



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 17, 2008

ITEM NUMBER:

SUBJECT: HAZARDOUS MATERIALS DISCLOSURE SERVICES

DATE: MAY 28, 2008

FROM: FIRE DEPARTMENT/ADMINISTRATION DIVISION

PRESENTATION BY: MIKE MORGAN, FIRE CHIEF

FOR FURTHER INFORMATION CONTACT: BARBARA P. MARCOSA, MANAGEMENT ANALYST
(714) 754-5091

RECOMMENDATION:

Staff recommends that City Council approve a contract with Consultant Michelle Rudaitis, a sole source vendor, providing hazardous materials disclosure services, and authorize the Mayor to sign a Professional Services Agreement on behalf of the City (Attachment 1 and 2).

BACKGROUND:

The Costa Mesa Fire Department currently manages Hazardous Materials Disclosure as a Participating Agency to the Orange County Care Agency, which is designated as the Certified Unified Program Agency (CUPA) for all Orange County by California Environmental Protection Agency.

Management of the Hazardous Materials Disclosure Program (Program) has been accomplished with a contract employee since 1999, whom was provided by Scott Fazekas and Associates, under a professional service agreement. Ms. Michelle Rudaitis has been a City contract employee since 1999. She is extremely qualified to perform the duties necessary to continue the management of the City's Program. She has expressed an interest in establishing a contract directly with the City of Costa Mesa Fire Department; therefore, we are not seeking renewal of the contract with Scott Fazekas and Associates.

ANALYSIS:

Ms. Rudaitis has 18 years experience with hazardous materials, is well versed in the requirements of the program and has worked with the County CUPA, since before the hazardous materials legislation was enacted, enabling her to be familiar with CUPA's standard procedures.

By contracting directly with Ms. Rudaitis, the City will realize a cost savings by eliminating additional layers of administration for the Program.

Staff desires to retain Ms. Rudaitis by entering into a professional services agreement with her, as a sole source vendor.

ALTERNATIVES CONSIDERED:

An alternative would be to discontinue managing the Program; however, this alternative is not recommended by staff, as City Council has previously given direction for the Fire Department to manage the City's Program in the best interest of our citizens, business community and first responders.

No other alternatives were considered, since administering the City's Hazardous Materials Disclosure Program has proven to be effective since June 2, 1997, when the City signed an agreement with the Orange County Health Care Agency (OCHCA) to manage the Program as a participating agency to the OCHCA.

FISCAL REVIEW:

The terms of the attached service agreement are for services during the 2008-2009 fiscal year not to exceed \$80,000. The Proposed Fiscal Year 2008-2009 Budget provides \$80,000 for consulting to administer the City's Hazardous Materials Disclosure Program. These program costs are offset by collection of Hazmat Disclosure Fees estimated for FY 2008-2009 at \$78,000.

LEGAL REVIEW:

The City Attorney has reviewed and approved the agreement as to form.

BARBARA P. MARCOSA
Management Analyst

MIKE MORGAN
Fire Chief

MARC R. PUCKETT
Director of Finance

KIMBERLY HALL BARLOW
City Attorney

DISTRIBUTION: City Manager
Deputy City Clerk
Director of Finance
Staff

ATTACHMENT: 1 [Professional Services Agreement](#)
2 [Sole Source Justification](#)

