



COUNTY OF LOS ANGELES

REVISED

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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MARK PESTRELLA, Director

March 9, 2021

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

34 March 9, 2021

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

CELIA ZAVALA
EXECUTIVE OFFICER

Dear Supervisors:

**CONSTRUCTION CONTRACT
WATER RESOURCES CORE SERVICE AREA
ADOPTED MITIGATED NEGATIVE DECLARATION
ADOPT, ADVERTISE, AND AWARD
PACOIMA SPREADING GROUNDS BASIN ENHANCEMENT PROJECT
PROJECT ID NO. FCC0001207
IN THE CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

Public Works is seeking Board approval to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and procure a construction contract for the Pacoima Spreading Grounds Basin Enhancement Project in the City of Los Angeles.

IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Consider the Recirculated Mitigated Negative Declaration for the Pacoima Spreading Grounds Basin Enhancement Project, together with the comments received during the public review process; find that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board; adopt the Mitigation Monitoring and Reporting Program, finding that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during project implementation; find on the basis of the whole record before the Board that there is no substantial evidence the project will have a significant effect on the environment; and adopt the Mitigated Negative Declaration.

BIDS: April 20, 2021 @ 11:00 a.m.

2. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to enter into agreements with the Calmat Company dba Vulcan Materials Company, and Browning-Ferris Industries of California, Incorporated to accept excavated material from the project site for a total amount not to exceed \$23,000,000; and to execute amendments to the agreements as necessary to complete the project, including extensions of time, operational adjustments, and minor changes in the scope of work, provided the additional cost to the District does not exceed \$1,500,000.
3. Approve the project and adopt the plans and specifications that are on file in Project Management Division III of Public Works for the Pacoima Spreading Grounds Basin Enhancement Project at an estimated construction contract cost between \$66,000,000 and \$99,000,000.
4. Instruct the Executive Officer of the Board of Supervisors to advertise for bids in accordance with the Instruction Sheet for Publishing Legal Advertisement and which are to be received before 11 a.m. on April 20, 2021, in accordance with the Notice Inviting Bids.
5. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to determine whether the bid of the apparent responsible contractor with the lowest apparent responsive bid is, in fact, responsive and, if not responsive, to determine which apparent responsible contractor submitted the lowest responsive bid.
6. Delegate authority to the Chief Engineer of the Los Angeles County Flood Control District or his designee to award and execute a construction contract for the Pacoima Spreading Grounds Basin Enhancement project with the responsible contractor with the lowest responsive bid less than or within the estimated cost range of \$66,000,000 and \$99,000,000.

7. Delegate to the Chief Engineer of the Los Angeles County Flood Control District or his designee the following authority in connection with this contract: (1) extend the date and time for the receipt of bids consistent with the requirements of State Public Contract Code, Section 4104.5; (2) allow substitution of subcontractors and relief of bidders upon demonstration of the grounds set forth in State Public Contract Code, Sections 4100 et seq., and 5100 et seq., respectively; (3) approve and execute change orders within the same monetary limits delegated to the Director of Public Works or his designee under Section 2.18.050 of the Los Angeles County Code; (4) accept the project upon its final completion; and (5) release retention money withheld consistent with the requirements of State Public Contract Code, Sections 7107 and 9203.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will adopt the Recirculated Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) and authorize Public Works to implement a project to improve the Pacoima Spreading Grounds facility, including partial replacement of the intake canal with underground pipelines, deepening and combining the basins to remove the underlying clay layer to increase stormwater conservation capacity, replacing interbasin structures and the outlet structure based on the new basin configuration, replacing perimeter fencing, and constructing a bike trail adjacent to the Pacoima Diversion Channel between Devonshire Street and Filmore Street in the City of Los Angeles.

The Pacoima Spreading Grounds is one of the major water conservation facilities that recharge the San Fernando Valley Groundwater Basin. As such, this facility represents a vital part of the drinking water supply system for the Cities of Burbank, Glendale, and Los Angeles. The proposed project would significantly increase the capacity of the spreading grounds, enhance the percolation rate, and provide community enhancements, such as the bike path and improved fencing.

It is anticipated the work will start in September 2021 and be completed in July 2024.

Implementation of Strategic Plan Goals

These recommendations support the County Strategic Plan: Strategy II.2, Support the Wellness of our Communities, Objective II.2.2, Expand Access to Recreational and Cultural Opportunities; and Objective II.2.4, Promote Active and Healthy Lifestyles. In addition, Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, and Objective III.3.2, Manage and Maximize County Assets, by supporting ongoing efforts to encourage the use of alternate modes of transportation and manage and improve public infrastructure assets.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated construction contract cost to complete this project is in the range of \$66,000,000 to \$99,000,000. The total project cost is estimated to be \$133,000,000. In addition to the construction contract cost, the total project cost includes the preparation of plans and specifications, construction engineering, inspection, contract administration, change order contingency, environmental compliance, disposal fees, and other County services.

Funding for this project is included in the Flood Control District Fund Fiscal Year 2020-21 Budget.

Per a Memorandum of Agreement between Los Angeles County Flood Control District and Los Angeles Department of Water and Power approved by the Board on April 16, 2013, Los Angeles Department of Water and Power has contributed \$15,000,000 towards the construction cost. Additionally, on July 8, 2014, the Board authorized the District to receive \$4,032,819 of the Proposition 84, Round Two grant funding from the California Department of Water Resources for this project, which will reimburse the Flood Control District Fund after eligible expenditures are claimed.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Excess material excavated from the project site will be hauled to Sunshine Canyon Landfill in Sylmar, owned by Browning-Ferris Industries and Cal-Mat Pit, owned by Vulcan Materials Company in Sun Valley for disposal. These two locations were selected due to proximity to the project site, and community feedback on traffic impacts, as required by the IS/MND.

The agreements with Vulcan Materials Company and Browning-Ferris Industries will be ~~substantially similar to the enclosed agreements and will be approved as to form by~~ County Counsel prior to execution by the Chief Engineer.

This project will be advertised in accordance with Section 20991 of the State Public Contract Code.

The contract award will comply with applicable Federal and State requirements and Board policies and mandates. The contract documents will require the contractor to comply with these same requirements, policies, and mandates. The construction contract will be in the form previously reviewed and approved as to form by County Counsel.

As required by Board Policy No. 5.140, information such as defaulted contracts with the County, complaints filed with the Contractors State License Board, labor violations, and debarment actions will be considered before a contract is awarded.

ENVIRONMENTAL DOCUMENTATION

In 2014, a preliminary draft Initial Study (IS) was prepared for the Pacoima Spreading Grounds Basin Enhancement Project and was posted to the project website for public consideration.

In January 2016, the District circulated a draft IS/MND and a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration in compliance with the California Environmental Quality Act (CEQA). The IS/MND was sent to the State Clearinghouse; responsible and trustee agencies; organizations and interested parties, including the owners/occupants of all properties within approximate 500-foot-radius of the project site; and all parties who requested notice in accordance with CEQA. The NOI was also filed with the Los Angeles County Registrar-Recorder/County Clerk in the City of Norwalk and published in the Los Angeles Times. The IS/MND and associated technical reports and NOI were posted on the Public Works' web page for viewing and/or download, and hard copies were available at Public Works' Headquarters in Alhambra and at the Pacoima Branch Library. A public meeting was held on January 28, 2016, to summarize the finding and receive comments. The 45-day public review period for the IS/MND closed on February 26, 2016.

The 2016 IS/MND concluded that the project would have potential impacts on the environment in the following areas: cultural resources, biological resources, noise, and transportation/traffic. Subsequent to the public review period, due to considerable public input and unforeseen limitations on the sediment disposal sites, the project was rescoped to include additional disposal site, haul routes, and modified construction hours. Due to the nature of the changes, the District, as the Lead Agency, determined to recirculate the IS/MND to disclose the environmental impacts of the revised project. The Recirculated IS/MND discussed additional avoidable impacts to air quality.

Additionally, pursuant to Assembly Bill 52, the Fernandeño Tataviam Band of Mission Indians requested consultation on the project. The consultation process included an on-site meeting between the Tribe and District representatives, as well as a follow-up meeting and multiple e-mails, telephone, and written correspondences. Since no adverse impact to tribal cultural resources were identified, the District sent a letter on August 25, 2016, to close the consultation with the Tribe. There was no further communication between the District and the Tribe on this matter. Although there were no significant impacts, the District agreed to voluntarily require on-site construction personnel to be trained in Native American monitoring procedures and offer monthly visits by a professional Native American monitor during excavation activities.

A NOI to adopt the Recirculated IS/MND was mailed to the State Clearinghouse and affected responsible and trustee agencies and interested organizations and individuals, and it is on file at the Los Angeles County Registrar-Recorder/County Clerk in the City of Norwalk. A summary of the NOI was published in the Los Angeles Times on November 14, 2018, pursuant to State CEQA Guidelines Section 21092 and posted pursuant to Section 21092.3. The Recirculated IS/MND and associated technical reports were posted online on the Public Works web page at: <http://dpw.lacounty.gov/wrd/Projects/PacoimaSG>.

Between the two public review periods, a total of 14 comment cards, 9 comment letters from agencies, 2 comment letters from organizations, and 25 comment letters from individuals were received, which are enclosed as Attachment 1. Comments received primarily concerned impacts to air quality, traffic, and noise. All comments received during public review periods have been addressed in the Final Recirculated IS/MND. Responses to all comments are included in the final IS/MND. A copy of the Final Recirculated IS/MND is included as Attachment 2, and the Mitigation Monitoring and Reporting Program (MMRP) is included as Attachment 3.

The location of the documents and other materials constituting the record of the proceedings upon which your Board's decision is based in this matter is the Los Angeles County Public Works Stormwater Planning Division, 11th Floor at 900 South Fremont Avenue, Alhambra, CA 91803. The custodian of such documents and materials is the Senior Civil Engineer in charge of the Upper Los Angeles River Watershed Section in Stormwater Planning Division of Public Works.

The IS/MND concludes that all identified environmental effects of the project can be avoided or reduced to less than significant through the implementation of the mitigation measures identified in the IS/MND. An MMRP consistent with the conclusions and recommendations of the Recirculated IS/MND has been prepared. The MMRP identified in detail the manner in which compliance with the measures adopted to mitigate or avoid potential adverse impacts of the project to the environment is ensured and its requirements have been incorporated into the conditions of approval for this project. The District will require/implement the following mitigation measures as part of the proposed project.

Air Quality:

- All off-road diesel-powered equipment greater than 50 horsepower to comply with Tier 4 Final emission standards.
- Pave the top of central levee prior to the hauling operation to reduce fugitive dust emissions.

Biological Resources:

- Perform a preconstruction survey for nesting birds and/or raptors.

Cultural Resources:

- Prior to start of sediment removal, a Paleontologist shall establish procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of newly discovered paleontological resources found during excavation.

Noise:

- Construct an 8-foot-high temporary sound wall along the shared property line with the nearby homes located northwest of the headworks area.

Traffic:

- Require modified planned hourly haul truck trips during the AM, mid-day, and PM peak hours.
- Prohibit truck trips to solely the Boulevard Pit sediment disposal site at any time. However, Boulevard Pit will not be used as a sediment disposal site, so this mitigation is not expected to be triggered.

Tribal Cultural Resources (Voluntary Measure):

- Prior to the start of sediment removal, a qualified Archaeologist or Native American monitor shall provide the construction personnel with training on monitoring policy and procedure with regards to cultural resources. District will offer monthly visits of excavation areas to the Fernandeño Tataviam Band of Mission Indians.

The project is not exempt from payment of a fee to the California Department of Fish and Wildlife pursuant to Section 711.4 of the Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Wildlife.

Upon the Board's approval of the project and adoption of the Recirculated IS/MND, Public Works will file a Notice of Determination in accordance with Section 21152 of the California Public Resources Code and pay the required filing and processing fees with the Registrar-Recorder/County Clerk.

CONTRACTING PROCESS

In accordance with the Board's consolidated Local and Targeted Worker Hire Policy, the contract documents will require that at least 30 percent of the total California craft worker hours for construction of the project be performed by Local Residents and at least 10 percent be performed by Targeted Workers facing employment barriers.

To increase contractor awareness of Public Works' program to contract work out to the private sector, this project will be listed on both the County's "Doing Business with the County" and "Do Business with Public Works" websites for open bids:

<http://www.lacounty.gov/business/doing-business-with-the-county>

<http://pw.lacounty.gov/general/contracts/opportunities>

Also, the contract solicitation will be advertised through web-based and social media platforms, including Twitter.

In addition, in order to increase opportunities for small businesses, Public Works will be coordinating with the Office of Small Business at the Department of Consumer and Business Affairs to maximize outreach, as well as offering preferences to Local Small Business Enterprises, Social Enterprises, and Disabled Veteran Business Enterprises in compliance with Los Angeles County Code, Chapters 2.204, 2.205, and 2.211.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

When the project is completed, it will have a positive impact by improving stormwater capture at a vital water conservation facility and allow the Los Angeles County Flood Control District to increase its groundwater recharge to help maintain reliable local drinking water supplies.

The Honorable Board of Supervisors
March 9, 2021
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CONCLUSION

Please return an adopted copy of this letter to Public Works, Project Management Division III.

Respectfully submitted,



MARK PESTRELLA
Director of Public Works

MP:SRB:ml

Enclosure

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office
Internal Services Department (Countywide Contract Compliance)