



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 4/20/2021

ITEM NO: 8

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DATE: April 15, 2021  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Authorize a General Fund Appropriated Reserve Budget Transfer of \$50,000 from the Guardrail Replacement Project (CIP No. 812-0120) to the Shannon Road Class 1 Multi-Use Path Project (CIP No. 813-0218) and Approve Corresponding Revenue and Expenditure Budget Adjustments

**RECOMMENDATION:**

Staff recommends that the Town Council authorize a General Fund Appropriated Reserve (GFAR) budget transfer of \$50,000 from the Guardrail Replacement Project (CIP No. 812-0120) to the Shannon Road Class 1 Multi-Use Path Project (CIP No. 813-0218) and approve corresponding revenue and expenditure budget adjustments.

**BACKGROUND:**

The Metropolitan Transportation Commission (MTC)'s One Bay Area Grant program (OBAG) directs MTC's federal funds towards transportation solutions that align with regional priorities. Available grant money is distributed to cities and counties through the Santa Clara Valley Transportation Authority (VTA). The Vehicle Emissions Reductions Based at Schools (VERBS) Program, one of the competitive programs, is focused on reducing greenhouse gases by promoting walking, biking, transit, and carpooling to schools.

In 2018, the Town was awarded \$940,100 of federal funds in the VTA's Fiscal Year (FY) 2018-2022 VERBS Grant Program for the Shannon Road Complete Streets project. The original scope of the project contemplated a ten-foot-wide Class 1 multi-use path on the north side of Shannon Road between Los Gatos Boulevard and Cherry Blossom Lane. A Class 1 bike path is a dedicated facility exclusively for bicycles and pedestrians, separate from vehicular travel lanes. Shannon Road, a hillside collector street, is one of the *Safe Routes to School* to Blossom Hill Elementary, RJ Fisher Middle School, Los Gatos High, and Hillbrook School. The length of the

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Town Engineer

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

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PAGE 2 OF 6

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DATE: April 15, 2021

BACKGROUND (continued):

project segment is approximately 1,600 feet, and there are over 2,200 feet of sidewalk gaps along either side of this stretch on Shannon Road.

The total project cost for the design and construction of the Class 1 path was estimated at \$1,189,304. The Town committed \$249,204 as a local match (21% of the total project cost) from GFAR and the Utility Undergrounding Fund, which satisfied the grant minimum local match requirement of 11.47%.

To streamline the federal-aid process, local match funds would be used to advance the design phase, while federal funds and associated federal requirements would be applied to the construction phase only. On November 5, 2019, Council authorized the Town Manager to issue a Request for Proposals (RFP) and negotiate and execute a consultant services agreement in an amount not to exceed \$200,000 for the project design.

DISCUSSION:

Since November 2019, staff worked to validate and refine the design scope for the Class 1 multi-use path before soliciting proposals from civil engineering consultants. Upon further assessment of the public right-of-way on Shannon Road and discussions with Pacific Gas and Electric (PG&E) regarding utility conflicts, it was determined that undergrounding and relocation of overhead utilities in conflict with the proposed Class 1 multi-use path would vastly impact the project schedule and feasibility due to rigid federal grant requirements to resolve land rights issues related to utility work.

In addition, a dedicated ten-foot-wide two-way Class 1 bike and pedestrian path immediately abutting private properties on the north side of Shannon Road would require addressing potential conflicts between vehicles and bikes/pedestrians at driveways. Significant modifications and even removals of private fences and landscaping might be required at property lines for a clear and safe line of sight at driveways.

A community meeting was held with the Shannon Road neighborhood on November 18, 2020 as part of a separate neighborhood traffic calming project currently underway. The Shannon Road Class 1 Multi-Use Path project was briefly discussed at the meeting, and residents expressed more interest in seeing continuous sidewalks and bike paths on both sides of Shannon Road as opposed to the Class 1 bike and pedestrian path on one side of the street.

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DATE: April 15, 2021

DISCUSSION (continued):

Staff acknowledges that standard sidewalks with curb and gutter and Class 2 bike lanes would be a better fit for a hillside collector street like Shannon Road. Staff did consider standard sidewalks, but the project budget may only be sufficient to install sidewalks on one side of

Shannon Road. One significant benefit of a sidewalk infill project would be that the aforementioned utility undergrounding scope could be limited or avoided. With the standard sidewalk installation option, utility conflicts may largely be relocated by PG&E and other utility companies in coordination with the Town under existing franchise agreements.

***Project Scope Updates and Additional Funding Needs***

With pedestrian and bikeway improvements on Shannon Road, work is anticipated on private properties to conform grades and landscaping to the new path or sidewalk, along with other modifications needed for clear vehicular lines of sight at driveways. For work on private properties, the Parks and Public Works Department (PPW) would normally secure a short-term right-of-entry agreement with each of the property owners. For federal-aid projects where land rights issues are involved, the right-of-way clearance and certification process can be complex and entail prolonged legal reviews through the California Department of Transportation (Caltrans). The work within private properties on Shannon Road would require much more complicated title reports, legal plat documents, fair market valuations, and right-of-entry and maintenance agreements for each property, if federal processes are followed.

Staff recommends bifurcating the work on private properties to be funded through local funds, separate from public right-of-way improvements to be funded with federal money. This approach would simplify the project and require additional local funds for the project. Costs associated with the work within private properties cannot be realized until a topographic survey and preliminary designs are completed by a consultant. A rough order of magnitude estimate for the work on private properties is approximately \$110,000 to cover construction activities and part-time staff costs to administer engineering, right-of-entry agreements, and construction.

To meet the additional local funding needs for the Shannon Road project, staff is recommending that Council authorize a GFAR budget transfer of \$50,000 from the Guardrail Replacement Project (CIP No. 812-0120), which will be completed by summer 2021 with GFAR funds available for the transfer.

In addition, up to \$60,000 of GFAR budgeted for the Sidewalk Improvements - Multiple Locations Project (CIP No. 813-0221), as approved in the Town's adopted Fiscal Year (FY)

PAGE 4 OF 6

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DATE: April 15, 2021

DISCUSSION (continued):

2020/21-2024/25 Capital Improvement Program Budget, would need to be applied to the work within private properties along Shannon Road. The FY 2020/21 funding designated for the Sidewalk Improvements - Multiple Locations Project was intended to be used on Kennedy Road from Ferris Avenue to Los Gatos Boulevard; Mitchell Avenue from George Street to Fisher Avenue; or Shannon Road at Los Gatos Boulevard and aligns with the goals of this project.

***Design Consultant Selection***

From recent staff evaluations and findings, staff has developed a design scope of services for a consultant to consider a phased approach to sidewalk and bike lane improvements on both sides of Shannon, while also recommending two other alternate active transportation design options for consideration. Town staff and the consultant would vet the design options through a public process involving Shannon Road neighbors to select one concept to develop into a final design. The designer would also evaluate storm water drainage, traffic calming measures, and accessibility compliance.

On February 26, 2021, staff issued an RFP to nine firms on PPW's On-Call Civil Engineering Consultant List established through a formal Request for Qualifications process in 2019. By the due date of March 19, staff received proposals from the following six on-call firms:

- ActiveWayz Engineering
- Bellecci and Associates
- Civil Engineering Associates
- CSG Consultants
- MNS Engineers
- Ruggeri-Jensen-Azar

Through the proposal evaluation process outlined in the RFP, staff selected ActiveWayz Engineering as the best qualified firm for the project to address active transportation design challenges on Shannon Road. ActiveWayz Engineering proposed investigating creative solutions and approaches for the Shannon Road Pedestrian and Bikeway Improvements. Their scope and fees were comprehensive and responsive to all the requirements specified in the RFP. With prior authorization from Council, the Town Manager will negotiate and execute a consultant services agreement with ActiveWayz in a contract amount not to exceed \$130,000. Attachment 1 is the proposed scope of services from ActiveWayz, and the draft consultant services agreement is included as Attachment 2.

PAGE 5 OF 6

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CONCLUSION:

The Town Council's approval of the budget transfer and adjustments would allow for a simplified project approach, the part-time staff to assist in the project during the design and construction phase, and to supplement the federal grant funds in the construction of the Shannon Road Pedestrian and Bikeway Improvements.

COORDINATION:

This item has been coordinated with the Town Attorney and the Finance Department.

FISCAL IMPACT:

Staff is recommending that Council authorize a GFAR budget transfer of \$50,000 from the Guardrail Replacement Projects (CIP No. 812-0120). Additionally, \$60,000 of GFAR budgeted in the Sidewalk Improvements - Multiple Locations Project (CIP No. 813-0221) would need to be applied to the Shannon Road project.

Staff costs are tracked for all projects. Tracking of staff costs allows for accountability in the costs of the project, recovery of costs for grant funded projects, and identification of future staffing needs. This project will utilize both full-time budgeted and part-time staff. The costs for full-time staff are accounted for in the Department's Operating Budget. Only part-time staff costs incurred will be charged to the project.

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FISCAL IMPACT (continued):

<b>Shannon Road Class 1 Multi-Use Path Project 813-0218</b>		
	<b>Budget</b>	<b>Costs</b>
OBAG/VERBS Grant	\$ 940,100	
GFAR (Grant Match)	\$ 130,000	
Utility Undergrounding Fund	\$ 119,204	
GFAR Budget Transfer from CIP No. 812-0120	\$ 50,000	
GFAR Budget in CIP No. 813-0221	\$ 60,000	
<b>Total Budget</b>	<b>\$1,299,304</b>	
Design Contract		\$ 130,000
Part-Time Staff Cost to be Incurred		\$ 30,000
Construction in the ROW		\$ 940,100
Conform Work within Private Properties		\$ 80,000
Utility Undergrounding		\$ 119,204
<b>Total Expenditures</b>		<b>\$1,299,304</b>
<b>Remaining Balance</b>		<b>\$ 0</b>

ENVIRONMENTAL ASSESSMENT:

Alterations to existing roadway facilities are defined under CEQA Section 15301(c) as Categorically Exempt. A Notice of Exemption is to be filed. As required for federal-aid projects, staff will work with MTC, the project sponsor, to determine the project exemption under the National Environmental Policy Act.

Attachments:

1. Proposed Scope of Services from ActiveWayz Engineering
2. Draft Consultant Services Agreement with ActiveWayz Engineering