



## REPORT TO COUNCIL City of Sacramento

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www.CityofSacramento.org

CONSENT  
May 6, 2008

Honorable Mayor and  
Members of the City Council

**Title: Supplemental Agreement: Samuel C. Pannell Meadowview Community  
Center Toxic Remediation**

**Location/Council District:** 2450 Meadowview Road, Council District 8

**Recommendation:** Adopt a **Resolution:** 1) ratifying Supplemental Agreement No. 1 to City Agreement 2004-0011 with John J. Tomko in the amount of \$19,300; 2) restoring the City Manager's signature authority for this project; and 3) authorizing the City Manager or the City Manager's designee to execute Supplemental Agreement No. 2 to City Agreement 2004-0011 with John J. Tomko in an amount not to exceed \$99,680 for continuation of monitoring and technical oversight of remediation efforts.

**Contacts:** Terry Grayson, Construction Manager, 808-5879; Cynthia Kranc, Facilities Manager, 808-2258

**Presenters:** Not applicable

**Department:** General Services

**Division:** Facilities and Real Property Management

**Organization No:** 3281

**Description/Analysis:**

**Issue:** The City's professional services agreement with John J. Tomko for services related to continuing contaminant remediation efforts at the Samuel C. Pannell Meadowview Community Center requires periodic extension and scope update. The uncertain nature of subsurface contamination, occasional modification of the work plan required by the State Regional Water Quality Control Board (RWQCB), and the long term nature of the remediation effort necessitates supplements to the original agreement and modification of the scope of work.

**Policy Considerations:** The recommendations contained in this report are consistent with: 1) the City Council strategic focus areas of public safety, and sustainability and livability; 2) City Code Section 3.64.040(A) requiring City Council approval for supplemental agreements in excess of \$25,000 for agreements originally executed for a price of less than \$250,000; and 3) City Code Section 3.64.040(G) restoring City Manager authority to issue additional supplemental agreements.

**Committee/Commission Action:** Not applicable

**Environmental Considerations:** Approval of the supplemental agreement is not subject to any provisions of the California Environmental Quality Act. Continuing remediation of the groundwater contamination is mitigation adopted as part of the 1993 Negative Declaration for the City's acquisition of the former service station site.

**Rationale for Recommendation:** Executing Supplemental Agreement No. 2 with John J. Tomko in the amount of \$99,680 will allow for the continuation of contaminant remediation efforts at the Samuel C. Pannell Meadowview Community Center. Supplements to the original agreement are occasionally required due to the long term nature of the remediation effort, the uncertain nature of subsurface contamination, and occasional modification of the work plan required by the State RWQCB.

**Financial Considerations:** In response to the RWQCB corrective action plan for the community center property, two Capital Improvement Projects (CIP) were established in 1993 for required remediation work; 1) the Meadowview Community Center Toxics Perchloroethylene (PCE) CIP (CB27, C13000202); and 2) the Meadowview Community Center Toxics Gas CIP (CB28, C13000203). The recommended supplemental agreement will be funded by either of these CIPs depending upon the specific work performed. As of April 14, 2008, the Meadowview Community Center Toxics PCE CIP has an unobligated balance of \$722,449. The Meadowview Community Center Toxics Gas CIP is funded through the reimbursement of costs associated with gasoline remediation by the State of California's Underground Storage Tank Fund (USTF). The USTF is funded by a tax on statewide fuel purchases.

On March 29, 2005, City Council adopted Resolution No. 2005-199 approving the acceptance of up to \$1.2 million in aggregate funds on a reimbursement basis from the USTF. There is some risk for the City in that any given reimbursement request could be denied in part or in whole by the State of California for failure to comply with the USTF cost and procurement principles or if the USTF were to become insolvent. However, since first requesting reimbursements in 1998 the City has received payment on all requests submitted and the USTF has remained solvent. If the USTF were to become insolvent, remediation work at the site would cease until another funding source was obtained.

**Emerging Small Business Development (ESBD):** John J. Tomko is not certified as an emerging/small business firm. For the most recent complete fiscal year (FY2006/07), the Department of General Services achieved an ESBD percentage of 62%.

Respectfully Submitted by:   
Cynthia Kranc  
Facilities Manager

Approved by:   
Regina J. Schwartz  
Director, Department of General Services

Recommendation Approved:

  
for Ray Kerridge  
City Manager

**Table of Contents:**

	Report	Pg 1
<b>Attachments</b>		
1	Background	Pg 4
2	Resolution	Pg 5

**BACKGROUND INFORMATION:**

The Samuel C. Pannell Meadowview Community Center was built on property the City purchased in 1992. The prior uses on the site included a gas station and two dry cleaning facilities. Both former uses resulted in gasoline and perchlorethylene or PCE (a dry cleaning solvent) contamination of the groundwater and soil under the site. Since the purchase, the City has been responsible for remediation of the contamination at the site and reports to the Regional Water Quality Control Board (RWQCB) on a quarterly basis.

Since 1993, the City has installed a total of 35 sampling and contaminant extraction wells at and around the site. The PCE soil vapor extraction system (SVES) and groundwater extraction system has removed a combined total of 211 pounds of PCE. The gasoline SVES and groundwater extraction system has removed a combined total of 2,800 pounds of petroleum hydrocarbons. As of November 2006, more than 16 million gallons of groundwater have been extracted and treated. The authorization of Supplemental Agreement No. 2 in the amount of \$99,680 will allow the continuation of the existing remediation program.

In late 2003 through spring 2004, the City conducted an additional investigation, as required by the RWQCB, to further define the lateral and vertical extent of the PCE contamination. The results of the investigation were generally positive for the City in that the lateral and vertical extent of the PCE plume was found to be considerably smaller than originally anticipated. However, the PCE plume continues to spread. Measures recommended by the RWQCB are directed toward establishing hydraulic control of the PCE plume. In addition, the gasoline plume was found to have migrated further than expected.

Upon review of these results, the RWQCB requested that the City complete its revised Corrective Action Plan (CAP) and design and construct a system to control the expanding gasoline plume. The RWQCB has also suggested that the City conduct a cost analysis and feasibility study of insitu bioremediation for both the gasoline and PCE "hotspots." The gasoline plume bioremediation study was completed in December 2004. The study concluded that bioremediation techniques for the gasoline plume were not cost-effective since the gasoline plume can most likely be controlled within two years with the installation of two additional wells and one additional treatment system. The RWQCB concurs with this approach.

On January 5, 2004, Professional Services Agreement No. 2004-0011 was executed with John J. Tomko under City Manager authority in the amount of \$80,500 for monitoring and technical oversight of remediation efforts at the Samuel C. Pannell Meadowview Community Center.

Supplemental Agreement No. 1 was executed on August 28, 2007, under City Manager authority in the amount of \$19,300 for continued monitoring and technical oversight of remediation efforts.

**RESOLUTION NO. 2008-xxxx**

Adopted by the Sacramento City Council

**May 6, 2008**

**AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 2 FOR TOXIC REMEDIATION  
AND OVERSIGHT AT THE SAMUEL C. PANSELL MEADOWVIEW COMMUNITY  
CENTER**

**BACKGROUND**

- A. The Samuel C. Pannell Meadowview Community Center was built on property the City purchased in 1992. The prior uses on the site included a gas station and two dry cleaning facilities. Since the purchase, the City has been responsible for remediation of the contamination at the site and reports to the Regional Water Quality Control Board (RWQCB) on a quarterly basis. The authorization of Supplemental Agreement No. 2 will allow the continuation of the existing program.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL  
RESOLVES AS FOLLOWS:**

- Section 1. Supplemental Agreement No. 1 to City Agreement 2004-0011 with John J. Tomko in the amount of \$19,300 is hereby ratified.
- Section 2. The City Manager's signature authority is restored for this project.
- Section 3. The City Manager or the City Manager's designee is authorized to execute Supplemental Agreement No. 2 to City Agreement 2004-0011 with John J. Tomko in an amount not to exceed \$99,680 for continuation of monitoring and technical oversight of remediation efforts.