



City Council Staff Report

Date: February 18, 2009 CONSENT CALENDAR

Subject: APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E)
AND AUTHORIZATION TO BID THE SAFE ROUTES TO SCHOOL,
STATE FUNDED PROJECT, CITY PROJECT NO. 08-06

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

SUMMARY

The City received a \$329,400 state grant through the Safe Routes to School (SR2S) program from the California Department of Transportation ("Caltrans") for construction of new sidewalk and ADA access ramps, and installation of in-pavement lighted crosswalks, flashing beacons, and warning signs at various locations in the vicinity of four Elementary Schools. The construction documents (Plans, Specifications and Estimate) are completed and, in accordance with 7.03.040 of the Procurement and Contracting Code the 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 approximately \$270,000.

RECOMMENDATION:

- 1) Approve the plans, specifications, and working details for the Safe Routes to School Project, City Project No. 08-06.

STAFF ANALYSIS:

In November 2007, the Public Works and Engineering Department applied to Caltrans for the 7th Cycle of Safe Routes to School (SR2S) program funding for infrastructure improvements at four elementary schools in Palm Springs. The application provided details on a collaborative community-based project at four school sites in the City, designed to increase the safety of students walking and biking to and from school. The City requested \$329,400 in state funding for this project, for a total project cost of \$366,000.

ITEM NO. 2.H.

In March 2008, after a competitive review, Caltrans approved the requested funding amount. More than 480 applications were submitted by local agencies from around the state, and only 139 were approved for funding.

The project includes construction of a new sidewalk on the east side of Via Miraleste between Via Escuela and Racquet Club Road, to provide safe access for students to walk to Vista Del Monte Elementary School using the flashing beacon at the cross-walk at Racquet Club Road. The project also includes construction of a flashing beacon with in-pavement lights and access ramps at the following locations:

- 1) Paseo Dorotea at Camino San Simeon at Cielo Vista Elementary School
- 2) Mesquite Avenue west of Calle Palo Fierro at Cahuilla Elementary School
- 3) Tachevah Drive at Asher Drive at Katherine Finchy Elementary School

Staff has prepared the plans and specifications for bidding this project, and coordinated with property owners along Via Miraleste regarding the proposed sidewalk construction and its impact to existing front yard landscaping and other improvements. On January 6, 2009, staff received a formal letter of protest from Scott Kennedy, Board Member of the Racquet Club Estates Neighborhood Organization, which included signed petitions opposing construction of the new Via Miraleste sidewalk from 7 of the 12 property owners along the east side of Via Miraleste (see Attachment 1). Mr. Kennedy's letter cites the following reasons for opposition to the proposed sidewalk:

- 1) Disruption and alteration to their properties;
- 2) Severe (in some cases) financial costs associated with modifications they must personally bear in preparation for the sidewalk installation;
- 3) Absolutely no need for the sidewalk...no knowledge of any school-age children residing in their neighborhood...the neighborhood has never been one that attracted families with children

The seven signed petitions from the affected property owners state:

We...hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

In applying for the Safe Routes to School (SR2S) grant, the City collaborated with the Palm Springs Unified School District (PSUSD) and the Palm Springs Police Department. After receipt of Mr. Kennedy's letter and petitions against the proposed Via Miraleste sidewalk, staff forwarded the information to Ms. Lorraine Becker, Assistant Superintendent for the PSUSD, for her review. On January 22, 2009, Ms. Becker provided a response for the City's consideration (see Attachment 2). Ms. Becker's response indicates the following facts:

- 1) There are currently 38 PSUSD students living within the neighborhood bordered by Via Miraleste, Via Escuela, Avenida Caballeros, and Racquet Club Road (see Attachment 3 for map), of which 17 students attend Vista del Monte Elementary School.
- 2) Ms. Becker and the Principal of Vista del Monte Elementary School believe the proposed sidewalk is an important safety element, and is one of the 5 required SR2S grant components, identified as the "5 E's": Engineering, Education, Encouragement, Enforcement and Engagement. The sidewalk is but one component ("Engineering") of the overall goal of encouraging walking and bicycling to school while increasing student safety.
- 3) PSUSD distributed surveys to their students' parents regarding pedestrian safety, and 192 surveys were returned, with parents citing road safety along Via Miraleste due to traffic and lack of sidewalks as a primary concern.

Therefore, in responding to Mr. Kennedy's formal letter of protest and the cited reasons for opposing construction of the new Via Miraleste sidewalk, the following facts are identified:

- 1) The sidewalk is being constructed within the City's right-of-way, not on private property;
- 2) The affected property owners have no financial responsibility with regard to the proposed sidewalk. Costs for removal of existing landscaping and other improvements within the City's right-of-way is a part of the project; no costs are the property owner's responsibility;
- 3) PSUSD has provided information that shows 38 PSUSD students live within the adjacent neighborhood, of which 17 students attend Vista del Monte Elementary School; and
- 4) Sidewalks inherently improve pedestrian safety.

One question regarding the location of the Via Miraleste sidewalk related to its location on the east side of the street, as opposed to the west side of the street. An argument may be made that a sidewalk on the west side of Via Miraleste does not have any intersecting streets in between Via Escuela and Racquet Club Road, and thus, no need for students to cross an intersecting street. Whereas the proposed sidewalk on the east side of Via Miraleste crosses two local streets (Alexander Way and Spencer Drive), creating a less safe pedestrian route. However, this does not take into account that the existing flashing beacon cross-walk at Racquet Club Road is located on the east side of Via Miraleste, and further, that 8 of the 17 students living in the subject neighborhood that attend Vista del Monte Elementary School live on Alexander Way. If located on the west side of Via Miraleste, many of the students would have to cross Via Miraleste to the west side to reach the sidewalk, and then cross again at Racquet Club Road to reach the flashing beacon cross-walk. Staff recommends that the sidewalk be constructed as currently proposed, on the east side of Via Miraleste, in light of the facts outlined above.

Staff prepared a written reply to Mr. Kennedy's formal letter of protest and petitions, and provided notice of staff's recommendation to City Council to approve construction of the proposed sidewalk at the February 18, 2009, City Council meeting. A copy of the letter was mailed to each property owner along the east side of Via Miraleste between Via Escuela and Racquet Club Road (see Attachment 4).

Section 7.03.040 of the Procurement and Contracting Code requires that for public projects in excess of \$100,000 Council approve and adopt the plans, specifications and working details, and authorize staff to advertise for construction bids. The Engineer's Estimate for this project is \$270,000. Approval of the recommended action will allow staff to proceed with bidding of this project.

FISCAL IMPACT:

This project is funded with 90% in state grant funds through the Safe Routes to School grant, account 261-4491-50269, and with 10% local matching funds in Local Measure A account 134-4498-50269. No General Funds are required for this project.

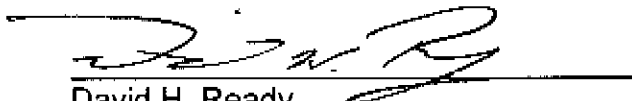
Submitted:



David J. Barakian
Director of Public Works/City Engineer



Thomas J. Wilson
Assistant City Manager



David H. Ready
City Manager

Attachments:

1. Neighborhood Petition
2. PSUSD Response
3. Via Miraleste Neighborhood Map
4. City Notification Letter

ATTACHMENT 1

PETITION

Mr. Barakian:

My fellow members of the Board of Racquet Club Estates Neighborhood Organization (R.C.E.N.O.) have asked me to investigate issues surrounding the proposed "Safe Routes 2 School" program. In particular, we refer to the "improvement" addition of a sidewalk along the east side of N. Via Miraleste, between Via Escuela and Racquet Club Road.

I have received input from a majority of the Via Miraleste and other homeowners directly affected by the proposed sidewalk. For a variety of reasons, R.C.E.N.O., and a number of the impacted homeowners wish to formally state our unyielding objection to this project. The reasons are as follows:

- Disruption and alteration to their properties.
- Severe (in some cases) financial costs associated with modifications they must personally bear in preparation for the sidewalk installation.
- Absolutely no need for the sidewalk; the residents repeatedly state that they have never seen students of any age using Via Miraleste to access school facilities. They also state they have no knowledge of any school-age children residing in the neighborhood. Moreover, the area's long term residents – who have lived in the Racquet Club Estates for several decades – state that this neighborhood has never been one that attracted families with children, mainly due to the smallness of the houses themselves. The neighborhood is primarily composed of single individuals, couples without children, retirees, and owners who utilize their units as weekend retreat or vacation homes.

For several days in early November, I personally conducted an unofficial survey of the area on Via Miraleste, south of the Racquet Club Road. This survey occurred at the end of the school day at Vista del Monte Elementary School. At no time did I view a single child using Via Miraleste. In point of fact, only one child crossed Racquet Club Road at Via Miraleste, with the assistance of a crossing guard, after which the child proceeded east on Racquet Club Road.

We understand that the scope of the Safe Routes 2 School program includes improvements to entice students to walk to school. Yet if this neighborhood does not contain an appreciable number of students currently enrolled at Vista del Monte School, it is very unlikely to change in the future. This makes it extremely difficult for us to understand what benefits will be derived from the proposed sidewalk.

In regard to the application for the funds themselves, issued by the City of Palm Springs:

- On page 5 of the City of Palm Springs application for this project's funds, the City notes the socioeconomic characteristics of the families served by Vista del Monte School. The statistics fail to depict our residents in any way and give us

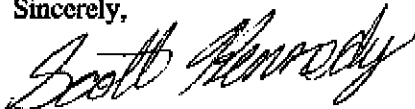
the impression that the vast majority of students live outside of the neighborhood. We believe the existence of a sidewalk would do little to tempt them to use it.

- On page 20 of the application there is a satellite image depicting "Pedestrian and Bicycle Victims for Children Aged 5-15 Years, between 2003 and 2005". This image clearly shows that there were no incidents on Via Miraleste, or even in the vicinity of Vista del Monte School. This document actually shows that there were four such incidences at Ave. Caballeros and Vista Chino, and one at Ave. Caballeros and Via Escuela, all areas that already have sidewalks. We wonder why the City failed to identify this area as the candidate of improvement funds for the SR2S program. We also wonder why a sidewalk is considered a panacea for safety improvement at all; surely the satellite image demonstrates the opposite.
- The City states in the SR2S application that it anticipates a 2% rise in students walking to school, from 23% to 25%, in addition to 125 pedestrians citywide, with the proposed improvements being done at four area schools. If Vista del Monte School receives a quarter of that increase, or 31 additional pedestrians. We have a most difficult time accepting that this small section of Via Miraleste will bear the brunt of that traffic, and feel that the \$83,450 cost of this project can and should be used to a greater benefit elsewhere.

Clearly, our observations confirm that this is an egregiously unwarranted project. In these times of fiscal leanness and cutbacks it behooves every individual – and city – to eschew financial profligacy at all levels, particularly with the state of California budget being billions of dollars in the red. At the very least, these conclusions necessitate an independent, professional study of the area and a look at the demographics in regard to the location of actual students' homes. Please know that we will be conducting such a study ourselves, with the results distributed to the various local news outlets, including newspapers, radio and television stations.

Lastly, I want to thank you and your staff for assisting me with this matter. I appreciate your time and direction regarding this matter. We most appreciate, however, your reconsideration of the proposed Via Miraleste sidewalk project.

Sincerely,



Scott Kennedy
Board Member, Racquet Club Estates Neighborhood Organization

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

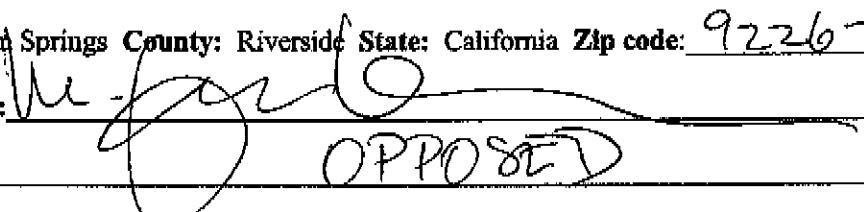
Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

We, the undersigned, residents of N. Via Miraleste Avenue and others directly impacted by the "Safe Routes 2 Schools", SR2S, 7th Cycle, Sidewalk Improvement Program, hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

Print Name: M. JOAN MARTIN
Print Address: 2100 VIA MIRALESTE. PS 92262
City: Palm Springs County: Riverside State: California Zip code: 92262
Signature: 
Opinion: OPPOSED

(Repeat)

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

We, the undersigned, residents of N. Via Miraleste Avenue and others directly impacted by the "Safe Routes 2 Schools", SR2S, 7th Cycle, Sidewalk Improvement Program, hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

Print Name: BRAD GEAGLEY

Print Address: 2188 N VIA MIRALESTE

City: Palm Springs County: Riverside State: California Zip code: 92262

Signature: *Brad Geagley*

Opinion: WASTE OF TIME, MONEY
A BOONDOGGLE BY AS GOVT!

(Repeat)

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

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Print Name: Brian Stout & Tima Rodrigues

Print Address: 2284 Via Miraleste

City: Palm Springs County: Riverside State: California Zip code: 92262

Signature: Scott Kennedy for Brian Stout & Tima Rodrigues

Opinion: Opposed to sidewalk

(Repeat)

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

We, the undersigned, residents of N. Via Miraleste Avenue and others directly impacted by the "Safe Routes 2 Schools", SR2S, 7th Cycle, Sidewalk Improvement Program, hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

Print Name: STEVEN AND CHRISTY EGENS

Print Address: 2334 N. VIA MIRALESTE

City: Palm Springs County: Riverside State: California Zip code: _____

Signature: Steve Egenes / Christy Egenes

Opinion: TOTALLY NOT NEEDED - BAD PLAN

DISRUPTIVE, WASTEFUL

(Repeat)

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

We, the undersigned, residents of N. Via Miraleste Avenue and others directly impacted by the "Safe Routes 2 Schools", SR2S, 7th Cycle, Sidewalk Improvement Program, hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

Print Name: JOHN McCALLUM & NADINE McCALLUM

Print Address: 2344 N. VIA MIRALESTE

City: Palm Springs County: Riverside State: California Zip code: 92262

Signature: John McCallum Nadine Y. McCallum

Opinion: This project is entirely un-
necessary and a waste of money - Use
(Repeat) the funds elsewhere!

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

We, the undersigned, residents of N. Via Miraleste Avenue and others directly impacted by the "Safe Routes 2 Schools", SR2S, 7th Cycle, Sidewalk Improvement Program, hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

Print Name: HELEN M. HORWICH

Print Address: 605 ALEXANDER WAY

City: Palm Springs County: Riverside State: California Zip code: _____

Signature: Helen M. Horwich

Opinion: I have lived at the present location since the mid-sixties, I feel a side-walk would be a waste of money since I have not seen or heard the children's laughter or Chatter in many years!
(Rcpcat)

PETITION

TO:

The City of Palm Springs
Department of Public Works and Engineering
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

FROM:

Racquet Club Estates Neighborhood Organization (R.E.C.N.O.), Residents of
North Via Miraleste Avenue, and other concerned citizens

RE:

Safe Routes to School Project, City Project No. 08-06

TO THE CITY OF PALM SPRINGS:

We, the undersigned, residents of N. Via Miraleste Avenue and others directly impacted by the "Safe Routes 2 Schools", SR2S, 7th Cycle, Sidewalk Improvement Program, hereby wish to register our severe dissatisfaction with the proposed addition of a sidewalk in our area. We believe that the addition does nothing to improve safety for students. It also adds undue financial strain upon the residents in a time of fiscal uncertainty, and destruction of aesthetic elements on the affected properties. We demand that the project be discontinued immediately.

Print Name: Joyce Novell

Print Address: 603 E SPENCER DR

City: Palm Springs County: Riverside State: California Zip code: _____

Signature: Joyce Novell

Opinion: NOT NEEDED - NO CHILDREN TO USE SIDEWALK
WASTE OF MONEY. DISRUPTION TO PROPERTY OWNERS

(Repeat)



ATTACHMENT 2
PSUSD RESPONSE

January 22, 2009

To: Marcus Fuller, Assistant Director of Public Works, Assistant City Engineer
George Farago, Associate Civil Engineer

Subject: Information Related to Safe Routes to School

This is in response to both telephone and email requests for information regarding the improvements the City of Palm Springs is planning based on the recently funded Safe Routes to School grant that was written in collaboration with the City of Palm Springs and the Palm Springs Unified School District.

1. Attached please find an Excel spreadsheet that identifies the number of students that currently reside in area bordered by Via Miraleste where the sidewalk improvements that were funded in the grant are located. There are currently 38 students who reside in the area bordered by Via Miraleste, Via Escuela, Avenida Cabelleros, and Racquet Club. The number of students could increase or decrease in future years.
2. I met with Principal Joe Scudder. We both drove the section on Via Miraleste where the proposed sidewalk improvements are located. We reviewed the five (5) required grant components identified as the 5 E's: Engineering, Education, Encouragement, Enforcement and Engagement. We both agree that after the engineering component, in this case the construction of sidewalk improvement, the other segments become critical to increasing the number of students walking and biking to school safely. The Safe Routes to School program has documented positive results for increasing the number of students walking and biking to school through increased safety features of the routes to school. However, the increase in the number of students who walk and bike does not take place without programs to engage the residents, encouragement and educational activities for students and their parents, and enforcement of vehicle and pedestrian codes by school staff and law enforcement.
3. Parent Survey Results: 192 parents returned surveys. Parents are concerned about their children's safety with specific comments: road safety along Via Miraleste due to traffic; lack of side walks. Other streets cited that flow to Via Miraleste were Frances & Via Escuela.

State Rout to School Grant Streets

Katherine Finch Elementary

Count of student	grade	0	1	3	4	5	6	7	8	9	10	11	12	Grand Total
104	homestree													
	George			1										
	Spencer				1	1								1
108	Alexander	1												2
112	Jacques			1										1
118	Alexander					1								1
	Berne	1												1
	Jacques		1											1
122	Alexander			1										1
124	Alexander		1	1	1	1								1
130	Alexander	2												4
210	Alexander						1	2						2
	Berne								1					3
	Jacques							1	2					1
	Roberto							1						3
220	Alexander							1						1
305	Alexander						1	2						4
	Berne								1					1
	George									2		1		1
	Jacques									1				3
	Roberto										1			1
	Spencer										1			1
310	Alexander											1		1
Grand Total		4	2	4	2	3	2	4	6	4	2	4	1	38

(17)

ATTACHMENT 3
VIA MIRALESTE NEIGHBORHOOD MAP



252 ft

CityGIS

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ATTACHMENT 4
CITY NOTIFICATION REGARDING SIDEWALK CONSTRUCTION



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.ci.palm-springs.ca.us

January 28, 2009

Mr. Scott Kennedy
Board Member
Racquet Club Estates Neighborhood Organization
2398 N. Starr Road
Palm Springs, CA 92262

Re: Safe Routes to School Grant; Via Miraleste Sidewalk

Dear Mr. Kennedy,

This letter is in reply to your letter of protest and the 7 petitions from property owners on Via Miraleste, all relating to the City's proposed construction of a new sidewalk on the east side of Via Miraleste from Via Escuela to Racquet Club Road. You will recall that you and I first communicated about this project via e-mail on December 2, 2008, where you asked how to formally appeal this project with the City. My recommendation to you was to circulate a survey or petition among all the property owners in the neighborhood to identify support for, or objection to, the proposed sidewalk. I also requested that you outline the neighborhood's specific objections to the proposed sidewalk, and how those objections outweigh the benefits to be gained by improving pedestrian safety for school children walking to Vista del Monte Elementary School. Ultimately, it was important for me to ensure that you and the neighborhood had an opportunity to voice your concerns.

You subsequently coordinated with the property owners along Via Miraleste, obtained 7 petitions objecting to the proposed sidewalk, and provided a letter outlining the neighborhood's reasons for objecting to the sidewalk. It should be noted, however, that there was no survey conducted of the overall neighborhood to determine a general support for, or opposition against the proposed sidewalk, other than from 7 of the directly affected property owners. The reasons you cited in your letter were identified as:

- 1) Disruption and alteration to their properties;
- 2) Severe (in some cases) financial costs associated with modifications they must personally bear in preparation for the sidewalk installation;
- 3) Absolutely no need for the sidewalk...no knowledge of any school-age children residing in their neighborhood...the neighborhood has never been one that attracted families with children

You also questioned why the City proposes the Via Miraleste sidewalk when the City's own application materials identify a higher concentration of accidents at the Vista Chino/Avenida Caballeros intersection; and that the \$83,450 cost of the project can and should be used to a greater benefit elsewhere.

Given the collaborative effort between the City and the Palm Springs Unified School District (PSUSD) on the Safe Routes to School (SR2S) grant, we forwarded your letter and petitions to PSUSD for their review and to provide an appropriate reply. A reply from PSUSD was received January 22, 2009, (see enclosed copy). The information provided by PSUSD includes the following facts:

- 1) Currently, 38 PSUSD students live within the neighborhood bordered by Via Miraleste, Via Escuela, Avenida Caballeros, and Racquet Club Road, of which 17 students attend Vista del Monte Elementary

School;

- 2) The proposed sidewalk is an important safety element, and is one of the 5 required SR2S grant components, identified as the "5 E's": Engineering, Education, Encouragement, Enforcement and Engagement. The sidewalk is but one component ("Engineering") of the overall goal of encouraging walking and bicycling to school while increasing student safety;
- 3) PSUSD distributed surveys to their students' parents regarding pedestrian safety, and 192 surveys were returned, with parents citing road safety along Via Miraleste due to traffic and lack of sidewalks as a primary concern.

Therefore, in reply to your formal letter of protest and submitted petitions, the following facts are identified:

- 1) The sidewalk is being constructed within the City's right-of-way, not on private property. While we agree the sidewalk construction is a temporary disruption to the property owners, the City requires its contractor to protect all private improvements not impacted by construction;
- 2) The affected property owners have no financial responsibility whatsoever with regard to the proposed sidewalk. Costs for removal of existing landscaping and other improvements, including adjustment and relocation of existing irrigation or other improvements within the City's right-of-way is a part of the project; no costs are the property owner's responsibility;
- 3) PSUSD has confirmed that 38 PSUSD students live in the adjacent neighborhood, of which 17 attend Vista del Monte Elementary School;
- 4) Sidewalks improve pedestrian safety.

The City's application materials included a graphic identifying a high concentration of accidents at the Vista Chino/Avenida Caballeros intersection. This intersection is with a state highway (a major arterial) and a secondary arterial, directly adjacent to a junior high school. The City has applied for, and received approval of, pedestrian safety improvements for this intersection as part of a federally funded Safe Routes to School program, which will be part of a separate project. While the volume of traffic and pedestrians at this intersection is higher than any intersection directly adjacent to Vista del Monte Elementary School, the need still exists to ensure no accidents ever occur with children walking or bicycling to school along Via Miraleste.

Finally, 90% of the cost of this project is paid for through the state SR2S grant, with the City's local 10% match coming from Local Measure A (transportation) funds. No local funds are used in this project. State legislation (California Streets and Highways Code 2330-2334) mandates the SR2S program, with the goal to:

...increase the number of children who walk or bicycle to school by funding projects that remove the barriers that currently prevent them from doing so. Those barriers include lack of infrastructure, unsafe infrastructure, lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.

Therefore, by law, the state is required to apportion a certain amount of transportation funds for the specific purpose of implementing the SR2S program; the apportioned funds can be used for no other purpose. Likewise, the City's matching funds are funds specifically earmarked for transportation improvements, and are not general purpose (miscellaneous) funds that could be used for public safety, parks/recreation or other purposes.

It is for these reasons that staff will be recommending to the City Council that the project proceed as planned, including construction of the sidewalk on the east side of Via Miraleste between Via Escuela and Racquet Club Road. It is our opinion that the reasons cited in your letter in opposition to the sidewalk do

Mr. Scott Kennedy
January 28, 2009
Page 3

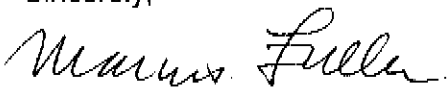
not outweigh the benefits to be gained by constructing the sidewalk, and its ability to improve pedestrian safety for children walking to school.

Staff's recommendation to proceed with construction of this project is scheduled for the February 18, 2009, City Council meeting. The staff report prepared for the City Council's consideration of this project will include a copy of your letter of protest and the petitions, the PSUSD response, and this letter. The City Council meeting is held at City Hall in the Council Chambers, 3200 E. Tahquitz Canyon Way, and begins at 6:00 P.M.

Approval of the project for bidding is considered a "Consent Calendar" item, and is not a Public Hearing item. Therefore, if you or any of the affected property owners want to offer additional information relevant for the City Council's consideration, it is important that you submit a "Speaker Card" (available in the City Council chamber) to the City Clerk prior to the start of the meeting, in order to speak during the Public Comment session following the scheduled Public Hearing items. Three minutes are assigned to each speaker. Following the Public Comment session, the City Council will consider the items listed on the Consent Calendar.

If you have any questions, please feel free to contact me at (760) 323-8253, extension 8744, or by e-mail at Marcus.Fuller@palmsprings-ca.gov.

Sincerely,



Marcus L. Fuller, P.E., P.L.S.
Assistant Director of Public Works/
Assistant City Engineer

cc: Lorraine Becker - PSUSD
Lee Husfeldt, Director of Neighborhood and Community Relations
M. Joan Martin, 1050 Tamansk Road, Palm Springs, CA 92262
Donald and Doris Parmelee, 2132 Via Miraleste, Palm Springs, CA 92262
Brad Geagley, 2186 Via Miraleste, Palm Springs, CA 92262
Stanley and Sheila Kendall, 2222 Via Miraleste, Palm Springs, CA 92262
Bnan Stout and Timo Rodrigues, 2284 Via Miraleste, Palm Springs, CA 92262
Helen Horwich, 605 Alexander Way, Palm Springs, CA 92262
Larry Pickard, 600 Alexander Way, Palm Springs, CA 92262
Steven and Christy Egens, 2334 Via Miraleste, Palm Springs, CA 92262
John and Nadine McCallum, 2344 Via Miraleste, Palm Springs, CA 92262
Joyce Novell, 603 Spencer Drive, Palm Springs, CA 92262
Jeffrey Hurkas, 600 Spender Drive, Palm Springs, CA 92262
Thoony Passidan, 601 Racquet Club Road, Palm Springs, CA 92262
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