



Midpeninsula Regional
Open Space District

R-12-41
Meeting 12-10
March 28, 2012

AGENDA ITEM 9

AGENDA ITEM

Authorization to Award a Contract with Timothy C. Best, CEG, for \$35,000 to Provide Engineering Geology and Biological Consulting Services for the Hendrys Creek Stream Restoration Plan within the Cathedral Oaks Area of Sierra Azul Open Space Preserve

GENERAL MANAGER'S RECOMMENDATION

Authorize a contract for \$35,000 with Timothy C. Best, CEG, which includes a 15% contingency of \$5,285, to provide engineering geology and biological consulting services to develop the Hendrys Creek Stream Restoration Plan within the Cathedral Oaks Area of Sierra Azul Open Space Preserve.

SUMMARY

Staff recommends contracting with Timothy C. Best, CEG, to develop the Hendrys Creek Stream Restoration Plan (Plan) within the Hendrys Creek corridor on the Peninsula Open Space Trust (POST) Hendrys Creek property. Midpeninsula Regional Open Space District (The District) currently manages this property for POST under a lease and management agreement. The goal of the Plan is to reduce surface erosion and potential stream sedimentation impacts to the aquatic environment while protecting potential habitat for foothill yellow-legged frog and California red-legged frog. The Plan will identify immediate restoration work needed to protect resources while providing dry season patrol access.

DISCUSSION

Purchase Negotiations

The approximately 117 acre Hendrys Creek property (formerly known as Carilli) is located east of Lexington Reservoir and includes the majority of Hendrys Creek (please refer to Attachment 1). On August 24, 2011, the Board waived the District's right of first refusal, allowing POST to purchase the property from the former owner (Carilli). The Board also approved a lease and management agreement with POST, adopted a Preliminary Use and Management Plan, and named the property as an addition to the Cathedral Oaks Area of Sierra Azul Open Space Preserve (see Report R-11-84). The District assumed management of the property in two phases: the first occurred in September 2011 when POST purchased a one acre parcel at the southwest corner of the property along with the eastern 38 acre portion, and the second occurred when POST purchased the remaining 78 acres at the end of January 2012. This phasing of the

purchase allows the District time to pursue land purchase partnerships or grant opportunities to help defray the total cost for potentially acquiring the property.

To this end, negotiations regarding reimbursement of the cost of the potential property purchase are currently underway with a partner agency. In exchange, the District would grant a conservation easement to the funding partner and manage the property as part of Sierra Azul Open Space Preserve. Should these negotiations be successful, the details about this proposed transaction will be presented to the Board for authorization at a later date. If approved, this partnership could provide the opportunity to utilize District funds for natural resource enhancement and ongoing land management, rather than for the cost of the land purchase, consistent with the recent strategic emphasis to balance the three-part District mission.

Existing Conditions

In the time between the two POST purchases, the former owner removed an extensive array of structures and debris, so that upon POST's second close of escrow, it would be vacant and free of all tenants. The effort expended by the former owner to remove the structures was substantial and provides a significant benefit to the natural resources occurring on the property. These natural resources include over 2.4 miles of stream corridors, including one perennial stream (Hendrys Creek) and associated tributaries. Dense-canopied riparian forests are present, comprised of big-leaf maple, white alder, and some scattered, very large California sycamore. The area supports habitat for foothill yellow-legged frog (*Rana boylei*), a California and Federal Species of Special Concern, and the federally-threatened California red-legged frog (*Rana aurora draytonii*).

Still remaining on the property, however, is the extensive system of unpaved roadways, which cross Hendrys Creek and its tributaries more than twenty times. The creek crossings consist of bridge, culvert, and ford crossings; all of which are of sub-standard construction. Bridges were built to be as short as possible, and their abutments are poorly constructed within the stream channel banks. The natural tributary channels were filled with soil and other debris to create the roadway or building pads, diverting the watercourses to undersized culverts or, in some cases, to no apparent channel at all.

With most culverts having failed or at immediate risk of failure, the resulting system is in need of intensive management during the rainy season. While this approach may have worked for the former owner who resided on the property and had heavy equipment on standby for such events, it clearly does not meet District road maintenance standards. Moreover, the District's overall patrol and resource management access needs are minimal compared to the access requirements of the former owner. The main goal of the project will be to prevent or minimize diversion of stream channel runoff to the road system, which could result in road wash-outs and sediment release into the stream system. In order to reduce the threat of sedimentation to the aquatic system and minimize maintenance requirements in the short term, staff has identified sixteen priority sites for restoration to reduce risk of failure and sediment delivery while providing dry weather vehicle access.

Request for Proposals

In seeking consulting assistance to prepare the Hendrys Creek Stream Restoration Plan, staff conducted a preliminary investigation of the property and developed a conceptual scope of work to inform the Request for Proposal (RFP) process. Staff then released a RFP for a consultant team with expertise in biology, engineering geology, hydrology, and/or geomorphology to address the issues identified in the preliminary investigation. The RFP scope of work includes:

1) a detailed assessment of conditions at priority stream and road crossings along Hendrys Creek and its major tributaries; and 2) conceptual restoration recommendations for each site, including cost estimates. In several locations, the consultant team may be asked to develop alternative restoration concepts to compare costs and benefits. Moreover, to inform the subsequent environmental review for the potential land purchase, the RFP scope of work includes an assessment of onsite biological resources, consultation with resource agencies, and development of project design criteria and mitigation measures.

As part of the RFP process, a mandatory field tour was held, which was attended by individuals representing four firms. These firms assembled into two teams, and the District received two proposals, the first from Pacific Watershed Associates and the second from Timothy C. Best, CEG (Best). Both firms provided fair and reasonable fees that came in just under the cost estimate of \$35,000 (see table below).

Team	Fee	Difference from Estimate
Pacific Watershed Associates	\$30,026.70	-14%
Timothy C. Best, CEG	\$29,715.00	-15%

Best’s proposal indicated a better understanding of the project goals, was more responsive to the selection criteria contained in the RFP, and provided a more streamlined project approach. Best also proposed cost estimates be provided by a licensed contractor, which should produce more realistic estimates.

As this is a professional services contract, staff required fee proposals to be submitted in a separate, sealed envelope and were considered only after staff from both departments had concurred on a consultant selection based on qualifications, thoroughness, and project approach. The proposed contract of \$35,000 includes a base fee of \$29,715 and a 15% contingency amount of \$5,285 to address any unanticipated findings arising during additional field investigations, such as additional buried stream channels, that would need to be added to the scope of work.

FISCAL IMPACT

Funds to cover the cost for this work are included in the Real Property Department budget for FY2012-13. As discussed above, if the proposed funding arrangement currently under negotiation with the partner agency is ultimately approved, the District would realize a savings of funds that would ordinarily be used to purchase the property.

BOARD COMMITTEE REVIEW

No Committee business to report.

PUBLIC NOTICE

Notice was provided pursuant to the Brown Act. No additional notice is necessary.

CEQA COMPLIANCE

Retention of design consultant services to prepare conceptual design documents does not constitute a project under the California Environmental Quality Act (CEQA).

NEXT STEPS

Upon Board authorization, staff will finalize the contract agreement and authorize consultant work to begin immediately. The consultant's reports will inform subsequent environmental analysis and planning to support both the proposed land purchase and conservation easement. If the Board approves the stream restoration project, the consultant's recommendations will also inform further design and permitting (which often requires one year to complete), bidding, and implementation, which is anticipated in FY2013-14.

Attachments

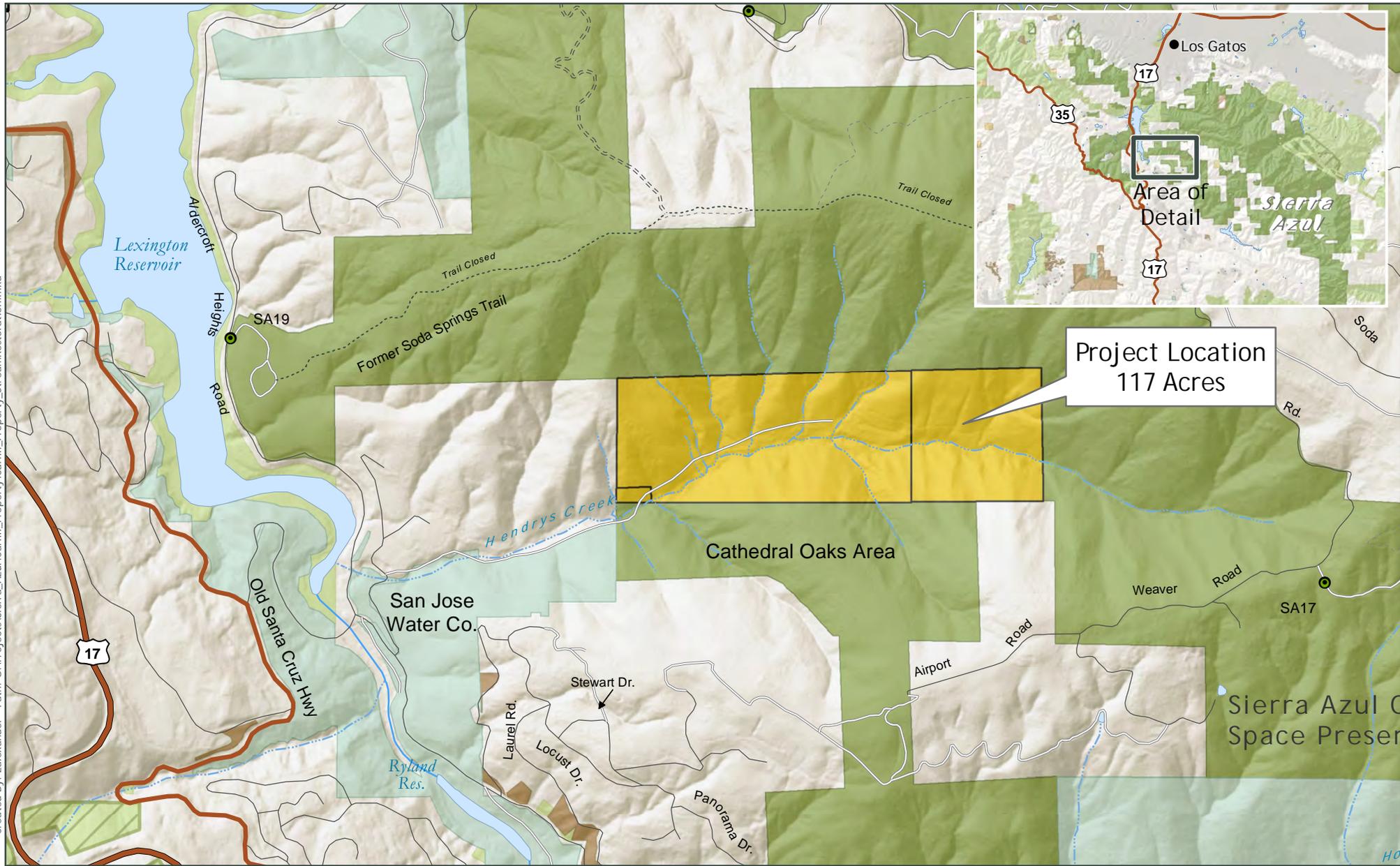
1. Property Location Map

Responsible Department Manager:
Ana M. Ruiz, AICP, Planning Manager

Prepared by:
Meredith Manning, Senior Planner
Sandy Sommer, Senior Real Property Planner

Contact person:
Same as above

Graphic prepared by:
Zachary Alexander, Planning Technician



Attachment 1: Stream Channel Restoration Project Location, Cathedral Oaks Area of Sierra Azul OSP

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|  Project Location |  Private Property |  MROSD Conservation or Agricultural Easement |
|  MROSD Open Space Preserves |  Watershed Land |  Management Agreement |
|  Other Protected Open Space or Park Lands |  Other Public Agency | |

Midpeninsula Regional Open Space District (MROSD)

March, 2012

