

Legislation Details (With Text)

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Title: MEMORIALIZING THE AGREEMENT ON CONTRIBUTION TO CONSTRUCTION COSTS AND RELEASE OF CLAIMS WITH EBMUD AND RATIFYING DEPOSIT OF \$90,000 INTO AN EL PORTAL ROAD SETTLEMENT PROJECT REVENUE ACCOUNT (320-3200-39906-POR-FDM) AND APPROPRIATING FUNDING IN THE SAME AMOUNT TO EXPEND ON THE PROJECT (320-3200-43600-POR-FDM)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 2018 Agreement on Contribution to Construction Costs and Release of Claims

Date	Ver.	Action By	Action	Result
6/19/2018	1	City Council	approved	Pass

PREPARED BY: LYNN TRACY NERLAND **DATE OF MEETING:** 06/18/18

SUBJECT:

MEMORIALIZING THE AGREEMENT ON CONTRIBUTION TO CONSTRUCTION COSTS AND RELEASE OF CLAIMS WITH EBMUD AND RATIFYING DEPOSIT OF \$90,000 INTO AN EL PORTAL ROAD SETTLEMENT PROJECT REVENUE ACCOUNT (320-3200-39906-POR-FDM) AND APPROPRIATING FUNDING IN THE SAME AMOUNT TO EXPEND ON THE PROJECT (320-3200-43600-POR-FDM)

CITY MANAGER RECOMMENDATION

Authorize by Minute Order

COMPLIANCE STATEMENTS

Storm Drain Upgrade Program under Street Maintenance in the Infrastructure section is an adopted policy item under the Public Safety policy area under the Traffic Safety Program of the FY 2018-21 City Council Priority Workplan, effective November 1, 2017.

CEQA Compliance Statement

The project is categorically exempt under the California Environmental Quality Act, Section 15301(c) of the CEQA Guidelines, Existing Facilities. A Notice of Exemption was filed with the Contra Costa County Clerk on November 13, 2017.

BACKGROUND

Pursuant to Resolution 2017-218 dated November 20, 2017, the City awarded the El Portal Drive Road Settlement Project (POR-FDM) to address road and sidewalk settlement at the south intersection of El Portal Drive and Fordham Street, as well as repair to the 18-inch storm drain carrying storm water runoff primarily from the Rollingwood subdivision. The City has begun the

design of Phase 2 of the project to address the retaining wall and creek bank restoration.

The City, Contra Costa County Flood Control District and the East Bay Municipal Utility District (EBMUD) have met and discussed the reasons for the road and sidewalk settlement. Pursuant to direction given by the City Council in closed session on April 2, 2018, the City and EBMUD entered into an "Agreement on Contribution to Construction Costs and Release of Claims" by which EBMUD is contributing \$90,000 for the project and in return is being released of claims as set forth in the attached Agreement.

FISCAL IMPACT

Authorization is sought to accept a \$90,000 EBMUD check into an El Portal Road Settlement Project revenue account (320-3200-39906-POR-FDM). Funding of \$90,000 would also be appropriated to an expendable account in the project (320-3200-43600-POR-FDM), as the project is not fully funded.