CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/10/00
AGENDA ITEM
WORK SESSION ITEM 10.3.2

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Sidewalk Rehabilitation Program Policies

RECOMMENDATION:

It is recommended that the City Council review and comment on this report.

BACKGROUND:

At a work session on June 6, 2000, the City Council considered several options for continuation of the Sidewalk Rehabilitation Program. Exhibit A is the agenda report that outlines these various options. The Council's consensus was to prepare a program that combined options 2 and 4 and, therefore, would focus repairs on the worst block faces, by district, being sensitive to the more heavily traveled pedestrian ways. The Council also indicated that cost-sharing between the City and benefiting property owners should continue.

Block Face Selection:

To prioritize block faces in need of rehabilitation, staff will begin with the Landscape Maintenance Street Tree inventory prepared in 1991 and identify those street-blocks with the greatest sidewalk displacement. Within an impacted block, staff will select the block-face with the greatest tree displacements. Where there are a large amount off displacements within an area, staff will strive to select block-faces that, if repaired, would provide an accessible route to local schools, parks, churches, and shopping centers. All damaged sidewalks within a block-face will be repaired. Sidewalk locations within a selected block-face with less than one-inch displacement will be ground down. Where there is concern that a tree, or a group of trees, may be a premier specimen, a certified arborist will field-review the tree(s) and determine whether or not and how a tree should be saved. One method used on upper B Street, would be to curve the sidewalk and curb out and away from the tree. Curving of the sidewalk can only be done when the property owner is willing to grant a sidewalk easement to the City. Where the existing parkway is less than two-feet-wide and the sidewalk cannot be narrowed, trees will not be replaced, since the minimum parkway area for even small trees is two-feet wide.

Cost Sharing:

As discussed at the prior work session, since so many property owners voluntarily participated in a cost-sharing program, any new program should also include some form of cost sharing. It was proposed that a flat fee of $425 per single-family property be established, which is

equivalent to the average of what property owners have paid under the voluntary program. It was noted that a flat fee would lessen the administrative costs for the cost-sharing policy. However, it was also noted that if an owner fails to pay voluntarily, then the City could lien the property, but would need to implement an appeal process similar to the weed abatement program.

Based on Council's comments, the proposed, new program will include a flat $425 fee per single-family property. In cases of financial hardship, the property owners will be permitted to extend payments over six months. If a property owner is unable or unwilling to make payments, the amount could be placed as a lien against the property ffor payment upon sale of the property. The implementing ordinance for the program will need to provide a process for this eventuality. Since this is not a voluntary program the impacted property owners will be notified during the design process and then be given the opportunity to make the repairs themselves. However, since the full costs are substantially greater than the $425 cost-share, averaging $2800 per location, it is anticipated that few property owners, if any, will want to do the repairs themselves.

When sidewalks are repaired for multi-family dwellings, the group of units will be charged $425 for sidewalk repairs necessitated by damage from one or two trees, and an additional $425 per damaged sidewalk area necessitated by each additional tree.

Property owners will be required to maintain the newly planted trees as with the present system. If a property owner willfully neglects or damages a newly planted tree, $48 will be charged for a replacement tree.

Revenue Sources:

As previously indicated, it is estimated that over 6100 locations throughout the City are still in need of repair, which would cost about $13 million. Au the June 6 work session, staff was asked to consider selling bonds for the full amount to be paid for with a citywide assessment or special tax. In order to form a citywide assessment district, a citywide benefit must be demonstrated; since only certain sidewalk areas are damaged and some property owners have already done their repairs; this might be difficult. Approval of an assessment district requires a 'yes' vote by a simple majority of those property owners responding to a mailed ballot. Votes are weighted by each property owner's assessment. Assessments could very well be different for each street-tree district, since the amount off sidewalk repair sites varies by district. As an alternative, it is not necessary for the entire city to be included in an assessment district. For example, an individual street-tree district could independently form its own assessment district to fund repairs even if other areas or districts were not interested in utilizing this funding mechanism. The overall process, in each case, would be similar to forming landscape and lighting districts, which statewide have not been very successful.

Levying a city-wide special parcel tax would require a similar process to the one followed for the library tax and would have the same challenge in obtaining two-thirds majority voter support.

An alternative to a special tax would be a general tax. Such a tax would only require a simple majority; pursuant to state law, it would have to be voted on at the same time as Council elections. Also, as a general tax, it would not have to be used for sidewalk repair. In the transportation funding arena, Santa Clara County has used the approach of a general sales tax increase along with a second advisory measure regarding how the revenue would be spent; i.e., an A/B approach. However, the legality of this method still has not been resolved through the courts.

Since funding the total program through a bond measure would be problematic, staff recommends using a combination of existing and anticipated future funds to accomplish a significant portion of the needed repairs This year's Capital Improvement Program does include $940,000 for sidewalk rehabilitation work in fiscal year 2000/01. For future years, the budget only shows about $270,000 per year based on continued transfers from the Route 238 Trust Fund.

As mentioned in previous budget discussions, the City has the opportunity to allocate a portion of the $7.4 million LAVWMA traffic mitigation payment to the sidewalk rehabilitation program. This payment is due on December 31 of this year. Staff recommends that $0 million of these funds be allocated toward the program.

Over the next five years, this $4,000,000, plus the $1,960,000 presently budgeted and an anticipated $540,000 in property owner cost-sharing, would result in a total funding off $6,500,000.

In order to carefully prepare and evaluate the new program, it is recommended that the first year's project be somewhat smaller - approximately $600,000. Once the sidewalk repairs are complete, staff will analyze the project's impacts and report the results to the City Council with recommendations for any modifications and for the size of future years' projects. It is estimated that future year projects could be in the order of $1,500,000, which would use the allocated funds over the next five years.

Staff proposes to allocate the first year's program to the district with the most severe sidewalk damage, which would be District 4, Schaefer Park. In following years, districts will be allocated a percentage of the funding based on the degree of serious sidewalk damage. Off course, since entire block faces will be repaired, sidewalks with varying severity of damage will be repaired in each project. Until completion off the first year's program, stafff cannot accurately predict how many locations or which districts will be completed each year.

Staffing Implications:

As noted during the previous work session, the sidewalk rehabilitation program takes a great deal of staff time to administer, because of the large number of locations and each property owner's concern about paying part of the costs. In order to accomplish the first year's

recommended program and to complete the substantial pavement rehabilitation program scheduled for next year, an additional Assistant Engineer position will be required. Experience from the first year's program will determine the staffing necessary for an expanded program in future years.

Conclusion:

Based on Council's comments received during this work session, staff will develop the necessary implementing ordinance for the proposed new sidewalk rehabilitation program. It is anticipated that program approval can be scheduled for mid-November and the first contract awarded next fall under the new program.

Prepared by:

Robert A. Bauman, Deputy Director of Public Works

Recommended by:

Dennis L. Butler, Director of Public Works

Approved by:

Jesús Armas, City Manager

Attachments: Exhibit A: Sidewalk Rehabihtation Program June 6, 2000 Work Session

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 06/06/00

AGENDA ITEM

WORK SESSION ITEM #3

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Sidewalk Rehabilitation Program

RECOMMENDATION:

It is recommended that the City Council consider a policy for continuation of the Sidewalk Rehabilitation Program.

BACKGROUND:

On November 16, 1993, after considering various options, the City Council approved a cost-sharing sidewalk rehabilitation program in which sites were selected for sidewalk repair, by lottery, from property owner's applications. The selected owners then agreed to pay 50 percent of the sidewalk replacement costs with the City paying the remaining costs. All owners who originally applied for the lottery have now had their sidewalk repaired through six annual projects for a total program cost of $2,043,000, which repaired 867 locations. Owners paid an average of $425 per location as their share of the sidewalk repair; the City paid an average of $2,050 per location as its share of the design work, sidewalk repair, tree removal, curb and gutter repair, and inspection. Overall average costs per site have been increasing because of inflation and the need to do more curb and gutter and tree work. The average cost per site in the last contract was about $2,808.

It is estimated that over 6,100 locations are still in need of repair, which would cost about $13 million. It is also estimated that over 340 of these locations have greater than three inches of sidewalk "lift" and another 480 locations have greater than two inches of sidewalk "life." Sidewalk "lift" is measured as shown on Exhibit A and is either the amount of grade change or step separation between adjacent sections of sidewalk. Exhibit B shows the estimated number of remaining sidewalk repair locations in each of the City's tree maintenance districts; the tree maintenance district boundaries are shown in Exhibit C. The unit costs shown in Exhibit B are a rough estimate of the cost to repair sidewalks with varying amounts of lift.

Last year, the City Council requested that staff evaluate how to restructure the present program to eliminate the lottery system with its high administrative cost and achieve a more comprehensive program that uses available funds more effectively. Several aspects of a new program need to be considered, including the selection method for repair locations, the amount and method for an owner contribution, and the amount of funding to be allocated.

Exhibit A

SELECTION OPTIONS:

In terms of a fair selection process for property owners, staff anticipates a significant concern from property owners as to why one sidewalk was repaired compared to another or why the work is not occurring on their street. Staff has identified four possible approaches that could be used to prioritize selection of repair sites. Each has its own advantages and disadvantages.

In considering each option, the issue of preserving the urban forest should be considered. Experience with the existing program has indicated that, in most cases, the street-tree must be totally removed in order to repair the sidewalk, curbs, and gutter. Since some streets may have a substantial number of locations that qualify under the various options, consideration should be given to allowing some of the street trees to remain while the newly planted trees are establishing themselves.

As in the present program, under each option, consideration would also be given to curving the sidewalk around premier specimen trees. Specifically, curving the sidewalk would be considered when it does not compromise pedestrian safety and the property owner agrees to provide an easement for the new sidewalk location.

Option 1: Worst Displacement

One option would be to repair the locations with the greatest lift first. It is estimated that about 340 locations have greater than three inches of sidewalk lift and another 480 locations have greater than two inches of sidewalk lift. These are also the locations that are most difficult to patch with temporary asphalt concrete. This option would provide for improved visual impact in many neighborhoods; however, since repair areas would be citywide, improved visual impact might not be significant in any one area. This option also might not provide for continuous level pedestrian travel, since some sidewalk displacements along a travel way might not be severe enough to qualify.

Option 2: Worst Block Face by District

Under the second option, all the damaged sidewalks on a selected block face would be repaired, although for lifts less than one inch, grinding to remove the tripping hazard would be done. This option would mitigate some of the effects of tree removal, since the City would first remove the trees and replace the sidewalks along only one side of a street, while retaining the more mature trees along the other side of the street. The trees on the other side of the street would then be removed and replaced in a later year. Street blocks with the greatest amount of high sidewalk lifts would be selected for repair fist. Available funding each year could be allocated by district based on the number of block faces with the greatest number of high sidewalk lifts. This option would also provide a safe walking route along one side of a street and improve the visual impact along the streets in many neighborhoods. However, it would leave unrepaired sidewalks right across the street from newly repaired sidewalks, and it may be some time before funding allows other nearby blocks to be repaired

Option 3: Worst District First

A third option would be to repair all damaged sidewalk locations within one of the City's tree maintenance districts at a time, beginning with the district with the greatest number of locations in need of repair. If the repairs were concentrated in one or two districts, there would be a substantially improved appearance, safer pedestrian travel, and better street

drainage in those neighborhoods . Construction costs per location would also be less since the work would be concentrated. However, it would be quite possible that all the funding over several years might not be enough for even the worst two districts, and there would be no money left for the other districts. Also, the districts being repaired would experience significant deforestation, as discussed above.

Option 4: Heaviest Pedestrian Use

A fourth option would be to repair sidewalk locations along more heavily traveled pedestrian ways. Sidewalks would be repaired first along routes within residential areas to schools, parks, churches, or shopping areas. Routes with the greatest amount of lifts and the greatest amount of pedestrian usage would be selected first. Again, all damaged sidewalks on a route would be repaired with the less than one-inch lift locations being ground. This would provide pedestrians with safer routes to activity centers within neighborhoods. It would also improve the visual appearance along the most heavily traveled areas. Since tree removal would only be along one side of a street, the visual impact would be similar to Option 2. This option also would leave unrepaired sidewalks right across the street from repaired sidewalks. Also, since heavy pedestrian usage is generally on collector streets, there would he less sidewalk repair along purely local residential streets.

COST-SHARING ISSUES:

Since so many of our property owners have voluntarily participated in a cost-sharing program, another policy issue is whether in the future property owners should also share a portion of the financial burden. All locations where property owners volunteered to pay a portion of the cost under the lottery system have been addressed. It is therefore anticipated that requiring a financial contribution from property owners whose sidewalk is repaired by the City would be necessary, if a cost-sharing approach were continued. The following discussion is based on the premise that the Council would want some cost sharing in any future program and addresses how that might be implemented.

The California Streets and Highways Code clearly states that it is the responsibility of the property owner to maintain the sidewalk in a safe condition. Thus, the City could, after applying one of the selected criteria above, notify the affected property owners of the need for them to repair their sidewalks with an explanation of the City's program. After a reasonable time, if the property owner had not complied, the City could repair the sidewalks and bill the property owner a share of the cost. If the owners fail to pay voluntarily, the City has several alternatives. One alternative would be to lien the property and implement an appeal process similar to the existing weed abatement program. Another alternative would be to simply turn the unpaid bill over to a collection agency. It would be reasonable to expect that some property owners on a fixed income or with minimum resources might have difficulty paying their cost-share. Procedures might be desired to determine if anyone should be exempt from the cost-share or given more time to pay.

The cost-sharing amount could be determined in several ways. There could be a continuation of the present method, which requires calculation of 50 percent of the sidewalk repair costs for each property and bills the property owner for that amount. This would result in the greatest administrative workload. Alternatively, a nominal payment, perhaps $425, could be billed for

each location repaired. Under the existing program, a property owner pays an average of $425 per location.

The advantages of a cost-sharing program are that it requires a similar sharing to that required of property owners during the past six years and it would result in more funding (City plus owner) available for the necessary repairs. Cost sharing does have a significant administrative cost impact, since staff would need to respond to property owners who do not want to pay.

FUNDING:

This year's draft Capital Improvement Program includes $940,000 for sidewalk rehabilitation work in fiscal year 2000-2001, which would fund the repair of about 335 to 395 locations, depending on the severity of the repairs and the property owner cost-snaring mount. This 'one time amount is available based on funding carried over from previous years plus revenue from the sale of surplus property. In future years, the proposed budget only shows $270,000 based on continued transfers from the Route 238 Trust Fund. To implement a more comprehensive program, as suggested above, would require additional funding to be effective.

CONCLUSION:

Based on the discussion above, staff recommends that the City Council consider a selection method for repair locations and an amount and method of owner cost-sharing. At a future City Council work session, staff will refine the policy and include Funding options and staffing implications for sustaining a more comprehensive program over a longer time.

Prepared by:

Robert A. Bauman, Deputy Director of Public Works

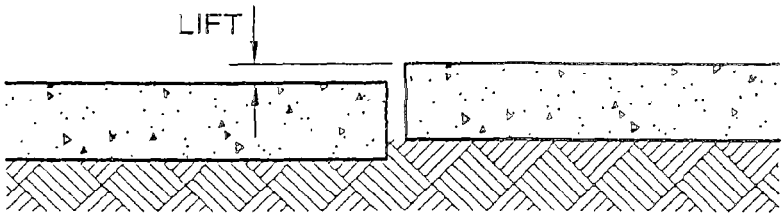
Recommended by:

Dennis L. Butler, Director of Public Works

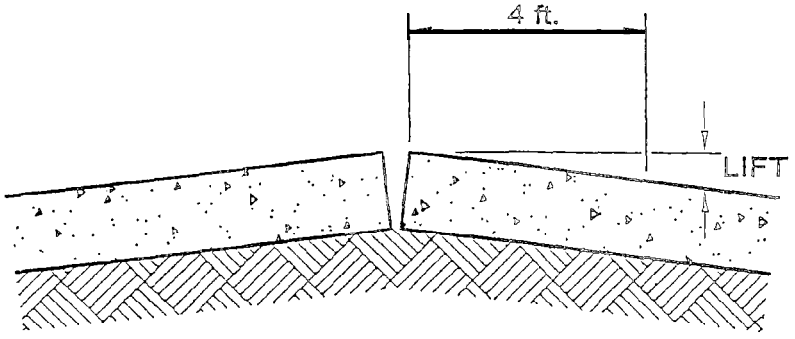
Approved by:

Jesus Arrnas, City Manager

Attachments: Exhibit A: Sidewalk Repair Criteria
Exhibit B: Sidewalk Rehabilitation - Future Identified Weeds
Exhibit C: Tree Maintenance Districts



STEP SEPARATIONS



GRADE CHANGE

SIDEWALK LIFT

Exhibit A

SUMMARY OF SIDEWALK REHABILITATION
FUTURE IDENTIFIED NEEDS

DISTRICT NUMBER	STATUS (TREE LOCATION)	NO. OF LOCATIONS	UNIT COST	TOTAL COST
1 Downtown	Lift equal to and greater than 3"	23	3,900	89,700
	Lifts equal to 2" and less than 3"	33	3,490	115,170
	Lifts equal to 1" and less than 2"	276	2,200	607,200
	Lift less than 1"	214	1,500	321,000
TOTAL		546		1,133,070
2 Orchard/ Hayward Hills	Lift equal to and greater than 3"	4	3,900	15,600
	Lifts equal to 2" and less than 3"	19	3,490	66,310
	Lifts equal to 1" and less than 2"	195	2,200	429,000
	Lift less than 1"	168	1,500	252,000
TOTAL		386		762,910
3 Huntwood/ Tyrrell	Lift equal to and greater than 3"	27	3,900	105,300
	Lifts equal to 2" and less than 3"	32	3,490	111,680
	Lifts equal to 1" and less than 2"	298	2,200	655,600
	Lift less than 1"	146	1,500	219,000
TOTAL		503		1,091,580
4 Schaefer Park	Lift equal to and greater than 3"	102	3,900	397,800
	Lifts equal to 2" and less than 3"	98	3,490	342,020
	Lifts equal to 1" and less than 2"	417	2,200	917,400
	Lift less than 1"	274	1,500	411,000
TOTAL		891		2,068,220
5 Fairway Park Rancho Verde	Lift equal to and greater than 3"	20	3,900	78,000
	Lifts equal to 2" and less than 3"	40	3,490	139,600
	Lifts equal to 1" and less than 2"	264	2,200	580,800
	Lift less than 1"	714	1,500	1,071,000
TOTAL		1,038		1,869,400
6 Tennyson Road South	Lift equal to and greater than 3"	9	3,900	35,100
	Lifts equal to 2" and less than 3"	36	3,490	125,640
	Lifts equal to 1" and less than 2"	165	2,200	363,000
	Lift less than 1"	86	1,500	129,000
TOTAL		296		652,740

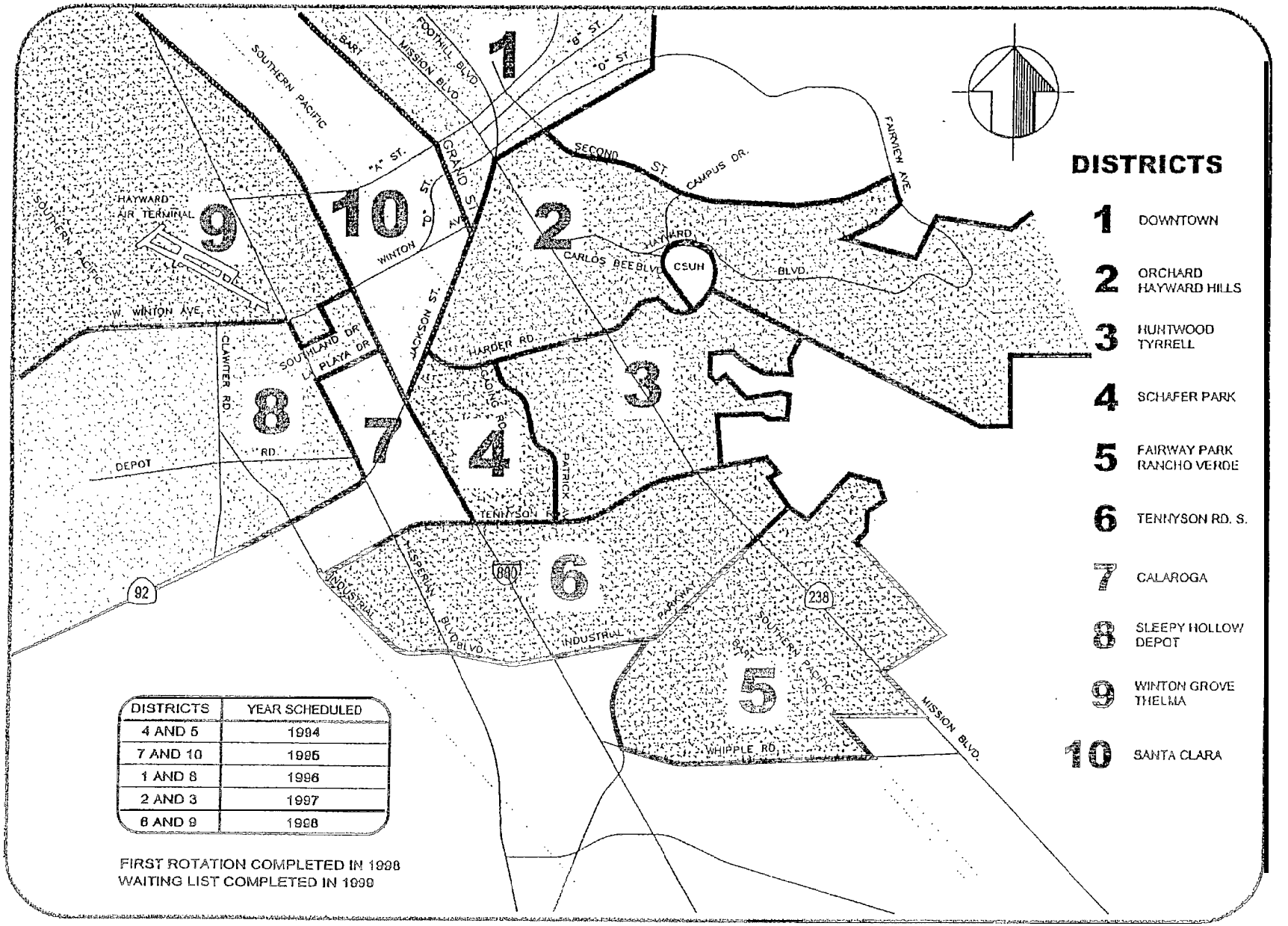
Exhibit B

SUMMARY OF SIDEWALK REHABILITATION
FUTURE IDENTIFIED NEEDS

DISTRICT NUMBER	STATUS	NO. OF LOCATIONS	UNIT COST	TOTAL COST
7 Calaroga	Lift equal to and greater than 3"	69	3,900	269,100
	Lifts equal to 2" and less than 3"	84	3,490	293,160
	Lifts equal to 1" and less than 2"	554	2,200	1,218,800
	Lift less than 1"	103	1,500	154,500
TOTAL		810		1,935,560
8 Sleepy Hollow Depot	Lift equal to and greater than 3"	14	3,900	54,600
	Lifts equal to 2" and less than 3"	43	3,490	150,070
	Lifts equal to 1" and less than 2"	292	2,200	642,400
	Lift less than 1"	190	1,500	285,000
TOTAL		539		1,132,070
9 Winton Grove Thelma	Lift equal to and greater than 3"	8	3,900	31,200
	Lifts equal to 2" and less than 3"	23	3,490	80,270
	Lifts equal to 1" and less than 2"	170	2,200	374,000
	Lift less than 1"	167	1,500	250,500
TOTAL		368		735,970
10 Santa Clara	Lift equal to and greater than 3"	64	3,900	249,600
	Lifts equal to 2" and less than 3"	70	3,490	244,300
	Lifts equal to 1" and less than 2"	254	2,200	558,800
	Lift less than 1"	349	1,500	523,500
TOTAL		737		1,576,200

TOTAL OF EACH LIFT IN ALL DISTRICT				
DISTRICTS 1 TO 10	Lift equal to and greater than 3"	340	3,900	a,326,000
	Lifts equal to 2" and less than 3"	478	3,490	1,668,220
	Lifts equal to 1" and less than 2"	2,885	2,200	6,347,000
	Lift less than 1"	2,411	1 ,500	3,616,500
TOTAL		6,114		$ 12,957,720

Exhibit C



DISTRICTS	YEAR SCHEDULED
4 AND 5	1994
7 AND 10	1995
1 AND 8	1996
2 AND 3	1997
6 AND 9	1998

FIRST ROTATION COMPLETED IN 1998
WAITING LIST COMPLETED IN 1998