



DATE: July 14, 2021

TO: Mayor and Members of the City Council

VIA: Peter Pirnejad, City Manager

FROM: Paul Nagengast, Project Advisor, Regional Government Services

SUBJECT: AUTHORIZING THE CITY MANAGER TO EXECUTE MAINTENANCE AGREEMENT BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION AND CITY OF FOSTER CITY FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing the City Manager to execute a Project Specific Maintenance Agreement between the State of California Department of Transportation (State) and the City of Foster City (City) for the Levee Protection Planning and Improvements Project (CIP 327-657).

Funding for the maintenance of improvements within State rights-of-way will be part of the Project maintenance of the completed Project established for the Levee Protection Planning and Improvements Project (CIP 327-657).

EXECUTIVE SUMMARY

In order for the City to secure the necessary Encroachment Permit from the State to work in areas of State right-of-way under the Highway 92 San Mateo Bridge and around Werder Pier, it is necessary for the City to agree to enter into a Maintenance Agreement with the State agreeing to maintain any improvements with the State rights-of-way.

The attached resolution authorizes the City Manager to execute the Maintenance Agreement between the State and City.

BACKGROUND

A portion of the Project improvements are necessary to be constructed within State rights-of-way under the Highway 92 San Mateo Bridge and adjacent to Werder Pier. The City is required to obtain an encroachment permit to work within the State rights-of-way to construct these improvements. The City has been diligently providing information to the State to meet State requirements for the City to secure an encroachment permit to construct these improvements. As a condition of the encroachment permit the City shall enter into a Maintenance Agreement with the State agreeing to maintain the improvements and any landscaping installed within State rights-of-way.

The Maintenance Agreement identifies the maintenance responsibilities to be performed by the City within State rights-of-way subsequent to the Project completion and any Project specified contractor required maintenance or plant establishment periods.

The State also requires a copy of the City resolution authorizing the signatory to execute the Maintenance Agreement on behalf the City.

The attached resolution authorizes the City Manager to execute the Maintenance Agreement between the State and City.

ANALYSIS

The Project Specific Maintenance Agreement identifies the improvements to maintain within State rights-of-way. Specifically:

- Walls, Soundwalls, and Columns: City is responsible for debris removal, cleaning and painting to keep City's side of any wall structure or column free of debris, dirt, and graffiti.
- Landscaped Areas: City is responsible for the maintenance of any plantings or other types of roadside improvements of Project lying outside of the fenced area restricting walk-on access to the freeway.
- Bicycle Paths, Lanes, and Cycle Tracks: constructed as permitted encroachments within State's rights-of-way, City is solely responsible for all permitted improvement, including but not limited to the paving, retaining walls, all structures related to Pathway, pathway signage, delineation, fencing guard railing, drainage facilitate, slope and structural adequacy. City will maintain, at City expense, a safe facility for bicycle travel along the entire length of the path/lane/cycle track by providing sweeping and debris removal when necessary; and all signing and striping and pavement markings required for the

direction and operation of that non-motorized facility.

The required maintenance within State rights-of-way will be part of the overall 6.5 mile maintenance of the completed Project and would be similar to the maintenance necessary throughout the completed Project.

FISCAL IMPACT

Funding for the maintenance of improvements within State rights-of-way will be part of the Project maintenance of the completed Project established for the Levee Protection Planning and Improvements Project (CIP 327-657).

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

The Levee Improvements Project is in alignment to the City Council's adopted Vision and Mission statements, in that it seeks to create a sustainable environment through infrastructure improvements for current and future generations to come. This item is also directly related to the "Facilities and Infrastructure" Value/Priority Area. The key outcome is to make substantial progress toward an improved levee on time and budget to protect the community and critical infrastructure from storms and high tide.

Attachments:

- Attachment 1 – Resolution
- Attachment 2 – Agreement
- Attachment 3 – Exhibit A - Plan Drawings
- Attachment 4 – Exhibit B - Statement of Self-Insurance for the City of Foster City through PLAN JPA