



CITY COUNCIL AGENDA REPORT

MEETING DATE: 11/15/2022

DEPARTMENT: Public Works

SUBJECT:

SECOND AMENDMENT TO THE AGREEMENT WITH AQUABIO ENVIRONMENTAL TECHNOLOGIES, INC., FOR WILDLIFE MITIGATION AND POND MAINTENANCE SERVICES AT VETERANS PARK

RECOMMENDED ACTION(S):

1. Approve the Second Amendment to the Agreement for Maintenance Services with AquaBio Environmental Technologies, Inc., for Wildlife Mitigation and Pond Maintenance Services at Veterans Park.
 2. Authorize the Mayor to sign, and the City Clerk to attest, the Second Amendment substantially in the form attached.
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EXECUTIVE SUMMARY:

On January 9, 2019, the City Manager awarded the Agreement for Maintenance Services ("Agreement") to AquaBio Environmental Technologies, Inc. ("AquaBio") to provide wildlife and pond maintenance services at Veterans Park in the amount of \$135,000 for a three-year term (Attachment 1). On November 5, 2021, the Agreement was extended an additional year and the compensation amount was increased to \$161,480 (Attachment 2).

Veterans Park is a premier park in the City of Lake Forest. The park was renovated in 2018 to improve park conditions and reduce the number of wildlife that frequented the park. The Agreement with AquaBio was formed to preserve the pond conditions and control the wildlife population at the park. Pursuant to the Agreement, AquaBio performs water quality testing, geese mitigation and management, and other wildlife management activities that help preserve the usability of the park. The term of the Agreement with AquaBio is set to expire on December 31, 2022. AquaBio has agreed to extend the term of the Agreement one additional year with no change in contract pricing. The proposed Second Amendment includes \$39,120 in additional compensation to extend the Agreement by one year (Attachment 3). If approved, the Second Amendment would bring the total compensation amount in the Agreement up to \$200,600. Staff recommends the City Council approve the proposed Second Amendment

with AquaBio. The 2021-2023 Operating Budget includes sufficient funding to cover the costs of the recommended action.

BACKGROUND:

Veterans Park is a 4.7-acre facility that includes a pond approximately one acre in size. In 1980, the County implemented several improvements to the pond to address maintenance issues, which included the installation of a concrete path around the perimeter of the pond and upgrades to the pond's aeration and circulation systems. Upon city incorporation, the County conveyed Village Pond Park (later renamed Veteran's Park) to the City, along with a maintenance agreement with Lake Forest Community Association which was responsible for the quality of the water in the pond. Over time, large numbers of waterfowl settled at the park. This overpopulation led to associated park maintenance and water quality issues, which prompted the City to renovate the park and assume water quality responsibilities. Veterans Park was renovated to improve conditions of the pond and the experience for patrons visiting the park. Plans for the park included renovations designed to improve park aesthetics and usability, discourage the overpopulation of waterfowl, and improve water quality in the pond. The City entered into a three year Agreement with AquaBio on January 9, 2019, in the amount of \$135,000 to provide wildlife and pond maintenance services at Veterans Park. On November 5, 2021, the Agreement was extended an additional year and the compensation amount was increased to \$161,480 (Attachment 2). This Agreement is set to expire on December 31, 2022.

DISCUSSION:

AquaBio visits the park every two weeks to monitor both lake and wildlife conditions. AquaBio has an extensive background managing municipal lakes and emphasizes the approach of using non-chemical/pesticides for water treatment. AquaBio was selected based on their experience previously working at the park during the construction process, knowledge with handling geese and other wildlife, and use of non-toxic chemicals.

Over the term of the Agreement, AquaBio maintained the pond conditions to prevent algae growth and improve water quality. They also monitored and reinstalled the many mitigation measures used at the park to manage the geese population. AquaBio also provides testing of the water and observations of animals on an as-needed basis to ensure management measures are effective in protecting the quality of the pond water. They will respond when requested to any injured animal at the park. The proposed Second Amendment (Attachment 3) would extend the term of the Agreement to December 31, 2023, thereby exercising the second and final term extension described in the Agreement. The

proposed Second Amendment would require \$39,120 in additional compensation. The scope of work and contract pricing would not change.

Carlson Strategic Land Solutions, Inc. Performance Assessment November 5, 2021, through November 1, 2022	
Category	Rating
Performance of Scope of Services	<input type="checkbox"/> Unsatisfied X Satisfied <input type="checkbox"/> Very Satisfied <input type="checkbox"/> N/A
Timeliness	<input type="checkbox"/> Unsatisfied X Satisfied <input type="checkbox"/> Very Satisfied <input type="checkbox"/> N/A
Budget Performance	<input type="checkbox"/> Unsatisfied X Satisfied <input type="checkbox"/> Very Satisfied <input type="checkbox"/> N/A
Customer Service	<input type="checkbox"/> Unsatisfied X Satisfied <input type="checkbox"/> Very Satisfied <input type="checkbox"/> N/A

The chart above provides an overall summary of the AquaBio's performance since the First Amendment commenced on November 5, 2021. Consistent with the City's Purchasing and Contracting Guidelines ("Purchasing Guidelines"), including vendor assessment, staff recommends approval of the Second Amendment to ensure the City retains wildlife mitigation and pond maintenance at Veterans Park.

FISCAL IMPACT:

The proposed Second Amendment would maintain the existing contractual rates. The Second Amendment would add \$39,120 in compensation to the Agreement with AquaBio, which would bring the total compensation amount to \$200,600. The Second Amendment would extend the term of the Agreement by one year to December 31, 2023. The 2021-2023 Operating Budget includes sufficient funding to cover the costs of the recommended action.

ATTACHMENTS:

1. Agreement for Maintenance Services – AquaBio
2. First Amendment to Agreement for Maintenance Services - AquaBio
3. Second Amendment to the Agreement for Maintenance Services - AquaBio

Initiated By: Michael McConaha, Public Works Maintenance Manager
Submitted By: Thomas E. Wheeler, P.E., Director of Public Works/City Engineer
Approved By: Debra Rose, City Manager