

**City Manager's Report****August 28, 2018 City Council Meeting****Prepared by: Melissa McConnell, Associate Civil Engineer****Item #: 12.3****Subject:** Adopt a Resolution:

1. Approving Program Supplement Agreement No. 018-N2 with the State of California Department of Transportation to Administering Agency-State Agreement No. 03-5015R which defines the terms of the State Senate Bill 1 (SB 1) Active Transportation Program (ATP) Augmentation funds for the Upper Broadway Bike Lanes Project (CIP #41508);
2. Approving Program Supplement Agreement No. 021-F with the State of California Department of Transportation to Administering Agency-State Agreement No. 03-5015F15 which defines the terms of the federal ATP funds for the Upper Broadway Bike Lanes Project (CIP #41508);
3. Approving Amendment #3 (Notice to Proceed No. 6) in an amount not-to-exceed \$30,554 to the consulting services agreement with R.E.Y. Engineers, Inc. for the Upper Broadway Bike Lanes and Pedestrian Connection Projects including \$15,277 for roadway improvements (CIP #415081) and \$15,277 for sewer line improvements (CIP #415084);
4. Authorizing the City Manager to execute the same; and
5. Approving a budget appropriation in the amount of \$100,000 from the Measure L Fund for sewer facility improvements for the said project.

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**Purpose:** Approve the two Program Supplement Agreements that defines the City's project-specific requirements under the program, such as: timely use of funds, non-discrimination, billing, and project administration. Approve consulting amendment to include evaluation of the storm drain system and sewer laterals in support of project design.

**Background:***Master Agreement with the State of California*

In order for local agencies to use federal funds for federally-funded projects, local agencies are required to enter into a master agreement with the State of California. At the regularly scheduled City Council meeting on February 27, 2007, the Council authorized the Mayor to enter into a Master Agreement per Resolution 7481.

*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. City water, storm drain, and sewer facilities are located within the project limits.

**Discussion:**

On April 20, 2018, staff requested authorization to proceed with final design from the federal Active Transportation Program (ATP), and at the same time staff requested a fund allocation from the State SB 1 (ATP Augmentation) for the Upper Broadway Bike Lanes Project. At their May 16-17, 2018 meeting, the California Transportation Commission (CTC) allocated:

- \$173,000 of State SB 1 (ATP Augmentation) funds for the Plans, Specifications and Estimate (PS&E) component of the project,
- \$10,000 of Federal ATP funds for the PS&E component, and
- \$327,000 of State SB 1 (ATP Augmentation) funds for the Right-of-Way component.

Upon receiving authorization to proceed on June 6, 2018, Caltrans sent the associated Program Supplement Agreements for the federal and state funds to the City for execution.

The Program Supplement Agreements must be approved within 90 days. The letter for Program Supplement Agreement No. 018-N2 was received on June 19, 2018 and the letter for Program Supplement Agreement No. 021-F was received on June 27, 2018. The Program Supplement Agreements define the City's project-specific requirements under the program such as timely use of funds, non-discrimination, billing, and administration. Both the federal ATP and state SB 1 (ATP Augmentation) funds that support the two agreements have already been programmed for use on the project.

At the May 22, 2018, the Council approved Amendment #2 with R.E.Y. to proceed with 65% design of the project. As design has progressed, additional information is needed to evaluate potential utility conflicts and assess conditions of the existing City-owned storm drain facility and sewer laterals (not sewer mains) as directed by the City. As such, Amendment #3 has been submitted to include this work.

**Cost:** Other than staff time processing the agreements, there are no additional costs associated with those items. The cost for work being approved at this time is a not-to-exceed amount of \$30,554 for Notice To Proceed (NTP) #6 with R.E.Y.

**Budget Impact:**

At its meeting held on August 26, 2014, the City Council approved a \$350,000 budget appropriation 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 additional budget appropriations totaling \$38,855. At its meeting held on May 22, 2018, the City Council approved additional budget appropriations totaling \$595,858. As part of the 2018/2019 Fiscal Year budget development process, the Measure H/L Sales Tax Committee recommended a \$100,000 budget appropriation from the Measure L Fund for sewer facility improvements as part of the Upper Broadway Bike Lanes project (CIP #415084) at its meeting held on May 17, 2018. Accordingly, staff is recommending a \$100,000 budget appropriation from the Measure L Fund, for a total project budget of \$1,309,713. The following is a summary of the proposed project funding sources:

Funding Source	Amount	Purpose
CMAQ PE Funds	\$ 575,000	PA&ED
Sewer Enterprise Fund	19,500	Utility
Water Enterprise Fund	19,355	Utility
Federal ATP Funds (to be authorized May 2018)	10,000	PS&E
State ATP Augmentation Funds (to be authorized May 2018)	500,000	PS&E
State Transit Assistance Funds (Local Match)	85,858	ROW
Measure L Fund	100,000	Sewer
<b>Total</b>	<b>\$ 1,309,713</b>	

To date, the project has encumbered the following costs:

R.E.Y. Engineers, Inc. (Original Agreement, NTP No. 1)	\$ 320,347
R.E.Y. Engineers, Inc. (Original Agreement, NTP No. 2)	145,519
R.E.Y. Engineers, Inc. (Original Agreement, NTP No. 3)	79,607
R.E.Y. Engineers, Inc. (Amendment No. 1, NTP No. 4)	38,855
R.E.Y. Engineers, Inc. (Amendment No. 2), NTP No. 5)	409,716
R.E.Y. Engineers, Inc. (Proposed Amendment No. 3, NTP No. 6)	30,554
B & B Locating	11,400
El Dorado County Recorder-Clerk	2,331
John Driscoll, City Attorney	3,131
Mountain Democrat	95
Omni Means, Interim City Engineer	1,430
Engineering Staff	40,849
<b>Total</b>	<b>\$ 1,083,834</b>

As you can see, the \$1,083,834 in project encumbrances, including the proposed \$30,554 Amendment No. 3 with R.E.Y. Engineers, Inc., is well within the proposed project budget of \$1,309,713.

**Options:**

1. Approve item as recommended by Staff.
2. Direct staff to renegotiate terms of the Amendment.

**Recommendation:** Adopt a Resolution:

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3. Approving Amendment #3 (Notice to Proceed No. 6) in an amount not-to-exceed \$30,554 to the consulting services agreement with R.E.Y. Engineers, Inc. for the Upper Broadway Bike Lanes and Pedestrian Connection Projects including \$15,277 for

roadway improvements (CIP #415081) and \$15,277 for sewer line improvements (CIP #415084);

4. Authorizing the City Manager to execute the same; and
5. Approving a budget appropriation in the amount of \$100,000 from the Measure L Fund for sewer system improvements for the said project.



Rebecca Neves, City Engineer



Pierre Rivas, Development Services Director



M. Cleve Morris, City Manager

Attachment: Resolution