



NEWPORT BEACH

City Council Staff Report

July 23, 2024
Agenda Item No. 11

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Approval of Amendment No. Five to Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for San Diego Creek Trash Wheel Project (Project No. 17X12, Contract No. 7127-3)

ABSTRACT:

The Trash Wheel project will capture trash and debris conveyed by San Diego Creek from the upper watershed before it enters Newport Bay. Amendment No. Five to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) provides funding for additional construction services through to the end of construction, including the period for commissioning the Trash Wheel.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve Budget Amendment No. 25-006 appropriating \$49,681 in increased expenditures in Account No. 16001-980000-17X12 (Newport Bay Trash Wheel) from the from the unappropriated Environmental Liability fund balance; and
- c) Approve Amendment No. Five to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for additional construction services with an increase in fee of \$49,681 for a total not-to-exceed amount of \$1,013,302, and authorize the Mayor and City Clerk to execute the Agreement.

DISCUSSION:

Burns & McDonnell is the design consultant engineer for the Trash Wheel. (See Attachment C for Location Map.) The Trash Wheel project consists of landside improvements, piles and railway, and the floating Trash Wheel. The Trash Wheel major structural components include the pontoons, canopy and frame, rake and conveyor system, and the water wheel. Burns & McDonnell, along with its subconsultant team, provides civil, coastal, electrical, structural and engineering services. Rather than have separate contracts for geotechnical engineering and permit-required biological monitoring, the City of Newport Beach (City) requested Burns and McDonnell to include these professionals within its project team.

In addition to preparing the final construction documents, Burns & McDonnell provides construction support services to City staff including preparing supplemental designs, reviewing contractor design and product submittals (46 submittals to date), and responding to contractor Requests for Information (39 RFI's to date). This heavy submittal review workload is not entirely unexpected given the performance-based specifications for the project, coupled with a sophisticated system for remotely controlling and monitoring the facility.

While most requests for information and submittals for the Trash Wheel project have been resolved, potential issues concerning the floating Trash Wheel itself remain. The required contractor design submittals for the Trash Wheel, including the pontoons, canopy, rake and conveyor system, and water wheel, are currently under for the City's review, with further contractor questions expected when the floating Trash Wheel components arrive on-site in August for assembly. The assembled Trash Wheel is expected to be crane-lifted into position within San Diego Creek in September 2024.

Amendment No. 5 to the Burns & McDonnell contract (Attachment B) requests \$49,681 for (1) extended revegetation monitoring for the newly installed one-gallon plants, with extended biological monitoring throughout the remainder of the bird nesting season, (2) review of potential near-shore structural design adjustments that may be needed to set the Trash Wheel within the pile system, (3) review of design and product submittals for the Trash Wheel and integration of the Trash Wheel with the rail system and SCADA system, and (4) providing additional welding and related steel inspection and testing.

The contractual agreements with Burns & McDonnell to date are summarized as follows.

- On March 24, 2020, the City Council approved a Professional Services Agreement with Burns & McDonnell for the consultant to prepare a concept plan, topographic surveys, detailed drainage analysis, pile design analysis, construction documents, and easement documents; and prepare and process permit applications.
- On January 11, 2022, the City Council approved Amendment No. One to the agreement with Burns & McDonnell for the consultant to perform new design tasks required by the County of Orange as part of its permit review process, prepare permit reports for USACOE and the State Water Resources Control Board, pay agency permit fees on behalf of the City, prepare site security and operational controls/alerts detail sheets, perform an updated biological survey, and prepare an Operation and Maintenance Plan.
- On February 28, 2023, the City Council approved Amendment No. Two to the agreement for Burns & McDonnell to prepare more detailed designs for the rail system, piles, catwalk and access ramp, and prepare drawings for the remote security and control systems to supplement the project's performance specifications.
- On July 11, 2023, the City Council approved Amendment No. Three to the agreement for Burns & McDonnell to provide construction services including pre-bid support, review of requests for information, provide field engineering support, prepare an environmental assessment (CERCLA - Phase 1), prepare pre-bid biological surveys, perform biological monitoring, provide geotechnical observation and testing services, and prepare National Environmental Policy Act (NEPA) documentation.

- On November 20, 2023, the City Manager approved Amendment No. Four for Burns & McDonnell to prepare an automatic irrigation system with planting plan, relocate the bio-infiltration unit, add a stop mechanism at the end of the rail system, provide additional review services of design and product submittals for the remote security and control systems, and assist with coordination with the permitting agencies.

Burns & McDonnell's approved compensation to date is:

Professional Services Agreement	\$464,925
Amendment No. 1	85,765
Amendment No. 2	81,019
Amendment No. 3	256,501
Amendment No. 4	<u>75,411</u>
TOTAL	\$963,621

FISCAL IMPACT:

The proposed budget amendment would appropriate \$49,681 in increased expenditures to the Newport Bay Water Wheel CIP Account No. 16001-980000-17X12 from the unappropriated Environmental Liability fund.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Budget Amendment

Attachment B – Amendment No. Five to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc.

Attachment C – Location Map