



Midpeninsula Regional
Open Space District

R-14-93
Meeting 14-16
July 9, 2014

AGENDA ITEM 3

AGENDA ITEM

Professional Services Contract for the Hendrys Creek Stream Channel Restoration Project

GENERAL MANAGER'S RECOMMENDATION

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Authorize the General Manager to enter into a professional services contract with Ascent Environmental, Inc., (Ascent) of Sacramento, CA, for \$35,000 plus a contingency of \$5,000, for a total contract amount not to exceed \$40,000, to complete the California Environmental Quality Act (CEQA) review process for the Hendrys Creek Restoration Project at Sierra Azul Open Space Preserve.

SUMMARY

A qualified environmental consultant is needed to assist the Midpeninsula Regional Open Space District (District) in preparing CEQA environmental review documents that will assess a proposed stream channel restoration plan for the 117.14-acre Hendrys Creek property (Property), which is currently managed by the District under a Lease and Management Agreement with Peninsula Open Space Trust (POST). The proposed consultant (Ascent) was pre-qualified to perform CEQA under a Request for Proposals issued in July 2013. The District proposes to purchase the Property in partnership with the Santa Clara Valley Water District (SCVWD) as an addition to the Cathedral Oaks Area of Sierra Azul Open Space Preserve. The Board-approved FY2014-15 budget contains sufficient funds to cover the upfront cost of the contract, which will be subsequently reimbursed by SCVWD as part of the purchase partnership.

BACKGROUND

The Property is located east of Lexington Reservoir and includes the majority of the perennial Hendrys Creek (Attachment 1). The Property is currently owned by POST and managed by the District under a Lease and Management Agreement. The District proposes to purchase the Property in partnership with SCVWD who would pay the full purchase price of \$1,500,000 to POST with the District taking fee ownership. In exchange, the District would concurrently convey a conservation easement to SCVWD. In 2013, the District extended the lease agreement with POST to provide additional time to work with SCVWD to finalize a conservation easement and Long-Term Management Plan for the Property in accordance with SCVWD's Multi-Year Stream Maintenance Program (SMP). The goal of SCVWD's SMP is to preserve, protect, and improve the ecological condition of selected local streams and their associated watersheds. The SMP includes oversight by three regulatory agencies (Regional Water Quality Control Board, State Fish and Wildlife, and the Army Corps of Engineers). Multiple rounds of regulatory agency comments and new requirements, as well as the Planner position vacancy in the Real

Property department, have delayed finalization of the conservation easement and Long-Term Management Plan.

DISCUSSION

Once the transactional documents are finalized with SCVWD and the regulatory agencies, the District will take the lead in completing an environmental/CEQA analysis of the Long-Term Management Plan. This analysis will be done with the assistance of outside consulting services and be fully reimbursed by SCVWD. The CEQA findings will be incorporated into a future land purchase proposal that will be brought to the Board at a later date.

The General Manager recommends entering into a contract with Ascent to provide the environmental/CEQA consulting services needed for the Project. Ascent was part of a consultant team who responded to a Request for Proposals (RFP) issued in July 2013 to provide a variety of professional services for upcoming District projects and was deemed well-qualified to provide environmental/CEQA consulting services. This qualification was based on their experience working with the various regulatory agencies involved with the project (Regional Water Quality Control Board, Army Corps of Engineers, and CA Department of Fish and Wildlife, and US Department of Fish and Wildlife) and their proven ability to deliver a superior product on a very tight schedule.

Per the Board-approved *Public Contract Bidding, Vendor, and Professional Consultant Selection and Purchasing Policy*, consultants may be deemed qualified for future work as part of RFPs for a period of up to two years from determination of the qualification (Section III.D.7). Ascent was deemed qualified under the 2013 RFP and was contacted to provide a proposal for this Project. In response, Ascent attended a site visit and provided a robust proposal to evaluate the proposed restoration work for the Property as described in the Long-Term Management Plan at a rate that was approved by SCVWD for reimbursement. The Long-Term Management Plan for the Property (which is under review by the regulatory agencies) would provide the Project description under CEQA.

FISCAL IMPACT

The FY2014-15 Real Property Budget includes \$40,000 for these consultant services. Costs for the contract would be paid up front by the District and subsequently reimbursed by SCVWD.

BOARD COMMITTEE REVIEW

The Real Property Committee reviewed the proposed partnership purchase with the SCVWD, including the conservation easement and Long-Term Management Plan at a public meeting on the property on October 2, 2012. The Board of Directors approved the Lease and Management Agreement for the Hendrys Creek property with POST in 2011 (Report R-11-84), and an extension to the lease in 2013 (Report R-13-77).

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

It is anticipated that a Mitigated Negative Declaration will be prepared for the Project.

NEXT STEPS

If this item is approved by the Board, the General Manager will enter into a contract agreement with Ascent to conduct the CEQA review process, which is anticipated to be completed by the end of the calendar year. Concurrently, the District will work to finalize the conservation easement and the Long-Term Management Plan with SCVWD and the regulatory agencies, and bring the proposed purchase with the completed CEQA review to the Board for consideration of approval.

Attachment

1. Property map

Responsible Department Head:

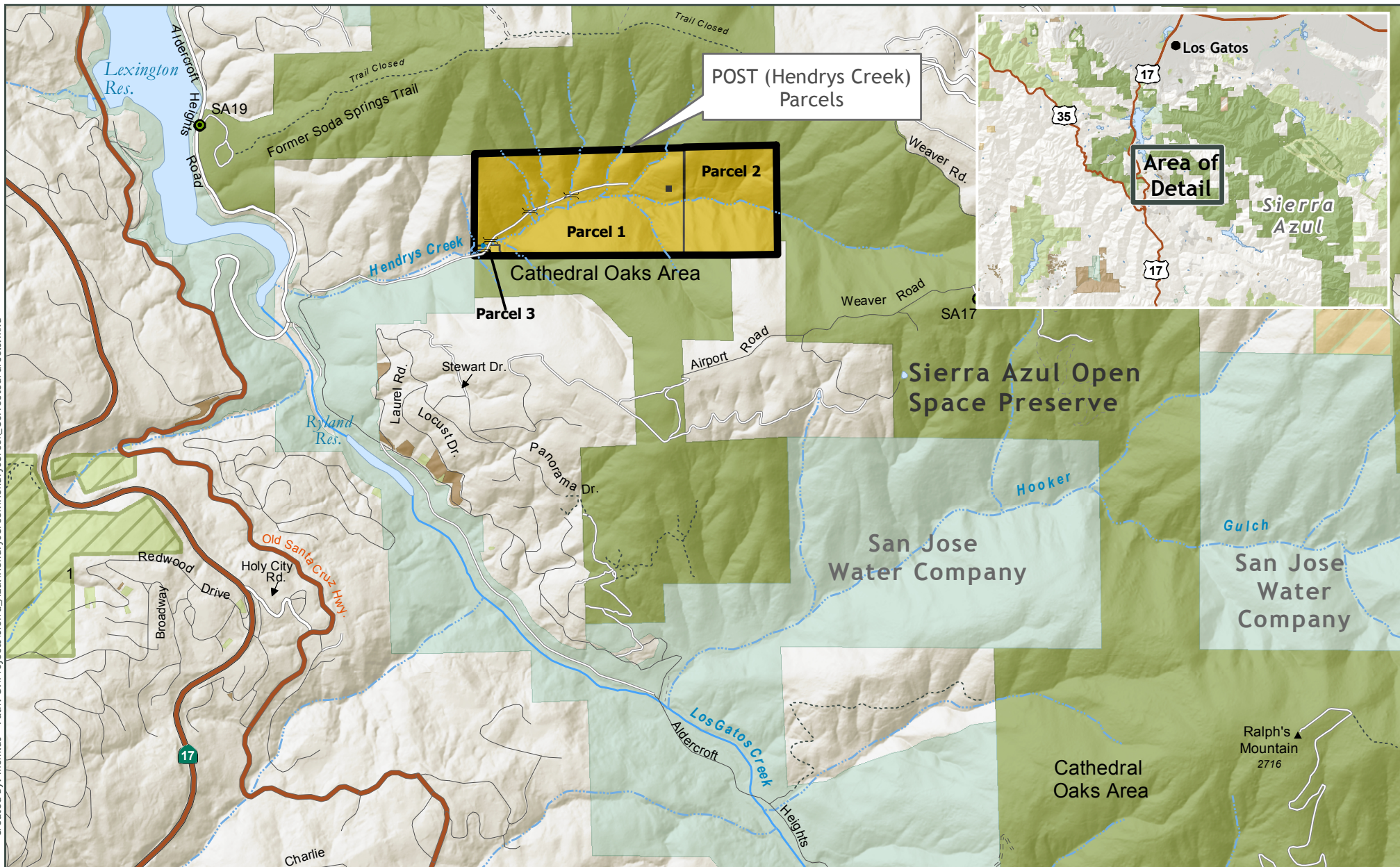
Meredith Manning, Senior Planner, (recently Co-Acting Planning Manager)

Michael Williams, Real Property Manager

Graphics prepared by:

Casey Hiatt, GIS Coordinator

Created By: mchilids Path: G:\Projects\Sierra_Azul\HendrysCreek\HendrysCreek_CorrectedParcels.mxd



POST (Hendrys Creek) Property, Cathedral Oaks Area of Sierra Azul OSP

- POST (Hendrys Creek) Parcels
- MROSD Open Space Preserves
- Other Protected Open Space or Park Lands
- Land Trust
- Watershed Land
- Other Public Agency
- MROSD Conservation or Agricultural Easement
- Non MROSD Conservation or Agricultural Easement
- Private Property

Midpeninsula Regional Open Space District (MROSD)



June, 2014



While the District strives to use the best available digital data, this data does not represent a legal survey and is merely a graphic illustration of geographic features.