

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council Members
FROM: Derek Rayner, Deputy Public Works Director
VIA: Michael Kirn, Public Works Director/City Engineer
DATE: July 18, 2017
SUBJECT: Consideration of a Resolution Approving Amendment No. 1 to the Design Professional Services Agreement with Kennedy/Jenks Consultants for Phase 2 Design, Construction Management and Inspection Services for the Feige Water Tank and Designating the City Manager or Public Works Director as Agent's for the City and Authorizing Them to Execute and File the Necessary Contract Documents with FEMA and Cal OES and Issue Any Professional Service Amendments Within Authorized Amounts.

APPROVAL FOR FORWARDING:



Dylan Feik, City Manager

1 **ISSUE:** Consideration of a Resolution approving Amendment No. 1 to the
2 Design Professional Services Agreement (PSA) with Kennedy/Jenks Consultants
3 for Phase 2 design, construction management and inspection services for the
4 Feige Water Tank and designating the City Manager or Public Works Director as
5 Agents for the City and authorizing the Designated Agent to file the necessary
6 contract documents with FEMA and Cal OES and issue any professional service
7 amendments within authorized amounts.

8
9 **RECOMMENDATION:** Adopt the Resolution.

10
11 **BACKGROUND/DISCUSSION:** Feige Water Tank was constructed in 1966
12 and does not meet current seismic standards and is old, aging infrastructure that
13 needs to be replaced. In early 2013 the City commissioned a study prepared by

14 Kennedy/Jenks (K/J) that documented the tank as seismically deficient, and that
15 replacement is more cost effective than rehabilitation.

16

17 In March 2015, K/J assisted staff in completing an application for a Hazard
18 Mitigation Grant (HMG) to replace Feige Tank for an estimated cost of \$1.76
19 million. FEMA/Cal OES authorized funding and obligated Phase 1 funding to
20 complete 35% design documents and FEMA initiated preparation of NEPA
21 (National Environmental Protection Agency) documents.

22

23 Under City Agreement Number 663 entered into on February 2, 2016, K/J
24 completed 35% designs and staff submitted them to FEMA/Cal OES in June of
25 2016. FEMA/Cal OES has recently completed the NEPA process and on July 3,
26 2017 notified Public Works of the award of the balance of the HMG proceeds
27 (\$1,245,714) and authorized the City to commence with Phase 2. Phase 2
28 includes completing final designs and constructing the new tank.

29

30 K/J has had a long history working with staff to replace this tank, and due to their
31 level of understanding staff recommends amending the existing contract with
32 them to complete design of the Project for an amount not to exceed \$163,340.
33 Their scope of work also includes construction management and inspection
34 assistance.

35

36 Staff recommends the City Manager or Public Works Director be authorized to
37 execute Amendment No.1 to the Agreement and issue any professional service
38 amendments within authorized amounts, and sign any grant approvals or forms
39 that need to be executed with FEMA/Cal OES.

40

41 **CONSISTENCY WITH CITY COUNCIL GOALS AND OBJECTIVES:** This
42 project is consistent with Goal No. 3, Establish, improve and maintain City
43 infrastructure; and Objective No. 1, maintain the high level of service and
44 reliability of the City's infrastructure systems and facilities.

45

46 **ENVIRONMENTAL REVIEW:** The project is exempt from the California
47 Environmental Quality Act (CEQA) under Section 15301 (Class 1 - Existing
48 Facilities) of the CEQA Guidelines. A Notice of Exemption for the Project
49 pursuant to Section 15062 of the CEQA Guidelines will be filed in accordance
50 with the requirements of CEQA. Because federal funds are being used NEPA
51 review was completed and the project has been approved for a Categorical
52 Exclusion with technical studies.

53

54 **FISCAL IMPACT:** FEMA/Cal OES has programmed Phase 2 funding totaling
55 \$1,660,952 to complete design and construction of the replacement tank. The
56 reimbursable portion for Phase 2 is \$1,245,714 or 75% of the costs, with a local
57 match of \$415,238.

58

59 The recommended expense authorization is for \$179,674 for Amendment No. 1
60 to Agreement No. 663, which includes a 10% contingency. This amount will
61 complete design of the project and also includes construction management
62 services. Once the design is complete we will return to Council with a
63 recommendation to award for construction after bids are received and opened,
64 which we anticipate will be in late 2017.

65
66 Funds are budgeted in the existing CIP-Feige Tank Design and Replacement
67 (Fund # 12-5419) in the amount of \$400,000 (\$300,000 Federal Grant funds and
68 \$100,000 in Water Impact Fee fund).

69

70 **ATTACHMENTS:**

71 1. Resolution

72 2. Amendment No. 1 to the Kennedy/Jenks Consultants – Professional
73 Services Agreement

RESOLUTION NO 2017-XXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,
COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING AMENDMENT NO. 1 TO
THE DESIGN PROFESSIONAL SERVICES AGREEMENT WITH KENNEDY/JENKS
CONSULTANTS FOR FINAL DESIGN AND CONSTRUCTION SERVICES
IN CONNECTION WITH THE FEIGE WATER TANK REPLACEMENT PROJECT**

1 **WHEREAS**, the City has been awarded a Hazard Mitigation Grant to replace the
2 Feige Tank Replacement Project (Project) and authorized by FEMA/Cal OES to proceed
3 with Phase 2 - final design and construction; and
4

5 **WHEREAS**, on February 2, 2016 the City executed Agreement No. 663 with
6 Kennedy/Jenks Consultants (KJ) for grant application assistance, which included an
7 Engineering Report and Phase 1 Preliminary Design Services, etc.; and
8

9 **WHEREAS**, due to the high degree of understanding that KJ has of the Project,
10 staff requested a final design and construction management services proposal from KJ for
11 Phase 2 of the Project; and
12

13 **WHEREAS**, KJ submitted a design proposal for Phase 2 for final design and
14 construction management services in the amount of \$163,340; and
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16 **WHEREAS**, staff has reviewed said proposal, found that the proposal is reasonable
17 and recommends that an agreement with Kennedy/Jenks Consultants be approved in an
18 amount not to exceed \$163,340; and
19

20 **WHEREAS**, staff recommends a 10% contingency be included in this resolution to
21 provide for additional amendments if necessary; and
22

23 **WHEREAS**, the Federal Share of the Hazard Mitigation Grant is \$1,245,714 for
24 Phase 2 final design, construction management, inspection services and construction,
25 leaving a local match of \$415,238 to be paid by the City; and
26

27 **WHEREAS**, funds are budgeted in the current Water CIP Budget 12-5419 to cover
28 this Amendment No. 1.
29

30 **NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Calistoga
31 as follows:
32

- 33 1. Designates the City Manager or Public Works Director as Agents for the City
34 and authorizes the Designated Agent to file the necessary contract
35 documents with FEMA and Cal OES and issue any professional service
36 amendments within authorized amounts.
37
- 38 2. Approves Amendment No. 1 to Agreement No. 663 with Kennedy/Jenks
39 Consultants in an amount not to exceed \$163,340 for Phase 2 final design
40 and construction management services for the Project as set forth in the

1 attached agreement.
2

- 3 3. Authorizes the City Manager or Public Works Director to approve
4 amendments to the agreement not to exceed ten percent (10%).
5

6 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga
7 at a regular meeting held this **18th day of July, 2017**, by the following vote:
8

9 **AYES:**

10 **NOES:**

11 **ABSTAIN:**

12 **ABSENT:**
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16 _____
17 **CHRIS CANNING, Mayor**

18 **ATTEST:**
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22 _____
KATHY FLAMSON, City Clerk