



DATE: January 23, 2020

TO: Council Airport Committee

FROM: Director of Public Works

SUBJECT: Review and Comment on the Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Sulphur Creek Mitigation Design Project at the Hayward Executive Airport

RECOMMENDATION

That the Council Airport Committee reviews and comments on the Professional Services Agreement with Kimley-Horn and Associates, Inc. for the Sulphur Creek Mitigation Design Project at the Hayward Executive Airport and recommends to Council for consideration and approval.

SUMMARY

The Federal Aviation Administration (FAA) has determined that a portion of Sulphur Creek traversing the Hayward Executive Airport poses a potential safety hazard to aircraft that may lose directional control and veer off one of the two runways into the creek. Under these circumstances, the aircraft could impact the open channel with the possibility of significant property damage and injury to its occupants. Based on the results of an engineering study completed by RS&H consultants in 2016, the preferred solution is to enclose the open channels of the creek in box culvert and grade the immediate areas surrounding the channels.

Since September 2018, geotechnical studies, topographical surveys, biological site reviews, preparation of design drawings and specifications, and initiation of the permitting process through the Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife have been undertaken. However, unanticipated developments in the permitting process have resulted in a change of scope and significant delay. Accordingly, a Professional Services Agreement (PSA) is proposed for the Committee's consideration. Staff recommends the Committee reviews and comments on the PSA with Kimley-Horn and Associates, Inc. (Kimley-Horn) for this project and recommends to Council for consideration and approval.

BACKGROUND

The initial project scope anticipated the purchase of mitigation bank credits to offset the loss of wetlands during the installation of box culvert. This is a financial transaction to help fund specific, existing environmental projects in the greater San Francisco Bay area. However, after a meeting with staff and other subsequent discussions, the Regional Water Quality Control Board (RWQCB) rejected mitigation bank credits in favor of the remediation of a portion of Sulphur Creek or another nearby waterway.

Friends of San Lorenzo Creek reviewed this project and recommended that eighteen potential remediation sites warranted further study and evaluation. Staff appreciates the Friends of San Lorenzo Creek's participation in this process and their recommendations. An evaluation of each site at locations along Old Alameda Creek, San Lorenzo Creek, Ward Creek, and Sulphur Creek, have been conducted.

The results of the evaluations included one site that appeared optimal (Attachment III). A cover letter and the evaluation results were sent to the RWQCB on November 5, 2019. A response was received from the RWQCB on December 10, 2019 with follow-up questions. Evaluation of the 18 sites, totaling \$15,000, was not anticipated in the original scope of the project with Kimley-Horn. Due to this additional work and the uncertainty at the time related to the remaining required level of effort, the original agreement with Kimley-Horn was allowed to expire on June 30, 2019. After discussion with the City Attorney's office and the Finance Department, a new agreement is recommended. Completion of the 100% design and project bidding is now anticipated in Spring 2020.

DISCUSSION

In 2007, the Federal Aviation Administration (FAA) Runway Safety Action Team (RSAT) highlighted the potential safety hazards associated with Sulphur Creek. Airport staff subsequently contacted the FAA Airports District Office in San Francisco (SFO-ADO) and determined a project to underground portions of the creek would be eligible for federal grant funding under the Airport Improvement Program (AIP).

One of the challenges of managing capital projects funded with AIP monetary grants is the need to coordinate the design and construction schedule with the FAA funding cycle. Unexpected project delays can result in subsequent funding delays. Accordingly, staff worked to overcome the issues outlined above with the Sulphur Creek permitting process to remain on schedule.

However, as noted, the requirement to conduct site evaluations by the RWQCB, change contract scope language, and fund the additional work had two consequences. First, staff opted to let the original agreement with Kimley-Horn expire in favor of a new agreement incorporating these changes. Second, the FAA has pushed funding for the project until the current federal fiscal year, which started on October 1, 2019 and ends on September 30, 2020. This will provide adequate time to fully address the RWQCB requirements, complete the 100% design, and conduct a bidding process for the construction work.

ECONOMIC IMPACT

No economic impact is associated with this item.

FISCAL IMPACT

The Design Phase project costs are as follows:

Consultant	\$444,000
Consultant (Mitigation)	\$ 15,000
Administration	<u>\$156,000</u>
TOTAL:	\$615,000

Most of the cost for the design phase of the project will be reimbursed through grants from the FAA covering 90% of the actual cost; another match of 5% will be provided through Caltrans' Division of Aeronautics. The adopted FY 2019 Capital Improvement Program (CIP) includes \$615,000 for this phase.

Through the end of Fiscal Year 2019, Kimley-Horn had expended \$304,249.60 of the \$444,000 from the original agreement, which expired earlier this year. The remaining \$139,750.40 from the original agreement will be utilized for developing the final design, finalizing plans and specifications, and assisting with the bidding process. As noted earlier, an additional \$15,000 was spent for the mitigation site investigation, thereby resulting in a total value of \$154,750.40 for this new contract.

STRATEGIC INITIATIVES

This agenda item is a safety and maintenance-related item and does not directly support any of the three Strategic Initiatives.

SUSTAINABILITY FEATURES

The Airport is committed to developing projects that are environmentally responsible. Therefore, staff will ensure that all plans proposed by the consultant incorporate features that are in line with the City's sustainability guidelines.

PUBLIC CONTACT

The Council Airport Committee (CAC) discussed the Sulphur Creek project on several occasions since 2008. Last discussions occurred during CAC meetings held on April 23, 2015, April 28, 2016, and January 20, 2019. As part of the scope of work, the consultant will prepare a public outreach plan to include key messages, core audiences, and public involvement activities to support the development and release of the draft design. The public outreach plan will ensure that interested members of the public, as well as the Friends of San Lorenzo Creek, will have an opportunity to provide input, the interests of participants will be communicated to decision makers, and that participants are provided with information needed to participate in a meaningful way.

NEXT STEPS

Complete Final Design
Begin Construction
Complete Construction

April 2020
August 2020
November 2020

Prepared by: Doug McNeeley, Airport Manager

Recommended by: Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written over a horizontal line.

Kelly McAdoo, City Manager