



## CITY OF MILPITAS AGENDA REPORT (AR)

<b>Item Title:</b>	<b>Approve and Authorize the Interim City Manager to execute Amendment No. 1 to the Professional Services Agreement with David J. Powers &amp; Associates for the Well Upgrade, McCandless Well, Project No. 7076 and the Lower Penitencia Creek Pedestrian Bridge, Project No. 2005</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	11/5/2019
<b>Staff Contact:</b>	Steve Erickson, 408-586-3301
<b>Recommendation:</b>	Approve and Authorize the Interim City Manager to execute Amendment No. 1 to the Professional Services Agreement with David J. Powers & Associates related to CIP Projects No. 7076 and 2005 to increase compensation by \$55,000, for a total agreement in the amount of \$123,843.

### **Background:**

The Well Upgrade, Project No. 7076 (McCandless Well) and the Lower Penitencia Creek Pedestrian Bridge Project, Project No. 2005 are in the approved 2019-2024 Capital Improvement Program. The McCandless Well project provides for the design and construction of a new potable water well within McCandless Park to provide an everyday source of potable water supply serving the Milpitas Transit Area Specific Plan (TASP) area and installation of a pedestrian bridge structure to be located within McCandless Park, and would span the creek to provide a connection from the Centre Pointe residential subdivision to the park. Both projects are in the design phase, and construction of the well is on a critical path and is estimated to start early 2020.

On May 1, 2018, the City entered into a professional services agreement with David J. Powers & Associates in the amount of \$68,843 to provide project environmental review and California Environmental Quality Act (CEQA) clearance for the McCandless Well, park, and the Pedestrian Bridge Projects. An Initial Study (IS) was completed in July 2019, and identified the need for additional work including a hazardous materials risk assessment, and preconstruction surveys, contractor training, and compliance reporting for protected animal species that may be located on site such as the Burrowing Owl and the Western Pond Turtle.

### **Analysis:**

Staff is currently completing the design for the next phase of McCandless well project and anticipates presenting the plans, CEQA documentation, and the construction bid proposals to the City Council for approval in early 2020. Staff has negotiated a scope and fee for the additional CEQA risk assessment, training, compliance reporting, and protected species preconstruction survey work for an amount not to exceed \$55,000, which is considered reasonable for the work involved. Staff recommends the approval of Amendment 1 to the contract with David J. Powers to complete this additional work to allow construction of the projects to proceed on schedule. **(Attachment 1)**

### **Policy Alternative:**

**Alternative:** Not authorize the approval and execution of Amendment No. 1 to complete the required additional work including the protected species preconstruction surveys and compliance reporting.

Pros: none

**Cons:** The project CEQA clearance identified several requirements that must be legally completed prior to starting construction. Not proceeding with Amendment 1 would require that staff delay the project.

**Reason for not Recommending:** The McCandless well project will provide a source of potable water to the TASP area and it is considered a critical project. On October 15, 2019, the City Council authorized the purchase of municipal bonds to fund the construction of this well facility, and the City will need to use this funding within the next three years. To avoid delays to the completion of the well projects, staff recommends the approval of Amendment 1 and proceeding with the required work.

**Fiscal Impact:**

There is sufficient funding available in the project budget for the approval of an Amendment No. 1 with David J. Powers & Associates. As of September 30, 2019, the available funding/uncommitted balance for the project is \$7,996,052.

**California Environmental Quality Act:** This Project has a completed Initial Study to support an Addendum to the Transit Area Specific Plan Environmental Impact Report (Addendum). Staff will present the McCandless well plans, CEQA Initial Study, and the construction bid proposals to the City Council for approval in early 2020.

**Recommendation:**

Approve and authorize the Interim City Manager to execute Amendment No. 1 to the Professional Services Agreement with David J. Powers & Associates to increase compensation by \$55,000, for a total agreement in the amount of \$123,843.

**Attachments:**

- a) Signed Agreement with David J. Powers & Associates
- b) Amendment No. 1 to Agreement with David J. Powers & Associates