



City Council Staff Report

Date: June 1, 2016 CONSENT CALENDAR

Subject: APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE MESQUITE AVENUE STREET IMPROVEMENTS, CITY PROJECT NO. 12-01

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The Agua Caliente Band of Cahuilla Indians (Tribe) has allocated \$500,000 from its Indian Reservation Roads (IRR) Program to the City for design and construction of street improvements on Mesquite Avenue from Belardo Road to the Lykken trailhead.

The construction documents (Plans, Specifications and Estimate) are completed and, in accordance with Section 7.03.040 of the Procurement and Contracting Code the City Council is required to approve and adopt plans, specifications and working details, and authorize the bid request for all public projects in excess of \$100,000. Approval of this project will allow staff to proceed with this public project, with an estimated cost of \$432,130.

RECOMMENDATION:

Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for Mesquite Avenue Street Improvements project, City Project No. 12-01,

STAFF ANALYSIS:

On January 18, 2012, City Council approved an Intergovernmental Memorandum of Understanding by and between the Agua Caliente Band of Cahuilla Indians (Tribe) and the City of Palm Springs regarding Indian Reservation Road Program Funding for the Mesquite Avenue Improvements Project; and a Subcontractor Services Agreement by and between the Agua Caliente Band of Cahuilla Indians and the City of Palm Springs. The Tribe has determine to allocate to the City up to \$500,000 from its IRR funds to design and construct a project to widen Mesquite Avenue, west of Belardo Road.

Originally, the project was to include parking and associated improvements for the Lykken Trail at the west end of Mesquite Avenue, but because there was not the available right of way within the project limits, the Tribe agreed that they would include

the trailhead parking as part of their Nature Center entrance improvements. Tribal and City staff have determined that the project improvements will be a benefit to the Tribe and City.

This project required the services of a professional firm to perform the required environmental analysis, prepare the environmental documents, and to prepare plans and specifications for construction of the improvements. Staff prepared a Request for Proposals (RFP) to solicit environmental and civil engineering design services for this project. Through that process, the City selected and Council awarded a professional services agreement to DMC Design Group, Inc.

The scope of the project will provide for the following improvements on a 1,300-foot segment of Mesquite Avenue west of Belardo Road: road widening on the northerly side of Mesquite Ave. including pulverization and re-compaction of the existing roadway segment; Portland cement concrete (PCC) curb and gutter improvements along the northerly side of Mesquite Ave.; PCC sidewalk improvements along the southerly side of Mesquite Ave. from Lykken trailhead to the mobile home park entry; and PCC driveway, ramp, spandrel and cross-gutter improvements. A location map with a 500' influence radius from the project area is provided in Figure 1.



Figure 1 – Location Map

The plans and specifications ("contract documents") prepared by DMC have been reviewed and approved, and are ready to formally solicit construction bids for the Project. With City Council approval, staff will advertise the project in the *Desert Sun*, submit the Notice Inviting Bids to plan rooms, and provide the bid documents available free of charge to prospective bidders. A copy of the contract documents are on file with the Public Works & Engineering Department. A copy of the half-size plans is provided in **Attachment 1**.

The specifications identify the following tentative schedule for the bid process:

Notice Inviting Bids to be posted:	June 2, 2016
Deadline for receipt of bids:	3:00 PM, July 7, 2016
Contract awarded by City Council:	July 20, 2016

ENVIRONMENTAL IMPACT:

Section 21084 of the California Public Resources Code requires Guidelines for Implementation of the California Environmental Quality Act ("CEQA"). The Guidelines are required to include a list of classes of projects which have been determined not to have a significant effect on the environment and which are exempt from the provisions of CEQA. In response to that mandate, the Secretary for Resources identified classes of projects that do not have a significant effect on the environment, and are declared to be categorically exempt from the requirement for the preparation of environmental documents. In accordance with Section 15301 "Existing Facilities," Class 1 projects consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities; therefore, the Mesquite Avenue Street Improvements project is considered categorically exempt from CEQA, and a Notice of Exemption has been prepared and filed with the Riverside County Clerk. A copy of the Notice of Exemption is included as **Attachment 1**.

The project is funded, in part, by Title 23 funds through the Tribal Transportation Program. The expenditure of Title 23 funds constitutes a Federal action subject to compliance under the National Environmental Policy Act (NEPA).

On October 18, 2013, the Office of Federal Lands Highway, Federal Highway Administration, (FHWA), issued a letter and determined that the project qualifies for a Categorical Exclusion classification, based on the environmental compliance documentation prepared and submitted to FHWA by the Tribe. A copy of the NEPA Categorical Exclusion is included as **Attachment 2**.

FISCAL IMPACT:

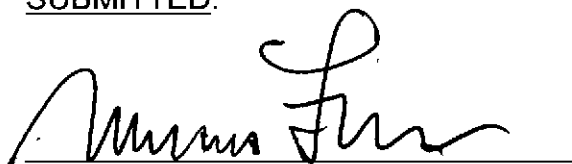
Federal Funding is made available through the IRR from the Agua Caliente Band of Cahuilla Indians in the amount of \$500,000 to complete the Mesquite Ave. Street Improvements, west of Belardo Road, from Belardo Road to the Lykken trailhead. Once bids are received, additional funds will be requested from the Tribe to cover any additional needed costs.

The final construction estimate for the Project is \$432,130. The Project budget and incurred expenditures are identified in Table 1 below.

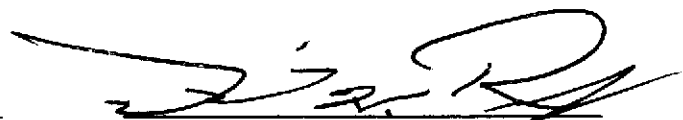
Table 1

Table of Project Costs	Amount
IRR Funding	\$500,000
IRR Funding (Additional Funds)	\$ 33,789
Design Services	(\$ 78,991)
Project Administration (through 5/19/2016)	(\$ 12,668)
Project Administration (Estimated)	(\$ 5,000)
Construction Inspection (Estimated)	(\$ 5,000)
Construction Cost (Estimated)	(\$432,130)
Budget Balance	(\$ 0)

SUBMITTED:



 Marcus L. Fuller, MPA, P.E., P.L.S.
 Assistant City Manager/City Engineer



 David H. Ready, Esq., Ph.D.
 City Manager

Attachments:

1. CEQA Notice of Exemption
2. NEPA Categorical Exclusion

Attachment 1

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

County Clerk
County of Riverside
2724 Gateway Drive
Riverside, CA 92507

FILED
RIVERSIDE COUNTY

NOV 27 2013

LARRY W. WARD, CLERK
By *[Signature]* M. Meyer
Deputy

Project Title: Mesquite Avenue Improvements Project

Project Location - Specific: The project is located on Mesquite Avenue, from Belardo Road to the entrance to the Tahquitz Canyon Visitors' Center/South Lykken Trailhead.

Project Location - City: City of Palm Springs **Project Location - County:** Riverside County

Description of Nature, Purpose, and Beneficiaries of Project:

In a joint effort between the City of Palm Springs and the Agua Caliente Band of California Indians, the proposed improvements will be constructed:

COUNTY CLERK
Neg Declaration/Air Dis. the
Filed per Indians, the
2/1/13
POSTED

ROADWAY IMPROVEMENTS:

Mesquite Avenue will be widened on the northerly side of the roadway beginning at Belardo Road and ending approximately 1,300 feet west of Belardo Road at the entrance to the Tahquitz Canyon Visitors' Center/South Lykken Trailhead. The proposed widening improvements are to match newly completed improvements at the intersection of Belardo Road and Mesquite Avenue. The roadway width will transition to match the City of Palm Springs' Local Street Standard. To avoid removal and replacement of existing Portland concrete cement (PCC) curb and gutter on the southerly side of Mesquite Avenue, it is assumed that the transition will occur entirely on the northerly side of Mesquite Avenue over a distance of ten (10) to twenty (20) feet. The widening component of the project includes the following:

NOV 27 2013
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By *[Signature]*
County of Riverside

- Infill PCC curb, gutter, sidewalk, driveway and ADA-compliant access ramps on both sides of Mesquite Avenue;
- Grading and possible construction of retaining structures behind the back of walk;
- Cul-de-sac, traffic round-about or some other design to allow traffic to turn around at the westerly end of Mesquite Avenue;
- Pavement rehabilitation to the existing pavement section of Mesquite Avenue, including as needed pavement removals, replacements and overlays, and necessary curb, gutter and sidewalk removals and replacements.

PARKING IMPROVEMENTS:

Off-road parking improvements on the southerly side of Mesquite Avenue are to be constructed near the entrance to the Tahquitz Canyon Visitors' Center/South Lykken Trailhead. The proposed off-road parking improvements will provide vehicle parking for day users of the Lykken Trail system and will included other associated improvements such as entry driveway, locking gate, drainage, signage, striping and ADA access to the Lykken Trail system.

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By *[Signature]*

Name of Public Agency Approving Project: City of Palm Springs
Name of Person or Agency Carrying Out Project: City of Palm Springs

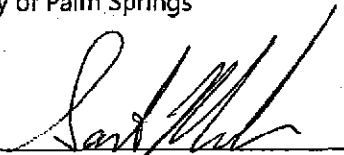
Exemption Status: (check one)

- Ministerial (Section 21080(b)(1); 15268);
- Declared Emergency (Section 21080(b)(3); 15269(a));
- Emergency Project (Section 21080(b)(4); 15269(b)(c));
- Categorical Exemption, State type and section number: 15301(c)
- Statutory Exemptions. State code number:

REASONS WHY THIS PROJECT IS EXEMPT: Section 15301, Class 1 Categorical Exemptions within the California Environmental Quality Act (CEQA) Guidelines consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Subsection (c) of Section 15301 consists of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

The proposed project will construct improvements including pavement rehabilitation, construction of curb, gutter, and sidewalk, the widening of Mesquite Avenue and parking enhancements near the entrance to the Tahquitz Canyon Visitors' Center/South Lykken Trailhead. The section of Mesquite Avenue, beginning at Belardo Road and ending approximately 1,300 feet west of Belardo Road is an existing roadway. The roadway and parking improvements associated with the project are minor in nature and will not expand uses beyond those that currently exist. Therefore, the project has been determined not to have a significant effect on the environment and is exempt from the provisions of CEQA under Section 15301(c).

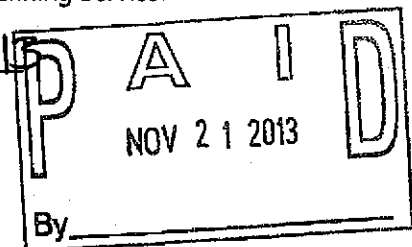
City of Palm Springs

By 
Savat Khamphou, Assistant Director of Public
Works/ Assistant City Engineer
Department of Public Works Staff

Date: 11-20-2013

By 
Edward O. Robertson, Principal Planner
Department of Planning Services

Date: 11.20.13



Attachment 2



October 18, 2013

CATEGORICAL EXCLUSION (CE)
Mesquite Avenue Improvements Project, TTP Route #P140

INTRODUCTION

The Federal Highway Administration (FHWA), in cooperation with the Agua Caliente Band of Cahuilla Indians (Tribe), proposes to make improvements to approximately 1,300 feet of Mesquite Avenue west of its intersection with Belardo Road in Palm Springs, CA. The project is located in Riverside County in Section 22 of Township 4S, Range 4E.

The project is funded, in part, by Title 23 funds through the Tribal Transportation Program (TTP). TTP funds are provided to Agua Caliente in accordance with the *Tribal Transportation Program Agreement between the Agua Caliente Band of Cahuilla Indians and the United States Department of Transportation, December 13, 2012*. In accordance with this agreement, the Tribe is responsible for project development, permit acquisition, contract management, construction, and construction oversight. The Tribe is also required to submit a complete Plans, Specifications, and Estimate (PS&E) package to FHWA prior to construction.

The expenditure of Title 23 funds constitutes a Federal action subject to compliance under the National Environmental Policy Act (NEPA). This NEPA CE is based on environmental compliance documentation prepared and submitted to FHWA by the Tribe.

PURPOSE AND NEED

Mesquite Avenue provides the only vehicular and pedestrian access route to Tahquitz Canyon, which is a popular tourist destination. The road is narrow in sections and is in poor condition, exhibiting alligator cracking and potholes. With continued deterioration, the roadway would eventually become impassable to automobiles. The roadway also lacks sidewalks and bike paths for pedestrians/bicyclists, which currently have to walk/ride in the roadway along the north side of Mesquite Avenue.

PROPOSED ACTION

Mesquite Avenue will be widened on the northerly side of the roadway, beginning at Belardo Road and ending approximately 1,300 feet west of Belardo Road at the entrance to the Tahquitz Canyon Visitor Center/South Lykken Trailhead. The proposed widening improvements will

match newly completed improvements at the intersection of Belardo Road and Mesquite Avenue. The roadway width will transition to match the City of Palm Springs' Local Street Standard (36 feet) and will include concrete curbs, sidewalks, bike paths, and landscaping.

Also, a small parking lot will be constructed on the southerly side of Mesquite Avenue near the entrance to the Tahquitz Canyon Visitor Center/South Lykken Trailhead. The proposed parking improvements will provide vehicle and bicycle parking for day users of the Lykken Trail system, and will include other associated improvements such as entry driveway, locking gate, drainage, signage, striping and ADA access to the Lykken Trail system.

ENVIRONMENTAL COMPLIANCE

A summary of key findings and approvals is provided below and was compiled from information provided by the Tribe.

Cultural Resources

The project is located within the boundaries of the Tahquitz Canyon National Register Site, which was previously determined eligible for listing on the National Register of Historic Places (NRHP) in 1972. In coordination with the Tribe, FHWA has determined the project will result in "no adverse effect" to the Tahquitz Canyon site, pursuant to 36CFR§800. This determination is based on the minor scope of the proposed project as well as the following recommended environmental commitments:

1. Agua Caliente Band of Cahuilla Indians will provide a Tribal monitor and a professional archaeologist to be present during all ground disturbing activities related to the project.
2. If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until the archaeologist can assess the nature and significance of the find. The archaeologist would consult with culturally affiliated Native Americans, where appropriate, depending on the type and specifics related to the artifacts that are unearthed.
3. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD).
4. The Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Officer will be immediately notified of any discovery of cultural or human remains.

Through consultation with the Agua Caliente Tribal Historic Preservation Officer (THPO) and in compliance with Section 106 of the National Historic Preservation Act, FHWA determined that the project will result in "no adverse effect" to any historic properties. The THPO concurred with this determination on October 9, 2013.

Additionally, as a historic property, the Tahquitz Canyon National Register Site is considered a Section 4(f) resource under the Department of Transportation Act of 1966. To make a *de minimis* impacts finding on a historic property, it must have a determination of either "no adverse effect" or "no historic properties affected" in compliance with Section 106 regulations. Therefore, based on the "no adverse effect" determination, FHWA finds that the project would have a *de minimus* impact on this Section 4(f) resource. The THPO concurred with this finding on October 9, 2013 as well.

Threatened and Endangered Species

The entire project lies within the boundaries of the Tribal Habitat Conservation Plan (THCP) for the Agua Caliente Indian Reservation and specifically within the THCP Valley Floor Conservation Area. The Plan provides the means to protect and contribute to the conservation of Federally-listed as well as other species within the Tribe's jurisdictional territory.

The only federally-listed species with potential to occur in the project area is the desert tortoise (threatened). Only low quality potential habitat for desert tortoise occurs within the project site, and the species is not expected to use the project study area to a meaningful level (i.e. rarely). The THCP requires no direct mortality for desert tortoise, and to ensure this, full avoidance measures will be conducted.

Full avoidance measures consist of:

- Prior to any ground disturbance, the Tribe will provide a qualified biologist to conduct a pre-disturbance presence/absence survey of the project area and adjacent areas within 200 feet of the project (or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained to determine if the desert tortoise occupies the site). The qualified biologist will survey for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the clearance window between February 15 and October 31. Presence/absence surveys require 100 percent coverage of the survey area. If no sign is found, no further surveys are required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the project area following negative survey results.
- If fresh signs are located, the project area must be fenced with tortoise-proof fencing and a presence/absence clearance survey conducted during the clearance window in order to find tortoises within the impact area for monitoring and potential relocation. Presence/absence clearance surveys must cover 100 percent of the project area. A presence/absence clearance survey must be conducted during different tortoise activity periods (morning and afternoon).
- All surveys, construction monitoring, and relocation (if necessary) will follow the Guidelines for Handling Desert Tortoises During Construction Projects prepared by The Desert Tortoise Council (1999), or other protocol accepted by USFWS at that time. If tortoises are found, they shall be relocated to a destination selected by the Tribe on a case-by-case basis to provide the greatest long-term conservation potential for the species (regardless of whether it is within the Action Area), considering factors such as habitat

characteristics, long-term viability, and the presence/status of existing populations of this species on the available sites. Then-current protocols shall be used in handling individuals.

Given the low potential for presence of desert tortoise in the project area and the avoidance measures to be undertaken, FHWA determined the project would have no effect on any threatened or endangered species in compliance with the Endangered Species Act.

Wetlands and Floodplains

There are no wetlands or floodplains located in the project area, therefore the proposed action will have no impacts on either resource.

Air Quality

The proposed project fully conforms to the regional air quality implementation plan's purpose of attaining and maintaining national ambient air quality standards. No violations of state or national air quality standards are predicted to occur from the long term operation of the project, so no mitigation is required for operational impacts.

Construction of the project may result in short-term impacts to air quality, specifically related to fugitive dust generation, mobile source emissions, and blowsand disturbances. Because the project site is located in a nonattainment area for PM₁₀, all of the particulate control measures related to construction activities as outlined below, will be implemented.

AQ1. An approved dust emissions control plan will be obtained as outlined in the South Coast Air Quality Management District (SCAQMD) subparagraph (e) of Rule 403.1.

AQ2. The contractor will meet all applicable fugitive dust control measures as outlined by SCAQMD under Rule 403.1, General Requirements, Section (d). As outlined under Rule 403.1 (SCAQMD, April 2, 2004):

A person who conducts or authorizes the conducting of an active operation shall implement at least one of the control actions specified in Rule 403, Table 2 for the source category "Inactive Disturbed Surface Areas" to minimize wind driven fugitive dust from disturbed surface areas at such time when active operations have ceased for a period of at least 20 days (SCAQMD, 2004).

AQ3. Furthermore, the following BMPs will be implemented:

- Drive only on existing roads outside construction areas
- Limit speed on dirt roads to 32 kph (20 mph)
- Limit disturbance to vegetation when possible

AQ4. To limit trackout (i.e., trucks and equipment tracking out dirt from construction staging areas and access roadways onto paved surfaces), a minimum of 10 centimeters (4 inches) of gravel will be maintained at all site entrances and exits.

AQ5. Dust abatement measures will conform with Section 10 (Dust Control), Section 7-1.01F (Air Pollution Control), Section 17 (Watering), and Section 18 (Dust Palliative) of Caltrans *Standard Specifications* (Caltrans, July 1999). In addition, all requirements outlined in SCAQMD's Rules 401, 402, 403, and 403.1 will be met, along with the provisions outlined in Chapter 8.50 (Fugitive Dust Control) of the Palm Springs Municipal Code.

CONCLUSION

Consistent with the FHWA regulations and based upon the above considerations, FHWA has determined this project: 1) will not have a significant effect on the human environment, and 2) falls within the categories of actions covered by FHWA's CE regulations, and therefore meets the CE definition contained in 40 CFR 1508.4. FHWA finds this work constitutes an action listed under 23 CFR 771.117(a) because: 1) the action will not induce significant impacts to planned growth or land use for the area; 2) the action will not require the relocation of any people; 3) the action will not have a significant impact on any natural, cultural, recreational, historic, or other resource; 4) the action will not involve significant air, noise, or water quality impacts; 5) the action will not have significant impacts on travel; and 6) the action will not otherwise either individually or cumulatively, have any significant environmental impacts. Further, FHWA finds this work to constitute an action listed within the national listing of CEs, 23 CFR 771.117(d) (1) modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (e.g., parking, weaving, turning, climbing). The proposed action does not include unusual circumstances as listed in 23 CFR 771.117(b) that would make the CE classification improper.

RECOMMENDED BY:

Terry Schumann

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 email=terry.schumann@dot.gov, c=US
 Date: 2013.10.18 15:08:57 -07'00'

10-18-13

Date

Terry Schumann
 Environmental Protection Specialist
 Tribal Transportation Program
 Federal Highway Administration

APPROVED BY:

ROBERT W SPARROW

Digitally signed by ROBERT W SPARROW
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 ou=FHWAMHQ, cn=ROBERT W SPARROW
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10/21/13

Date

JAC Joyce A. Curtis,
 Associate Administrator for
 Office of Federal Lands Highway,
 Federal Highway Administration