

TO: James L. App, City Manager

FROM: Doug Monn, Public Works Director

SUBJECT: Award contract to provide design services to address requirements of the Americans with Disabilities Act (ADA), California Title 24 to City curb ramps, crosswalks and bus stops

DATE: February 1, 2011

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**NEEDS:** For the City Council to award a contract for assessment, design and construction management for improvements to access for the disabled.

**FACTS:**

1. A lawsuit was filed against the City on March 16, 2010 asserting violation of the Americans with Disabilities Act.
2. As part of the settlement of the litigation, the City entered into a Consent Decree dated December 11, 2010 which specified certain corrective actions to be undertaken by the City.
3. The Consent Decree provides the City will complete work to address the following access issues by July 1, 2012.
  - a. Curb ramps: City will install, renovate and/or alter curb ramps to comply with ADAAG and Title 24-2 standards.
  - b. Sidewalks: City will install, renovate and/or alter the sidewalks identified to comply with ADAAG and Title 24-2 standards so that they provide a continuous, unobstructed way for persons using mobility devices to access and safely use the sidewalks and walkways along Spring Street from 1<sup>st</sup> Street to 20<sup>th</sup> Street and the City Park. Improvements along Spring Street from 21<sup>st</sup> to 36<sup>th</sup> Streets must be completed within five (5) years of the settlement date.
  - c. Crosswalks: City will install missing crosswalks and/or remove crosswalk barriers as described in Attachment B to the Consent Decree and in accordance with the standards set forth in the Manual of Uniform Traffic Control Devices ("MUTCO").
  - d. Bus Stops: City will install, renovate and/or alter the bus stop pads identified to comply with ADAAG and Title 24-2 standards so that they provide an accessible path of travel from the sidewalk to the loading area for the buses along Spring Street from 1<sup>st</sup> Street to 20<sup>th</sup> Street and the City Park.
  - e. 24<sup>th</sup> Street Bridge: City will provide an alternate means of accessing Riverside Avenue from Spring Street without using the 24<sup>th</sup> Street Bridge. City will evaluate and remove barriers either on 10<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup>, or 21<sup>st</sup> Street to provide an accessible path of travel to Riverside Avenue, ensuring that the curb ramps and the sidewalks provide an accessible path of travel from Pine Street to Riverside Avenue, provided, however, that City shall have no responsibility for altering the railroad crossing or any other facilities it does not own, control or maintain on such designated accessible path of travel. City may, in its discretion, choose which street will provide such accessible path of travel. City will install directional signage from the 24<sup>th</sup> Street Bridge directing persons with disabilities to the accessible alternate path from Pine Street to Riverside Avenue.

- f. On-Street Parking: City will install and maintain two new (2) on-street parking spaces and maintain the existing four (4) accessible, on-street parking spaces (Courthouse and Public Safety Center) to serve visitors to the City Park and the public accommodations surrounding the City Park. The designated accessible parking spaces may be located within the area defined by 14<sup>th</sup> Street to 10<sup>th</sup> Street, and Pine Street to Spring Street.
4. On, December 2, 2010 the City issued a Statement of Qualifications (SOQ)/Request for Proposal (RFP) for assessment, design and construction management for improvements to access for the disabled.
5. The following firms submitted proposals:
 

Bethel Engineering	Omni Design Group
Cannon	Penfield & Smith
EDA	Roberts Engineering
Insite	RRM
NCE	Wheeler & Gray

**ANALYSIS &  
CONCLUSION:**

The City must evaluate and achieve compliance with the access standards set forth under the Americans with Disabilities Act (ADA). The City will require engineering and design services to address the topography of the City and how it will interface with the path of travel. The initial work will begin at Spring Street, from 1<sup>st</sup> to 20<sup>th</sup> Streets and within the downtown area core. The City has eighteen (18) months to complete the design work and installation.

Based on review of the proposals, reflected scope of work, acknowledgement of time frame and demonstrated experience, staff recommends that Penfield & Smith be retained to provide the City with design services to address requirements of the Americans with Disabilities Act (ADA), California Title 24 to City Curb ramps, crosswalks and bus stops as reflected in the Consent Decree.

**POLICY  
REFERENCE:**

Americans with Disabilities Act, California Title 24 and Consent Decree.

**FISCAL IMPACT:**

Payment for the approved contract would be allocated from the proceeds previously generated by the sale of Redevelopment Bonds by means of a Redevelopment Agency Funding Agreement. Staff requests that a budget be established as follows:

Design fee	\$177,500
20% Contingency	<u>35,000</u>
	\$213,000

Once the design is complete and bids are received, a construction budget will be requested.

- OPTIONS:**
- a. Adopt Resolution No. 11-xx appropriating \$213,000 from the proceeds previously generated through the sale of Redevelopment Bonds to Budget No. 702-910-5452-296, by means of a Redevelopment Agency Funding Agreement, and authorize the City Manager to enter into a contract with Penfield & Smith in the not-to-exceed amount of \$177,500.
  - b. Amend, modify, or reject the above option.

Attachment

1) Resolution

RESOLUTION NO. 11-xxx

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
AWARDING A CONTRACT FOR ASSESSMENT, DESIGN AND CONSTRUCTION  
MANAGEMENT FOR IMPROVEMENTS TO ACCESS FOR THE DISABLED**

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WHEREAS, a lawsuit was filed against the City on March 16, 2010 asserting violations of the Americans with Disabilities Act; and

WHEREAS, the settlement of the litigation included a Consent Decree, dated December 11, 2010, pursuant to which the City agreed to undertake certain specified corrective actions; and

WHEREAS, the Consent Decree provides the City will complete work to address the following access issues (curb ramps, sidewalks, crosswalks, bus stops, bridges, parking spaces, all as described below) by July 1, 2012; and

WHEREAS, City will install, renovate and/or alter curb ramps to comply with ADAAG and Title 24-2 standards; and

WHEREAS, City will install, renovate and/or alter the sidewalks identified to comply with ADAAG and Title 24-2 standards so that they provide a continuous, unobstructed way for persons using mobility devices to access and safely use the sidewalks and walkways along Spring Street from 1st Street to 20th Street and around the City Park (Spring Street from 21st to 36th Streets must be completed within five (5) years of the settlement date); and

WHEREAS, City will install missing crosswalks and/or remove crosswalk barriers as described in Attachment B and in accordance with the standards set forth in the Manual of Uniform Traffic Control Devices ("MUTCO"); and

WHEREAS, City will install, renovate and/or alter the bus stop pads identified to comply with ADAAG and Title 24-2 standards so that they provide an accessible path of travel from the sidewalk to the loading area for the buses along Spring Street from 1st Street to 20th Street and around the City Park; and

WHEREAS, City will provide an alternate means of accessing Riverside Avenue from Spring Street without using the 24th Street Bridge. City will evaluate and remove barriers either on 10th, 12th, 13th, 16th, or 21st Street to provide an accessible path of travel to Riverside Avenue, ensuring that the curb ramps and the sidewalks provide an accessible path of travel from Pine Street to Riverside Avenue, provided, however, that City shall have no responsibility for altering the railroad crossing or any other facilities it does not own, control or maintain on such designated accessible path of travel. City may, in its discretion, choose which street will provide such accessible path of travel. City will install directional signage from the 24th Street Bridge directing persons with disabilities to the accessible alternate path from Pine Street to Riverside Avenue; and

WHEREAS, City will install and maintain two new (2) on-street parking spaces and maintain the existing four (4) accessible, on-street parking spaces (Courthouse and Public Safety Center) to serve visitors to the City Park and the public accommodations surrounding the City Park. (the designated accessible parking spaces may be located within the area defined by 14th Street to 10th Street, and Pine Street to Spring Street); and

WHEREAS, the City must evaluate and achieve compliance with the access standards set forth under the Americans with Disabilities Act (ADA) and will require engineering and design services to address the topography of the City and how it will interface with the path of travel; and

WHEREAS, the initial work will begin at Spring Street from , 1st to 20th Streets, and within the downtown area core; and

WHEREAS, the City has eighteen (18) months to complete the design work and installation; and

WHEREAS, on, December 2, 2010 the City issued a Statement of Qualifications (SOQ)/Request for Proposal (RFP) for assessment, design and construction management for improvements to access for the disabled; and

WHEREAS, twelve firms submitted proposals; and

WHEREAS, based on review of the proposals, reflected scope of work, acknowledgement of time frame and demonstrated experience, staff recommends that Penfield & Smith be retained to provide the City with design services to address requirements of the Americans with Disabilities Act (ADA) , California Title 24 to City Curb ramps, crosswalks and bus stops as reflected in the Consent Decree; and

WHEREAS, payment for the approved contract will come from the Redevelopment Agency's tax allocation bond proceeds, with a budget be established as follows: design fee - \$177,500, contingency - \$35,000, for a total of \$213,000; and

WHEREAS, once the design is complete and bids are received, a construction budget will be requested.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Paso Robles does hereby appropriate \$213,000 from the proceeds previously generated through the sale of Redevelopment Bonds to Budget No. 702-910-5452-296., by means of a Redevelopment Agency Funding Agreement.

SECTION 2. The City Council does hereby authorize the City Manager to enter into a contract with Penfield & Smith in the not-to-exceed amount of \$177,500.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 1st day of February 2011 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Duane Picanco, Mayor

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Caryn Jackson, Deputy City Clerk