

**City Manager's Report****April 9, 2019 City Council Meeting****Prepared by: Melissa McConnell, Associate Civil Engineer****Item #: 12.1****Subject:** Adopt a Resolution:

1. Approving contract Amendment #4 in the amount of \$504,930 and issuance of Notice to Proceed #7 with R.E.Y. Engineers, Inc. in an amount not-to-exceed \$244,572 for the Upper Broadway Bike Lanes and Pedestrian Connection Project (CIP #41508), and authorizing the City Manager to execute the same; and
2. Accepting \$234,000 in Transportation Development Act Article 3 revenues from the El Dorado County Transportation Commission for the Upper Broadway Bike Lanes project (CIP #41508); and
3. Authorizing the City Engineer and the Assistant City Manager/Director of Finance to execute and file Transportation Development Act Article 3 Program reimbursement claims with the El Dorado County Transportation Commission for the said project; and
4. Approving a budget appropriation in the amount of \$234,000 in TDA Article 3 revenues for the said project; and
5. Ratifying a right-of-way contract for acquisition of parcels with Kapre Properties, Inc (APN 004-201-022-100 and 004-201-14-100) in the amount of \$17,793.00; and
6. Ratifying a right-of-way contract for acquisition of a parcel with Patel Properties (APN 004-201-12-100) in the amount of \$13,375.00; and
7. Ratifying a right-of-way contract for acquisition of a parcel with the Northern California Conference of Seventh Day Adventists (APN 049-350-30-100) in the amount of \$500.00; and
8. Ratifying a right-of-way contract for acquisition of a parcel with Aureliano Ceja and Lorena Ceja (APN 049-350-021-100) in the amount of \$1,000.00.

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**Purpose:** The Upper Broadway Bike Lanes and Pedestrian Connection Project will increase safety and connectivity by constructing bicycle and pedestrian facilities along Broadway between Schnell School Road and Point View Drive.

**Background:***Project Description*

The Upper Broadway Bike Lanes and Pedestrian Connection Project (CIP #41508) proposes to construct bicycle facilities along Broadway between approximately Schnell School Road and Jacquier Road/Point View Drive, with minor signing and striping to connect to the El Dorado Trail at each end, and strategically located sidewalks, additional pedestrian improvements, and transit facilities. Improvements to Broadway include the widening and

slight roadway realignment to allow the addition of a Class II bike lane in the eastbound (uphill) direction, striping of a Class III bike route in the westbound (downhill) direction, and construction of curb, gutter, sidewalk, and pedestrian pathways on the south side of the Broadway in select areas.

### Funding

The bike lane project initially received \$575,000 in Congestion Mitigation and Air Quality (CMAQ) Funds through a call for projects by the El Dorado County Transportation Commission (EDCTC) for the Preliminary Engineering (PE) phase, and then later received \$1,792,000 from the Active Transportation Program (Federal ATP) Cycle 2 for Plans, Specifications, and Estimate (PS&E) and Construction (CON) with a commitment of \$2,000 in TDA Article 3 to help with local match of the design phase for the Federal ATP funding. The project commenced with public outreach resulting in pedestrian facilities being added subsequently in response to public input and request. Staff proceeded with seeking out additional funding to move forward on the community's requests for pedestrian facilities. In August of 2017, the California Transportation Commission approved additional funding through the ATP Augmentation Program through Senate Bill 1 (SB 1, State ATP) in the amount of \$1,886,000 for the Upper Broadway Pedestrian Connection Project. This SB 1 Program source provided the necessary funding to add the public's recommended pedestrian facilities within the project limits, which will be constructed with the larger bike lane project.

### **Discussion:**

On May 26, 2015, City Council approved a Consulting Services Agreement with R.E.Y. Engineers, Inc. (R.E.Y.) in an amount not to exceed \$545,473 for environmental and engineering design services for the project along with issuance of a limited Notice to Proceed (NTP) #1 for Phase 1 – Preliminary Engineering in the amount of \$320,347 to stay within the current funding approval and with the understanding that staff would return to the Council for appropriation of the remaining \$225,000 upon receipt of the future approvals from Caltrans. On July 27, 2016, Caltrans authorized an additional \$135,000, bringing the authorized total to \$485,000 of the \$575,000 in CMAQ funding and staff returned to Council for approval of NTP #2 on September 27, 2016 in the amount of \$145,519, bringing the contract total value to \$465,866. On July 18, 2017, Caltrans authorized the remaining obligated CMAQ funds in the amount of \$90,000 to fully fund the \$575,000 in CMAQ and approving project expenditures from that date forward for the remaining work within the R.E.Y. contract. Following that Caltrans approval, staff returned to Council on December 12, 2017 for approval of Notice to Proceed #3 to R.E.Y. for the remaining work per the scoped contract in a not-to-exceed amount of \$79,607 for a total authorized amount of \$545,473. At the April 10, 2018 regularly scheduled Council meeting, Amendment #1 to REY's contract was approved in the amount of \$38,855, for a revised total contract amount of \$575,473.

In June of 2017, staff approved Scope Change #1 so that R.E.Y. could assist the City in preparing applications for CMAQ and ATP funding. The scope adjustment reallocated project tasks so that the project could keep moving forward under the current budget. After the ATP Augmentation funding was awarded and approved by the CTC in October 2017, R.E.Y. needed to complete additional services, including preliminary design and changes to the environmental technical studies because of the newly added pedestrian component of the project. These necessary items displaced and underfunded the original scope items in R.E.Y.'s contract, and were covered under Scope Change #2, which was approved by Council on April 10, 2018.

In addition to the new pedestrian facilities included in the project, as the project progressed in the Preliminary Engineering phase, staff determined the need to assess the condition of underground City utilities (water and sewer) in a limited capacity based on recommendations by Public Works within the project limits. This would allow for determination of the scope of City utilities in need of repair or replacement as a part of this project. This analysis and design work was not originally included in R.E.Y.'s scope of work and so Amendment #1, approved by Council at the April 10, 2018 meeting, supported the items related to the limited utility evaluation. This Council action and NTP #4 brought R.E.Y.'s total contract amount to \$584,328.

Contract Amendment #2 approved by City Council at the April 10, 2018 meeting, enabled R.E.Y. to complete partial final design services, including: final environmental permitting, 65% plans and estimate, right-of-way acquisition, and utility relocation services for the complete Upper Broadway Bike Lanes and Pedestrian Connection Project. Approval of amendment #2 and issuance of NTP #5 in a not-to-exceed amount of \$409,716 increased the total authorized amount to \$994,044.

At the August 28, 2018 meeting City Council appropriated \$100,000 of Measure L funds to support the project and approved contract amendment #3 and NTP #6 in the amount of \$30,554 to REY's contract, increasing the total authorized contract amount to \$1,024,597.

The proposed Contract Amendment #4, in an amount not to exceed \$504,930, includes all of the final tasks needed for R.E.Y. Engineers, Inc. to complete the project bid documents and support the project through the end of construction and project closeout. The tasks provided in this contract amendment were previously de-scoped to make room for various additional tasks that have come up since the start of the project.

At this time, staff is recommending approval of Amendment #4 in the amount of \$504,907.79, but issuance of NTP #7 in the amount of \$244,571.04 for the design and right of way related tasks. The remaining tasks are related to the construction phase of the project and staff will return to Council for authorization to proceed on those items as well as requesting permission to release the project for public bidding at a later date.

#### Right-of-Way

On November 13, 2018 in closed session, the Council authorized staff to make offers and enter into contract for the necessary right-of-way acquisitions needed to support the project. Those acquisitions are summarized as follows:

1. Kapre Properties, Inc. (APN 004-201-022-100 and APN 004-201-14-100) - Fee Simple Acquisition consisting of 1,681 square feet, \$17,793.00.
2. Vinod K. Patel, Kusumben Patel, Minesh B. Patel and Kavita K. Patel (APN 004-201-12-100) – Fee Simple Acquisition consisting of 620 square feet, \$13,375.00.
3. Northern California Conference of Seventh Day Adventists (APN 049-350-30-100) – Temporary Construction Easement consisting of 135 square feet, \$500.00.
4. Aureliano Ceja and Lorena Ceja (APN 049-350-021-100) - Temporary Construction Easement consisting of 1,066 square feet, \$1,000.00.

Starting offers were set at the appraised values. Two parcels acquisitions were negotiated down from counter offers received and the final total amount for all right of way acquisitions came to \$32,668. The negotiated final amounts were deemed “non-substantial” per the

Caltrans Right-of-Way manual (Section 8.01.29.00) and avoided project delay due to condemnation while accomplishing the City's goal of fair and equitable treatment in acquiring the property expeditiously through the negotiations.

**Options:**

1. Approve the contract amendment No. 4 and notice to proceed No. 7 with R.E.Y. and ratify the four right-of-way acquisition contracts as recommended by staff.
2. Direct staff to negotiate other contract terms with R.E.Y. Engineers, Inc. and the affected property owners.

**Cost:**

The cost for work being approved at this time is a not-to-exceed amount of \$244,572.00 for NTP #7 with R.E.Y Engineers, Inc. and the \$32,668 for the for right-of-way acquisition agreements for a total of \$277,240.

**Budget Impact:**

At its meeting held on August 26, 2014, the City Council approved a \$350,000 budget appropriation (CMAQ) for the Upper Broadway Bike Lane project (CIP #41508). At its meeting held on May 26, 2015, the Council approved an additional \$225,000 budget appropriation. At its meeting held on April 10, 2018, the Council approved budget appropriations totaling \$38,855 in Water and Sewer Enterprise Funds. At its meeting held on May 22, 2018, the City Council approved an additional \$595,858 budget appropriation in State ATP Auggmentation Funds, State Transit Assistance Funds and Federal ATP Funds. Then at the August 28, 2018 meeting, City Council approved an additional \$100,000 budget appropriation. Tonight, staff recommends an additional \$234,000 budget appropriation in TDA Article 3 revenues for a total project budget of \$1,543,713. The following is a summary of the proposed project revenue budget:

<b>Funding Source</b>	<b>Revised Project Revenue Budget</b>	<b>Proposed Project Revenue Budget</b>	<b>Increase/ (Decrease)</b>
CMAQ	\$ 575,000	\$ 575,000	\$ -
Measure L Fund	100,000	100,000	-
Sewer Enterprise Fund	19,500	19,500	-
Water Enterprise Fund	19,355	19,355	-
Federal ATP	10,000	10,000	-
TDA Article 3	-	234,000	234,000
State ATP Augmentation	500,000	500,000	-
State Transit Assistance	85,858	85,858	-
<b>Total</b>	<b>\$ 1,309,713</b>	<b>\$ 1,543,713</b>	<b>\$ 234,000</b>

To date, the project has encumbered the following costs:

R.E.Y. Engineers, Inc. (Notice to Proceed No. 1)	\$ 320,347
R.E.Y. Engineers, Inc. (Notice to Proceed No. 2)	145,519
R.E.Y. Engineers, Inc. (Notice to Proceed No. 3)	79,607
R.E.Y. Engineers, Inc. (Notice to Proceed No. 4)	38,855
R.E.Y. Engineers, Inc. (Notice to Proceed No. 5)	409,716
R.E.Y. Engineers, Inc. (Notice to Proceed No. 6)	30,554
R.E.Y. Engineers, Inc. (Proposed Notice to Proceed No. 7)	244,572
B & B Locating	11,400
Aureliano and Lorena Ceja (Proposed)	1,000
El Dorado County Recorder-Clerk	2,331
John Driscoll, City Attorney	3,262
Kapre Properties, Inc. (Proposed)	17,793
Mountain Democrat	95
Northern CA Conference of Seventh Day Adventists (Proposed)	500
Omni Means - Interim City Engineer	1,430
Vinod K., Kusumben, Minesh B., & Kavita K. Patel (Proposed)	13,375
City Personnel	64,154
<b>Total</b>	<b><u>\$ 1,384,510</u></b>

As you can see, the \$1,384,510 in project encumbrances, including the \$244,572 Notice to Proceed No. 7 with R.E.Y. Engineers, Inc. and the \$32,668 in proposed right-of-way acquisitions, is within the proposed project budget of \$1,543,713.

**Recommendation:** Adopt a Resolution:

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**Rebecca Neves, City Engineer**



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**M. Cleve Morris, City Manager**

*Attachment:*

1. *Resolution*
2. *Project Exhibit*