



CITY COUNCIL STAFF REPORT



September 27, 2022

Item Title

Agreement: Approve a Brush Clearance Services Agreement with Kingsborough Atlas Tree Surgery, Inc.

Report Number: 22-0243

Location: Barons Canyon, Bonita Long Canyon, Church Canyon, Goats Hill, Independence Canyon, and Lynwood Hills (named City canyons)

Department: Public Works

Environmental Notice: The Project qualifies for a Categorical Exemption pursuant to the California Environmental Quality Act State Guidelines Section 15301 Class 1 (Existing Facilities) and Section 15304 Class 4 (Minor Alterations to Land). The Project is also Exempt under a regulatory program of the Fish and Game Commission pursuant to Section 15251(b).

Recommended Action

Adopt a resolution approving an agreement for brush clearance services in certain City canyons with Kingsborough Atlas Tree Surgery, Inc. in an amount not-to-exceed \$3,169,593.

SUMMARY

On August 23, 2022, the City received two (2) bids for brush clearance services in certain City canyons. Funding for the proposed agreement is included in the budgets for the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant CIP Project CTY0234, which the City Council adopted in December 2021. Staff's recommendation is that Council accept the bids and approve a brush clearance agreement with Kingsborough Atlas Tree Surgery, Inc.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Categorical Exemption pursuant to State CEQA Guidelines Section 15301 Class 1 (Existing Facilities) and Section 15304 Class 4 (Minor Alterations to Land) because the proposed project would not result in a significant effect on the environment, create a cumulative impact, damage a scenic highway, or cause a substantial adverse change in the significance of a historical resource. The Project is also Exempt under a regulatory program of the Fish and Game Commission pursuant to Section 15251(b) as further outlined in the Memorandum Of

Understanding Between the Fish and Wildlife Service of The United States Department of the Interior, the California Department of Fish and Game, the California Department of Forestry, the San Diego County Fire Chief's Association and the Fire District's Association of San Diego County authorizing abatement of flammable vegetation, as executed on February 26, 1997. Thus, no further environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not Applicable.

DISCUSSION

In August 2022, Staff solicited a Request for Bids for brush clearance services for certain City canyons. On August 23, 2022, the Director of Public Works received and opened two (2) bids via PlanetBids from Kingsborough Atlas Tree Surgery, Inc. (Kingsborough) and Utility Tree Service, LLC respectively. The two bids are shown below:

Kingsborough Atlas Tree Surgery, Inc. (Kingsborough)

CANYON NAME/ACREAGE	TASK						CANYON TOTALS
	Project Management	Prepare Work Plan	Tribal Notification	Field Coordination	Biological Monitoring and Reporting	Brush and Vegetation Management Services	
Barons Canyon (32.34 acres)	\$ 4,753.98	\$ 448.56	\$ 200.00	\$ 4,753.98	\$ 9,748.89	\$ 646,591.41	\$ 666,496.82
Bonita Long Canyon (43.04 acres)	\$ 6,326.88	\$ 596.96	\$ 200.00	\$ 6,326.88	\$ 12,974.41	\$ 860,522.39	\$ 886,947.52
Church Canyon (20.70 acres)	\$ 3,042.90	\$ 287.11	\$ 200.00	\$ 3,042.90	\$ 6,240.02	\$ 413,866.49	\$ 426,679.41
Goats Hill (45.35 ac)	\$ 6,666.45	\$ 629.00	\$ 200.00	\$ 6,666.45	\$ 13,670.76	\$ 906,707.49	\$ 934,540.15
Independence Canyon (9.07 acres)	\$ 1,333.29	\$ 125.80	\$ 200.00	\$ 1,333.29	\$ 2,734.15	\$ 181,341.50	\$ 187,068.03
Lynwood Hills (22.66 acres)	\$ 3,331.02	\$ 314.29	\$ 200.00	\$ 3,331.02	\$ 6,830.86	\$ 453,053.44	\$ 467,060.63
TOTALS	\$ 25,454.52	\$ 2,401.73	\$ 1,200.00	\$ 25,454.52	\$ 52,199.08	\$ 3,462,082.72	\$ 3,568,792.57

Utility Tree Service, LLC

CANYON NAME/ACREAGE	Project Management	Prepare Work Plan	Tribal Notification	Field Coordination	Biological Monitoring and Reporting	Brush and Vegetation Management Services	CANYON TOTALS
Barons Canyon (32.34 acres)	\$ 48,471.80	\$ 19,388.72	\$ 9,694.36	\$ 19,388.72	\$ 48,471.80	\$ 824,020.62	\$ 969,436.02
Bonita Long Canyon (43.04 acres)	\$ 64,509.16	\$ 25,803.66	\$ 12,901.83	\$ 25,803.66	\$ 64,509.16	\$ 1,096,655.76	\$ 1,290,183.25
Church Canyon (20.70 acres)	\$ 31,025.55	\$ 12,410.22	\$ 6,205.11	\$ 12,410.22	\$ 31,025.55	\$ 527,434.35	\$ 620,511.00
Goats Hill (45.35 ac)	\$ 67,971.43	\$ 27,188.57	\$ 13,594.29	\$ 27,188.57	\$ 67,971.43	\$ 1,155,514.38	\$ 1,359,428.68
Independence Canyon (9.07 acres)	\$ 13,594.29	\$ 5,437.71	\$ 2,718.86	\$ 5,437.71	\$ 13,594.29	\$ 231,102.88	\$ 271,885.74
Lynwood Hills (22.66 acres)	\$ 33,963.23	\$ 13,585.29	\$ 6,792.65	\$ 13,585.29	\$ 33,963.23	\$ 577,374.99	\$ 679,264.69
TOTALS	\$ 259,535.47	\$ 103,814.19	\$ 51,907.09	\$ 103,814.19	\$ 259,535.47	\$ 4,412,102.96	\$ 5,190,709.37

Staff has reviewed the bids and determined that Kingsborough's bid is responsive, and Kingsborough is the lowest responsible bidder. The bids received were higher than the available funding for this project as it is being funded by a FEMA grant which required matching funds. Kingsborough has agreed to a reduction in scope of the project to bring the total contract cost within the available budget. As such, Staff recommends

accepting Kingsborough's bid and awarding the brush clearance contract to Kingsborough in the amounts shown below.

CANYON NAME/ACREAGE	TASK						CANYON TOTALS	Per Acre Cost
	Project Management	Prepare Work Plan	Tribal Notification	Field Coordination	Biological Monitoring and Reporting	Brush and Vegetation Management Services		
Barons Canyon (30.72 acres)	\$ 4,753.98	\$ 448.56	\$ 200.00	\$ 4,753.98	\$ 9,748.89	\$ 571,951.72	\$ 591,857.13	\$ 19,264.30
Bonita Long Canyon (40.89 acres)	\$ 6,326.88	\$ 596.96	\$ 200.00	\$ 6,326.88	\$ 12,974.41	\$ 761,299.01	\$ 787,724.14	\$ 19,265.41
Church Canyon (19.67 acres)	\$ 3,042.90	\$ 287.11	\$ 200.00	\$ 3,042.90	\$ 6,240.02	\$ 366,220.22	\$ 379,033.15	\$ 19,274.51
Goats Hill (43.08 ac)	\$ 6,666.45	\$ 629.00	\$ 200.00	\$ 6,666.45	\$ 13,670.76	\$ 802,072.91	\$ 829,905.57	\$ 19,263.17
Independence Canyon (8.62 acres)	\$ 1,333.29	\$ 125.80	\$ 200.00	\$ 1,333.29	\$ 2,734.15	\$ 160,489.04	\$ 166,215.57	\$ 19,290.38
Lynwood Hills (21.53 acres)	\$ 3,331.02	\$ 314.29	\$ 200.00	\$ 3,331.02	\$ 6,830.86	\$ 400,850.25	\$ 414,857.44	\$ 19,271.49
TOTALS	\$ 25,454.52	\$ 2,401.72	\$ 1,200.00	\$ 25,454.52	\$ 52,199.09	\$ 3,062,883.15	\$ 3,169,593.00	\$ 19,267.81

The agreement with the Kingsborough includes the following services and requirements:

- Kingsborough will perform brush clearance services including but not limited to modification of native and non-native plant materials for fire safety along the rims of the named canyon. The primary goal is to increase the established defensible space zone between structures that are in direct proximity to the urban interface with canyons. The additional fuel reduction zone is expected to provide the necessary area required for the Fire Department to defend people and properties from a potential conflagration within the canyons.
- Objectives of the brush management services are to:
 - Implement Zone 2 brush management activities in accordance with the guidelines contained in the City's Multiple Species Conservation Program (MSCP) Subarea plan.
 - Reduce the height and density of existing plant material to create a "mosaic" pattern of vegetation with adequate spacing between the shrubs to reduce the fire ladder effect.
 - Cut non-native grasses and weeds to 2 inches in height to reduce rapid ignition potential and competition for native species. Approved herbicides shall be applied immediately to cut non-native grasses and perennials and other weeds to ensure their complete desiccation and deter their regrowth.
 - Protect native habitat by minimizing impact in the adjacent areas.
- Kingsborough will revegetate areas of brush clearance with a hydroseed mix of specified plant species.
- Kingsborough will be required to provide insurance and to indemnify the City, and the agreement contains other risk management provisions to protect the City from liability.

If approved, Kingsborough will begin work no sooner than September 28, 2022, and complete the work by no later than February 28, 2023.

Kingsborough will be required to pay prevailing wages to persons employed by them for the work performed under this contract and shall ensure compliance with all applicable state and local laws governing the payment of prevailing wages.

DECISION-MAKER CONFLICT

Staff has determined that the action contemplated by this item solely concerns the repairs, replacement, or maintenance of existing streets, water, sewer, storm drainage or similar facilities, and any member's property will not be affected disproportionately to other properties receiving the same services. Consequently, pursuant to California Code of Regulations Title 2, sections 18700 and 18702.2(d)(1)), this item does not present a real property-related conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no additional current year fiscal impact. City Council previously approved the appropriation of FEMA grant funds and the required match that was appropriated from the General Fund.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact.

ATTACHMENT

1. 2-Party Agreement with Kingsborough Atlas Tree Surgery, Inc.

Staff Contact: Sam Oludunfe, City Forester & Open Space Manager.