



DATE: November 21, 2022

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Ken Eichstaedt, PE, TE–Sr. Traffic Engineer, Public Works & Utilities (PW&U)
Gina Benedetti-Petnic, PE–Assistant Director, PW&U
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SUBJECT: Resolution Accepting Completion of the Contract for the Downtown Pedestrian Americans with Disability Act (ADA) Improvements Project With Change Orders, Authorizing the City Clerk to File a Notice of Completion with the Sonoma County Recorder’s Office, and Authorizing the Release of the 10% Retention for Work Performed by Pat Nelson Construction, Inc., and Finding This Action is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5)

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution accepting completion of the contract for the Downtown Pedestrian Americans with Disability Act (ADA) Improvements Project with change orders, authorizing the City Clerk to file a Notice of Completion with the Sonoma County Recorder’s Office, and authorizing the release of the 10% retention for work performed by Pat Nelson Construction, Inc., and finding this action is not a “Project” pursuant to CEQA Guidelines Section 15378(b)(5).

BACKGROUND

The Downtown Pedestrian ADA Improvement Project included a bid alternate for the following work: “rehabilitation of sidewalk, curb and gutter, and driveway at various locations.” The bid alternate provided the City the contracting ability to perform work on multiple Capital Improvement Program (CIP) projects including 1) Downtown Pedestrian ADA Improvements; 2) Pedestrian Improvements Citywide; 3) Sidewalk Repair; 4) Traffic Calming and Bike Blvd.; and, 5) Petaluma Public Library. The initial work effort was primarily focused on the downtown ADA work. However, this contract scope was expanded because of the competitive bids received and additional similar work needing to be performed as part of the City’s sidewalk repair program and other projects that fell within the bid alternate scope.

On March 15, 2021, the City Council approved a contract for ADA Improvements and Sidewalk Repair 2021 (Resolution No. 2021-030 N.C.S.). This contract was amended to increase the budget from \$275,000 to \$485,000, an increase of \$210,000, and to extend the bid alternate schedule to continue the work to repair and install sidewalks, transit pads, and curb ramps. Within the Petaluma

downtown vicinity, the work consisted of installing fifteen (15) curb ramps at the intersections of Kentucky and Martha Streets, midblock Liberty St., Howard and Bassett Streets, 6th and B Streets, 2nd and D Streets, as well as 1st and D Streets. Additionally, the bid alternate work included installing twelve (12) more curb ramps, creating ADA access to the main library, installing bus stop landing pads, striping, extending sidewalks, and performing concrete pumping, fence relocation, and irrigation repair.

The City of Petaluma sidewalks, trails, and pedestrian crossings were improved with a focus on safety and ease of use with this contract. The City of Petaluma is committed to correcting non-compliant sidewalks and curb ramps, particularly in and around the downtown area. This project is part of a 10-year downtown accessibility improvement plan that began in July 2015 and will continue through at least July 2025.

DISCUSSION

The final construction contract for the ADA and Sidewalk Repair Project is \$524,833.96, which includes four (4) change orders that fell within the bid alternate work, totaling \$417,633.96.

1. Change Order #1: Consisted of additional costs associated with the removal and replacement of fifteen (15) curb ramps, such as striping, irrigation repair, delays, re-grading, and additional field quantities, as well as eight (8) additional curb ramps and striping along the streets of Kentucky St.; Petaluma Blvd. South (PBS); 6th St; removal and replacement of curb ramps at the library; installation of concrete bus stop landing pads at Redwood Way and Cypress; and, sidewalk repairs at 223 Keller St. and 901 Petaluma Blvd. North.
2. Change Order #2: Consisted of removing and replacing four (4) curb ramps, the extension of sidewalks, and fence relocation at the intersection of S. McDowell Blvd. and McGregor Ave.
3. Change Order #3: Consisted of sidewalk repairs and concrete pumping on Matzen Ranch's open space pathway.
4. Change Order #4: Covered the drain inlet replacement needed to address potential flooding issues at PBS and Western Ave., as well as additional field quantities. The change order work was added to address the accessibility of sidewalks and crosswalks and addresses safety issues at these locations.

Because this contract is complete, we will be releasing the 10% retainage to the contractor. The final project costs are described below in the Financial Impact Section. There are no disputed claims, and the project was completed satisfactorily without any significant incidents.

PUBLIC OUTREACH

The City reviewed the downtown area work with Marie McCusker, Executive Director of the Petaluma Downtown Business Association prior to the start of the project work. For all sidewalk

repair work, the City sends three registered letters to property owners (based on the County Assessor's records at the time of the mailing) for notification of sidewalk repairs. The City also has a sidewalk assistance program to provide a zero-interest loan program to help property owners repair their sidewalks. Public outreach regarding the construction of the project included placing door hangers on properties directly affected; sending registered letters to the same and/or calling property owners directly by phone. This item appeared on the City's tentative agenda document on November 7, 2022, which was a publicly noticed meeting. No public comments have been received as of posting.

COUNCIL GOAL ALIGNMENT

The proposed action supports the following Council Workplan Items: #18. Establish and improve paths, as useful transportation options, and make walking and biking easy, fun, and safe. #85. Implement City Vision Zero plan with a focus on pedestrian and bicyclist safety with improvements to uncontrolled crosswalks, curb ramps, sidewalk, and bicycle infrastructure. #93. Create and promote multi-cultural and multi-generational recreation and wellness programs that support community connection, physical well-being, and opportunities for play. Focus on public health in planning processes—including air quality, walkability, and childcare incorporated into larger developments, including revisiting zoning around sensitive receptors (e.g., schools, health care facilities).

CLIMATE ACTION/SUSTAINABILITY EFFORTS

Environmental compliance for this project was already completed when City Council awarded the contract and found that this project was categorically exempt pursuant to the California Environmental Quality Act ("CEQA") pursuant to Article 19, Section 15301(c), of Title 14 of the California Code of Regulations ("CEQA Guidelines"), because the project consists of the repair, maintenance, and minor alteration of existing public facilities involved negligible or no expansion of existing or former use, including sidewalks and gutters. The sidewalk, curb ramp, and related improvements, repaired and maintained existing pedestrian travel ways and related facilities without changing the use of those facilities. Accordingly, there is negligible or no expansion of use beyond what currently existed and there were no cumulative impacts, unusual circumstances, or other factors that made the exemption inapplicable. Additionally, accepting completion of the project and releasing retention is not a project pursuant to CEQA Guidelines Section 15378 as this is an administrative activity that won't have a direct or indirect effect on the environment.

FINANCIAL IMPACTS

The Downtown Pedestrian ADA Improvements Program is an ongoing project that will continue after this contract close-out with a new contract approved by the Council in the future.

The approved project budget and final estimated project costs are shown in the table below. The final contract cost for work performed by Pat Nelson Construction is \$524,833.96.

The Downtown ADA Improvements, Sidewalk Repair Program, and other projects listed below improve safety and increase the accessibility of city sidewalks.

Downtown Pedestrian ADA Improvements (C16501602); Pedestrian Improvements Citywide (C16102032); Cost Recovery Sidewalk Repair (e16101718); Traffic Calming & Bike Blvd. (C16102146); and Petaluma Library ADA (C11202121)	Project Budgets Through FY 2022-23	Final Estimated Project Cost
Planning and Environmental	\$ -	\$2,824
Design (City Staff and Consultants)	\$393,000	\$235,920
Legal Services	\$ -	
Administration	\$ 2,000	
Construction Contract – Pat Nelson Const.	\$485,000	\$524,834
Construction Contracts- all other	\$787,000	\$624,522
Construction Management	\$136,000	\$105,000
Contract Contingency	\$ 35,000	
CIP Overheads	\$ 34,000	\$23,500
Total	\$1,872,000	\$1,516,600
Funding Source		
Transient Occupancy Tax	\$1,037,000	
Street Maintenance	\$ 275,000	
Traffic Mitigation Impact Fees	\$ 178,000	
City Facilities Impact Fee	\$ 362,000	
Water	\$ 20,000	
Total	\$1,872,000	

NOTE: The Downtown Pedestrian ADA Improvements Program is an ongoing project that will continue after this project close-out with a new contract approved by the Council in the future.

ATTACHMENTS

1. Resolution
2. Location Map
3. Change Order #1
4. Change Order #2
5. Change Order #3
6. Change Order #4