



## MEMORANDUM

**TO:** City Council

**FROM:** Steve Kahn, Interim Public Works Director

**SUBJECT:** Authorize Change Order No. 3 to Quincon, Inc. for Construction of the Habitat Mitigation Phase of the Bridge Street Bridge Rehabilitation Project, PW 2020-08

**DATE:** September 26, 2023

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### **SUMMARY OF ACTION:**

Award construction contract Change Order No. 3 for the replacement of plants and trees in the mitigation site area that were washed away during the early 2023 storm events and continued monitoring and reporting for the damaged portion of the Habitat Mitigation Phase of the Bridge Street Bridge Rehabilitation project to Quincon, Inc and approve a Budget Adjustment Request.

### **IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:**

The cost proposal from Quincon, Inc. to purchase replacement plant and materials, plant the plants and have Rincon Consultants provide biological inspection and reporting to regulatory agencies on the effort is \$51,662 (Attachment 1). Since this change order is directly connected to the early 2023 storm event damages, staff will submit reimbursement requests to Federal Emergency Management Agency (FEMA) and California Governor's Office of Emergency Services (Cal OES) for the cost to replace the plants. Staff have visited the site with FEMA and FEMA has indicated this replacement planting is eligible for funding through federal disaster assistance.

Council is being asked to approve one budget adjustment in the amount of \$51,662. FEMA assistance will be provided at a 75% federal cost share totaling \$38,746.50. Cal OES assistance will be provided at a 18.75% state cost share totaling \$9,686.62. The City is responsible for the remaining 6.25% totaling \$3,228.88. This request is to use Local Sales Tax Fund balance for the City's \$3,228.88 portion.

### **RECOMMENDATION:**

1) Authorize the City Manager to execute Change Order No. 3 with Quincon, Inc. for the Habitat Mitigation Phase of the Bridge Street Bridge Rehabilitation project, 2) Approve a budget adjustment request in the amount of \$51,662; and 3) Make findings that Caltrans, as lead agency, has determined that the project is categorically excluded from the

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requirements to prepare and Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) pursuant to 23 CFR 771.117(d): activity (d)(13) covering bridge rehabilitation that avoids an adverse effect to historic properties under the National Historic Preservation Act.

#### **BACKGROUND:**

For many years, the Bridge Street bridge was restricted to a 3-ton maximum load limit due to various structural deficiencies. In July 2010, the City applied for and was approved to receive 100% Federal funding to address the deficiencies. City staff and its consultant team, in conjunction with the project stakeholders' group and Council direction, developed construction documents for the rehabilitation of the Bridge Street bridge. The project consisted of rehabilitating the existing historic trusses, removing the existing supplemental truss below the deck, and replacing it with a stronger supplemental truss, and replacing the existing abutments and center pier. The rehabilitation of the Bridge Street bridge project was completed in early 2021.

The Bridge Street Bridge Rehabilitation project (Project) resulted in impacts to riparian and wetland habitats in Arroyo Grande Creek. To mitigate impacts a Habitat Mitigation and Monitoring Plan (HMMP) was required to be prepared. The mitigation methods detailed in the HMMP include revegetation of the creek and maintenance and watering of the new plantings. Biological monitoring and reporting of the condition and survival of the revegetation is also required to the U.S. Army Corps of Engineers, California Department of Fish and Wildlife and Regional Water Quality Control Board.

On August 25, 2020, the City Council approved the revegetation plan and specifications for the Habitat Mitigation Implementation, Maintenance, Monitoring, and Reporting for the Project. The revegetation plan and specifications contain provisions for a habitat mitigation and restoration implementation plan, and a five-year maintenance, monitoring and reporting plan.

Because habitat mitigation is typically performed by specialized contractors and over a five-year window, the City coordinated with Caltrans to separate this post-construction phase of the project from the construction phase. This allows the City to close out the construction contract with Granite Construction Company at the completion of the bridge rehabilitation and allows a separate contractor to maintain and monitor the planting it installed.

On September 24, 2020, one bid was received for the Habitat Mitigation Phase of the Project. The bid in the amount of \$317,419 was awarded to Quincon, Inc. on October 13, 2020. Rincon Consultants, Inc. is the environmental subconsultant to Quincon and will provide all monitoring and reporting services for the Project. The habitat mitigation site preparation and planting was performed in November 2020 and a final completion report is anticipated in December 2025. Maintenance, monitoring and reporting has been ongoing since the habitat mitigation project started.

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Budget Adjustment

The current FY 2023-28 Capital Improvement Program Budget was approved by Council on June 27, 2023 as part of the FY 2023-25 Biennial Budget. The Bridge Street Bridge Habitat Mitigation was included and shown in the table below:

Project Number	Request Title	Funding Source	FY 2023-24	FY 2024-25	FY 2025-26	5-Year Total
350-5614	Bridge Street Bridge Habitat Mitigation	4487 - HBP	48,628	48,628	48,628	145,884

To complete the project an additional \$51,662 needs to be added to FY 2023-24.

**ANALYSIS OF ISSUES:**

On January 9, 2023, Arroyo Grande and the entire Central Coast experienced a major winter storm. 5 inches of rain fell in 24 hours. Flood damage occurred on many California rivers and creeks. San Luis Obispo County was declared a federal and state disaster area due to the flooding. During the 2023 storm events, the City experienced significant storm damage related to rising water levels along Arroyo Grande Creek and throughout other areas of the City. The high flow in Arroyo Grande Creek washed much of the planting from the Habitat Mitigation Phase of the Project downstream. The following is an excerpt from the Monitoring Report by Rincon Consultants:

*“The HMMP’s success criteria for year 2 states that 100% of the tree plantings should be alive, 90% of the shrub plantings should be alive, and that the willows should contain a relative vegetation cover of 45%. The willows currently contain approximately 20% relative vegetation cover and approximately 30% of the trees and shrubs were lost during the early January flood event. Therefore, to meet this year’s success criteria, and to stay on track to meet the site’s final success criteria, 100% of the estimated trees lost during the flood event should be replanted within the mitigation site and 90% of the estimated shrubs that were lost during the flood event should be replanted. Tree and shrub plantings should be planted within the mitigation sites banks that were not lost from erosion and interspersed in open spaces throughout the remainder of the mitigation site as feasible. Additionally, it is recommended that additional willow cuttings are planted within the mitigation site to increase this species relative cover.”*

These plantings will need to be replaced to meet the establishment and success criteria required at the end of the five-year monitoring period.

On January 8, 2023, the President of the United States declared that an emergency exists in the State of California relating to severe winter storms, flooding, landslides, and mudslides, enabling public agencies in impacted counties that suffered damage or losses from the storms to apply for federal disaster assistance through FEMA and Cal OES. Staff will submit reimbursement requests to FEMA and Cal OES for the cost to replace the plants and have visited the site with them. FEMA and Cal OES have indicated this replacement planting is eligible for funding through federal and state disaster assistance.

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The cost proposal from Quincon, Inc. to purchase replacement plant and materials, plant the plants and have Rincon Consultants provide biological inspection and reporting to regulatory agencies on the effort is \$51,662 (Attachment 1).

Budget Adjustment

Council is being asked to approve one budget adjustment in the amount of \$51,662. FEMA assistance will be provided at a 75% federal cost share totaling \$38,746.50. Cal OES assistance will be provided at an 18.75% state cost share totaling \$9,686.62. The City is responsible for the remaining 6.25% totaling \$3,228.88. This request is to use Local Sales Tax Fund balance for the City’s \$3,228.88 portion. The updated FY 2023-24 Budget reflecting the adjustment is shown in the table below:

Project Number	Request Title	Funding Source	FY 2023-24
350-5614	Bridge Street Bridge Habitat Mitigation	4487 - HBP	48,628
		44XX - FEMA Reimbursement	38,746
		44XX - CalOES Reimbursement	9,687
		4950 - Sales Tax	3,229

**ALTERNATIVES:**

The following alternatives are provided for the Council’s consideration:

1. Authorize the City Manager to execute Change Order No. 3 with Quincon, Inc. for the Habitat Mitigation Phase of the Bridge Street Bridge Rehabilitation project and approve the budget adjustment request; or
2. Do not authorize the City Manager to execute Change Order No. 3 and provide the staff direction on replacing the removed mitigation planting; or
3. Provide other direction to staff.

**ADVANTAGES:**

The Bridge Street Bridge Project has been completed and this Habitat Mitigation Phase planting is the last required mitigation measure to the Project. If the work is not completed and the required success criteria is not reported to regulatory agencies, action to enforce the completion of the mitigation measure will likely be initiated. Enforcement fines for non-compliance with the Habitat Mitigation and Monitoring Plan are also anticipated. The approval of the change order will comply with the mitigation measure and avoid action by regulatory agencies. The work by Quincon, that is authorized by the change order, will be funded by FEMA through federal disaster assistance.

**DISADVANTAGES:**

There is no disadvantage to approving Change Order No. 3.

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**ENVIRONMENTAL REVIEW:**

No additional environmental review is needed to approve Change Order No. 3.

Caltrans, as lead agency, has determined that the project is categorically excluded from the requirements to prepare and Environmental Assessment (EA) or Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA) pursuant to 23 CFR 771.117(d): activity (d)(13) covering bridge rehabilitation that avoids an adverse effect to historic properties under the National Historic Preservation Act.

The City, as the responsible agency, adopted a Mitigated Negative Declaration (MND) on September 25, 2017 prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code §21000 et seq., and the State CEQA Guidelines, California Code of Regulations (CCR) §15000 et seq. for the Bridge Street Bridge Rehabilitation project, including the habitat mitigation phase of the project addressed in this proposed action.

**PUBLIC NOTIFICATION AND COMMENTS:**

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Cost Proposal Planting Replacement by Quincon
2. Change Order 003