



CITY OF

NEWPORT BEACH

City Council Staff Report

January 11, 2022
Agenda Item No. 12

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Newport Bay Trash Wheel Project – Approval of Amendment No. One to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. (Contract No. 7127-3)

ABSTRACT:

Approval of Amendment No. One to the Burns & McDonnell Engineering Company, Inc. Professional Services Agreement for the Newport Bay Trash Wheel project is requested to allow the consultant to perform additional tasks requested by the jurisdictional and regulatory agencies.

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 Amendment No. One to the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. at a not-to-exceed amount of \$85,765, and authorize the Mayor and City Clerk to execute the agreement; and
- c) Approve Budget Amendment No. 22-034 appropriating \$85,765 in increased expenditures in Account No. 10001-980000-17X12 (Newport Bay Water Wheel) from the unappropriated Tidelands Maintenance fund balance.

DISCUSSION:

San Diego Creek is the largest creek entering Newport Bay and contributes approximately 80 percent of the freshwater flow into the bay. Every year, large volumes of trash and debris enter the bay from the creek. A large portion of this trash and debris is deposited on the vegetated, inter-tidal areas around Upper Bay, the beaches at the Newport Dunes, and around the lower harbor. Some of the trash and debris occasionally may exit the harbor jetty into the open ocean, with a portion deposited on beaches along the Balboa Peninsula and Big Corona.

In an effort to capture a large portion of the floatable trash and debris being transported down San Diego Creek, the design and construction of a floating device called the Trash Wheel was proposed. See Attachment B for the proposed location for the Trash Wheel. This type of device has been successfully operating in Baltimore, Maryland's Inner Harbor since 2015. The Trash Wheel is a moored vessel that uses booms to move trash to the trash wheel where rotating rakes convey the trash onto a conveyor belt that moves the material up and into a dumpster. The trash rakes and the conveyor belt are powered by the creek's current and solar power. Once the dumpster is full, it is transported to a landfill.

On March 24, 2020, the City Council approved the Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. (Attachment C) to prepare construction documents and obtain regulatory permits and approvals for the Newport Bay Trash Wheel project (also called the Trash Interceptor) for a not-to-exceed fee of \$464,925.

In September 2021, 75% complete drawings were submitted to the County of Orange, US Army Corps of Engineers, California Department of Fish and Wildlife, Santa Ana Regional Water Quality Control Board, California Coastal Commission and the County of Orange. The agencies have been supportive and provided constructive comments, some of which require new tasks including preparing:

- A terrestrial habitat survey and technical memorandum,
- A Habitat Mitigation and Monitoring Plan,
- A Project Alternatives Analysis,
- A submittal for an essential fish habitat consultation with US Fish & Wildlife Service,
- Additional detailed construction-phasing drawings to facilitate initial construction next winter,
- Additional detailed phasing, site security and operational control drawings with logic diagram for the site's operational controls for remote (as well as local) monitoring and operation,
- An expanded Operation & Maintenance Plan to address site security and operational controls, and
- Fee payments for agency permits.

As approved, these additional tasks would be funded under Amendment No. One to the Burns & McDonnell Engineering Company Professional Services Agreement.

The project schedule calls for submitting 95% complete construction documents at the end of January 2022. With permit approvals, the initial construction tasks would commence at the end of 2022 with a projected project completion in Spring 2024.

FISCAL IMPACT:

As approved, the proposed budget amendment would appropriate \$85,765 to the Newport Bay Water Wheel CIP Account No. 10001-980000-17X12 in the Tidelands Maintenance Fund to allow for the additional tasks requested by the jurisdictional and regulatory agencies. Tidelands revenue is generated from the operation of the City of Newport Beach's tidelands including rents from moorings, piers, and leases, as well as income from parking lots. Currently, the operating expenditures of the Tidelands exceeds the revenues and is subsidized by the General Fund.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find the professional services agreement with Burns & McDonnell 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 No. 22-034

Attachment B – Location Map

Attachment C – Amendment No. One to the Burns & McDonnell Professional Services Agreement