



CITY OF MENIFEE

SUBJECT: Agreement Increase with Pechanga Band of Luiseño Indians and Soboba Band of Luiseño Indians for Tribal Monitoring for the Holland Road Overpass Project

MEETING DATE: June 7, 2023

TO: Mayor and City Council

PREPARED BY: Carlos Geronimo, Principal Engineer

REVIEWED BY: Nick Fidler, Public Works Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Approve an increase to the Tribal Monitoring Agreement with the Pechanga Band of Luiseño Indians in a total not-to-exceed amount of \$49,000 and authorize the City Manager to extend the agreement term through June 30, 2024, for the Holland Road Overpass Project, contingent on approval of Fiscal year 2023/2024 Budget adoption by City Council; and
2. Approve an increase to the Tribal Monitoring Agreement with the Soboba Band of Luiseño Indians in a total not-to-exceed amount of \$54,000, for the Holland Road Overpass Project, contingent on approval of Fiscal year 2023/2024 Budget adoption by City Council.

DISCUSSION

The Holland Road Overpass Project involves the construction of a four-lane bridge that will include dedicated bike lanes, sidewalks, traffic signals, lighting, roadway signage, and striping. The Project is located on Holland Road between Haun Road and Hanover Road and will cross over Interstate 215.

In accordance with the Project's mitigation measures required under the California Environmental Quality Act (CEQA), ground-disturbing activities performed on identified tribal land require the City to enter into tribal monitoring agreements to protect the impacted parties' culturally sensitive materials that might be uncovered during ground-disturbing activities related to a project. Per the Agreements, the City is required to notify

impacted parties in advance of ground-disturbing activities so that a tribal monitor can be dispatched to the Project site. The City must pay the monitoring fees identified within the Agreements when a tribal monitor's presence is required on the Project.

In late 2021, the City entered into separate agreements with the Pechanga Band of Luiseño Indians (Pechanga) and the Soboba Band of Luiseño Indians (Soboba) for the Project. Each of the agreements were previously administratively approved under the City Manager's authority in a not-to-exceed amount of \$24,000 for each Agreement. Project construction activities began in January 2023. Early in the construction phase, previously unidentified utilities were discovered during Project grading and excavation activities. Addressing these utilities meant an increase in the amount of ground-disturbing activity required to occur for the Project. Due to these unforeseen circumstances, both agreements are quickly approaching their current not-to-exceed amounts.

Construction activity for the Project, including ground-disturbing activities requiring tribal monitoring, is anticipated to continue through winter 2023. In order to avoid delaying the Project timeline further, both Agreements' not-to-exceed values must be increased. Because the City is required to utilize external agreements provided by the impacted tribes, the existing Agreements do not identify not-to-exceed amounts. Instead, the not-to-exceed values for these Agreements can be found in the attached Agreement/Contract Coversheet dated September 13, 2021, and prepared by the City's Purchasing Department. Based on the activity to-date and identified hourly rates for tribal monitoring, staff recommend increasing the not-to-exceed value of the Agreement with Pechanga from \$24,000 to \$49,000 and the not-to-exceed value of the Agreement with Soboba from \$24,000 to \$54,000. The reason there is a difference in value, the Soboba's hourly rates are higher than Pechanga's.

Additionally, staff are proposing to extend the terms more than 60-days with Pechanga to June 30, 2024. The Agreement with Soboba does not identify a term end date. Pursuant to Menifee Municipal Code §3.12.090, any change orders in the amount greater than 10% of the contract amount or that exceeds \$25,000 in value, and any time extension of a performance deadline that exceeds 60-days, shall be approved by the City Council. City Council approval is required as the increases to compensation and the term extension recommended exceed the City Manager's signatory authority.

STRATEGIC PLAN OBJECTIVE

Connectivity and Mobility

FISCAL IMPACT

The fiscal impact for this item is an increase of \$25,000 to the Pechanga Band of Luiseño Indians Agreement and an increase of \$30,000 for the Soboba Band of Luiseño Indians

Agreement, for a combined total fiscal impact of \$55,000. Funds are available within the current Fiscal Year 2022/2023 Budget, as outlined in Table 1 on the following page.

Table 1 – Project Funding

Fund	Account Number	Available Budget	Amount Requested
DIF Citywide – Circulation	526-4555-58021	\$736,803	\$55,000

ATTACHMENTS

1. Project Location Map
2. Agreement with the Pechanga Band of Luiseño Indians
3. Agreement with the Soboba Band of Luiseño Indians
4. Agreement/Contract Coversheet dated September 13, 2021