

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli
Matt Cano

SUBJECT: SEE BELOW

DATE: June 25, 2021

Approved

Jeffrey St. Maguire

Date

6/29/2021

INFORMATION

SUBJECT: UPDATE ON THE 8087 – TRAIL: COYOTE CREEK (MABURY ROAD TO EMPIRE STREET) PROJECT

The purpose of this memorandum is to provide the City Council with an update on the 8087 – Trail: Coyote Creek (Mabury Road to Empire Street) Project (“Trail Project”) and to inform Council that the Trail Project will proceed independently of Valley Water’s Coyote Creek Flood Protection Project.

BACKGROUND

On January 5, 2021, (Item 3.6) City Council approved several actions supporting the Trail Project to proceed to construction. Valley Water intends to construct flood control improvements within the Trail Project area.

Staff recommended developing the Trail Project collaboratively with Valley Water’s Coyote Creek Flood Protection Project (“Floodwall”) to minimize future potential impacts or reconstruction of the Trail Project. Collaboration was seen as advantageous if the City-held grant conditions and schedule could be sustained; sufficient detail was available to define a joint project; and, contingent upon successful negotiation of a Fund Transfer Agreement (FTA). The City is developing the Trail Project with partial funding from an approximate \$5.2 million Active Transportation Program (ATP) Grant.

Per the City Council memorandum, staff communicated two scenarios for proceeding; 1) intent to advance a joint project strategy if a combined scope would be negotiated in sufficient detail in order to finalize a FTA by March 31, 2021, or 2) City would proceed independently per prior Council direction to complete the trail independently and avoid risk to grant funding. City staff has been meeting regularly with Valley Water to advance the Trail Project.

ANALYSIS

Staff from both the City and Valley Water have been meeting weekly since May 2020. City staff have not been able to advance a dual City and Valley Water project design expanding the existing trail design documents to include the Floodwall project.

The City's budgeted scope and executed grant agreement limits the work to trail design and construction. The City requires an executed FTA with Valley Water to support the appropriation of funds for an expanded scope of work with its Consultant. The City is unable to negotiate an expanded scope of work or issue a notice to proceed to the Consultant without the resources to support future compensation. Negotiating the needed FTA has not been successful because the level of design detail about the Floodwall is not yet available as design work by Valley Water only commenced in recent months.

Staff have been unable to confirm the specific design conditions needed to define the terms and deliverables of an FTA. Without the FTA, Valley Water cannot reimburse the City for any work done on the Floodwall project. For this reason, the March 31 deadline was not achievable.

On June 25, 2021, the Director of Public Works and Director of Parks, Recreation, and Neighborhood Services sent a letter to Valley Water stating that the City can no longer incorporate Valley Water's Floodwall into the Trail Project; and the trail will be treated as an existing condition once constructed.

The Trail Project is moving toward 100% design completion and final permit approval. At this time, staff anticipates meeting the November 2021 design deadline for the ATP grant.

Staff will continue to work with Valley Water to permit Floodwall construction along-side the Trail Project, and/or minimize future impacts of the Floodwall to the Trail Project. Since the Trail Project will be an "existing condition" on the site, once Valley Water proceeds with their Floodwall project in the same area, any impacts to the Trail Project during construction would need to be mitigated by Valley Water. This may include short- or long-term closures, repairs or reconstruction. However, Staff continues to coordinate regularly to minimize or eliminate impacts to the greatest extent possible.

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COORDINATION

Preparation of this memorandum has been coordinated with the City Attorney's Office.



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Director of Parks, Recreation and
Neighborhood Services



MATT CANO
Director of Public Works

For questions, please contact Nicolle Burnham, Deputy Director, Parks, Recreation, and Neighborhood Services, at 408-793-5514.

