



Midpeninsula Regional
Open Space District

R-11-08
Meeting 11-02
January 12, 2011

AGENDA ITEM 9

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Authorization to Amend a Contract with David J. Powers & Associates for CEQA Consultant Services for the Cooley Landing Project at Ravenswood Open Space Preserve

GENERAL MANAGER'S RECOMMENDATION

Amend the contract with David J. Powers & Associates (DJP&A) for an additional amount of \$5,655 to provide California Environmental Quality Act (CEQA) consultant services for the Cooley Landing Project at Ravenswood Open Space Preserve (Preserve) for a total contract amount not to exceed \$30,000.

SUMMARY

On February 24, 2010, the Board adopted a Resolution authorizing execution of the Partnership Agreement with the City of East Palo Alto (City) for the Cooley Landing Area with the goal of developing the site into a park (see Report R-10-29). On July 14, 2010, the Board received an oral presentation on the Cooley Landing Vision Plan prepared by the City of East Palo Alto (City) (see Report R-10-85) and gave its support for using the Vision Plan as the Project Description for the environmental review process. The Vision Plan will be implemented by the City in phases with Phase 1 including site remediation and access via a proposed path through the site. Remediation work is anticipated to start in the summer of 2011. In support of the proposed project, the District funded the preparation of the CEQA documents and contracted with DJP&A at the end of August under the General Manager's contractual authority to enter into contracts not exceeding \$25,000. Unanticipated developments have resulted in changes to the Administrative Draft Initial Study not covered by DJP&A's current contract, requiring a contract amendment for an additional amount of \$5,655 for a total contract amount not to exceed \$30,000.

DISCUSSION

Since the July 14th Board meeting, District and City staff have proceeded with the environmental review of the proposed Cooley Landing project with the goal of beginning remediation work next fiscal year. The environmental review process has entailed preparing a CEQA Initial Study (IS) and Mitigated Negative Declaration (MND), which are being informed by a Biological

Assessment (BA) and Remedial Action Plan (RAP). The RAP describes the remediation activities required to address contamination issues and allow public access to the site. In support of this project, the District has funded the preparation of the CEQA document while the City has funded the BA and RAP. The three documents were prepared concurrently.

At the end of August, the District contracted with DJP&A to prepare the IS and MND under the General Manager's contractual authority to approve contracts up to \$25,000. Drafts of the Project Description, the IS, and MND were reviewed by both District and City staff, and the City released the MND on December 22nd for the 30-day public review period (copies have been provided to the District's Board of Directors).

City staff plans to bring the MND to its Planning Commission in February to seek its recommendation that the City Council certify the document at its subsequent meeting. The MND would then also come before the District's Board along with an amendment to the Preserve's Comprehensive Use and Management Plan and an amendment to the Partnership Agreement between the District and the City that will allow the project to move forward into the construction phase. District staff plans to work with the Cooley Landing Ad Hoc Committee prior to the Board meeting to review and finalize these recommendations.

Due to the concurrent processes of the BA and RAP with the CEQA document, there have been unanticipated refinements to the Project Description and the IS that were requested by Resource Agencies to better address resource protection and remediation efforts. As a result, DJP&A has had a second round of review and a number of revisions that were not covered by the original contract. District staff thus requests that the Board authorize an amendment to add \$5,655 to the original DJP&A contract, bringing the total contract amount to \$30,000. These additional funds will be used to complete the CEQA review process through the City's certification as Lead Agency.

Given time constraints due to the winter holiday season and the desire to avoid project delays, information on the need for the requested contract amendment was provided to the Cooley Landing Ad Hoc Committee (Ad Hoc Committee) via electronic mail in mid-December to solicit early feedback and answer questions ahead of this Board item.

FISCAL IMPACT

The project's mid-year budget for FY2010-11 is \$30,000, which includes CEQA consultant services to complete the environmental review process. Therefore, sufficient funds exist in the budget for the proposed contract amendment of \$5,655. The proposed action does not result in an unanticipated increase to the budget.

Construction of Phase 1 is expected to begin in the summer of 2011 and is being financed by City funds and City-obtained grants. City staff is actively seeking grant funding, and the City and the District have already been awarded a \$600,000 grant from the Department of Toxic Substances Control, the application for which was authorized by the Board on September 8, 2010 (see Report 10-103). The City has also obtained \$200,000 in grant funds from the Stewardship Council for the project and \$275,000 from the Packard Foundation for the replacement of the City's current Cooley Landing Project Manager, Lily Lee, whose contract ends in the spring of 2011.

PUBLIC NOTICE

Public notice of this Agenda Item was provided pursuant to the Brown Act. No additional notice is required.

CEQA COMPLIANCE

Staff concludes that amending the consultant agreement for CEQA consultant services does not constitute a project under the California Environmental Quality Act.

NEXT STEPS

The MND was released on December 22, 2010, for the 30-day public review period. It will then be brought before the City's Planning Commission in February to seek its recommendation that the City Council, as Lead Agency, certify the document at its subsequent meeting.

District staff will be preparing an amendment to the Partnership Agreement with the City which, if approved by the full Board, would allow construction on the District parcels of Cooley Landing. Staff will bring the proposed amendment to the Agreement, the proposed amendment to the Preserve's Comprehensive Use and Management Plan, and the MND to the Ad Hoc Committee for review and recommendation and then to the full Board at a public meeting in the spring of 2011. Project implementation if approved is anticipated to begin in the summer of 2011.

Prepared by:
Tina Hugg, Open Space Planner II

Contact person:
Tina Hugg, Open Space Planner II