



# *CITY COUNCIL AGENDA REPORT*

MEETING DATE: JULY 7, 2009

ITEM NUMBER:

**SUBJECT:** HAZARDOUS MATERIALS DISCLOSURE SERVICES

**DATE:** JUNE 23, 2009

**FROM:** FIRE DEPARTMENT/ADMINISTRATION DIVISION

**PRESENTATION BY:** GREGG STEWARD, DEPUTY CHIEF/FIRE MARSHAL

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

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## **RECOMMENDATION:**

1. Staff recommends that City Council renew 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).
2. Authorize the City Manager to sign for any justified rate increase to the contract within his signing authority and to extend the contract for two (2) additional one-year terms.

## **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.

As a private consultant, Ms. Rudaitis has shown she is extremely qualified to perform the duties necessary to continue the management of the City's Program. Last year she was granted a contract to work directly for Costa Mesa. She has been diligent in maintaining the disclosures while also assisting suppression crews with their concerns. She is also working to help complete the updated Area Plan, and she is successfully collecting funds through cost recovery.

## **ANALYSIS:**

Ms. Rudaitis has 19 years experience with hazardous materials with many of those years working for Costa Mesa. She 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 continuing to contract directly with Ms. Rudaitis, the City will continue to realize a cost savings by eliminating additional layers of administration for the Program. Additionally, Ms. Rudaitis has been extremely helpful in filing for, and obtaining, cost recovery payments for various emergency responses. Ms. Rudaitis has been instrumental in completing the paperwork and follow-through necessary for Costa Mesa to collect an additional \$37,000 in "cost-recovery" in the last twelve months. This means she has collected a total of approximately \$137,000 between the "cost-recovery" and "Haz Mat" disclosure program.

Staff desires to retain Ms. Rudaitis by renewing 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 provided during the 2009-2010 fiscal year at a cost not to exceed \$80,000. The proposed contract cost has not increased from the contract rate approved for the 2008-2009 fiscal year with the consultant. The adopted fiscal year 2009-2010 budget provides \$80,000 for consulting to administer the City's Hazardous Materials Disclosure Program. These program costs are offset by the collection of Hazmat Disclosure Fees estimated at \$100,000 for the 2009-2010 fiscal year.

**LEGAL REVIEW:**

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

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GREGG STEWARD  
Deputy Chief/Fire Marshal

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MIKE MORGAN  
Fire Chief

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MARC R. PUCKETT  
Director of Finance

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KIMBERLY HALL BARLOW  
City Attorney

DISTRIBUTION: City Manager  
Assistant City Manager  
Deputy City Clerk  
Director of Finance  
Staff

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

File Name: 070709HazardousMaterialsDisclosureServicesStaffReport.doc

Date: 6/24/09 Time: 10:17 am