

TO: JAMES L. APP, CITY MANAGER
FROM: MEG WILLIAMSON, ASSISTANT TO THE CITY MANAGER
DOUG MONN, INTERIM DIRECTOR OF PUBLIC WORKS
SUBJECT: LIBRARY/CITY HALL SULFUR SPRING
DATE: JULY 5, 2005

Needs: For the City Council to receive and file a progress/status report concerning the City Hall/Library Sulfur Spring.

Facts:

1. On June 20, 2005, City staff and Council delegates met with representatives of FEMA/OES and Congressman Thomas' office to discuss the repair of the sulfur spring/parking lot.
2. At the meeting, FEMA representatives indicated that the project is clearly eligible for FEMA funding, but they could not commit to funding design or repair until after the completion of environmental review and project approval processes.
3. Additionally, the City's California-required environmental impact analysis awaits findings from the FEMA initiated Federal environmental review.
4. There are three components of the repair and FEMA Funding:
 - a) Costs of water flow control prior to a permanent fix;
 - b) Repair of the parking lot, and
 - c) Disposal of the sulfur water
5. The City has inquired about reimbursement for water flow control and parking lot repair prior to determining a disposal alternative. FEMA is preparing a project worksheet to document its commitment to reimburse for water flow control (pump infrastructure installation and on-going pumping costs). However, they have made it clear that any work to design or repair the parking lot before environmental review is complete will likely be interpreted as "pre-determining" a water disposal option. Such pre-emptive action would likely preclude FEMA reimbursement.
6. The estimated cost for parking lot repair design is \$134,000; the actual repair itself is estimated at an additional \$219,000 – a total of approximately \$353,000.
7. The parking lot design and repair is essentially the same for all water disposal options. Therefore, the City could, at its own risk, complete the design and repair of the parking lot collection system, resurfacing, and landscaping.
8. The risk of proceeding without the Federal environmental and project approval process being complete (FEMA approval) would be:
 - a) Possible time delay due to a challenge regarding the adequacy, completeness, and/or propriety of the environmental review process; and/or
 - b) Cost for design (\$134,000) and/or repair (\$219,000) if FEMA determines the action taken by the city is premature; and/or
 - c) An expedited repair of the parking lot may diminish the sense of urgency and momentum to permitting agencies relative to the construction of a permanent disposal option; and

- d) The environmental process may result in a water disposal alternative that requires redesign of the parking area to accommodate treatment or other long term mitigation currently unidentified.
9. The environmental review process is estimated to take an additional 2-6 months, depending on the level of public/agency comment received, and assuming no challenge.
 10. The City has received an Administrative Draft of the NEPA Environmental Assessment (EA) from FEMA, indicating progress/movement in the environmental process.
 11. The City has not received a Project Worksheet (PW) from FEMA to confirm the project's overall eligibility and/or the scope of costs they may determine to be eligible for reimbursement. However, based on FEMA comments at the June 20 meeting, it is anticipated that a PW will be written in two phases. The first, for all work since April 4, 2004 (end of Category B emergency response work) that leads up to but does not include final design of parking lot repair or other permanent design work; and the second being a supplemental PW for the final design and construction of all phases of work.
 12. Once environmental assessment is complete and Project Worksheets are written for the respective work, FEMA has confirmed that it is possible for the City to construct repairs in phases. This would allow the parking lot repair to occur in advance of permanent water disposal (in the event that the disposal method construction becomes bogged down in permitting or other complications).

Analysis
and

Conclusion:

Given the most recent schedule and directives from FEMA, the following steps are indicated for repair:

- a) Complete environmental assessments before proceeding with final design of parking lot repair and water disposal alternative method;
- b) Proceed with parking lot repair construction as phase one of the total project repair once the secondary PW has been received;
- c) Proceed with construction of a water disposal alternative as phase two of total project repair.

This approach fully respects the environmental process and, upon its completion, the City could still pursue the construction of parking lot repair in advance of the permanent disposal method.

Policy

Reference:

None

Fiscal Impact:

The City has not received a commitment on the amount eligible for reimbursement for this earthquake repair project.

- Costs incurred for controlling the water flow and pumping costs since April 4, 2004 are approximately \$356,000.
- The estimated cost of parking lot repair design is \$134,000 and for parking lot repair \$219,000 (for a combined estimate of \$353,000).
- Costs for design and construction of water disposal alternatives are yet to be determined.

Options:

1. Receive and file.
2. Direct staff to return with an alternative parking lot design and repair schedule.
3. Amend, modify or reject options above.