



TO: Mayor and Councilmembers

FROM: Charles W. Ebeling, Public Works Director

CONTACT: Gerald Comati, Project Manager

SUBJECT: Status Report on Ekwill Street and Fowler Road Extensions Project and the Hollister Avenue Bridge Project

RECOMMENDATION:

- A. Receive an update on the Ekwill Street and Fowler Road Extensions Project and the Hollister Avenue Bridge Project; and
- B. Authorize the City Manager to execute Guaranteed Letters of Payment for the construction and monitoring phases of the San Jose Creek Channel Fish Weir Modification Project, as a condition of the California Department of Fish and Wildlife permit required for the Hollister Avenue Bridge Project.

BACKGROUND:

The City's Ekwill Street and Fowler Road Extensions Project (Ekwill-Fowler Project, No. 9002) and Hollister Avenue Bridge Project (Project No. 9033) are two projects located in Old Town Goleta that have been in development for a number of years and are considered two of the highest priority transportation projects in the City. The two project locations overlap each other along Hollister Avenue near the Hollister Avenue and State Route 217 intersection. This overlap and the timing of the two federal grants prompted the decision to construct the two projects under a single construction contract and thereby minimize disruption and lane closures along Hollister Avenue during construction. This staff report provides an update on the status of the two projects.

The Hollister Avenue Bridge Project requires three permits to proceed into the construction phase. These permits are from the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, and the California Department of Fish and Wildlife (CDFW). The U.S. Army Corps of Engineers and Regional Water Quality Control Board permits have been secured. The CDFW permit consists of a Lake and Streambed Alteration (LSA) Agreement. Due to function and maintenance problems with the existing fish passage facility installed by the City as part of the San Jose Creek Channel Capacity and Fish Passage Project completed in 2014, the LSA Agreement includes a condition that the City implement the San Jose Creek Channel Fish Passage

Modification Project (Project No. 9117). The fish passage project will modify the existing fish passage facility in the channel and implement up stream grading with the overall objective of optimizing the viability of steelhead trout migration from the Goleta Slough up the channel and into the natural creek. In January 2022, the City Council approved the establishment of the San Jose Creek Channel Fish Passage Modification Project and assigned budget to the environmental, design and permitting phase.

Purpose and Need

Ekwill-Fowler Project:

- Improve access to and within Old Town Goleta.
- Improve access to Santa Barbara Airport.
- Enhance pedestrian and bicycle circulation and safety.
- Allow expansion of transit opportunities within Old Town Goleta.
- Relieve congestion on Hollister Avenue.
- Improve operational capacity at State Route 217/Hollister Avenue Interchange.

Hollister Avenue Bridge Project:

- Replace the Hollister Avenue Bridge. The existing Hollister Avenue Bridge over the San Jose Creek Channel contains reactive aggregate which is causing the structure to deteriorate. In addition, the bridge represents an obstruction to the 100-year storm capacity of the downstream channel.
- Provide 100-year flow capacity within the upstream portion of San Jose Creek Channel.
- Continue fish passage through the upstream portion of San Jose Creek Channel. With the construction of the fish passage low flow channel in the upstream section of San Jose Creek Channel, steelhead will be able to migrate from the Goleta Slough to the natural portion of San Jose Creek located just upstream of Hollister Avenue.

Scope

Ekwill-Fowler Project:

- Construct an extension on existing South Street from Kellogg Avenue to Technology Drive and rename South Street to Fowler Road.
- Construct Ekwill Street from Kellogg Avenue through to Fairview Avenue, with a roundabout at the Ekwill Street and Pine Avenue intersection.
- Construct operational improvements at the interchange of Hollister Avenue and State Route 217 with the installation of a roundabout at the Hollister Avenue/southbound State Route 217 intersection and a roundabout at the Hollister Avenue/northbound State Route 217 intersection.
- Widen Kellogg Avenue to allow additional right turn storage capacity from northbound Kellogg Avenue to eastbound Hollister Avenue.
- Install a 1,000-foot-long segment of the Old San Jose Creek Multi-Use Trail. This improvement is identified in the City of Goleta's General Plan and is planned to extend south and west from the Goleta Valley Community Center along Old San

Jose Creek. The trail segment that would be built as part of the project is located between Pine Avenue and Kellogg Way, on the north side of Ekwil Street.

Hollister Avenue Bridge Project:

- Demolish existing Hollister Avenue Bridge and construct a longer and wider bridge at approximately the same elevation. The design of the new bridge accommodates the realignment of Hollister Avenue necessary for the approach to the roundabout that will be constructed as part of the Ekwil-Fowler Project.
- Demolish the remaining portion of the existing concrete trapezoidal channel and construct the wider rectangular channel consistent with the completed downstream section.
- Demolish the existing steel bridge over San Jose Creek Channel downstream of Hollister Avenue.
- Construct a continuation of the fish passage low-flow channel through the upstream channel, under the new bridge and up to the natural San Jose Creek.
- Construct a concrete basin north the new Hollister Avenue Bridge to address the hydraulic flow transition from the wide natural creek upstream of Hollister Avenue into the newly constructed concrete channel.

Environmental

Ekwil-Fowler Project:

- In 2011, the City of Goleta (City) certified an Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA), and Caltrans certified a Categorical Exclusion under the National Environmental Policy Act (NEPA) for the Project. In 2019, the City approved an addendum to the EIR to address a scope change on Fowler Road and approve the project's Bio-Mitigation Plan.
- The Bio-Mitigation Plan identifies mitigation in three areas. Two of them are located adjacent to the project (on the northside of Ekwil Street and west of the Fowler Road extension). The third mitigation site is on City-owned land at Ellwood Mesa.
- Caltrans requires a NEPA Re-validation for the project which was successfully completed in June 2022.

Hollister Avenue Bridge Project:

- In 2015, a Mitigated Negative Declaration (MND) under CEQA was approved by the City and Caltrans approved a Categorical Exemption under NEPA.
- The project Restoration/Mitigation Plan is located on City-owned property at Lake Los Carneros.
- Caltrans requires a NEPA Re-validation for the project which was successfully completed in September 2021.

Permitting

Ekwil-Fowler Project:

- All resource agency permits for the project have been secured. The status of all permits is shown in Table 1 below:

Table 1: Ekwill-Fowler Project Permit Status

Agency/Authority	Permit/Approval to be Issued	Status of Permit/ Approval Application
City of Goleta	Land Use Permit	Target: September 2022
Coastal Commission	Coastal Development Permit	Approved 03/2018 Final Conditions are pending –Target: 08/2022
California Department of Fish and Wildlife	Section 1600 Streambed Alteration Agreement	Approved 01/2017 – Permit extension request is pending
Regional Water Quality Control Board	Section 401 Water Quality Certification	Approved 01/2017 – Permit extension request is pending
U.S. Army Corps of Engineers	Section 404 Permit	Approved 05/2017 – Permit extension request is pending

Hollister Avenue Bridge Project:

- The City has received permits from U.S. Army Corps of Engineers and the Regional Water Quality Control Board. Issuance of the California Department of Fish and Wildlife (CDFW) permit is pending. The status of all permits is shown in Table 2 below:

Table 2: Hollister Avenue Bridge Project Permit Status

Agency/Authority	Permit/Approval to be Issued	Status of Permit/ Approval Application
California Department of Fish and Wildlife	Section 1600 Streambed Alteration Agreement	Pending – Target: 08/2022
Regional Water Quality Control Board	Section 401 Water Quality Certification	Approved 12/2017 – Permit amendment is in process
U.S. Army Corps of Engineers	Section 404 Permit	Approved 05/2017 – Permit extension was issued 07/2022

Right-Of-Way**Ekwill-Fowler Project:**

- The Ekwill-Fowler Project requires extensive right-of-way. In total, acquisitions from nineteen separate properties are needed. To date possession has been secured from eighteen of the nineteen properties. In 2019, the City entered into five eminent domain actions for which possession was been secured. Four of the eminent domain actions remain in litigation.

- The nineteenth acquisition was identified by Caltrans and consists of an access denial acquisition along Ward Drive. An appraisal was completed by the City and an offer made. The property owner is completing their own appraisal.
- The City anticipates Caltrans approval of the Right-of-Way Certification for the project in October 2022.

Hollister Avenue Bridge Project:

- The Hollister Avenue Bridge Project requires acquisitions from five separate properties. The City entered into five eminent domain actions for these properties and in 2019 secured possession of all five. To date, the City has settled on two of the properties (full-take acquisitions for properties located along the east side of San Jose Creek Channel and south of Hollister Avenue) while litigation continues on the remaining three properties.
- In September 2021, the City successfully secured from Caltrans Right-of-Way Certification for the Hollister Avenue Bridge Project.

Design

Ekwill-Fowler Project:

- Final design for the project is at the 100 percent stage.
- Through a professional services consultant contract, the City performed an independent design peer review of the project in 2021 and will implement a final review in September 2022.
- Review with Caltrans is ongoing. Final approval by Caltrans of the Plans, Specifications and Estimates (PS&E) is anticipated by October 2022.

Hollister Avenue Bridge Project:

- Final design for the project is at the 100 percent stage.
- The project is undergoing an independent design review by the Santa Barbara County Flood Control District, the owner of the San Jose Creek Channel. Completion of this review is anticipated in September 2022.
- Completion of the PS&E is anticipated by September 2022.

Funding

Ekwill-Fowler Project:

- The Ekwill-Fowler Project is partially funded through the State Transportation Improvement Program (STIP). STIP funding for Preliminary Engineering/Environmental, Final Design/Permitting and the Right-of-Way Acquisition phases has been expended. Construction phase STIP funding remains in the amount of \$11.4M. To supplement the STIP funding the City has been primarily utilizing Development Impact Fee (DIF) funding. A summary of the funding for the project is shown in Table 3 below.
- The allocation of the STIP funding for construction is made by the California Transportation Commission (CTC). The City intends to secure the construction fund allocation at the January 2023 CTC meeting. The deadline for securing the

CTC allocation approval is February 2023. If this milestone is not met the City will lose the \$11.4 M on STIP funding programmed for the project.

Table 3: Ekwil-Fowler Project Funding Summary

Project Components	Estimated Costs	Funding Sources	Funding Amounts
Staff	\$120,000	General Fund (101)	\$250,000
Environmental Review (Consultant)	\$2,060,000	Transportation Facilities DIF (220)	\$12,333,000
Design (Consultant)	\$5,170,000	Other Prior	\$670,000
PM (Consultant)	\$740,000	STIP (308 – Prior)	\$4,450,000
Right-of-Way (Prior)	\$3,579,000	STIP (308)	\$11,372,000
Right-of-Way (Projected)	\$2,184,000	CDBG (402)	\$97,000
Construction (prior)	\$210,000	LRDP (230)	\$2,614,000
Construction	\$15,900,000	RDA (601)	\$654,000
Construction Contingency/CCO	\$2,377,000	Transportation Facilities DIF (220) Proposed	\$1,400,000
CM (Consultant)	\$1,500,000		
Total:	\$33,840,000	Total:	\$33,840,000

Hollister Avenue Bridge Project:

- The Hollister Avenue Bridge Project is funded through the Highway Bridge Program (HBP). This program is a federal program whereby 88.53 percent of the cost of all phases of the project are reimbursed by federal funds and the remaining 11.47 percent is funded by the City. To provide the City match for the HBP funds, the City has been primarily utilizing DIF funding. The City is requesting allocation of the federal funds for FY 22-23. A summary of the funding for the project is shown below.

Table 4: Hollister Avenue Bridge Project Funding Summary

Project Components	Estimated Costs	Funding Sources	Funding Amounts
Staff	\$97,000	Measure A (205)	\$140,000
Environmental Review + Design (Consultant)	\$2,732,000	Other	\$10,000
PM (Consultant)	\$650,000	HBP (401)	\$20,000,000
Right-of-Way	\$4,220,000	Transportation Facilities DIF (220) Proposed	\$3,100,000
Construction	\$11,700,000		
Construction Contingency	\$2,100,000		
CM (Consultant)	\$1,751,000		
Total:	\$23,250,000	Total:	\$23,250,000

Staff is not recommending any budget appropriations at this time.

Path Forward

The Ekwil-Fowler Project and the Hollister Avenue Bridge Project overlap each other along Hollister Avenue near the Hollister Avenue intersection with the southbound ramps of State Route 217. This overlap has prompted the decision to construct the two projects under a single construction contract and thereby benefit from economy of scale and minimize the duration of disruption and lane closures along Hollister Avenue during construction.

Both projects are moving toward Caltrans approval of the PS&E by October 2022. All but one permit has been secured, the Right-of-Way Certification for the Hollister Avenue Bridge Project has been secured and Right-of-Way Certification for Ekwil-Fowler is scheduled for October 2022. The path forward toward construction of the combined Ekwil-Fowler + Hollister Avenue Bridge Project is described in Table 5 below.

Table 5: Project Milestones

Project	Milestones	Date
Hollister Bridge	Secure CDFW Permit	August 2022
Ekwil-Fowler	Secure remaining Right-of-Way	September 2022
Ekwil-Fowler	Certify Right-of-Way	October 2022
Hollister Bridge	Secure Obligation of Federal Funding for Construction	November 2022
Ekwil-Fowler	Secure Allocation of STIP Construction Funding from CTC	January/February 2022
Ekwil-Fowler + Hollister Bridge	Advertise for Construction	February 2023
Ekwil-Fowler + Hollister Bridge	Award Project for Construction	May 2023
Ekwil-Fowler + Hollister Bridge	Complete Construction	2025

DISCUSSION:

San Jose Creek Channel Fish Weir Modification Project:

In addition to the condition to implement the San Jose Creek Channel Fish Passage Modification Project, the CDFW's LSA agreement includes a requirement for the City to issue a Letter of Credit for the cost of the fish passage project such that CDFW would be able to access City funds should the City not deliver the project. The Letter of Credit requirement is now standard for all LSA agreements issued throughout the State. The City Finance Department has recommended an alternative instrument to a Letter of Credit that is more favorable to the City, referred to as a Guaranteed Letter of Payment (GLP). The Finance Director has developed a template for the GLP that can be found in Attachment No. 1. The cost of construction and monitoring will not be exactly known until the design is completed in 2023 and the project is advertised, and construction bids are opened. However, staff is estimating a construction cost of \$2M.

Staff is recommending that the Council authorize the City Manager execute the GLP at the time that the construction cost and monitoring cost of the fish passage project is known, anticipated in summer 2023 or potentially 2024.

FISCAL IMPACTS:

There are no fiscal impacts for the Ekwill-Fowler Project and the Hollister Avenue Bridge Project. Currently, the City has only appropriated budget for the environmental, design, and permitting phase of the Fish Passage Project. Once the construction and monitoring costs are established in 2023, staff will return to City Council to secure construction and monitoring phase funding. Staff is investigating grant funding for the construction and monitoring phases.

ALTERNATIVES:

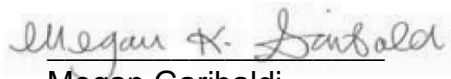
Council could elect not to authorize the City Manager to execute the GLP in which case the City would not be able to accept the final LSA agreement from CDFW which in turn would prohibit the City from proceeding into the construction phase of the Hollister Avenue Bridge Project. Delays to the Hollister Avenue Bridge project could jeopardize federal funding for the bridge project as well as for the related Ekwill-Fowler Project.

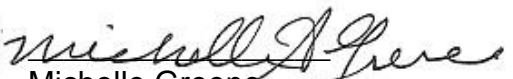
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Megan Garibaldi
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Guaranteed Letter of Payment Template

ATTACHMENT 1

Guaranteed Letter of Payment Template

TEMPLATE
GUARANTEED LETTER OF PAYMENT
FOR
THE CITY OF GOLETA'S
SAN JOSE CREEK CHANNEL FISH PASSAGE MODIFICATION PROJECT

1. By executing this Guaranteed Letter of Payment (GLP), the undersigned hereby certifies as follows:
2. The City of Goleta has control of its own funds and may make payments and enter into agreements upon the approval of its City Council;
3. I am the City Manager for the City of Goleta and have been duly authorized to execute this GLP on behalf of the City of Goleta as authorized by City Council;
4. This GLP is executed in order to comply with Section 2.12 of the Streambed Alteration Agreement (AGREEMENT) No. SAA 1600-2016-0011-R5 for the City's Hollister Avenue Bridge Project;
5. The City of Goleta guarantees that funds will be available in the sum of \$TBD to serve as financial security (in accordance with Section 2.12 of AGREEMENT) for performance by the City of Goleta of its mitigation measures under the Agreement (Security);
6. California Department of Fish and Wildlife (CDFW) is deemed the beneficiary of this GLP pursuant to Section 2.12 of AGREEMENT. In the event CDFW determines in its opinion that the City has failed to complete the Construction referenced in Section 2.12 of the Agreement, CDFW shall be entitled to cause the City to promptly transfer the Security described in Section 5 of this GLP to CDFW. CDFW shall be entitled to cause this transfer by sending notice to Luke Rioux, Finance Director, City of Goleta, 130 Cremona Drive, Suite B, Goleta, CA 93117. Such notice shall include instructions for transferring such Security, such as wire instructions or information regarding the payee on any check; and
7. The undersigned is executing this GLP on behalf of the City of Goleta upon the express understanding that, provided CDFW did not cause the transfer of the Security pursuant to Section 5 of this GLP prior to the earlier of CDFW's determination that the mitigation requirements of the San Jose Creek Channel Fish Passage Modification Project have been satisfied by the City of Goleta, CDFW shall release the City of Goleta of all requirements of Section 4 of the Agreement. This GLP shall expire two (2) years from the date of execution by the undersigned.

IN WITNESS WHEREOF, I have set my signature as of this xxx day of xxx, 20XX.

CITY OF GOLETA

By: _____
City Manager