



**DATE:** January 21, 2020

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Amend the Professional Services Agreement with Luhdorff & Scalmanini Consulting Engineers for Additional Groundwater Support Services by \$35,000 for a total contract amount not to exceed \$110,000

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to amend the professional services agreement with Luhdorff & Scalmanini Consulting Engineers by \$35,000 for a total contract amount not-to-exceed \$110,000, for additional groundwater support services.

### **SUMMARY**

In February 2017, the City of Hayward became the Groundwater Sustainability Agency for the portion of the East Bay Plain Groundwater Subbasin that underlies Hayward. The City, in cooperation with the East Bay Municipal Utility District, is preparing a Groundwater Sustainability Plan for the Subbasin to meet the requirements of the Sustainable Groundwater Management Act (SGMA). A portion of Hayward also overlies the Niles Cone Basin, which is managed by the Alameda County Water District. In December 2016, the City entered into a professional services agreement with LSCE to provide technical consultant services and support for groundwater-related matters. The total amount authorized to date is \$75,000. Staff recommends an increase of \$35,000 for services related to selection and installation of groundwater level monitoring equipment and other technical support needed to assist the City in complying with SGMA.

### **BACKGROUND**

SGMA was signed into law in 2014 to provide for comprehensive and sustainable management of groundwater resources within the State. SGMA requires that all groundwater basins in California that have been designated by the State as medium or high-priority be managed under a Groundwater Sustainability Plan (GSP) or functionally equivalent Alternative Plans. In February 2017, Council adopted a resolution for the City to serve as the Groundwater Sustainability Agency (GSA) for the portion of the East Bay Plain Groundwater Subbasin that underlies Hayward. The City is currently preparing a GSP in cooperation with the East Bay Municipal Utility District (EBMUD), which serves as the GSA for the remainder of the Subbasin, by January 31, 2022. A portion of the City also overlies the Niles Cone Basin,

which is being managed by the exclusive GSA, Alameda County Water District (ACWD), under an Alternative Plan. Additional background and discussion on SGMA and Hayward's responsibilities as a GSA are included in the February 7, 2017 staff report.<sup>1</sup>

### ACWD Alternative Plan

In November 22, 2016, ACWD notified Hayward that ACWD intended to submit an Alternative Plan, instead of a GSP, for the Niles Cone Basin to comply with SGMA. It was critical that Hayward carefully evaluate this Alternative Plan to determine potential impacts on Hayward and to protect the City's interests. Due to the short public review period and Hayward's unfamiliarity with SGMA requirements at the time, the City required the technical services of a hydrogeologist to assist the City with performing a thorough review of ACWD's Alternative Plan.

On December 12, 2016, the City executed a professional services agreement with Luhdorff & Scalmanini Consulting Engineers (LSCE) to provide specialized groundwater services in an amount not to exceed \$30,000. Staff did not obtain proposals from other firms due to the time constraints. LSCE was selected based on their extensive knowledge of the local groundwater basins including their previous work designing and constructing emergency water wells for the City. Also, at that time, there was a strong possibility that Hayward would partner with EBMUD to prepare a single GSP for the East Bay Plain Subbasin, a partnership that has since been formalized, and therefore the City's long-term consulting needs were uncertain. Staff determined that bringing a new consulting firm up to speed on the City's groundwater efforts would not be timely and of limited benefit to the City.

The effort to review and comment on ACWD's Alternative Plan proved to be extensive. ACWD's Alternative Plan was comprised of over fifty separate documents and the City ended up submitting and responding to multiple comment letters. As a result, the professional services agreement with LSCE was twice amended to a total not to exceed amount of \$75,000, which is almost exhausted. Throughout the process, LSCE performed work in an expeditious and satisfactory manner. Although the State approved ACWD's Alternative Plan for management of the Niles Cone Basin in July 2019, the State also issued recommendations for improving ACWD's Alternative Plan, which reflect many of the comments made by the City.

### Groundwater Sustainability Plan

On June 25, 2018, the City entered into a Cooperating Agreement with EBMUD to partner on developing a GSP for the East Bay Plain Subbasin. Working collaboratively with EBMUD avoids duplication of technical work and thus the cost of preparing a GSP for both agencies. The Cooperating Agreement outlines a process for the parties to jointly select a qualified consultant to assist with the preparation of the GSP.

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<sup>1</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=4950328&GUID=F2C7345D-A6A0-4697-8E54-96C616C61C49>

In August 2018, EBMUD issued a request for proposals. A total of six firms submitted proposals. After a thorough evaluation and interview process, EBMUD and Hayward selected LSCE to prepare the GSP for the East Bay Plain Subbasin. This decision was based on the firm's knowledge of the Subbasin, their responsiveness to the agencies' needs, and the project team's experience and technical capabilities.

On January 29, 2019<sup>2</sup>, Council approved an amendment to the Cooperating Agreement, which provides for EBMUD and Hayward to cost-share on the costs for LSCE to prepare the GSP. The total amount of LSCE's contract with EBMUD is \$1,591,442. Based on the cost-sharing formula in the Cooperating Agreement and considering the \$1 million grant that the parties were awarded from the State, the City's net amount for LSCE's consulting services is anticipated to be approximately \$210,000. The January 29, 2019 staff report discussed the potential for staff to need additional resources and expertise to support development of the GSP. The LSCE services provided under the Cooperating Agreement are for the benefit of both EBMUD and Hayward and the contract is being managed by EBMUD. Therefore, staff is requesting Council authorization to amend an existing contract that Hayward has with LSCE to augment Hayward staff resources that would be requested and managed directly by Hayward staff.

## **DISCUSSION**

Preparation of the GSP for the East Bay Plain Subbasin is currently underway and a key task is the collection of groundwater data. The City currently maintains five emergency wells, three located in the East Bay Plain and two in the Niles Cone Basin, which are critical for ensuring that water can be delivered to customers in the event of an earthquake or other disruptions to the City's imported surface water supplies. Staff has identified the need to regularly collect water level data from the City's emergency wells to prepare the GSP and monitor the long-term health of the groundwater basin.

In addition, EBMUD, in partnership with Hayward, has been successful in obtaining grant funding for field work to collect data and has recently applied for additional grant funding from the State to perform a well pump test that would further characterize the connection between the East Bay Plain Subbasin and Niles Cone Basin. The well pump test would likely include pumping one of the City's wells for an extended period of time and monitoring surrounding wells in both groundwater basins. Throughout this test, the City would need to continuously monitor water levels in the City's emergency wells. Information from this field test would help the parties develop effective long-term management strategies for the East Bay Plain Subbasin and operating the City's wells during an emergency.

Staff is requesting Council authorization to amend the professional services agreement with LSCE by \$35,000, to a not to exceed amount of \$110,000, to provide additional groundwater support services. These services will include assisting the City with selecting and installing pressure transducers in the City's emergency wells that can provide the City with continuous water level measurements. Staff also anticipates needing technical support

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<sup>2</sup> <https://hayward.legistar.com/View.ashx?M=F&ID=7004178&GUID=F1187DEC-5C0C-4098-9041-54C2154048C1>

from LSCE during development of the GSP over the next year, including advising the City during the well pump test.

Staff is recommending that the City Council authorize this additional work as an amendment to the existing Agreement so that the City can continue to leverage LSCE's knowledge of both SGMA requirements and the local groundwater basins. Based on their work with the City and on the GSP for the East Bay Plain Basin, LSCE is best positioned to perform the needed work expeditiously and cost-effectively.

### **ECONOMIC IMPACT**

The total cost of the recommended amendment to the Agreement is \$35,000. These funds are budgeted in the Water Improvement Fund. There would be no impact to ratepayers related to this action.

### **FISCAL IMPACT**

The Ten-Year Capital Improvement Program includes a project in the Water Improvement Fund for Groundwater Sustainability Plan Development. There are sufficient funds in this project to cover the requested amendment. There would be no impact on Hayward's General Fund.

### **STRATEGIC INITIATIVES**

This agenda item does not directly relate to one of Council's Strategic Initiatives.

### **SUSTAINABILITY FEATURES**

The City's emergency wells are an important part of Hayward's water supplies and critical to reliably delivering water in the event of an earthquake or other disruptions to imported surface water supplies. Hayward's role as a GSA and responsibility for developing a GSP provide the authority to ensure that the groundwater beneath the City is protected and sustainably managed for the future. A long-term commitment to groundwater sustainability increases Hayward's overall water supply reliability, maximizes local sources, and diversifies the City's water supplies, which will help the City respond to future water supply uncertainties and the effects of climate change. The recommended action will allow the City to install monitoring equipment in the City's emergency wells necessary to develop and implement an effective GSP.

### **PUBLIC CONTACT**

SGMA requires active stakeholder participation and public outreach in development of GSPs to ensure common understanding and transparency throughout the process. The information collected from the level transducers that will be installed in the City's emergency wells will be used to monitor the health of the groundwater basin and inform GSP activities.

## **NEXT STEPS**

If the City Council concurs with staff's recommendation, staff will execute an amendment to the existing professional services agreement with LSCE to increase the contract amount by \$35,000, to a total not to exceed amount of \$110,000, for additional groundwater support services.

*Prepared by:* Jan Lee, Assistant Director of Public Works - Utilities

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

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Kelly McAdoo, City Manager