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DEPARTMENT OF
PUBLIC WORKS

PROJECT DELIVERY DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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March 3, 2003

APPROVED
MAR 1 8 2003
OFFICE OF THE
CITY CLERK

a6 2003-033

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: OLD SACRAMENTO AMERICAN WITH DISABILITIES ACT (ADA) UPGRADE PROJECT (PN: RK31) - ESTABLISHMENT OF CAPITAL IMPROVEMENT PROJECT (CIP), EXECUTION OF CONSULTANT SERVICES AGREEMENT, AND APPROPRIATION OF FUNDS

LOCATION AND COUNCIL DISTRICT:

Old Sacramento, Council District 1 (See Attachment A).

RECOMMENDATION:

This report recommends that the City Council adopt the attached Resolution:

- Approving the establishment of the Old Sacramento American with Disabilities Act (ADA) Upgrade Project (PN: RK31) as a new Capital Improvement Program for the Boardwalks and Ramps Replacement and the K Street Underpass Ramps;
- Authorizing the City Manager to execute a Consultant Services Agreement (on file with the City Clerk's Office) with Oshima & Yee Architects for the sum not-to-exceed $262,500 for Architectural, Survey and Engineering Services for the Old Sacramento ADA Upgrade Project; and
- Approving the appropriation of $1,200,000 from Gas Tax Contingency and $975,000 from Major Street Contingency to the Old Sacramento ADA Upgrade Project.

CONTACT PERSON: Dana Gard, Project Manager 264-2668

FOR COUNCIL MEETING OF: March 18, 2003

Department of
PUBLICWORKS
CITY OF SACRAMENTO

SUMMARY:

Staff is requesting the approval of Oshima & Yee Architects for Architectural and Engineering design services for the subject project. Staff is requesting the establishment of a CIP (PN: RK31) in the amount of $2,175,000 for the Old Sacramento American with Disabilities (ADA) Upgrade Project. The project includes Boardwalks and Ramps Replacement and the K Street Underpass Ramps. Staff will return to Council in July 2003 with preliminary design solutions, project cost update and construction schedule for the Old Sacramento American with Disabilities (ADA) Upgrade Project.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

Within a lawsuit involving the City of Sacramento's provision for Americans with Disabilities accessibility to facilities in Old Sacramento, in January 2002 City Council approved injunctive relief as set forth in Attachment B. All of the corrective work will be performed in compliance with the standards and specifications for disabled access as set forth in the California Code of Regulations, Title 24-2 and the Americans with Disabilities Act Accessibility Guidelines (ADAAG), unless alternative standards are specifically agreed to as detailed in Attachment B.

- On November 2002, a Request for Qualifications (RFQ) was issued to obtain Architectural/Engineering Services for Design of the Old Sacramento ADA Upgrade Project.
- Four responses were received and a selection committee reviewed the proposals. The firm of Oshima & Yee Architects was selected as the most qualified. Award is recommended for Architectural and Engineering services for the Old Sacramento American with Disabilities (ADA) Upgrade Project.

<u>Old Sacramento Boardwalk History:</u>

- Old Sacramento is registered as a National Landmark and all of the buildings are either original 1800's structures or recreations of the original building on that parcel. The main entry door thresholds to the buildings are constructed of granite and can't be modified.
- The City of Sacramento installed wooden boardwalks that provide access to retail business buildings in the early 1970's. The boardwalks were replaced in two phases in 1984 and 1986. The replacement boardwalk projects provided ADA accessibility to many of the business buildings.
- In 1995 the 'K' Street Underpass Renovation project was complete. The project included 2 stairways that connected the 'K' Street pedestrian underpass, under Interstate 5, to Old Sacramento. No direct ramp to Old Sacramento from the underpass was provided for accessibility directly from the underpass to 2nd & 'K' Streets.

Project Description

The Old Sacramento ADA Upgrade Project has various components. Below are a breakdown of the projects and the status of each component:

- Tower Bridge Garage (Lot R) (PN: C510) (Completion Due Date December 31, 2002): Install nine (9) disabled accessible parking spaces and provide an accessible pedestrian path of travel to exit the lot by constructing an accessible ramp on the "porch" facing Front Street. The Tower Bridge Garage upgrade work was completed on December 22, 2002.

- Old Sacramento Garage (Lot P) (PN: C511) (Completion Due Date December 31, 2002): Install eighteen (18) disabled accessible parking spaces, located as close as practical to the "J" Street pedestrian entrance. The Old Sacramento Garage upgrade work was completed on December 23, 2002.

- Old Sacramento Surface Parking Lot (Lot W) (PN: C512) (Completion Due Date March 31, 2003, with Path of Travel Lighting to be completed by June 2003): The City will install 4 disabled van accessible parking spaces with a marked path of travel into Old Sacramento. The City will install directional signage at the entrance to the Old Sacramento Parking lot directing vans to the surface lot under 'I' Street Bridge for van-accessible parking. Install pathway and security lighting. The Surface Parking Lot work was completed January 31, 2003, the pathway travel lighting is still outstanding and will be completed by April 15, 2003.

- On-Street Parking in Old Sacramento (PN: C583) (Completion Due Date December 31, 2002): Provide eighteen (18) disabled accessible on-street parking spaces, of which nine (9) will be van-accessible. The existing disabled accessible spaces will be relocated, where necessary, to provide an access aisle on the passenger side and to provide an accessible path of travel to the boardwalks. The On-Street Parking in Old Sacramento was completed on December 27, 2002.

- Old Sacramento ADA Upgrade Project which includes the Boardwalks, Curb Ramps and Alleyway Crossings and 'K' Street Pedestrian Tunnel (Completion Due Date December 31, 2004 with the 'K' Street Pedestrian Tunnel Due Date September 31, 2003): Items 1, 2 & 3 are the description of work included in the consultant agreement with Oshima & Yee Architects before Council today for your approval.

    1. Remove/renovate the boardwalks throughout "Old Sacramento" to ensure that the boardwalks will provide an accessible path of travel from the public streets and on street parking in Old Sacramento into the businesses and public accommodations. The City may renovate the boardwalks by "warping", "tilting" or raising the boardwalks to provide an accessible path of travel. The City has the discretion of "warping" or "tilting" the boardwalks if such renovation does not result in a cross slope of more than 4%.

2. Repair and/or renovate the curb ramps and alleyway crossings in Old Sacramento that have been identified by plaintiff as non-compliant, at the same time that it is renovating the boardwalks. The City agrees to renovate and /or repair the curb ramps and alleyway crossing to provide an accessible path of travel to the boardwalks in Old Sacramento. The City has discretion to design curb ramps that maintain the historical theme of Old Sacramento, but must still meet the accessibility standards for slope, cross slope, and drop-off conditions of ADAAG and California Building Codes.

3. Modify the stairway on the North side of "K" Street Pedestrian Tunnel to provide an accessible ramp from the "P" parking lot and "K" Street Tunnel into Old Sacramento. The path of travel from the "K" Street Tunnel ramp into Old Sacramento will be at no greater than a 1:12 slope, with level landings and handrails as required by ADAAG and California Building Codes.

FINANCIAL CONSIDERATIONS:

The estimated total project budget is $2,515,000. A total of $340,000 for the Tower Bridge Garage (Lot R) (PN: C510), Old Sacramento Garage (Lot P) (PN: C511), Old Sacramento Surface Parking Lot (Lot W) (PN: C512), and On-Street Parking (PN: C583) was funded through other Capital Improvement Programs. The remaining requirement of $2,175,000 is for the Boardwalks and Ramps Replacement and the K Street Underpass Ramps.

The budget is established as a preliminary amount, prior to survey and project design. In July 2003, staff will be returning to Council with an estimate of construction costs based on design. The budget is expected to be adjusted at that time.

Staff is requesting the appropriation of $1,200,000 from Gas Tax Contingency and $975,000 from Major Street Contingency to the Old Sacramento American with Disabilities Act (ADA) Upgrade Project (PN: RK31) for the Boardwalks and Ramps Replacement and the K Street Underpass Ramps.

ENVIRONMENTAL CONSIDERATIONS:

The Environmental Services Manager has determined that the authorization to establish a CIP project account and execution of a professional services agreement for design services is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines. Exemption 15061(b)(3) consists of an activity covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. However, the project will require future discretionary approval in order to proceed with actual construction/development of the proposed project. At the time of final action, appropriate CEQA environmental review documentation will also be completed.

POLICY CONSIDERATIONS:

This action is consistent with the City's Strategic Plan Goals for enhancing and preserving the neighborhood.

ESBD CONSIDERATIONS:

To encourage emerging and small business participation, direct contact was made with more than 12 firms. The project was also announced on the City's Project Information Line and on the City's Internet site at www.cityofsacramento.org/bid.

Respectfully submitted,

Francesca Lee Halbakken
Project Delivery Manager

RECOMMENDATION APPROVED:

ROBERT P. THOMAS
City Manager

Approved:

Thomas V. Lee
Deputy City Manager

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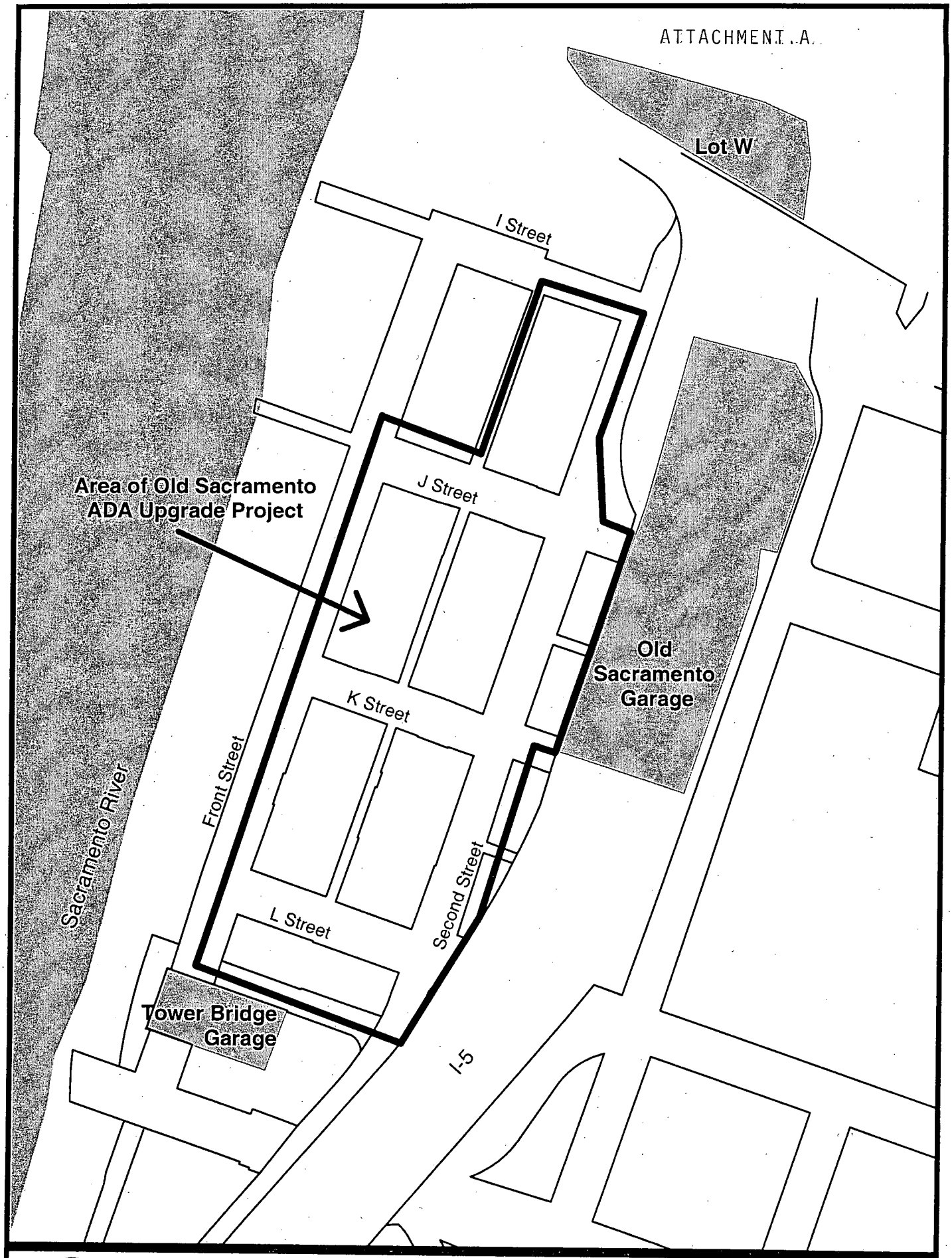
P/Active/7132 Old Sac ADA Suite/Council/AO agreement letter 2.10.3AMENDED

ATTACHMENT A



0 250 500 1,000 Feet

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Map Contact: C.Shires
cshires@cityofsacramento.org

Old Sacrametno ADA Upgrade Project

February 2003

Consent Decree: Exhibit 1-Injunctive Relie.

Larry McIver, Carol Wolfington and HolLyn DeLil v. City of Sacramento et al.
U.S.D.C. EASTERN DIST. CASE NO. S-00-2078 WBS/GGH

For purposes of settlement of the civil case entitled, McIver v. City of Sacramento, et al, USDC Eastern Dist. Case No. S-00-2078 (WBS), the parties agree on the injunctive relief as set forth in this Exhibit. All of the corrective work will be performed in compliance with the standards and specifications for disabled access as set forth in the California Code of Regulations, Title 24-2 and the Americans with Disabilities Act Accessibility Guidelines, unless alternative standards are specifically agreed to in this Exhibit.[1]

I. INJUNCTIVE RELIEF AGREED TO BY THE CITY OF SACRAMENTO:

1. Boardwalks: The City agrees to renovate the boardwalks throughout "Old Sacramento" to ensure that the boardwalks will provide an accessible path of travel from the public streets and on-street parking in Old Sacramento into the businesses and public accommodations. The City may renovate the boardwalks by "warping," "tilting" or raising the boardwalks to provide an accessible path of travel. The City has the discretion of "warping" or "tilting" the boardwalks if such renovation does not result in a cross slope of more than 4%. In those instances where the City determines it cannot raise, "warp" or "tilt" the boardwalks to provide disabled access, the City will notify plaintiffs within 15 days of such determination. The parties will then have 15 days to provide an alternate plan for renovating that portion of the boardwalk the City determines cannot be raised, "tilted" or "warped."

2. Curb Ramps and Alleyway Crossings: The City will also repair and/or renovate the curb ramps and alleyway crossings in Old Sacramento that have been identified by plaintiff as non-compliant, at the same time that it is renovating the boardwalks.[2] The City agrees to renovate and/or repair the curb ramps and alleyway crossing to provide an accessible path of travel to the boardwalks in Old Sacramento. The City has discretion to design curb ramps that maintain the historical theme of Old Sacramento, but must still meet the accessibility standards for slope, cross slope and drop-off conditions of ADAAG and California building codes.

3. Time Frame for Renovation of Boardwalks, Curb Ramps and Alleyway Crossings: The work for renovation of the boardwalks, curb ramps and alleyway crossing shall be performed within the following timeframe: Phase 1: for engineering, surveying and design of the renovations from **July 1 2002 to June 30, 2003**.); Phase 2: construction of the renovations from **July 1, 2003 to June 30, 2004**; and Phase 3: any

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[1] Attached for reference purposes only, is the report prepared by plaintiffs' access consultants identifying access barriers is attached as **Exhibit 3**.

[2] The non-compliant curb ramps and alleyways in Old Sacramento are referenced in Plaintiffs' Access Report, Tab 1, pages 1-21.

remaining construction that was not completed in Phase 2 from **June 30, 2004 to December 31, 2004**. If required by Old Sacramento event, festivals or unforeseen conditions, the City may consider additional construction phases within the two and one-half period. The City will notify defendants at least 30 days prior to the projected commencement date for the boardwalk corrections.

4. "K" Street Tunnel: The City will modify the stairway on the North side of the "K" Street Pedestrian Tunnel to provide an accessible ramp from the "P" parking lot and "K" Street Tunnel into Old Sacramento. The path of travel from the "K" Street Tunnel ramp into Old Sacramento will be at no greater than 1:12 slope, with level landings and handrails as required by ADAAG and California Building Codes. The City will complete all renovation work by September 30, 2003.

5. Disabled Parking in Old Sacramento: The City will install disabled accessible parking in compliance with the standards of ADAAG and California Building codes, unless alternative standards or numbers as stated below.

Lot P: The City will install 18 disabled accessible parking spaces. The accessible spaces will be located as close as practical to the "J" Street pedestrian entrance to the parking lot. The City will complete all renovation work by December 31, 2002.

Lot W: The City will install four disabled van-accessible parking spaces, with a marked path of travel into Old Sacramento. The City will install directional signage at the entrance to the P Street lot directing vans to the "W" parking lot for van-accessible parking. The City will install lighting at the van-accessible spaces in Lot W. The City will complete all non-electrical work by March 31, 2003, and complete all electrical work by June 2003.

Lot R: The City will install 9 disabled accessible parking spaces in Lot R. The City will also provide an accessible pedestrian path of travel to exit the lot by constructing an accessible ramp on the "porch" facing Front Street. The City will complete all renovation work by December 31, 2002.

On Street Parking in Old Sacramento: The City will provide 18 disabled accessible on-street parking spaces, of which 9 will be van-accessible. The existing disabled accessible spaces will be relocated, where necessary, to provide an access aisle on the passenger side and to provide an accessible path of travel to the boardwalks. The City will complete all renovation work by December 31, 2002.

6. Plaintiffs' Review of Plans Prior to Construction: The City will provide Plaintiffs with completed drawings, specifications ~~and~~ plans prior to the beginning of construction with reasonable time for Plaintiffs to comment. Plaintiffs shall, if they desire within

reasonable time, comment and provide suggestions concerning the drawings, plans, materials and other aspects of the proposed construction.

7. Review by Plaintiffs and the City on Status of Injunctive Relief: The City will review the overall status of the injunctive relief under this agreement by January 31, 2004, and meet with plaintiffs to review remaining project completion dates by January 31, 2004. By August 1, 2004, the City will provide plaintiffs with a written status report of any work not completed by July 1, 2004, including the projected completion dates for any remaining work.

8. Procedures for Resolving Disagreements in Proposed Construction: In the event Plaintiffs disapprove of the proposed construction, Plaintiffs and defendants, through their counsel, will meet in an effort to resolve the issues. In the event that the parties cannot agree on a renovation plan the parties agree to have the Court, through Magistrate Judge Gregory G. Hollows resolve the disagreement.

II. INJUNCTIVE RELIEF AGREED TO BY THE PRIVATE DEFENDANTS: Defendants agree to perform the following injunctive relief by March 8, 2002, with the exception of the automatic door openers, which will be installed and ready for use by each defendant within 30 days of the City of Sacramento correcting the boardwalks in front of each of the defendants' businesses as set forth in paragraph 1 of this Exhibit.

RUSSIAN COLLECTION; VALENTIN KOZHEVNIKOV and SVETLANA F. KONDRICH:

9. Provide a portable ramp with a slope of no more than 1:12 at the front entrance by March 8, 2002. If the temporary ramp is removed after each use, defendants will also install signage indicating that a ramp is available, and also will install a bell to summon employees to install the portable ramp. Employees will be instructed to install the portable ramp when needed by disabled persons.

10. Maintain a table at a height of no more than 36" for use by disabled customers.

11. Install automatic door opener to automatically open both front doors. The automatic doors are to be installed within 30 days of the City of Sacramento correcting the boardwalk in front of this public accommodation as set forth in Paragraph 1 of this agreement.

PETER A. ROSS and THE SOLAR SYNDICATE:

12. PETER A. ROSS and THE SOLAR SYNDICATE will pay to WHAT CHEER HOUSE the sum of $1,500 (fifteen hundred dollars) to be used toward the installation of automatic door openers to the front doors at THE SOLAR SYNDICATE, as described in paragraph 14. PETER A. ROSS and THE SOLAR SYNDICATE will instruct its employees to install the portable ramp provided by WHAT CHEER HOUSE, as described in paragraph 13, when needed by disabled persons.

WHAT CHEER HOUSE:

13. Provide a portable ramp with a slope of no more than 1:12 at the front entrance of THE SOLAR SYNDICATE and PERUVIAN CRAFTS by March 8, 2002. Defendants will at the same time install signage at the front doors of THE SOLAR SYNDICATE and PERUVIAN CRAFTS indicating that a ramp is available, and will install a bell to summon employees to install the portable ramp.

14. Install automatic door openers to automatically open both front doors of THE SOLAR SYDICATE and PERUVIAN CRAFTS. The automatic door openers are to be installed and ready for use within 30 days of the City of Sacramento correcting the boardwalk in front of each of these public accommodations as set forth in Paragraph 1 of this agreement.

PERUVIAN CRAFTS; MARIA N. MILES:

15. Maintain aisle ways inside of store of no less than 36" wide, and a lowered counter with a portion at no more than 36" in height. Employees will be instructed to install the portable ramp when needed by disabled persons.

ROCKY MOUNTAIN CHOCOLATE FACTORY; JERALD L. HAWS; MORSE BUILDING INVESTORS

16. (a) Provide a portable ramp with a slope of no more than 1:12 for use at the front entrance by disabled persons by March 8, 2002. These Defendants have the option of sharing a single ramp among the tenants of the Morse Building. If Defendants choose to share a ramp, the ramp must be stored in a designated location where it will be readily available for use by employees of Rocky Mountain Chocolate Factory when needed to provide access by a disabled person to that establishment.
(b) Defendants will install a bell system which may be used by disabled persons in need of the ramp to notify Rocky Mountain Chocolate Factory employees of their presence outside the store. Defendants will also install signage at the front door directing persons to ring the bell to request the portable ramp.
(c) Rocky Mountain Chocolate Factory's employees will be instructed to install the portable ramp in front of the store when they are notified that it is needed by disabled persons, and if the ramp is shared, to replace it in the designated storage location when it

is not in use.
(d) Install automatic door openers to automatically open both front doors of the Rocky Mountain Factory. The automatic door openers are to be installed and ready for use within 30 days of the City of Sacramento correcting the boardwalk in front of this public accommodation as set forth in Paragraph 1 of this agreement.

LA TERRAZA; JESSICA MIRAZ; MORSE BUILDING INVESTORS

17. (a) Provide a portable ramp with a slope of no more than 1:12 for use at the front entrance by disabled persons by March 8, 2002. These Defendants have the option of sharing a single ramp among the tenants of the Morse Building. If Defendants choose to share a ramp, the ramp must be stored in a designated location where it will be readily available for use by employees of La Terraza when needed to provide access by a disabled person to that establishment.
(b) Defendants will install a bell system which may be used by disabled persons in need of the ramp to notify La Terraza employees of their presence outside the store. Defendants will also install signage at the front door directing persons to ring the bell to request the portable ramp.
(c) La Terraza Restaurant's employees will be instructed to install the portable ramp in front of the store when they are notified that it is needed by disabled persons, and if the ramp is shared, to replace it in the designated storage location when it is not in use.

18. Install automatic door openers to automatically open both front doors of the La Terraza Restaurant. The automatic door openers are to be installed and ready for use within 30 days of the City of Sacramento correcting the boardwalk in front of this public accommodation as set forth in Paragraph 1 of this agreement.

19. Elevator: Correct the hall call button so that it is not recessed; place floor identification on the door jamb and install Braille and tactile lettering on the elevator.

20. Women's restroom: Braille and tactile signage will be installed adjacent to the door; toilet valve flush (in accessible stall) will be relocated to the wide side of the door; pull handles will be installed on the interior and exterior of the stall doors; the lavatory will provide both required knee clearance and correct height; and the towel dispenser will be lowered to 40 inches.

21. Men's restroom: Braille and tactile signage will be installed adjacent to the door; coat hook will be lowered to no more than 40 inches; pull handles will be installed on the interior and exterior of the stall doors; and the lavatory will provide both required knee clearance and correct height; the towel dispenser will be lowered to 40 inches, and the lavatory pipes will be insulated.

22. Stage: Defendant will use the portable ramp for access to the restaurant stage when needed.

23. Exterior seating: Install directional signage at the inaccessible exit directing disabled persons to the accessible exit to the exterior seating.

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APPROVED

MAR 1 8 2003

OFFICE OF THE CITY CLERK

RESOLUTION NO. 2003-123

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION APPROVING THE ESTABLISHMENT OF CAPITAL IMPROVEMENT PROJECT (CIP) FOR THE OLD SACRAMENTO AMERICAN WITH DISABILITIES ACT (ADA) UPGRADE PROJECT, EXECUTING A CONSULTANT SERVICES AGREEMENT AND APPROPRIATING FUNDS IN THE AMOUNT OF $2,175,000

THE COUNCIL OF THE CITY OF SACRAMENTO RESOLVES THAT:

1. The Old Sacramento American with Disabilities Act (ADA) Upgrade Project (PN: RK31) be established as a new Capital Improvement Program for the Boardwalks and Ramps Replacement and the K Street Underpass Ramps
2. The City Manager is authorized to execute a Consultant Services Agreement with Oshima & Yee Architects for the sum not to exceed $262,500 for Architectural, Survey and Engineering Services for the Old Sacramento American with Disabilities Act (ADA) Upgrade Project.
3. The FY2/03 Capital Improvement Program (CIP) be amended by appropriating $1,200,000 from Gas Tax Contingency and $975,000 from Major Street Contingency to the Old Sacramento American with Disabilities Act (ADA) Upgrade Project and budget adjustments as follows:

Gas Tax Contingency	202-710-7012-4999	($1,200,000)
Major Street Contingency	209-710-7012-4999	($ 975,000)
Old Sacramento American with Disabilities Act (ADA) Upgrade Project	202-500-RK31-4820	$1,200,000
	209-500-RK31-4820	$ 975,000

_____
MAYOR

ATTEST:

_____
CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____