

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY
AND RECORD OF ACTION**

August 22, 2023

FROM

BRENDON BIGGS, Director, Department of Public Works – Transportation
TERRY W. THOMPSON, Director, Real Estate Services Department

SUBJECT

Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington Area

RECOMMENDATION(S)

1. Approve **Utility Agreement No. 23-933** with West Valley Water District for the design and relocation of West Valley Water District's existing waterlines, meters, and appurtenances in the right-of-way to accommodate the Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area, at an estimated cost not-to-exceed the amount of \$423,000, for a term of August 22, 2023 through the earlier of project completion or July 11, 2025.
2. Approve the plans and specifications for the Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area, as signed and sealed by a registered civil engineer.
3. Authorize the Director of the Department of Public Works to advertise the Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area for formal bids.
4. Authorize the acquisition of one Temporary Construction Easement for each of the 10 property owners over the portions of 10 properties, totaling approximately 2,987 square feet, for the period of October 31, 2023 through the earlier of project completion or October 31, 2025, for the Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area, at a total not-to-exceed amount of \$8,700, which includes the compensation plus an approximate 10% contingency amount.
5. Approve the Acquisition Agreement template to acquire 10 Temporary Construction Easements for the Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area.
6. Authorize the Director of the Real Estate Services Department to execute the individual Acquisition Agreements, in conformance with the approved template, with 10 property owners to acquire 10 Temporary Construction Easements, for the Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area, and any other documents necessary to complete these transactions, subject to County Counsel review.

(Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Provide for the Safety, Health and Social Service Needs of County Residents.

Pursue County Goals and Objectives by Working with Other Agencies and Stakeholders.

FINANCIAL IMPACT

**Bloomington Avenue Pavement and Storm Drain Improvement Project
in the Bloomington Area
August 22, 2023**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Bloomington Avenue Pavement and Storm Drain Improvement Project in the Bloomington area (Project) is funded with Measure I Local Streets Program – San Bernardino Valley Subarea funds. The total costs associated with this item include an estimated not-to-exceed amount of \$423,000 for the Utility Agreement and a not-to-exceed amount of \$8,700, which includes the compensation plus an approximate 10% contingency amount, to acquire 10 Temporary Construction Easements (TCEs) for a term of two years. Sufficient appropriation and revenue are included in the Department of Public Works (Department) 2023-24 Measure I Local Streets Program – San Bernardino Valley Subarea budget (6650002142 14TX1795) for the utility relocations, design and construction, in the Department's 2023-24 Road Operations budget (6650002000 14H15195) for the right-of-way acquisition, and will be included in future recommended budgets.

BACKGROUND INFORMATION

On January 25, 2022 (Item No. 39), the Board of Supervisors (Board) approved the Project, which involves road and drainage improvements from Cedar Avenue to 0.11 miles northeast of Larch Avenue. The improvements include full depth pavement reconstruction, roadway reprofiling, replacement of existing catch basin, construction of new catch basins, replacement of approximately 800 feet of existing storm drain, construction of new curb and gutter, sidewalk and driveway approaches; construction of new and upgrade existing curb ramps in accordance with current design standards and pursuant to the Americans with Disabilities Act (ADA) guidelines; and signing and striping improvements.

On August 9, 2022 (Item No. 44), the Board approved appraisals for the necessary easements for the Project, authorized the acquisition of one permanent roadway easement and 10 TCEs, and authorized the Director of the Real Estate Services Department (RESD) to execute the acquisition agreements to acquire the easements. A permanent easement and nine TCEs for an initial term of six months from November 1, 2022 to April 30, 2023 (with one six-month extension option), were subsequently acquired. RESD recently concluded negotiations with the last property owner for the final TCE.

Updates to existing ADA compliant curb ramps or installation of new ADA compliant curb ramps for the Project are required under the federal 2013 Department of Justice/Department of Transportation Joint Technical Assistance on the Title II of the ADA Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing guidelines.

Subsequent to the Board's approval of the Project and the County's acquisition of the easements, Department staff determined during the design phase that the Project would impact West Valley Water District's (WVWD) existing waterlines, water meters, and appurtenant structures, necessitating a relocation in order to accommodate the Project within the right-of-way. The recommended Utility Agreement with WVWD will provide for the relocation of WVWD's waterlines, meters, and appurtenances with the County to be the lead agency for the design and WVWD to be the lead agency for the relocation work. Given that WVWD has prior rights within the public right-of-way, the County will pay for the design and relocation costs, at an estimated amount not-to-exceed \$423,000.

Due to the need to relocate WVWD's waterlines, meters, and appurtenance, the Project was delayed beyond the initial TCEs expiration date of April 30, 2023. As a result, as permitted by the acquisition agreements, the six-month extension option on nine TCEs were exercised, which extended the term to October 30, 2023. Due to the additional time needed to negotiate the

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recommended Utility Agreement with WVWD and update Project plans and specifications for the Board’s approval, the Department now requests the Board’s approval for 10 TCEs for a term of two years from October 31, 2023, through the earlier of the completion of the Project or October 31, 2025.

The total cost to acquire the 10 TCEs for two years is an amount not-to-exceed \$8,700 (inclusive of compensation plus an approximate 10% contingency amount), which is based on the values set forth in Appraisal Nos. 22-36 through 22-45, that were previously approved by the Board on August 9, 2022 (Item No. 44). RESD recommends the compensation for the two-year term be approved. The TCEs to be acquired for two years are as follows:

Property Owner/ Last Name	Exhibit No. and Type of Easement	Assessor Parcel Number	Total Area to be Acquired (square feet)
Herrera	TCE-1 (Temporary)	0253-081-10	222
Sepulveda	TCE-2 (Temporary)	0253-081-11	117
Hurtado	TCE-3 (Temporary)	0253-081-13	104
Benavides	TCE-4 (Temporary)	0253-081-14	111
Madriz	TCE-5 (Temporary)	0253-082-02	475
Suarez	TCE-6 (Temporary)	0253-082-03	180
Aguilar	TCE-7 (Temporary)	0253-082-04	525
Garcia	TCE-8 (Temporary)	0253-082-05	375
Lopez	TCE-9 (Temporary)	0253-082-19	383
Garcia	TCE-10 (Temporary)	0253-082-08	495

This Project aligns with the County and the Chief Executive Officer’s goals and objectives of ensuring development of a well-planned, balanced, and sustainable County and providing for the safety of county residents by preserving and improving the structural integrity of existing road surfaces, improving drainage and access for all pedestrians, including those with disabilities.

Recommendation No. 2 will approve plans and specifications for the Project, which includes an allowance in the amount of \$125,000 for differing site conditions associated with utility conflicts and/or soil conditions. The Department anticipates returning to the Board for an award of the construction contract in Fall 2023.

On January 25, 2022 (Item No. 39), the Board determined the Project was exempt under the California Environmental Quality Act (CEQA) and a Notice of Exemption was filed. No further action related to CEQA is required at this time.

PROCUREMENT

RESD can make offers and acquire the necessary right-of-way in conformance with all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, Government Code section 7260 et seq., corresponding regulations, and County Policy No. 12-20.

The Project will be advertised to invite formal bids in accordance with Section 22037 of the California Public Contract Code. The Department anticipates returning to the Board for an award of the construction contract in Fall 2023.

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REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest and Agnes Cheng, Deputies County Counsel, 387-5455) on August 7, 2023; Finance (Carl Lofton, Administrative Analyst, 387-5404, and Garrett Baker, Administrative Analyst, 387-3077) on August 8, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on August 8, 2023.

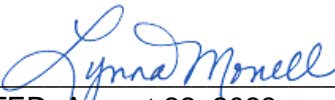
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Record of Action of the Board of Supervisors
San Bernardino County

APPROVED (CONSENT CALENDAR)

Moved: Joe Baca, Jr. Seconded: Curt Hagman
Ayes: Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.
Absent: Col. Paul Cook (Ret.)

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: August 22, 2023



cc: PW/Trans - Nguyen w/agree
Contractor - c/o PW/Trans w/agree
File - w/agree w/CD w/attach
CCM 08/30/2023