



DATE: May 21, 2024

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution Authorizing the Interim City Manager to Approve and Execute an Agreement Between the City of Hayward and Dutra Enterprises, Inc., for The San Lorenzo Creek Bank Emergency Repair and Cost Sharing in an Amount not to Exceed \$400,000; and Determining that the Proposed Project is Categorically Exempt from CEQA.

RECOMMENDATION

That the Council adopts the attached resolution (Attachment II) authorizing the Interim City Manager to approve and execute an agreement for the San Lorenzo Creek Bank Emergency Repair between the City of Hayward and Dutra Enterprises, Inc., and approving cost share therefor to an amount not exceeding \$400,000.

SUMMARY

The proposed agreement (Attachment III) provides for Dutra Enterprises, Inc. (Dutra) to repair and restore the San Lorenzo Creek Bank and a storm drain outfall to their pre-damage conditions, a short distance upstream on the A Street Bridge. A portion of the concrete armoring on the creek bank, that fell in the creek last winter, will be removed and new concrete armoring will be constructed to replace it. An erosion cavity created behind the damaged creek bank area will be backfilled and approximately 100-ft. of damaged storm drainpipe will also be replaced. The required emergency repair work is shown in Exhibit A attached to this report. The storm drainpipe discharges drainage from approximately 16 acres of residential area in the City, generally along B Street and 4th Street.

Dutra will complete the above described work under the terms and conditions of emergency permits issued to the City by the creek regulatory agencies and the City issued grading permit. Dutra will employ a team of the California State licensed and qualified construction contractor(s) and consultants with expertise in engineering, environmental and permit related fields. City will agree to reimburse 50% share of the total reasonable cost of this project.

BACKGROUND

The creek bank collapse and storm drain damage was discovered by Dutra in late February 2024. The damage area is located, approximately 50 feet upstream of the A Street bridge, on a property currently owned by Dutra. The City has approved development of 41 single-family homes on this property.

Dutra and the City have determined that unless the damage to the Storm Drain, Outfall and Streambank is repaired immediately, the water flowing through the collapsed Storm Drain and Creek will continue to undermine and damage the existing concrete armoring as further washout and erosion occurs and will eventually impact the downstream abutment supporting the A Street bridge;

Dutra has offered to assist the City with the permitting and the needed repairs through its team of State licensed and qualified construction contractor(s), engineering and other professionals. Regulatory agency permits have been secured for completion of the required repair and restoration in the summer of 2024 subject to the conditions of the U.S. Army Corps of Engineers ("USACE") Regional General Permit 5 issued on 4/23/2024 and permits from the State Water Quality Control Board and the State Department of Fish and Wildlife. The Alameda County Flood Control and Water Conservation District permit is not required for the planned work. The City's grading permit will be issued to the construction contractor selected by the property owner when typically required insurances and securities for performance of the work and payment for labor and material are in place.

DISCUSSION

A plan for this work is shown in Exhibit A. Emergency Repairs shall be completed by California State Licensed and qualified contractors to be retained by Dutra and approved by the City Director of Public Works for the reconstruction of the Creek bank, bank armoring and approximately 100 feet of 18-inch diameter drainpipe damaged during recent storm events as per the conditions of the US Army Corps of Engineers permit number SPN-2024-00152 and as per the Avoidance and Minimization Measures stated in California Department of Fish and Wildlife Notification of Emergency Work.

Cost Sharing: City will reimburse Dutra 50% share of the total cost of professional services required for the site reconnaissance, preliminary engineering, environmental review, construction plans and securing the regulatory agency permits and the site restoration and storm drain replacement work. Dutra has obtained a proposal, dated 4/3/2024, from McGuire and Hester, a California state licensed Class A construction contractor, to perform the Emergency Repairs as detailed in Exhibit B.

Staff deems the proposal submitted by McGuire and Hester reasonable, responsible and acceptable. This proposal is based on the work scope shown on the Exhibit A. Construction contract change and the corresponding change in the contract price would be required if the field conditions require a change in the contract work scope. Such contract change would require approval of the City's Public Works Director. Emergency repair work is expected to start in May 2024, soon after the City's approval of the required insurance and

a grading permit. Both parties shall continue to share costs on a 50/50 basis for the work required beyond the initially estimated work shown in Exhibit A.

Total project cost is preliminarily estimated as follows:

Preliminary constriction cost (McGuire and Hester Proposal):	\$ 380,360
Construction Contingencies (30%)	\$ 114,140
Permitting assistance and fees	\$ 37,500
Preliminary and Construction Engineering	\$ 70,000
Preliminary and final video inspection of drain pipe	<u>\$ 30,000</u>

TOTAL \$ 632,000

City's 50% share of the estimated total cost may exceed \$300,000. Staff requests the City Council to approve an initial allocation of \$400,000 for this project with the hope that the final cost will be significantly lower.

The agreement requires both parties to work towards applying for and securing any government reimbursements with each party receiving 50% of any and all reimbursements.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 (Minor Alteration of Existing Facilities) and Section 15302, Class 2 (Replacement or Reconstruction of Existing Facilities of the CEQA guidelines.

ECONOMIC IMPACT

This item has no direct economic impact.

FISCAL IMPACT

This emergency work is not included in the City's Capital Improvement Program. If the City Council is to approve as requested to allow expenditure of a total amount not exceeding \$400,000 from the Capital General Project Fund for the City's 50% cost share of the project. The funds not expended for the project will be reverted back to the City's Capital General Project Fund.

STRATEGIC ROADMAP

This item supports Council's strategic priority of Invest in Infrastructure. Specifically, this item relates to the implementation of the following project(s):

- Invest in Infrastructure

SUSTAINABILITY FEATURES

The project plans to replace approximately 100-ft. length of a damaged storm drain, which would help ensure proper drainage in the City-maintained segments of B Street and 4th Street and properties along these streets. The San Lorenzo Creek bank damaged in the last winter will be repaired and re-armored before the next winter rains to alleviate potential threat to A Street bridge and properties along the creek bank.

PUBLIC CONTACT

The property owners in the project vicinity will be notified by mail of the proposed work, its necessity and the measures considered to minimize its construction period impacts.

NEXT STEPS

If Council approves and authorizes allocation of \$400,000 for the San Lorenzo Creek Bank Emergency Repair and Storm Drain Replacement project, the Interim City Manager will execute the Agreement between the City of Hayward and Dutra Enterprises, Inc.

The project construction schedule is outlined below:

Site survey to locate any protected and endangered habitat:	May 20, 2024
Construction Start	May 27, 2024
Construction Completion	August 30, 2024

Prepared by: Saeed Saebi, Senior Civil Engineer
Mo Sharma, Senior Civil Engineer
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Dustin Claussen, Interim City Manager