



Legislation Text

File #: 18-235, **Version:** 1

MEMORANDUM

TO: Board of Supervisors

FROM: Scott DeLeon, Public Works Director

DATE: March 27, 2018

SUBJECT: Discussion and Consideration of Direction to Staff regarding the Clearlake Oaks Safe Routes to School Sidewalk Project

EXECUTIVE SUMMARY:

The purpose of today's item is to discuss the most recent developments on this project.

Background

As your Board is aware, the County of Lake secured funding for a project to construct curb, gutter and sidewalk improvements along Highway 20 in Clearlake Oaks through the State and Federal Safe Routes to School Programs in 2010. In late 2012, additional funding was obtained through the State Department of Housing and Community Development's Community Development Block Grant (CDBG) Program. The scope of the project includes curb, gutter and sidewalk improvements on the North side of State Highway 20 from Foothill (near the Center Plaza) to High Valley Road and the Eastlake Elementary School, and on the South side of the highway from the Clearlake Oaks Fire Station to Keys Boulevard. A vicinity map is attached for your information.

The Department of Public Works (DPW) has been working on this project since 2010, with significant delays due to environmental issues requiring extended archaeological studies. In February 2014, a meeting was held to introduce the project to the various utility agencies affected by the project - including the Clearlake Oaks County Water District (District). Preliminary plans were reviewed with representatives of the District in attendance. A set of plans was sent to the District on April 9, 2014 with a request for comments on the project. No response was received from the District.

DPW sent a Notice to Owner on June 15, 2016 to notify the District that they needed to relocate parts of their system that we identified as conflicts. On July 14th we received a call from the District requesting a meeting to discuss some of their concerns, and that meeting was held on July 19th. At that meeting, the General Manager informed staff of his concerns with the placement of sidewalk over the aging pipes and he explained the District had no money at that time to relocate or replace

any of its pipes prior to our construction. Furthermore, he stated that he would expect the County to be financially responsible for any sidewalk that needed to be removed by some future District project to replace or repair their pipes. As a result of that meeting and other correspondence received from the District with similar statements, your Board held a meeting in August, 2016 to receive input from staff and the District, with the intent of providing direction to staff for the project. Your direction to staff was to continue moving forward with the project, but to incorporate any measures that might assist the District with minimizing potential damages to their system. The District was offered an opportunity to provide details for specific items that they felt were important to the future work they had planned; however nothing was ever provided. Despite repeated attempts to obtain information on the details they requested, staff never received anything to include in the project plans, and, consequently, no changes were made to the design.

The project was put out to bid in the Fall of 2017, with the construction contract awarded to Granite Construction in September, 2017. The construction contract was suspended for the winter and the contractor is scheduled to begin work on April 2nd. In January, a meeting was coordinated between the District and the County by Chairman Steele to discuss a potential project the District had requested funding for from the State Water Resources Control Board. At that time, the District requested the design file prepared using Autocad be provided to the consulting firm they had hired to design their project. Over the next several weeks, staff had discussions with the consultant and it was decided that there were too many issues that could create liability for both parties and the consultant preferred to utilize topographic work they prepared. Also at that meeting, the District was advised that a much greater issue needed to be resolved and that was the completion of the necessary environmental clearances that would be required for Caltrans to issue them an Encroachment Permit. Contact information of the pertinent Caltrans staff was provided to the District following the meeting. The District indicated they hoped to "piggy-back" on the County environmental documents; however we informed them at the meeting that our studies did not include longitudinal trenching - a requirement of waterline installation - and therefor would not be adequate to use for their project. It was emphatically highlighted that the environmental clearance was the critical path for their project, and the District was strongly encouraged to contact Caltrans to initiate those discussions. It is our understanding that Caltrans environmental staff have not been contacted per our recommendation.

In February, 2018, staff received a letter from the District General Manager that included a number of inaccurate allegations. A copy of that letter is attached. Staff has been working with County Counsel on a rebuttal to that letter, and a response will be made shortly; however staff wanted to first take the opportunity to arrange a discussion with the District representatives - which has occurred. The general spirit of the aforementioned letter is the County somehow plays a significant part in the District's inability to deliver a project to relocate their waterlines, despite the fact the District has had over four (4) years to try and obtain funding in advance of the County sidewalk project. The County has provided ample and timely notice about the project, we shared information that we felt was appropriate and helpful with their consultant, we offered to include items the District wanted in the project and we made several requests for details on that information. Much is being made about a

computer design file that we did not simply hand over to them; however there were reasons why (as explained above) using our design file was not a simple endeavor. We have provided and continue to be willing to provide County documentation in its final form to the District upon request. It should be noted, however, that despite our willingness to work with the District, we have received no documentation from them to indicate that the District is close to completing the necessary environmental clearances, obtaining an encroachment permit from Caltrans, or securing funding for the project from the State.

Ramifications

This project is funded with a combination of State Safe Routes to School (SR2S), Federal Safe Routes to School (SRTS) and CDBG funds. Though we have secured extensions on the SR2S and SRTS funds, the CDBG funds on this project must be spent prior to September, 2018 or they will expire. There are no options for any additional extensions on those funds, and any portion of work that is not completed by the expiration date will not be eligible for reimbursement and will need to be paid entirely by county funds. Based on the contractor's schedule, they plan to complete the entire CDBG-funded portion of the project prior to the expiration date. Any delays due to conflicts from the waterline could jeopardize the contractor's ability to complete the work prior to the deadline, and therefore make that work ineligible for reimbursement.

If your Board directs staff to move forward with the project and begin construction as scheduled, there is a chance that existing water facilities could be damaged. The meeting minutes for the pre-construction conference held for the project indicate the District General Manager noted that the District will be prepared to repair any leaks that occur with their lines during construction. This is contrary to previous statements made by the General Manager. The dilemma can be summarized in the following bullet points:

- The County is faced with a funding deadline that requires we complete construction by September 2018. Any work not completed by the deadline is not eligible for reimbursement. CDBG construction funds for this project total 1.2 million dollars;
- The District has known about this project and the impacts to its infrastructure since 2014 and they have not made any viable effort to replace the aging waterlines prior to the construction of sidewalk over the top of the existing lines;
- If the sidewalk project is constructed this summer over the existing District waterlines, whenever the District develops a project to replace their infrastructure they will need to account for the presence of new sidewalk. This could result in additional restoration costs if the sidewalk needs to be removed and replaced as part of their construction. It does not appear likely that the District understands the County will not be the cause of, and will not be responsible for, that additional expense;
- If the County abandons the project entirely, the funding sources will likely require the

repayment of funds expended to date, which is approximately \$500,000.

The contractor is prepared to begin construction on the sidewalk project on April 2nd, and staff needed for your Board to be aware of the potential ramifications of that construction. Staff also respectfully requests your Boards direction regarding moving forward with the project.

Attachments

FISCAL IMPACT: X None Budgeted Non-Budgeted

Estimated Cost:

Amount Budgeted:

Additional Requested:

Annual Cost (if planned for future years):

FISCAL IMPACT (Narrative): None

STAFFING IMPACT (if applicable): None

RECOMMENDED ACTION:

Direction to Staff regarding the Clearlake Oaks Safe Routes to School Sidewalk Project