



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: November 19, 2013

Agenda Item 9B
Approvals: [Signature]
City Manager [Signature]
Dept. Head [Signature]
Attorney [Signature]
Finance [Signature]

Department: Public Works / Engineering Division
Prepared By: Tom Frank, Transportation Engineering Manager

Subject: APPROVE AGREEMENT FOR FUNDING, DESIGN, AND INSPECTION RELATED TO CONSTRUCTION OF THE LA PATA GAP CLOSURE AND CAMINO DEL RIO EXTENSIONS; AND NOISE MITIGATION APPROACH ASSOCIATED WITH THE EXTENSION OF CAMINO DEL RIO.

Fiscal Impact: None. The Gas Tax budget for FY 2014 includes funds for the easement acquisition discussed in this report.

Summary: As further discussed below, staff requests City Council approval of a Memorandum of Understanding with the County of Orange for completion of the La Pata Gap Closure and Camino Del Rio Extension project, as well as use of a rubberized asphalt overlay to mitigate projected future noise increases associated with future projected traffic on Camino Del Rio, consistent with Mitigation Measure 4.4.7 of the certified project Environmental Impact Report (EIR).

Background: As the City Council is aware, the County of Orange is the lead agency for implementing the La Pata Gap Closure project, which also includes the extension of Camino Del Rio. As the lead agency, the County prepared an EIR pursuant to the California Environmental Quality Act (CEQA), and certified the EIR in 2011. As Responsible Agency under CEQA, the City accepted the EIR in 2011 and also authorized staff to enter into negotiations with the County to prepare a Memorandum of Understanding (MOU) for the design and construction of the project. Since that time, the County has prepared and finalized the detailed project design, which City staff has reviewed and which incorporates direction from the City Council (e.g. inclusion of striped bike lanes plus a separated bicycle/pedestrian path). The County has started permitting for the project, and City staff is coordinating with the County to obtain final easements needed for the project. On October 30, 2013, the County received three construction bids for the project, ranging from \$61.8 million to \$90.5 million. County staff is reviewing the bids and a construction contract could be presented to the County Board of Supervisors for approval in December. Construction could begin in early 2014 and will last about two years. The County's project manager will provide a brief presentation to the City Council at its November 19 meeting to update the Council on the County's current plan for completing the project.

Discussion: This report seeks City Council approval of a MOU for the construction and completion of the project and confirmation of the noise mitigation approach for Camino Del Rio. Staff will also proceed with acquiring final right-of-way and easements needed for the portion of the project within City limits.

Memorandum of Understanding

The proposed MOU identifies the roles and responsibilities for completion of the project, most notably that the County is responsible for obtaining all necessary permits, project design and construction, maintenance of all cleared areas until the roadways are completed, and ensuring that the City is named as an additional insured on insurance certificates for all construction contracts for the project. As to the City, the agreement also:

1. Confirms that the City has fulfilled its financial contribution obligations¹;
2. Requires the City to accept a temporary declaration of the right-of-way within the City limits as a temporary County road for the purposes of construction (to allow the County to construct the roadway within City limits);
3. Requires the City to, after project completion, accept ownership and responsibility for the portion of the project within City limits and south of the County Land Fill;
4. Confirms that the County will construct the Camino Del Rio portion of the project, which may be phased to occur after the La Pata portion; and
5. Requires the City to acquire necessary right-of-way for the portion of the project within City limits.

Staff is coordinating with the County to address comments provided by the City Attorney regarding workman's compensation and insurance requirements, indemnification, liability and material breach language, along with language addressing the timing of constructing Camino Del Rio. If the Camino Del Rio is not constructed with the initiate phase of the project, the agreement will include the following language addressing the timing for the constructing Camino Del Rio:

- COUNTY shall begin construction of the Camino Del Rio component of the project no later than six months from the Notice of Completion for the main La Pata Gap Closure segment, unless necessary right-of-way, easements and regulatory permits have not been received, in which case COUNTY shall start construction of Camino Del Rio within one year of receipt of necessary right-of-way, easements and permits for Camino Del Rio.

Noise Mitigation – Camino Del Rio

Among other potential project impacts, the certified EIR analyzed potential noise impacts resulting from construction of the project. With regard to the extension of Camino Del Rio, the EIR identified six locations along the existing portion of Camino Del Rio for which noise associated with the projected Year 2035 traffic volume would be slightly increased above the City's current exterior noise level standard of 65 decibels. The modeled increased noise levels ranged from 65.1 to 65.6 decibels. To mitigate this, the EIR identified either construction of sound barriers (4 feet high) the property line of the affected properties (see Attachment #1) or use of a rubberized asphalt overlay on the adjacent length of Camino Del Rio. Staff

¹ The City has contributed about \$8.7 million via contributions from Measure M Growth Management Area funds and the La Pata Fee Program.

recommends City Council approval on the use of a rubberized asphalt overlay to mitigate projected future noise increases associated with future projected traffic on Camino Del Rio. Use of rubberized asphalt pavement is consistent with current City practice, and rubberized asphalt is already planned to be used when Camino Del Rio comes due to pavement rehabilitation. It is important to note that the mitigation for projected future noise need only be accomplished before the Year 2035 projected traffic increases, but rehabilitation of the existing portion of Camino Del Rio will definitely occur before that time. Staff also recommends the rubberized asphalt mitigation approach because it would provide greater benefit to the adjacent community than construction of sound barriers on selected properties.

Right-of-Way/Easement Acquisition

Right-of-way certification is required for the project to comply with grant requirements and ensure the County has the legal right to work on the affected property. While the County is responsible for obtaining easements associated with the extension of Avenida La Pata, the City is responsible for obtaining the remaining right-of-way/easements needed for the extension of Camino Del Rio. While there is some right-of-way already dedicated for the Camino Del Rio extension, additional right-of-way and easements for temporary construction limits and roadway slopes will be needed. The affected property is owned by Laing Forster Ranch II, LLC which is currently in bankruptcy. To obtain required right-of-way and easements will require obtaining appraisals and legal and staff support. There are funds available in the approved Gas Tax budget for these anticipated expenses.

Recommended Action:

STAFF RECOMMENDS THAT the City Council:

1. Approve a Memorandum of Understanding with the County of Orange for completion of the La Pata Gap Closure and Camino Del Rio Extension project subject to the approval by the City Attorney; and
2. Approve the use of a rubberized asphalt overlay to mitigate projected future noise increases associated with future projected traffic on Camino Del Rio, consistent with Mitigation Measure 4.4.7 of the certified project EIR.

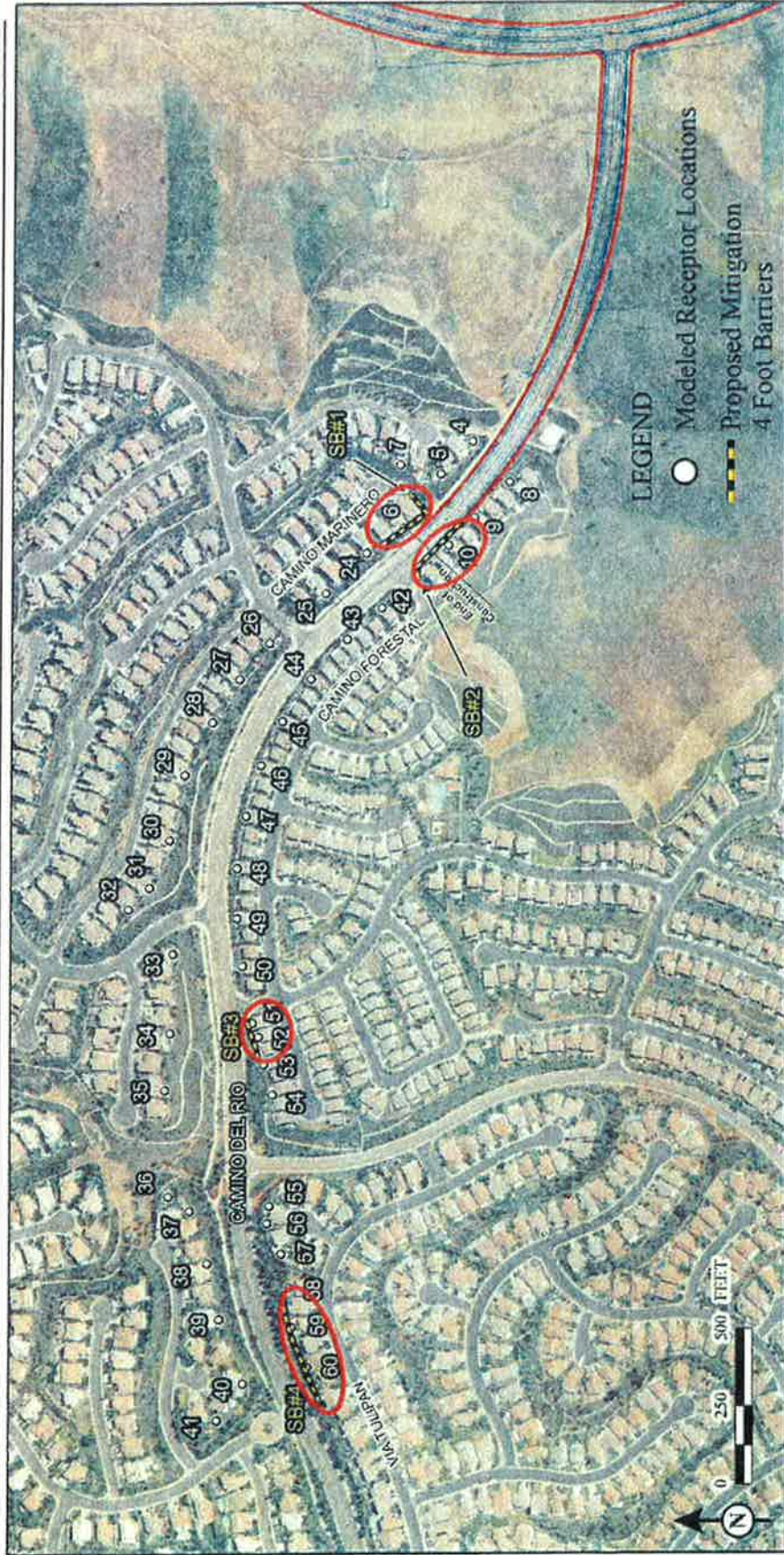
Attachments: 1. Schematic showing locations identified for noise mitigation.

The proposed Memorandum of Understanding is available for review in the City Clerk's office.

Notification: None.

ATTACHMENT 1
LOCATIONS IDENTIFIED FOR NOISE MITIGATION

Proposed Noise Mitigation



LSA
LSC ASSOCIATES, INC.

