



STAFF REPORT

RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AUTHORIZING ADVERTISEMENT FOR SEALED BIDS, APPROVING AWARD OF CONTRACT TO THE LOWEST RESPONSIBLE BIDDER FOR AN AMOUNT NOT TO EXCEED \$493,750, AND AUTHORIZING THE RDA INTERIM EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT FOR REDEVELOPMENT AGENCY SIDEWALK IMPROVEMENTS, CITY CONTRACT NUMBER 468

Honorable Chair and Board Members:

Summary

Staff requests Redevelopment Agency approval for the Redevelopment Agency sidewalk improvement plans and specifications and also request authorization to advertise this project for bid. Project location is on Ralston Avenue between Sixth Avenue and Hiller Street and on Sixth Avenue from 230 feet north of Ralston Avenue to Elmer Street. The engineer's estimate for this project is \$493,750.

Background

Throughout Belmont's redevelopment and downtown area, businesses and residences have a combination of concrete, bomanite (red stained and stamped concrete), or brick paver sidewalks. Throughout this area, the sidewalk has failed due to subsidence of the underlying base material or uplifted due to aggressive street tree roots opening cracks and creating a tripping hazard. While sidewalk maintenance is generally the adjacent property owner's responsibility, the Council directed staff to do repairs to the sidewalk in the downtown area.

City staff hired a landscape architect to design sidewalk improvement plans for Phase I Improvements – Ralston Avenue between Sixth Avenue and El Camino Real and on Sixth Avenue from 230 feet north of Ralston Avenue to Elmer Street and for Phase II Improvements – Ralston Avenue between Old County Road and Hiller Street. The consultant was directed to design their improvements based on guidelines from the Downtown Specific Plan.

In the Downtown Specific Plan under Section 4.4.4 – Downtown Streetscape Policy, the suggested street trees and sidewalk treatment are identified:

Street Tree Planting. Plant medium sized, somewhat upright oval-head evergreen and deciduous trees such as Evergreen Pear (*Pyrus kawakami*), flowering Bradford Pear (*Pyrus calleryana* "Bradford"), *Tristania laurina*, or Raywood Ash (*Fraxinis raywood*) are planted every 20 to 25 feet on center. The evergreen trees should be planted in a north-

south direction and deciduous trees on east-west running street. Evergreen pear trees should continue to be planted on north and south portions of Sixth Street to complete the new plantings already initiated there.

Decorative Paving. Decorative sidewalk paving should continue to be employed on all downtown sidewalks. However, a compatibly colored, unit paver system (such as manufactured by Kratsner or Muller Supply) should be substituted for the red bomanite brick pattern on those block where less than ½ of the block frontage is already in bomanite. On those blocks which already have a serious commitment to bomanite (more than 50% of the block frontage), the red bomanite pattern should be continued. A compatible colored brick paver should be used within the Village Center.

Upon review of the site conditions and using the Downtown Specific Plan as the guideline, the consultant designed the removal of the entire concrete and bomanite sidewalk within the project limits to be replaced with the unit paver system as less than ½ of the block frontage is set in bomanite. The consultant also selected several of the suggested deciduous trees (*Pyrus kawakami*, *Ginkgo biloba*, and *Glenitsia Triacanthos inermis*) and evergreen trees (*Quercus agrifolia*, *Tristania conferta*, and *Magnolia grandiflora*) for Planning Commission comment.

In May 2005, City staff presented to the Planning Commission the Phase I design. The Planning Commission did not comment on the sidewalk surface treatment, but did comment on the landscaping. The Planning Commission commented that it wanted more of the existing mature street trees be saved and recommended its preferred street trees species.

Staff, along with the landscape consultant, evaluated the suggestions from the Planning Commission. Staying with the Council's direction to repair the trip and fall hazards of the sidewalk, staff determined that the street trees identified for removal still need to be removed. Staff also decided on the selection Laurina 'Elegant' as the evergreen tree and *Ginkgo biloba* as the deciduous tree as favored by the Planning Commission.

Staff finalized the project plans, specifications and estimates and submitted it on May 9, 2006 to the Redevelopment Agency Board (RDA) for authorization to advertise the project. The engineer's estimate for construction was \$248,445.

Bid opening for the project was May 25, 2006. Although three contractors requested bid packages, only JJR Construction Inc. submitted a bid in the amount of \$330,000. Staff determined that the poor bidding response due to an over supply of similar contract work in late summer 2006. RDA rejected the bid and directed staff to combine the work with a second phase to be bid in FY07. RDA resolved to augment the FY07 budget at midyear to provide sufficient funds for both phases of construction. The Phase II project limits are Ralston Avenue between Old County Road and Hiller Street.

Discussion

September 2006 Review Planning Commission

In September 2006, staff presented to the Planning Commission the revised Phase I and Phase II project plans. Staff asked the Planning Commission for comments on the proposed design and

whether the project was consistent the General Plan and the Downtown Specific Plan.

The Planning Commission expressed its frustration that its previous recommendations concerning street trees had not been fully incorporated into the project plans. A summary of the Planning Commissions comments are as follows:

1. Save the existing mature trees on Sixth Avenue and Ralston Avenue to the extent possible because it will be many years before the replacement trees develop a full canopy. Have the City Arborist inspect, evaluate, and provide opinion about the condition of the existing street trees and provide recommendations for methods to incorporate the existing trees into the sidewalk design. The Commission was not satisfied with designer's assessment that it is not cost effective to attempt to save the existing trees because they are in poor condition, are nearing the end of their lives, and will interfere with installation of new irrigation.
2. Provide more street trees in the Phase II limits of work (Ralston Avenue between Old County Road and Hiller Street.). Delineate on the plans the available public right-of-way and the minimum sidewalk width that is compliant with the Americans with Disabilities Act (ADA) such that it is readily apparent where there is sufficient public right-of-way to add or retain trees without violating ADA standards.
3. Omit sidewalk improvements in front of 873/877 Ralston Avenue (Medical Building) because the adjacent property owner is required to do this work by planning entitlements conditions of approval.
4. If allowed by the RDA bond funding, postpone the sidewalk project until such time as other downtown improvement concepts are sufficiently developed to allow coordination. Commissioners specifically noted the El Camino Real Grand Boulevard Design and Ralston Avenue lane reduction as projects that could potentially conflict with the paver sidewalk project. Also, it was recommended that the RDA complete a sidewalk master plan before completing this project because it is not clear that the proposed project limits provide the best use of the RDA funds.

Response to Planning Commission Comments:

1. Assess Condition and Determine Feasibility of Retaining Existing Trees

The City Arborist has prepared the attached report describing his assessment and recommendations for the existing street trees along Sixth Street and Ralston Avenue. He finds that of the thirteen trees designated for removal, three can potentially be retained through modification of the proposed construction plans. These three are the Privet #6 in front of the Hong Kong Restaurant on the southside of Ralston Avenue, Privet #9 in front of Belmont Village Gallery on the northside of Ralston Avenue, and Privet #11 on the side of Ralston Village Cleaners on the eastside of Sixth Street (see attached arborist report for tree numbering and locations).

The City Arborist found Privet #6 to be in poor condition, but suggested that the RDA may want to retain it because it has a fully mature canopy extending 30-35 feet in height and

breadth. The roots of Privet #6 have surfaced and have heaved the surrounding sidewalk up 4-8 inches above the curb creating an extensive tripping hazard (see attached photos). The Arborist thinks it may be possible to save this tree by trimming back the surface roots and then installing rubber sidewalk panels in a 3-8 foot radius zone around the tree.

Rubber sidewalk panels are an innovative technology developed for use around mature street trees (see <http://www.rubbersidewalks.com/pdf/RubbersidewalksMunicipal.pdf> for a typical manufacturer's brochure). The panels allow the root system to expand and can be periodically lifted for future root trimming. There are potential problems with this approach. Root trimming will affect the health of this tree and may hasten its further deterioration. The panels will not match the color and texture of the brick paver sidewalk. For these reasons, this recommendation has not been incorporated into the project plans.

The City Arborist found Privet #9 to be in fair condition. It also has a mature canopy and has lifted the sidewalk about 2 inches creating a tripping hazard (see attached photos). The Arborist believes that the RDA may be able to retain this tree through root trimming and use of rubber sidewalk panels as suggested for Privet #6. This recommendation has not been incorporated into the project plans.

The Arborist found Privet #11 to be in fair condition and this tree has not significantly displaced the sidewalk (see attached photos). The City Arborist recommends retaining this tree if sufficient ADA sidewalk width can be achieved. The City is required to provide a minimum 36 inch width when reconstructing sidewalks. The current sidewalk at the existing tree well is 27 inches wide. The RDA could retain this tree by revising the plans to jog the sidewalk over into an existing planter area within the public right-of-way. This is a feasible change and so it has been incorporated into the project plans. Realigning the sidewalk into the planter also allows installation of two new trees along this street.

2. Provide Additional Trees on Ralston between Old County Road and Hiller Street:

The second phase of sidewalk repair Ralston Avenue between Old County Road and Hiller Street does not call for removal of existing trees or addition of new trees. Trees can not be added into the existing sidewalk alignment due to the limited public right-of-way width coupled with ADA standards. The City right-of-way limit is at the back of existing sidewalk.

The RDA may consider widening the sidewalk into the current street alignment to add trees, but should note that this would be a significantly larger and more complex project than the current design. Staff has not assessed the feasibility of sidewalk widening.

3. Omit Improvement Fronting 873/877 Ralston Avenue:

The Planning Commissioners suggested that the sidewalk improvements in front of 873/877 Ralston Avenue be omitted because they will be completed by the adjacent property owner as development Conditions of Project Approval. Cost of the improvements fronting 873/877 Ralston are about \$25,000. It will be difficult to coordinate the appearance and schedule of the applicant's work with the RDA project. Staff recommends that RDA seek to enter an agreement with the applicant to reimburse the RDA for a proportionate share of the cost of

work.

4. Postpone the Project to Allow Better Coordination with Other Downtown Improvements:

This recommendation reflects the Planning Commission's concern that the relative benefits of the sidewalk paver project have not been assessed within the context of an overall vision for redevelopment of the downtown.

The genesis of the sidewalk project was Council's direction to staff to remove tripping hazards in downtown sidewalks when it adopted Ordinance 998 on April 13, 2004. This ordinance defines a tripping hazard in a sidewalk to be any vertical displacement greater than or equal to one-half inch. The ordinance states that "The redevelopment agency shall be responsible for the maintenance and repair of any special pavement treatments installed as part of any city sponsored project within the area covered by the downtown design guidelines enumerated in the Downtown Specific Plan." This means that the City is liable for injuries caused by tripping hazards in the downtown.

Staff screened the tripping hazards in the downtown sidewalks and concluded that Ralston Avenue and Sixth Street have both a large number of tripping hazards and high pedestrian traffic and so should be the first priority for repair. The tripping hazards on these sidewalks are all within stamped and colored concrete (bomanite) and are caused by street tree roots. Staff determined that it was infeasible to repair the broken bomanite and so it would have to be replaced. The designer followed the requirements of the Downtown Specific Plan in selecting the brick paver sidewalk treatment and placing and selecting tree species. The designer did not incorporate improvements beyond those required to address the tripping hazards in accordance with the Downtown Specific Plan.

The design staff, incorporating the suggestions from the Planning Commission, and has prepared plans and specifications for bidding. Staff recommends that the RDA advertise the project in early January 2007 with proposed bid opening on March 1, 2007 to generate competitive bidding for the project. In February, Council will need to augment the RDA Street Improvements account to increase the funding to \$500,000. If a contract can be awarded, construction should start in May and be completed by late August, depending on the weather.

General Plan/Vision Statement

Project was designed in accordance with the Belmont Downtown Specific Plan.

Fiscal Impact

The engineer's estimated cost for City Contract Number 468 is \$493,750. Funding is from the RDA Capital Improvement Program FY07 project account 351-4610-9534-9030. This account is currently budgeted at \$250,000, but it will be augmented to \$500,000 at mid-year and prior to contract award. The RDA resolved to complete this budget augmentation last June when it acted to reject the FY06 bids and directed that Phase I should be combined with Phase II for rebidding in FY07. Staff will prepare the budget augmentation for Council action at mid-year, prior to contract award. This budget is funded from the Redevelopment Agency bond proceeds.

Public Contact

Posting of City Council agenda.

Recommendation

Staff recommends that the Redevelopment Agency approve City Contract Number 468 – Redevelopment Agency Sidewalk Improvements contract plans and specifications. It is further recommended that the Redevelopment Agency authorize advertising for sealed bids from qualified contractors and approve award of contract to the lowest responsive and responsible bidder for an amount not to exceed \$493,750. Assuming acceptable bids are received, it is recommended that the Redevelopment Agency authorize the RDA Interim Executive Director to execute a contract with the lowest responsive and responsible bidder.

In addition, staff recommends that the RDA direct staff to work with the property owner of 873/877 to develop a reimbursement agreement for the property’s Ralston frontage improvement.

Alternatives

1. Take no action.
2. Refer back to staff for further information.

Attachments

- A. Resolution
- B. Arborist report
- C. Photos

Respectfully submitted,

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Associate Engineer

Raymond E. Davis III, PE, PTOE
Director of Public Works

Terrence L. Belanger
Interim Executive Director

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REDEVELOPMENT AGENCY RESOLUTION NO. _____

RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF BELMONT APPROVING PLANS AND SPECIFICATIONS, AUTHORIZING ADVERTISEMENT FOR SEALED BIDS, APPROVING AWARD OF CONTRACT TO THE LOWEST RESPONSIBLE BIDDER FOR AN AMOUNT NOT TO EXCEED \$493,750, AND AUTHORIZING THE RDA INTERIM EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT FOR REDEVELOPMENT AGENCY SIDEWALK IMPROVEMENTS, CITY CONTRACT NUMBER 468

WHEREAS, on April 14, 2004 the City adopted Ordinance 998 assigning sidewalk maintenance responsibility and liability for tripping hazards to the Redevelopment Agency for any special pavement treatments installed as part of any city sponsored project within the area covered by the downtown design guidelines enumerated in the Downtown Specific Plan; and,

WHEREAS, the City Council directed the Public Works Department to repair tripping hazards in the areas to be maintained by the Redevelopment Agency; and,

WHEREAS, the Public Works Department evaluated the downtown sidewalk tripping hazards and, in accordance with the Downtown Specific Plan, designed Phase I of the project to replace defective sidewalks on Ralston Avenue between Sixth Street and El Camino Real and on Sixth Street between Elmer Street and 230 north of Ralston Avenue; and

WHEREAS, in May 2005, the Planning Commission reviewed the design and made recommendations on tree selection, retention, and placement; and,

WHEREAS, on May 9, 2006, the Redevelopment Agency approved the Phase I plans and authorized advertisement of the project for bid; and,

WHEREAS, on May 25, 2006, the Redevelopment Agency received a single bid in excess of the approval amount; and,

WHEREAS, on July 13, 2006, the Redevelopment Agency rejected all bids, directed staff to combine the Phase I with a planned Phase II into a single design, thereby adding Ralston Avenue from Old County Road to Hiller Street into the project limits, and resolved to augment the FY07 project budget from \$250,000 to \$500,000; and,

WHEREAS, on September 19, 2006, the Planning Commission reviewed the redesigned Phase I and Phase II project and made recommendations on tree retention and placement; and,

WHEREAS, Planning Commission recommendations have been incorporated into the project plan to the extent feasible; and,

WHEREAS, the Department of Public Works has prepared final construction plans and specifications to replace sidewalk and street trees at an engineer's estimate of \$493,750; and,

WHEREAS, the project conforms to the Belmont Downtown Specific Plan.

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Agency of the City of Belmont:

1. Approves City Contract Number 468 plans and specifications.
2. Authorizes advertisement for sealed bids for this work.
3. Approves award of contract to the lowest responsible bidder for an amount not to exceed \$493,750.
4. Authorizes the RDA Interim Executive Director to execute a contract with the lowest responsible bidder.
5. Funding shall be from the FY 07, project account 351-4610-9534-9030.
6. FY07 project account 351-4610-9534-9030 shall be augmented from \$250,000 to \$500,000 at mid-year.
7. Directs staff to work with the owner of 873/877 Ralston to development an agreement for reimbursement of costs to the Redevelopment Agency for the sidewalk improvements fronting this property.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the Redevelopment Agency of the City of Belmont at a regular meeting thereof held on November 14, 2006 by the following vote:

AYES, DIRECTORS: _____

NOES, DIRECTORS: _____

ABSTAIN, DIRECTORS: _____

ABSENT, DIRECTORS: _____

Secretary, Redevelopment Agency

APPROVED:

Chair, Redevelopment Agency