



Agenda Item No. \_\_\_\_\_

File Code No. 530.04

# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** June 29, 2010

**TO:** Mayor and Councilmembers

**FROM:** Engineering Division, Public Works Department

**SUBJECT:** Contract For Architectural Design Services At 13 East Cabrillo Boulevard For The Cabrillo Boulevard Bridge Replacement Project

### **RECOMMENDATION:**

That Council authorize the Public Works Director to execute a City Professional Services contract with Lenvik and Minor Architects (Lenvik) in the amount of \$262,782 for architectural design services for the remodeling of 13 East Cabrillo Boulevard, as part of the Cabrillo Boulevard Bridge Replacement Project (Project), and authorize the Public Works Director to approve expenditures of up to \$39,420 for extra services that may result from necessary or unforeseen changes in the scope of work.

### **DISCUSSION:**

#### PROJECT DESCRIPTION

This project will replace the existing deteriorating connected bridges (circa 1913 and 1928) over Mission Creek. The new bridge will have the same number of vehicular traffic lanes, wider sidewalks, and improved hydraulic capacity to pass flood waters. The existing bridge has the unique feature of having the building at 13 East Cabrillo Boulevard connected to it. As such, it necessary to disconnect the building from the bridge to meet federal grant funding requirements.

Staff is currently negotiating terms of the Project's right of way acquisition with the owners of 13 East Cabrillo Boulevard (Building), currently occupied by Rusty's Pizza. During discussions with the property owners for permanent and temporary construction easements, staff and the owners realized the potential benefits to redirecting project design strategies regarding modifications to the Building as part of the proposed bridge and Mission Creek channel wall construction. The proposed architectural services are expected to provide the plans, specifications, and cost estimates necessary to complete negotiations with the property owner.

Previous plans were to remove and replace the existing patio and a portion of the Building in order to construct the proposed bridge replacement and creek channel wall improvements. The prior removal and replacement proposal plan did not include reconstructing the existing creek wall beneath the Building, which appears to support a portion of the Building and patio. Ownership, replacement costs, and liability issues of the support wall under the Building had become very complicated and a potential impasse in the right of way negotiations.

#### RIGHT OF WAY ACQUISITION PROCESS

In July 2009, staff recommended, and Council adopted, a Resolution of Necessity to acquire the easements by possible Eminent Domain in order to assure the timely acquisition of the easements necessary for the construction of the Project. The Resolution was recommended only as a precautionary measure to institute the City's legal rights. This action is intended to preserve the timeline needed to acquire the right of way for the Project, and avoid cost increases normally caused by delay.

We are currently seeking to avoid using the City's Eminent Domain authority by pursuing a settlement agreement for the acquisitions to be of a mutual benefit to both the City and the property owners. The expected successful conclusion to these negotiations will eliminate potential court proceedings that would be time-consuming and expensive.

During right of way negotiations, the concept arose to remove the patio and a portion of the Building over Mission Creek and relocate the lost dining area as a second story to the Building. The intent of the proposal was to avoid loss of dining room seating for the restaurant. In addition, the existing creek wall would be replaced. This is anticipated to simplify the participation of gaining federal funding approvals for the right of way acquisition. The proposed concept will allow for a setback from the creek, which currently does not exist. The Historic Landmarks Commission recently reviewed this concept with favorable comments from the majority, moving it forward to the Planning Commission, where approval is being scheduled for August/September.

Lenvik was selected because of their previous experience and knowledge of similar buildings in the area, along with input from the property owner. The contract with Lenvik consists of architectural design services to prepare construction plans, cost estimate specifications, and building permits for modifying the Building after the partial demolition is completed. The architectural services will be broken into two phases to efficiently expedite getting a project cost estimate. It is anticipated that this will facilitate right of way negotiations and achieve a settlement agreement with the property owners.

**FUNDING:**

There are sufficient appropriated funds in the current project grant allocation phases to cover these costs. Reimbursement from state and federal funding for these expenditures is expected. The Project is funded by a combination of a Highway Bridge Program grant, the Utility Users Tax, and Measure D funds.

**SUSTAINABILITY IMPACT:**

The proposed Building modifications and Project improvements will significantly reduce the existing major obstructions within the Mission Creek Flood Plain. These actions will create a new building setback from the creek, allowing for the planting of new riparian vegetation.

**PREPARED BY:** Pat Kelly, Assistant Public Works Director/City Engineer/FC/sk

**SUBMITTED BY:** Christine F. Andersen, Public Works Director

**APPROVED BY:** City Administrator's Office