



## City Council Staff Report

Date: ~~June 6, 2012~~ continued to June 20, 2012  
Subject: ARABY DRIVE BRIDGE AT PALM CANYON WASH  
From: David H. Ready, City Manager  
Initiated by: Public Works and Engineering Department

NEW BUSINESS  
Unfinished Business

### SUMMARY

The Public Works and Engineering Department ("Department") applied to the California Department of Transportation ("Caltrans") for federal funding to design and construct a new bridge on Araby Drive across the Palm Canyon Wash. The proposed bridge would replace the existing "at grade" or "low water crossing" of Araby Drive through the Palm Canyon Wash. Caltrans reviewed and approved the Department's application for funding, which will provide \$10.1 Million towards the \$11.4 Million project cost.

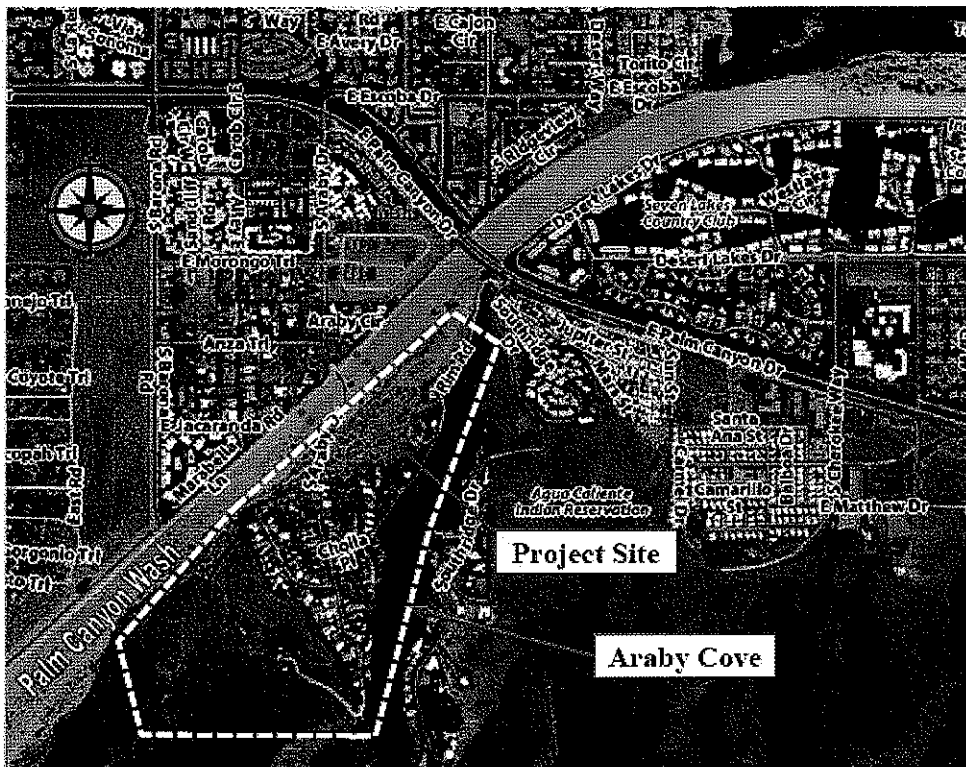
In order to move forward with the project, the first Council action to be taken is approval of a funding agreement with Caltrans for the first phase of the project.

### RECOMMENDATION:

- 1) Direct staff to move forward with the Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash, City Project No. 11-02, Federal Aid Project No. BR-NBIL (521); and
- 2) Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT NO. N037 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,352,000, FOR THE ARABY DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT PALM CANYON WASH, CITY PROJECT NO. 11-02, FEDERAL-AID PROJECT NO. BR-NBIL (521), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and
- 3) Authorize the City Manager to execute all necessary documents.

STAFF ANALYSIS:

Frequent road closures of Araby Drive at the Palm Canyon Wash have required the Department to consider replacing the existing Araby Drive low water crossing with a new bridge. Closure of Araby Drive at the Palm Canyon Wash isolates the Araby Cove community, restricting access into and out of the residential neighborhood to Rim Road, most of which is a narrow, substandard, private road.



Vicinity Map

During severe storms, the Araby Drive low water crossing is inundated and frequently damaged due to debris flows within the Palm Canyon Wash. The frequent flood damage results in repeated significant costs to the City for road repairs. Closure of Araby Drive restricts all residential and emergency traffic accessing the Araby Cove community to a narrow private, poorly maintained road (Rim Road), increasing the response time of emergency vehicles to the Araby Cove community. This flooding and the resulting road closures have a direct impact on the public's health and safety.

Repeated flooding of the Palm Canyon Wash in recent years has required the Department to consider alternatives to maintaining the existing low water crossing. Considering the public's health and safety, and in response to increasing concerns to frequent closures of the low water crossing from the community, the Department determined that replacement of the low water crossing with a new elevated bridge is the only permanent (and the safest) solution of the repeated problem of flooding within the Palm Canyon Wash, as a way to ensure all-weather access is maintained to the Araby Cove community.

Some photos of recent flooding in the area are shown in the following pages.

**Figure 1.0** shows the resulting mud and debris flow deposited over Araby Drive due to flooding within the Palm Canyon Wash from a moderate storm in 2007.



**Figure 1.0**

Figure 2.0 shows flooding that occurred during a severe summer thunderstorm in 2008. This storm generated significant storm water runoff within the Palm Canyon Wash, resulting in closure of Araby Drive. This photo shows flooding of Rim Road near its connection to East Palm Canyon Drive, demonstrating that in some cases all access to the Araby Cove neighborhood is cut-off due to flooding.



*Figure 2.0*

During extreme flooding, as shown in Figure 2.0, all access into and out of the Araby Cove may be restricted when Rim Road is also flooded near E. Palm Canyon Dr. As indicated later in this report, many residents have submitted comments that Rim Road is a viable all-weather access for the Araby Cove; however, as this photo shows, Rim Road itself is susceptible to flooding.

**Figure 3.0** shows flooding that occurred during a severe summer thunderstorm on July 20, 2008. This storm generated significant storm water runoff within the Palm Canyon Wash, resulting in closure of Araby Drive. This photo shows the actual flooding of Palm Canyon Wash at Araby Drive, and is looking upstream towards south Palm Springs. The Araby Cove community is to the upper left of Palm Canyon Wash. During this storm, Araby Drive was inundated by storm water runoff and debris flows.



**Figure 3.0**

**Figure 4.0** shows flooding that occurred during a severe summer thunderstorm on July 20, 2008. This storm generated significant storm water runoff within the Palm Canyon Wash, resulting in closure of Araby Drive. This photo shows the actual flooding of Palm Canyon Wash at Araby Drive, and is looking downstream towards East Palm Canyon Drive. The narrow private road (Rim Road) that functions as limited access for the Araby Cove community is to the upper right of Palm Canyon Wash. During this storm, Araby Drive was inundated by storm water runoff and debris flows, and Rim Road was flooded (near its connection with East Palm Canyon Drive in the foreground of this photo, and also as shown in Figure 1.0). This storm resulted in the complete isolation of the Araby Cove community.



**Figure 4.0**

In August 2011, the Department completed a preliminary study to determine the approximate scope and cost of a project to construct a new bridge on Araby Drive across the Palm Canyon Wash. Exhibits of the preliminary bridge plans are provided below:



**Figure 5**  
**Plan View**



**Figure 6**  
**View looking South**



**Figure 7**  
**View looking West**



**Figure 8**  
**View looking North**



The preliminary study estimated the total cost of the project as outlined here:

<b>Preliminary Cost Estimates (August, 2011)</b>	
Construct Bridge	\$3,685,000
Bridge Removal	None
Slope Protection	(Included in Channel Work)
Channel Work	\$400,000
Detour - Stage Construction	\$400,000
Approach Roadway	\$1,400,000
Utility Relocation	\$200,000
<b>Subtotal</b>	<b>\$6,085,000</b>
Mobilization (10%)	\$677,000
<b>Subtotal (CON)</b>	<b>\$6,762,000</b>
Contingencies (CONT) (20%)	\$1,352,000
<b>Total (CON)</b>	<b>\$8,114,000</b>
<b>Preliminary Engineering Cost (PE) (20%)</b>	<b>\$1,352,000</b>
<b>Right-of-Way Cost (R/W)</b>	<b>\$1,000,000</b>
<b>Construction Engineering Cost (CE) (14%)</b>	<b>\$947,000</b>
<b>Total Project Cost</b>	<b>\$11,413,000</b>

A formal request to Caltrans for federal funding under the Highway Bridge Program ("HBP") was submitted for this project. The HBP provides funding of up to 88.53% of eligible costs. The Department's grant application requested funding as follows:

	Direct Costs		Indirect Costs*	=	HBRRP Participating \$**	Target Dates
PE	\$1,352,000	+	n/a	=	\$1,352,000	5/1/2012
R/W					\$1,000,000	9/1/2015
CON	\$6,762,000					
CE	\$947,000		n/a			
Cont	\$1,352,000					
Subtotal	\$9,061,000	+	n/a	=	\$9,061,000	9/1/2017
Total Participating Cost					\$11,413,000	
Enter Fed. Match Rate:	88.53		HBRRP Requested		\$10,103,928	

PE = "Preliminary Engineering" (environmental and design)  
 R/W = "Right of Way"  
 CON = "Construction"  
 CE = "Construction Engineering" (construction inspection and administration)  
 Cont = "contingencies"

Caltrans reviewed the Department's funding application and approved the request, and will provide the City with up to \$10,103,928 in federal funding towards the \$11,413,000 project.

### Araby Cove Neighborhood Opposition

The ACNO contacted the Department regarding this project after seeing a news release in the *Desert Sun* regarding the City's receipt of a \$10 Million grant for the Araby Drive bridge. The ACNO made a request through the City's Office of Neighborhood Involvement for a meeting with Department staff to discuss the specifics of the proposed bridge project. At a meeting held at City Hall on April 16, 2012, 28 residents of the Araby Cove neighborhood attended, of which a significant majority were not in favor of the proposed bridge project. Many questioned the need for a bridge, and why the City does not use the funding to widen Rim Road, or for other uses.

Subsequently, staff coordinated with the ACNO on a joint mailing of information regarding the proposed bridge project, which included a letter from the City Engineer as well as a letter from the ACNO, and a comment card with which to identify their opinion for or against the project (see Attachment 1). The mailing was sent to all 93 property

owners in the Araby Cove.<sup>1</sup> Comment cards have been collected which identify those residents who support, or do not support, the project. As of the writing of this staff report, the following comments were tabulated:

**Survey Response by Owner  
(1 Comment per Owner)<sup>2</sup>**

12 Support (13%)  
48 Do Not Support (51%)  
33 No Response (35%)

**Survey Response by Parcel  
(1 Comment per Parcel)<sup>3</sup>**

18 Support (15%)  
54 Do Not Support (44%)  
50 No Response (41%)

The specific issues raised by the ACNO are included in their letter (see Attachment 1). Comments received from individual property owners are also attached to this report.

**Fire Department Support**

The Fire Department has coordinated with the Public Works & Engineering Department on this project. The lack of all-weather access on Araby Drive is of concern to the Fire Department. John Allen, the City's Deputy Fire Chief, made the following statement regarding this project:

The Fire Department fully supports the construction of a bridge at the Araby wash. Rim Road is an existing, private, non-conforming roadway that does not meet the roadway standard that the Fire Department requires. I have copied and pasted the Fire Apparatus Access Road section out of our PSFD Development guidelines Appendix K, which is adopted as the Fire Code for the City of Palm Springs. Please pay particular attention to the highlighted sections for current requirements. When Araby road is washed out, Rim Road is the only access into the Araby cove area. We know from past weather events that re-opening Araby road can take days or weeks to complete. The Fire Department not only responds to Structure Fires in this area but also responds to; Medical aids, Wildland Fires, Seismic events and Water Rescues to name a few. This discussion has not even taken into account the possibility of a rockslide during seismic activity and blocking Rim Road for an unknown amount of time. Having a

---

<sup>1</sup> Some residents own multiple lots; there are 122 privately owned parcels within the Araby Cove

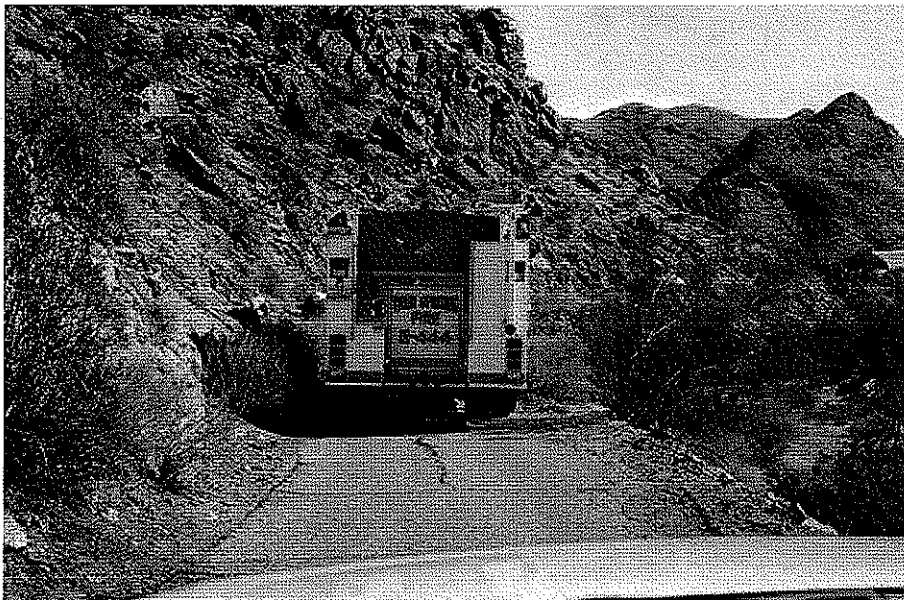
<sup>2</sup> One owner = one "vote" (regardless of # of lots) – there are 93 property owners

<sup>3</sup> One "vote" per lot (support for or against as stated by owner was counted for each lot owned)

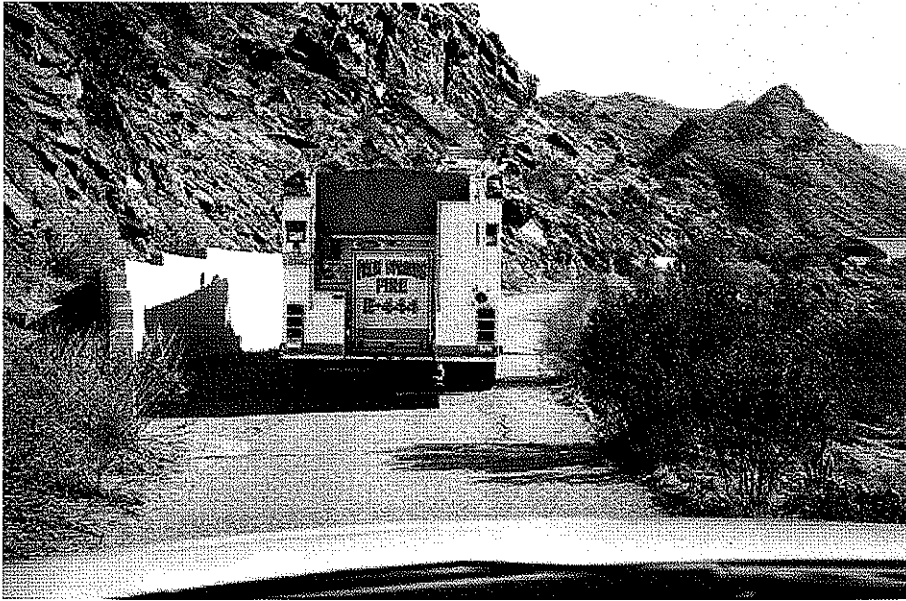
reliable, all-weather access, roadway to provide Fire and Life Safety services to all of the citizens is imperative and encouraged by the Palm Springs Fire Department.

The Codes cited by the Deputy Fire Chief refer to minimum road widths. Specifically California Fire Code 503.2.1 that requires roads to have a minimum width of 20 feet with uninterrupted traffic flow and assured emergency access. Many of the comments received from Araby Cove residents cite their ability to use Rim Road for access at times when Araby Drive is closed due to flooding. However, Rim Road is substandard in width, being only wide enough for one vehicle to pass. Several turn-outs are located along Rim Road, but as seen in the following picture, if a City fire truck is using Rim Road to respond to an emergency call, there is insufficient room for any other vehicles to pass. This fact represents a public health and safety issue; if Araby Drive is closed due to flooding, during an emergency no residents will be able to leave the Araby Cove area if emergency vehicles are using or have set up on Rim Road. Access in and out of the Araby Cove would be interrupted, and residents leaving the area may restrict or otherwise delay emergency vehicles responding to a call for service in the Araby Cove.

Following are photos showing fire truck use of Rim Road:



**Figure 9**  
**Rim Road**



*Figure 10*  
*Rim Road – at a “Turn Out”*



*Figure 11*  
*Rim Road – at a blind corner*

### ***Widen Rim Road?***

Many residents have questioned why the City does not use the federal funds to widen Rim Road to provide all-weather access. Widening Rim Road has itself several complications:

- Rim Road extends from E. Palm Canyon Dr. to Bisnaga Avenue, along the base of Southridge for a distance of 2,300 feet.
- Rim Road between E. Palm Canyon Dr. and the northerly boundary of the Araby Tract, near the residence located at 2103 Rim Road, (a distance of 1,200 feet) is located on private property.
- The City's rights on the 1,200 feet segment of Rim Road are limited to an easement for emergency access only; this segment of Rim Road is considered a private road.
- The City would need to acquire a right-of-way for Rim Road to expend public funds to widen Rim Road for the benefit of the public.
- Rim Road is a narrow, 10-14 feet wide (generally one-way) road that does not meet City standards for a public street.
- The Circulation Element of the General Plan requires a minimum width of 28 feet for a public street.
- Widening Rim Road to 28 feet would require major excavations into the side of Southridge, requiring extensive retaining walls and permanently scarring the hillside.
- The federal funds approved by Caltrans for this project are designated specifically for the purpose of constructing a new bridge to replace an existing low water crossing. These funds cannot be reallocated by the City to widen Rim Road.

### **Recommendation**

The federal funds being provided to the City for this project come from a specific program within the Highway Bridge Program to replace low water crossings with new bridge structures. If not used to construct a new bridge on Araby Drive, the funding will be reallocated by Caltrans to another agency in California for that agency's construction of a new bridge there.

Araby Drive is subject to closures due to flooding and represents a public health and safety risk due to the increased emergency vehicle response time to the Araby Cove community when the road is closed. The City's Fire and Public Works Departments fully support the construction of a new bridge, as a way to ensure all-weather access to the Araby Cove community.

In December 2004/January 2005, there was a significant winter storm that resulted in flooding in the Palm Canyon Wash, completely washing out a large segment of Araby Drive. The City Council contracted with Dateland Construction to reconstruct Araby Drive, at a cost of approximately \$75,000. This cost was submitted to Caltrans and FEMA to recover pursuant to the federal disaster designation.

Most recently, in January 2010, a winter storm resulted in significant debris flows in the Palm Canyon Wash, covering Araby Drive with several feet of sand. The road was closed for several days and the City incurred costs to remove the debris and reopen Araby Drive. This cost was submitted to Caltrans and FEMA to recover pursuant to the federal disaster designation.

In the event the federal funding for the proposed Araby Drive bridge is returned to Caltrans, it is likely that future federal funding to reimburse the City for costs to reconstruct Araby Drive due to flooding damage will be withheld, given the state's previously approved funding to eliminate the low water crossing. All future costs to repair or reconstruct Araby Drive would remain the City's liability.

The City maintains certain liability for maintaining a road that is susceptible to flooding. Given the Department's ability to secure funding to eliminate the low water crossing, it is staff's recommendation that the Council accept the funding and direct staff to move forward with the project. All future phases of this project, initiating with the environmental analysis, will be coordinated directly with the ACNO. Any potential environmental impacts (air quality, biological, noise, traffic, visual, etc) will be identified and appropriate mitigation proposed in an environmental document subject to future public review and approval by the Council.

### **Caltrans Funding Agreement**

The City operates under a "Master Agreement" with the state of California, identified as the "Administering Agency – State Agreement No. 08-5282R" for use of federal-aid funds on City projects. The Master Agreement is amended by each successive use of federal funds on a project, and upon authorization (or "obligation") of the use of federal funds on a project, the City is provided with a "Program Supplement", or amendment, to the Master Agreement.

In light of the City's authorization to proceed with the Preliminary Engineering ("PE") phase of this project using federal HBP funds, Caltrans has submitted to the City for approval Program Supplement Agreement No. N037, which will facilitate the City's use of federal funds for this project.

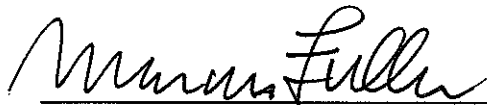
### **FISCAL IMPACT:**

Approval of Program Supplement No. N037 with Caltrans will formally authorize the disbursement and use of up to \$1,196,926 in federal-aid funds for the PE phase of the project. The required 11.47% local match of \$155,074 will be budgeted from Local Measure A funds.

Denying approval of the Program Supplement No. N037 with Caltrans will require Caltrans to de-obligate \$1,196,926 in federal funding for the PE phase, as well as cancel future obligations of the remaining \$8,907,002 in federal funding for the other phases of this project. The City will remain responsible for all financial liability for repairing or reconstructing Araby Drive due to flooding.

SUBMITTED:

Prepared by:



Marcus L. Fuller  
Assistant Director of Public Works

Recommended by:

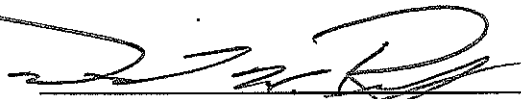


David J. Barakian  
Director of Public Works/City Engineer

Approved by:



Thomas J. Wilson, Asst. City Manager



David H. Ready, City Manager

ATTACHMENTS:

1. Project informational mailing to the Araby Cove community and comments
2. Program Supplement No. N037
3. Resolution



ATTACHMENT 1  
PROJECT INFORMATIONAL MAILING TO THE ARABY COVE COMMUNITY  
AND  
PROPERTY OWNER COMMENTS



# City of Palm Springs

Department of Public Works and Engineering

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262

Tel: (760) 323-8253 • Fax: (760) 322-8360 • Web: [www.palmspringsca.gov](http://www.palmspringsca.gov)

May 8, 2012

ALCHIAN, MARY L TRUST  
2223 S ARABY DR  
PALM SPRINGS, CA 92264

Re: **Araby Drive Bridge at Palm Canyon Wash**

Dear Property Owner,

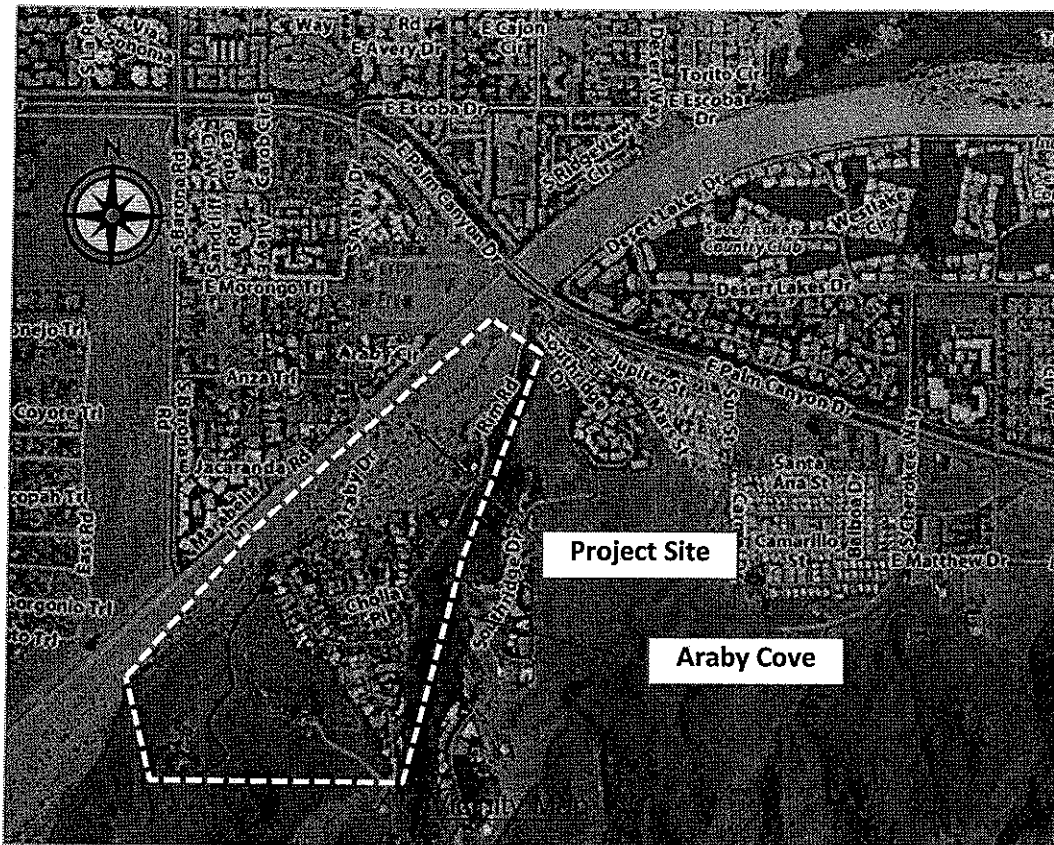
This joint mailing of the City of Palm Springs and the Araby Cove Neighborhood Organization is being sent to you to provide specific information regarding the City's proposal to design and construct a new 2-lane bridge on Araby Drive across the Palm Canyon Wash. Initial reaction to the City's proposal from some property owners in the Araby Cove has been negative, with legitimate concerns regarding the project's impact to the neighborhood and surrounding environment. The purpose of this letter is to advise you of the proposal, certain facts related to the project, and to offer you an opportunity to voice your opinion on the proposed Araby Drive bridge.

### **Why build a bridge?**

Araby Drive is the only legal public access to the Araby Cove community. Araby Drive crosses the Palm Canyon Wash, which is a major source of flooding within the south Palm Springs area. Periodically, flooding in the Palm Canyon Wash causes significant damage to Araby Drive, requiring the City to close the road while cleanup and repairs are completed. Closure of Araby Drive restricts access for your community to Rim Road, which is a substandard, private road. The City considers this fact to be a public health and safety hazard, due to increased emergency vehicle response times resulting from closure of Araby Drive.

Flooding in the Palm Canyon Wash can be severe; a video of recent flooding in the Palm Canyon Wash can be viewed online at:

[http://www.youtube.com/watch?v=\\_wqaFf0W5ug](http://www.youtube.com/watch?v=_wqaFf0W5ug)



Public right-of-way for Rim Road is limited to the section of Rim Road between Bisnaga Avenue extending northeast to 2103 Rim Road. The section of Rim Road extending from 2103 Rim Road to E. Palm Canyon Drive is located on private property, and the City's access rights are limited to emergency access only. Rim Road is considered a secondary emergency access to the Araby Cove neighborhood, with Araby Drive being the primary and legal access for property owners. Rim Road, as a secondary emergency access, is a narrow road that does not meet City standards for a public 2-lane road. In the case of an emergency within the Araby Cove neighborhood, when access is limited to Rim Road, maintaining access for residents while ensuring emergency vehicles can respond to an emergency is extremely difficult.

Building a new bridge for Araby Drive across the Palm Canyon Wash will ensure that your community has permanent, all-weather access – critical to providing you with time-sensitive emergency vehicle response for medical and other emergencies.

### **What is the proposal?**

The City has determined constructing an all-weather access for Araby Drive with a new bridge across the Palm Canyon Wash is the best option to maintaining uninterrupted access into and out of the Araby Cove neighborhood.

The U.S. Government established the Highway Bridge Program ("HBP") to provide funding to cities to replace low water crossings like Araby Drive with new bridges. The HBP covers nearly 90% of all eligible costs, with remaining costs covered the City's local transportation funds.



**View of Proposed Bridge from Araby Cove on South side of Palm Canyon Wash**



**View of Proposed Bridge from North side of Palm Canyon Wash**

Some of the benefits of this project can be outlined as follows:

- All-weather access with no road closures during flooding in the Palm Canyon Wash, or road closures due to road cleanup and repairs.
- Improved local access on Araby Drive with two standard travel lanes, shoulders, and sidewalks.
- Nearly 90% of project costs are programmed with federal funding that must be specifically used for highway bridge projects, particularly for replacing low water crossings with new bridges.
- All community, environmental, and other project impacts will be identified and appropriate mitigation included ensuring the project does not otherwise impact the environment or community.

In August 2011, the Public Works and Engineering Department completed a preliminary study for a new bridge for Araby Drive across the Palm Canyon Wash. The preliminary study served as the basis for an application to the state of California Department of Transportation ("Caltrans") for federal funding for the new bridge. Caltrans is the recipient of all federal funding

Araby Drive Bridge

May 2, 2012

Page 4

in California for transportation projects, which is subsequently allocated to cities on a discretionary basis for local bridge projects. After reviewing the City's application for funding, Caltrans approved the City's request for \$10 Million in federal funding for the \$11 Million project.

A copy of the City's preliminary bridge study and funding application is available for review on the City's website at:

<http://palmspringsca.gov/index.aspx?page=1143>

### **Palm Springs Fire Department Supports a New Bridge**

The City's Fire Department fully supports the construction of a new bridge on Araby Drive across the Palm Canyon Wash. John Allen, the City's Deputy Fire Chief/Fire Marshall, has outlined the Fire Department's concerns regarding emergency access via Rim Road, including the City's Fire Code requirements for emergency access which apply to new construction. A copy of the Fire Department's findings regarding Rim Road is included with this letter.

The City relies on the Fire Department's guidance to ensure all of our residents can receive the fastest access to emergency services possible. The proposed Araby Drive bridge will improve emergency access to the Araby Cove neighborhood.

*When minutes – or even seconds – matter in an emergency, we should not turn away from an opportunity to reduce emergency vehicle response time if it can save lives.*

### **Why not spend the federal funds to improve Rim Road?**

The City's rights over the section of Rim Road that is privately owned is limited to emergency access only. The City cannot spend public funds to widen and improve a private road. The \$10 Million federal grant has been awarded to the City specifically for the purposes of constructing a new 2-lane bridge on Araby Drive across the Palm Canyon Wash. Although some property owners may prefer the City to widen Rim Road, the City will be unable to do it unless all of Rim Road is dedicated to and accepted by the City, and sufficient local funds are budgeted to excavate into the hillside to sufficiently widen and improve Rim Road to a standard 2-lane public road.

### **Full environmental analysis is required.**

With federal funding comes heightened scrutiny and additional environmental analysis. The City must review all potential impacts due to the proposed bridge on the community and environment.

Given the Araby Cove community's interest in this project, if the City determines to move forward with this project, early outreach will be made with property owners regarding the project. Coordination with the Araby Cove community will be emphasized and maintained by the City and its consultant during all phases of the project.

Araby Drive Bridge

May 2, 2012

Page 5

### **Araby Cove Neighborhood Organization**

The City recognizes that your community will be impacted by this project. Some of the potential impacts have been summarized by the Araby Cove Neighborhood Organization in the enclosed letter.

The City wants to know your opinion regarding the proposed Araby Drive bridge. We want to communicate your opinion to the City Council, so the Council can make an informed decision regarding this project. Tell us whether or not you support the project – which will help the Council appropriately consider whether to move forward with the project.

### **Your opinion counts!**

We ask for your opinion, and to identify whether or not you support the City's efforts to construct a new bridge on Araby Drive across the Palm Canyon Wash. Please return the enclosed stamped postcard by mail or personal delivery to the City Clerk, by **Thursday, May 31, 2012**.

All returned postcards will be collected by the City Clerk, and he will tabulate the Araby Cove community's support for or against the proposed Araby Drive bridge. The consensus of the Araby Cove community will be provided to the City Council for its consideration at a future Council meeting to be scheduled. You will receive an advance notice of the scheduled meeting date, at which time City staff will present the proposed Araby Drive bridge project to the Council, including the information outlined in this letter from the Araby Cove Neighborhood Organization. Any interested party will have the opportunity to speak to the Council at the scheduled meeting to express their opinion about this project.

Thank you for your interest in this project. If you have any questions, please feel free to contact me at (760) 323-8253 X8732, or at [Dave.Barakian@palmspringsca.gov](mailto:Dave.Barakian@palmspringsca.gov).

Sincerely,



David J. Barakian, P.E., P.T.O.E.  
Director of Public Works/City Engineer

enc

## Marcus Fuller

---

**From:** John Allen  
**Sent:** Tuesday, May 01, 2012 6:09 PM  
**To:** Marcus Fuller  
**Cc:** Scott Ventura  
**Subject:** Rim Road Access

Marcus,

The Fire Department fully supports the construction of a bridge at the Araby wash. Rim Road is an existing, private, non-conforming roadway that does not meet the roadway standard that the Fire Department requires. I have copied and pasted the Fire Apparatus Access Road section out of our PSFD Development guidelines Appendix K, which is adopted as the Fire Code for the City of Palm Springs. Please pay particular attention to the highlighted sections for current requirements. When Araby road is washed out, Rim Road is the only access into the Araby cove area. We know from past weather events that re-opening Araby road can take days or weeks to complete. The Fire Department not only responds to Structure Fires in this area but also responds to; Medical aids, Wildland Fires, Seismic events and Water Rescues to name a few. This discussion has not even taken into account the possibility of a rockslide during seismic activity and blocking Rim Road for an unknown amount of time. Having a reliable, all-weather access, roadway to provide Fire and Life Safety services to all of the citizens is imperative and encouraged by the Palm Springs Fire Department.

### 9.0 FIRE APPARATUS ACCESS ROADS

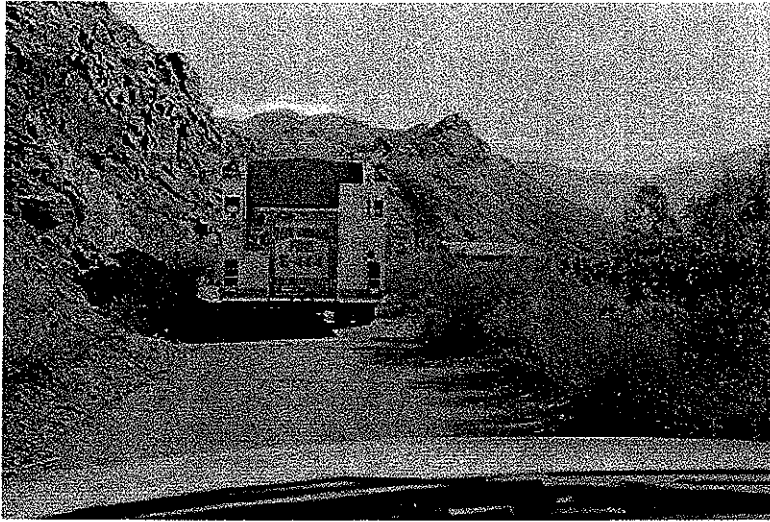
#### General

9.1 This section has been developed to assist development applicants, architects, contractors, and building/business owners in determining the minimum requirements for the design of fire apparatus access roads for consistency with the best practices of the fire code in the interest of public safety.

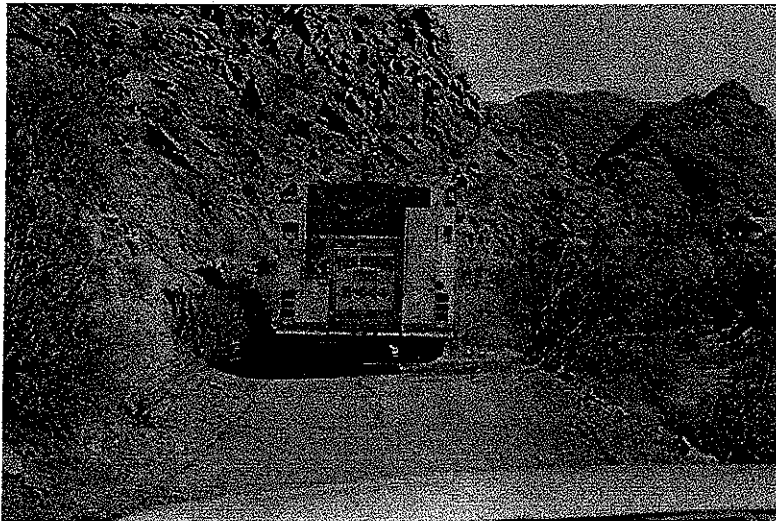
#### Requirements

9.3 Private streets shall have a minimum width of at least 20 feet pursuant to California Fire Code 509.2.1

I have attached numerous pictures taken with our Fire Apparatus that serves the area, please see comments below:

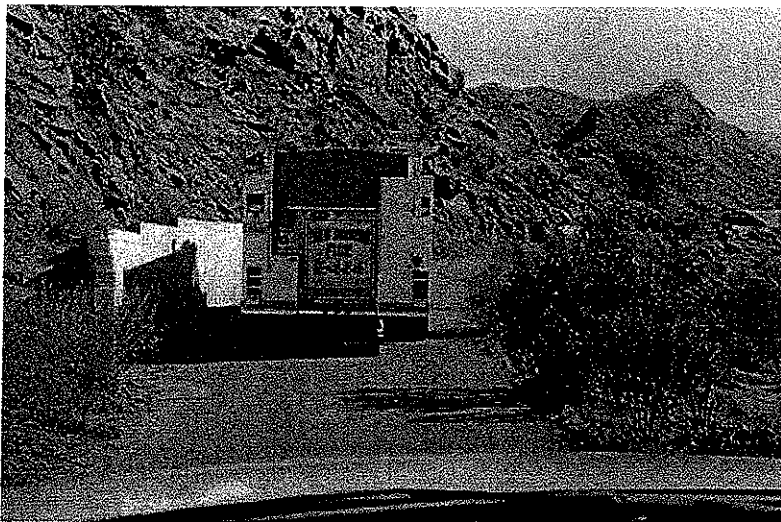


Unable to pass, narrow road width on corner



Unable to pass

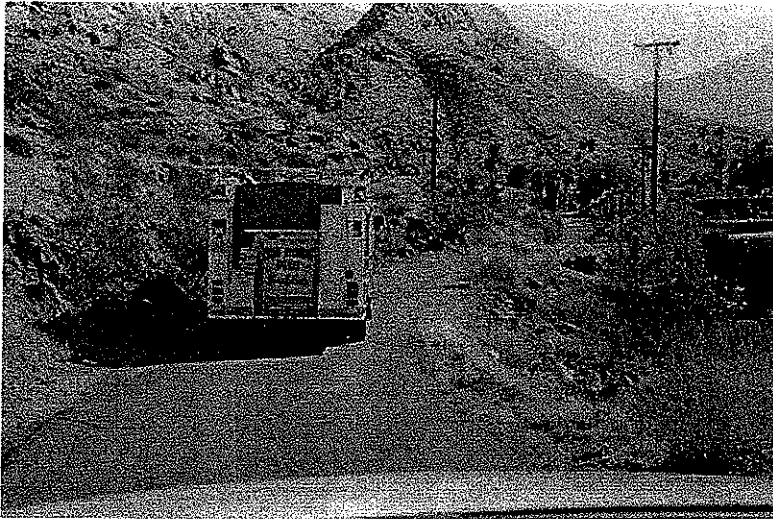




Unable to pass, even with turnout.



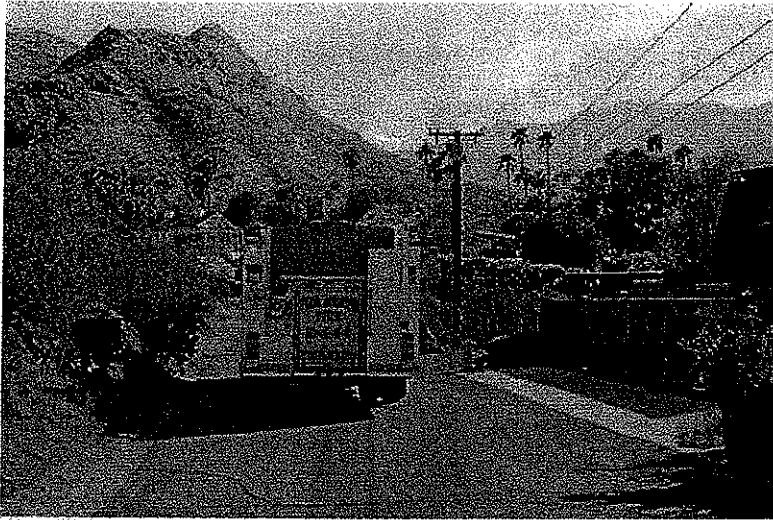
Unable to pass, narrow road width on blind corner.



Unable to pass, narrow road width.



Unable to pass, narrow road width.



As with all photos on this road, if firefighting operations were to take place, Rim Road would not allow additional emergency vehicles into the area or citizens out. Imagine having hose-lines deployed from the Fire Engine and placed in the roadway.

Please let me know if I can be of further assistance.

## **John R. Allen II**

Deputy Chief / Fire Marshal  
300 N. El Cielo  
Palm Springs, CA 92262



Office: 760-323-8187  
Cellular: 760-218-4278  
Fax: 760-778-8430

ARABY COVE NEIGHBORHOOD ORGANIZATION

Dear Araby Cove Residents,

May 3, 2012

As most of you know, the City of Palm Springs is planning to build an \$11 million Araby Drive Bridge across the Palm Canyon Wash. The intent of this letter is to inform you about the bridge project in order for you to make a decision on whether you are for or against this proposed bridge.

On April 16, 2012, twenty-eight Araby Cove residents attended a meeting at City Hall voicing their concerns and mainly opposition to the building of this bridge. Marcus L. Fuller, Assistant Director of Public Works/Assistant City Engineer, Department of Public Works and Engineering, who developed this bridge concept, and Lee Bomo, Director of Neighborhood and Community Relations, City of Palm Springs, gave the neighborhood group a chance to be heard by asking it to gather the names and yea and nay votes of the Araby Cove residents.

The City says the bridge will take two years to build, and in the meantime the City would build an auxiliary road adjacent to the current Araby Drive to allow access to the neighborhood. The bridge appears to begin at the north end of Araby Drive, where the road drops down into the Palm Canyon Wash. It would be approximately 15 feet high crossing over towards the telephone poles in an easterly direction and then gradually turn west and level out at the bottom of Araby Drive coming to rest at 2200 S. Araby Drive before the road climbs the hill. The bridge is being built high enough to allow for equestrian purposes; however in the event of a flood, heavy equipment would still be needed to clear away the high piles of sand that the floods bring into the wash.

What follows is an outline of how this bridge would affect the Araby Cove neighborhood. It is based on points brought up by Araby Cove residents.

- I. The removal of the many smoke trees and desert willows will make the beautiful Palm Canyon Wash a barren land and remove much of the beauty that the current Araby Drive provides. The vegetation will be uprooted and replaced with concrete, abutments, and levees.
- II. The construction of this bridge will disrupt the habitat of the endangered species Casey June Beetle.
- III. The residents were not informed of the decision to build the bridge until after the City's submission of funding request and approval.
- IV. The proposed 12-15 feet high concrete levee that will be connected to the bridge will destroy the view of the wash and create an eyesore.
- V. The direction of the proposed bridge will affect some of the residents by the on-coming headlights that will shine into the properties at night.
- VI. The neighborhood already has an "all weather road" called "Rim Road", which has functioned just fine since 1925, without incident; the garbage, fire, police, and maintenance trucks, as well as mail delivery vehicles manage quite well during the infrequent flooding events. While most of Rim Road is public, the rest of the road has an established prescriptive easement to allow access to the neighborhood.
- VII. The projected cost of this bridge is \$11,000,000 of federal funds, more than \$100,000 per resident. Many of the residents think that these funds could be put to better use.
- VIII. Bridges and levees invite graffiti and homeless persons; currently the neighborhood is experiencing graffiti on existing levees.
- IX. The City might want to consider the expense of maintaining a clear passage under the bridge for equestrians and the removal of accumulated debris after flooding.
- X. The City was asked to provide a breakdown of the cost for the last 20 years for the removal of sand from the wash. As of this date no such breakdown has been received. Presumably the existing road crossing the Palm Canyon Wash is not a regular maintenance issue.

- XI. There may be concerns about the long-term maintenance of the bridge with strains on city budgets. These days the City may not have any alternative but to create an assessment district on the neighborhood to maintain this bridge in the future.
- XII. Comments supporting the construction of a bridge: A) emergency vehicles would have an "all weather" access to the neighborhood, B) it is a matter of health and safety, C) the neighborhood would like to have a voice in the design implementation of the bridge so that it is functional yet aesthetically appealing as the entrance to the neighborhood, D) the City should be asked to bury the power lines at the bare minimum in the wash and preferably the entire line, E) a pedestrian walk/bike way should be added.
- XIII. Attached is a Public Notice appearing in The Desert Sun on April 28, 2010, page H4, provides a Notice for Request for Proposals for Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash with a submission deadline of May 22, 2012.

Hopefully this letter has brought to light some of the many aspects on how this construction project will affect all of us living in Araby Cove. We were informed that if we have a majority of residents voting against this bridge, we may be able to stop the bridge project in time, before the City signs the dotted line to accept the \$11,000,000.

This means we have to act fast, and that means this week is of the utmost importance for all of us to cast our vote, either for or against this project, in order for us to get this letter and the tally of the votes to the City. We have a deadline that we must adhere to, and therefore we are asking everyone to please help in signing the petition enclosed and returning it to The City Clerk to deliver the votes of the Araby Cove Residents.

We will be most happy to speak with you if you have any questions or further concerns regarding this matter, but time is of the essence. Please call Andy Hollinger at 760-323-3499, or e-mail him at [andyhollinger@mac.com](mailto:andyhollinger@mac.com)

Sincerely,  
Araby Cove Neighborhood Organization  
Kerstin Pollack, Chair  
Theresa Hoyt, Vice Chair  
Andy Hollinger, Member

Attachment:  
1. Public Notice for Request of Proposals

**CITY OF PALM SPRINGS, CA  
NOTICE FOR REQUEST FOR PROPOSALS (RFP) #17-12  
PROFESSIONAL SERVICES FOR  
ARABY DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT  
AT PALM CANYON WASH, CITY PROJECT NO. 11-02  
FEDERAL AID PROJECT NO. BR-NEIL (521)**

**NOTICE IS HEREBY GIVEN** that the City of Palm Springs is requesting proposals from qualified professional firms to provide the City with professional services related to the Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash (City Project #11-02), (hereinafter the "Project"). The selected firm will be expected to provide required professional services to complete the Project Approval/Environmental Document ("PA/ED") phase of the Project, and subsequently provide required professional services to complete the design and right-of-way phases.

**PROJECT LOCATION:** Araby Drive across the Palm Canyon Wash in Palm Springs, California.

**SCOPE OF SERVICES:** The initial scope of work generally includes all professional services associated with completion of the Project Approval / Environmental Document ("PA/ED") Phase, including up to 30% design to support the environmental document. Subsequent phases will include completion of plans, specifications and estimate ("PS&E"); completion of all right-of-way services; and design support during construction.

**OBTAINING RFP DOCUMENTS AND ADDENDA:** The RFP document may be downloaded via the internet at [www.palmspringsca.gov](http://www.palmspringsca.gov) (go to Departments, Procurement, Open Bids & Proposals), or by calling the Division of Procurement and Contracting, (760) 322-8373. Upon downloading the RFP via the internet, contact Cheryl Martin, Procurement Specialist I, via email at [Cheryl.Martin@palmspringsca.gov](mailto:Cheryl.Martin@palmspringsca.gov) to register as a firm interested in this project. Failure to register may result in not receiving addenda to the RFP.

**EVALUATION OF PROPOSALS AND AWARD OF CONTRACT:** This solicitation has been developed in the "Request for Proposals" (RFP) format. Accordingly, firms should take note that the City will consider multiple criteria in selecting the most qualified firm. Consistent with Federal, State and Local laws for the acquisition of professional services, price is **NOT** an evaluation criteria. Cost proposals submitted in separate sealed envelopes are not opened, nor considered during proposal evaluations. Upon selection of the most qualified firm, the associated cost proposal will be used as a basis for contract negotiations. A contract shall be negotiated on the basis of the submitted Cost Proposal, and in consideration of reasonable and mutually agreed project costs and time requirements. Should successful negotiations not occur with the highest ranked firm, the City may, at its sole discretion, choose to enter into negotiations with the second highest ranked firm, and so on. **NOTE:** As this is a Federally funded project, the City's Local Preference Ordinance is NOT applicable pursuant to the federal exclusions.

**DEADLINE:** All proposals must be received in the Division of Procurement and Contracting, 3200 E. Tahquitz Canyon Way, Palm Springs, CA, 92262 by 3:00 P.M., LOCAL TIME, TUESDAY, MAY 22, 2012. The receiving time in the Procurement Office will be the governing time for acceptability of Proposals. Telegraphic and telephonic Proposals will not be accepted. Reference the RFP document for additional dates and deadlines. Late proposals will not be accepted and shall be returned unopened.

ATTACHMENT 2

PROGRAM SUPPLEMENT NO. N037

**PROGRAM SUPPLEMENT NO. N037**  
to  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 08-5282 R**

**Adv Project ID**                      **Date:** April 27, 2012  
0812000215                      **Location:** 08-RIV-0-PSP  
**Project Number:** BR-NBIL(521)  
**E.A. Number:**  
**Locode:** 5282

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/07/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the Administering Agency on \_\_\_\_\_ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

Araby Drive over Palm Canyon Wash from Stagecoach Road to Anza Trail

**TYPE OF WORK:** New bridge to replace low water crossing

**LENGTH:** 0.3(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L1CE		LOCAL	OTHER
\$1,352,000.00		\$1,196,926.00	\$155,074.00	\$0.00

**CITY OF PALM SPRINGS**

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
**Chief, Office of Project Implementation**  
**Division of Local Assistance**  
Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

**Accounting Officer** Jasmine Yee                      **Date** 4/27/12                      \$1,196,926.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT



STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION  
PROGRAM SUPPLEMENT AND CERTIFICATION FORM  
PSCF (REV. 01/2010)

TO: STATE CONTROLLER'S OFFICE  
Claims Audits  
3301 "C" Street, Rm 404  
Sacramento, CA 95816

DATE PREPARED:  
4/27/2012

PROJECT NUMBER:  
0812000215

REQUISITION NUMBER / CONTRACT NUMBER:  
RQS 08120000653

FROM:  
Department of Transportation

SUBJECT:  
Encumbrance Document

VENDOR / LOCAL AGENCY:  
City of Palm Springs

\$ 1,196,926.00

PROCUREMENT TYPE:  
Local Assistance

CHAPTER	STATUTES	ITEM	YEAR	PEC / PECT	TASK / SUBTASK	AMOUNT
33	2011	2660-102-890	2012	2030010300	262042	\$ 1,196,926.00

ADA Notif For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

**SPECIAL COVENANTS OR REMARKS**

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if

SPECIAL COVENANTS OR REMARKS

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

**ATTACHMENT 3**  
**RESOLUTION**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT NO. N037 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,352,000, FOR THE ARABY DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT PALM CANYON WASH, CITY PROJECT NO. 11-02, FEDERAL-AID PROJECT NO. BR-NBIL (521), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS

WHEREAS, the City of Palm Springs has submitted to the California Department of Transportation a request for authorization to proceed with the Preliminary Engineering phase of the Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash, City Project No. 11-02, requiring obligation of \$1,196,926 of Highway Bridge Program ("HBP") federal-aid funds; and

WHEREAS, the California Department of Transportation has prepared Program Supplement No. N037 to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$1,196,926 of HBP federal-aid funds for Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash, City Project No. 11-02, Federal Aid Project No. BR-NBIL (521).

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Program Supplement No. N037 to administering Agency-State Agreement No. 08-5282R with the state of California, obligating \$1,196,926 of HBP federal-aid funds for the Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash, City Project No. 11-02, Federal Aid Project No. BR-NBIL (521), is hereby approved.

SECTION 2. The City Manager is authorized to execute and administer Program Supplement No. N037 as may be necessary.

Resolution No.

Page 2

ADOPTED THIS 6th day of June, 2012.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on June 6, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California