



## Legislation Text

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**File #:** RES 17-0041, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Stephanie Katsouleas, Public Works Director

Shawn Igoe, Utilities Division Manager

**SUBJECT:**

Resolution Approving Contract Amendment No. 1 to the Agreement with McGowan Consulting, LLC for Professional Services the Following: a) \$64,670 to Assist the City in Meeting its National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Requirements and b) \$80,000 to Assist the Enhanced Watershed Management Group with the Broader/Regional NPDES Permit Requirements, of which \$64,000 will be Reimbursed (Public Works Director Katsouleas).

**ADOPT RESOLUTION APPROVING THE AMENDMENT**

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**RECOMMENDATION:**

Staff recommends that the City Council:

1. Adopt a Resolution (Attachment 1) Approving Contract Amendment No. 1 with McGowan Consulting, LLC, as follows:
  - a. \$64,670 for additional professional services to assist the City with the National Pollutant Discharge Elimination System Permit requirements; and
  - b. \$80,000 for regional permit storm water permit compliance activities, of which \$64,000 will be reimbursed to Manhattan Beach under a Cooperative Agreement with Torrance, Redondo Beach, Hermosa Beach, and the Los Angeles County Flood Control District.
2. Authorize City Manager to execute the Contract Amendment.

**FISCAL IMPLICATIONS:**

A total of \$80,670 is available in the FY2017-2018 Public Works Department's Storm Drain Maintenance operating budget for the needed services listed under a) and b) above. The remaining \$64,000 will be provided to Manhattan Beach under a Cooperative Agreement with Torrance, Redondo Beach, Hermosa Beach, and the Los Angeles County Flood Control District.

**BACKGROUND:**

The original contact with McGowan Consulting, LLC was approved by City Council on August 4, 2015 for \$121,360 for Professional Services to assist the City with the National Pollutant Discharge Elimination System (NPDES) Permit requirements under Federal Clean Water Act guidelines. Per the original contact language, a new scope of work and task costs are required for review and consideration. The updated scope and budget have been received and reviewed, and staff has

determined that they properly extend the services provided in the original scope to meet the needs of the City and the larger watershed group for NPDES compliance assistance. Therefore, staff is requesting approval of Amendment No. 1 to the agreement with McGowan Consulting, LLC in the amount of \$144,670 as itemized above.

## **DISCUSSION:**

### **Manhattan Beach NPDES Permit Assistance**

The National Pollutant Discharge Elimination permit (Permit) identifies conditions, requirements and programs that municipalities must implement or meet to protect regional water resources from adverse impacts associated with pollutants in storm water and urban runoff. The requirements and programs are mandated by the Federal Clean Water Act and the California Porter-Cologne Act. Given the technical nature of the Permit and numerous required tasks, the City of Manhattan Beach has proactively utilized professional expertise to assist the City in meeting and maintaining Permit compliance for a number of years. Specifically, the City selected Ms. Kathleen McGowen (Consultant) eight years ago due to her extensive NPDES compliance experience, technical knowledge and her ability to leverage resources with several surrounding cities including Hermosa Beach, Palos Verdes Estates, Rolling Hills Estates and Rolling Hills. Staff has found her work to be exceptionally detailed and thoughtful, while providing compliance assistance for an overall cost savings. Where NPDES compliance requirements are similar in other jurisdiction, she has been able to provide a pricing structure to Manhattan Beach that “shares” applicable elements of permit implementation (i.e., the City saves money from economies of scale). Tasks 1 through 6 of the Consultant’s proposed fee of \$64,670 assist the City in meeting its individual requirements under the MS4 Permit during FY2017-2018, and Task 7 is described below. Per the contract agreement, a new updated scope of work and budget have been provided for this first amendment to the contract (Attachment 2)

### **Regional NPDES Permit Assistance**

The Cities of Hermosa Beach, Redondo Beach, Torrance, and Los Angeles County Flood Control District (Group) have also selected McGowen Consulting, LLC to help the Group with implementation of the Enhanced Watershed Management Program (EWMP) and Coordinated Integrated Management Plan (CIMP), as required by the Permit. The Group unanimously decided that utilizing McGowen Consulting, LLC for coordinating between jurisdictions, staffing for this effort, and providing regulatory and technical assistance, as described in Task 7 of the Scope of Work, would be the most cost-effective approach for regional compliance and implementation of the EWMP and CIMP.

The Group has asked the City of Manhattan Beach continue acting as the lead agency for this regional work and to include the scope and fees associated with EWMP and CIMP implementation as a subset of our own agreement with McGowen Consulting, LLC. The budget for that work is \$80,000, which would be shared by all five jurisdictions. Thus Manhattan Beach’s portion is \$16,000. Task 7 has been approved by the Group and is authorized through the Memorandum of Understanding signed by the Group and approved by City Council at its April 5, 2016 meeting.

Therefore, staff recommends that City Council authorize the City Manager to execute the amendment with McGowen Consultant LLC for \$144,670 for additional NPDES Permit compliance services as described above.

## **POLICY ALTERNATIVES:**

Do not approve Amendment No. 1 for professional services to assist the City and Watershed Group with the National Pollutant Discharge Elimination System Permit under the Federal Clean Water Act.

**PROS:**

Stormwater Funds would not be expended for professional services to assist the City with the National Pollutant Discharge Elimination System Permit under the Federal Clean Water Act.

**CONS:**

The City may not meet the requirements of the National Pollutant Discharge Elimination System Permit and could be subject to civil penalties. Additionally, as the lead agency, the City would be in violation of the MOU between the Cities of Hermosa Beach, Redondo Beach, Torrance, and Los Angeles County Flood Control District.

**PUBLIC OUTREACH/INTEREST:**

After analysis, staff determined that public outreach was not required for this issue.

**ENVIRONMENTAL REVIEW**

There is no environmental review required for the recommended action.

**LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

**Attachment:**

1. Resolution No. 17-0041
2. Amendment No. 1
3. Exhibit D - Scope of Work and Budget
4. McGowan Professional Services Agreement