS number is RWKHK.

CURRENT SITUATION AND ITS EFFECTS

On September 17, 2007, the Gilman Fields project received its last remaining permit, which was from the San Francisco Bay Regional Water Quality Control Board (“the Water Board”) with a condition that revisions be made to the wetland mitigation plan within one year. The revisions will require additional consultation on the design, implementation, and monitoring of the wetland mitigation plan from a qualified biologist. LSA has provided excellent consultation services for the permit process thus far, and staff recommend City approval of a contract amendment in order to complete the process.

BACKGROUND

The Gilman Fields Project has required numerous permits from eight separate regulatory agencies. Among these permits, the City was required to obtain a federal Clean Water Act 401/404 permit to install an outfall structure in the tidal zone of the San Francisco Bay and also to grade in the area of a small seasonal wetland that was found at the site.¹ In January 2007, the City submitted an application for a Clean Water Act Section 404 permit to the United States Army Corps of Engineers (“the Corps”) and also an application for a Clean Water Act Section 401 permit to the Water Board for the

¹ The two agencies that regulate the 401/404 permits are the United States Army Corps of Engineers and the San Francisco Regional Water Quality Control Board.

construction of the Gilman Project. In February 2007, the Corps required that the City obtain a wetland delineation of the Gilman site by a qualified biologist. In March 2007, the City contracted with LSA for this delineation as well as consultation services to assist the City in completing the permit process in the amount of \$18,280.

On August 28, 2007, the Corps granted a Clean Water Act Section 404 permit. On September 17, 2007, the Water Board granted a Clean Water Act Section 401 permit, but required revisions to the wetland mitigation plan within one year.

RATIONALE FOR RECOMMENDATION

The City must make revisions to the wetland mitigation plan and re-submit to the Water Board within one year. LSA Associates has the necessary expertise and familiarity with the project to provide consulting services to accomplish this requirement.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSONS

Roger Miller, Senior Management Analyst, 981-6705

Attachments

1: Resolution

RESOLUTION NO. -N.S.

CONTRACT NO. 7344 AMENDMENT: LSA ASSOCIATES - ENVIRONMENTAL CONSULTING SERVICES FOR THE GILMAN FIELDS PROJECT PERMIT PROCESS

WHEREAS, in January 2007, the City submitted an application for a Clean Water Act Section 404 permit to the United States Army Corps of Engineers and also an application for a Clean Water Act Section 401 permit to the Regional Water Quality Control Board in order to construction the Gilman Street Sports Fields Project; and

WHEREAS, in February 2007, the Corps required that the City obtain a wetland delineation of the site by a qualified biologist; and

WHEREAS, in March 2007, the City contracted with LSA for this delineation as well as related consultation services to assist the City in completing the permit process in the amount of \$18,280; and

WHEREAS, on August 28, 2007, the Army Corps of Engineers granted a Clean Water Act Section 404 permit; and

WHEREAS, on September 17, 2007, the Regional Water Quality Control Board granted a Clean Water Act Section 401 permit with the condition that revisions be made to the wetland mitigation plan within one year; and

WHEREAS, the City has determined that LSA Associates has the necessary expertise and familiarity with the project to provide consulting services to accomplish this requirement; and

WHEREAS, sufficient funding for this contract is allocated in FY2008 in budget code 010-5850-450-30.35-04PK69. The CMS number is RWKHK.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to contract no. 7344 with LSA Associates, Inc. for environmental consulting services for the Gilman Project permit process by \$18,056 for a total not to exceed \$36,336 and extending the term through December 31, 2008. A record signature copy of said agreement and any amendments to be on file in the Office of the City Clerk.