



DISCUSSION

City of San Bernardino Request for Council Action

Date: April 19, 2023

To: Honorable Mayor and City Council Members

From: Charles E. McNeely; Daniel Hernandez, Agency Director of Public Works, Operations, and Maintenance

Department: Public Works

Subject: **Ratify Memorandum of Understanding for Temporary License between the City of San Bernardino and the San Bernardino City Unified School District (Ward 2)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, ratify the Memorandum of Understanding for the Temporary License between the City of San Bernardino and the San Bernardino City Unified School District for use of property on Fairfax Elementary School.

Background

In late February 2023, City staff was notified that the existing vehicular bridge on Cross Street around 1367 Cross Street was damaged due to a fire incident. After initial site assessment, staff determined that there was fire damage on the wooden piles under the bridge structure. Subsequently, staff reached out to the City's approved on-call structural engineering firms to solicit proposals for structural bridge assessment.

The City's on-call structural engineering firm, IMEG, visited the site on March 9, 2023, to observe existing structural conditions of the bridge. Following its field review, the structural engineer recommended to condemn the bridge due to the fire damage. The City condemned the bridge on March 9, 2023, and the bridge was closed to traffic, both vehicular and pedestrian.

The subject bridge is located over the flood control channel, and it serves as the only access point to a residential neighborhood. The condemnation of the bridge due to the fire incident eliminated the only means of access (including emergency service access) to the subject neighborhood, which posed an emergency condition. Due to emergency conditions, staff assessed available options and determined that the open field within the northeast part of the adjacent school property, Fairfax Elementary School, may be

utilized to provide a temporary means of access from E 17th Street to N Fairfax Drive. This temporary access road would provide means of access by connecting N Fairfax Drive to E 17th Street through the school property. With the cooperation of the San Bernardino City Unified School District, pedestrian access was given immediately upon closure of the bridge. In order to obtain access, the City and the School District agreed to Memorandum of Understanding (MOU) for Temporary Access (Attachment 1).

On March 10, 2023, staff met with Fairfax Elementary School representatives to discuss the proposed temporary access road through the school property to connect from E 17th Street to N Fairfax Drive. At this meeting with the school representatives, due to emergency conditions, a temporary asphalt concrete access roadway was agreed to be paved through the school property connecting N Fairfax Drive connecting to E 17th Street.

Discussion

Memorandum of Understanding (MOU)

The MOU, which was executed by the Interim Manager on behalf of the City, required the City to fulfil the following terms.

1. **Improvements-** City shall improve the Temporary Access Area, at its sole cost and expense, with grading, gravel and such other improvements in order to construct and install the Access Road. Such other improvements shall include the installation of fencing in order to prevent access to the Property other than the Temporary Access Area.
2. **Maintenance-** City shall be responsible, at its sole cost and expense, for the maintenance and repair of the Access Road. City shall also employ and utilize prudent dust control measures, signage and other actions to keep and maintain the Access Road in good condition and to prevent City's use of the Access Road from becoming a nuisance to SBUSD, SBUSD's tenants or invitees.
3. **Condition of Property-** Upon expiration of this MOU, City shall restore the Temporary Access Area to the condition, as near as practicable, that existed prior to City's activities. Additionally, upon expiration of this MOU, City shall have no other or further obligation, liability or duty in connection with the Property or to SBUSD except any liability conditions addressed in Section 5 below that may have arisen during City's use of the Temporary Access Area.
4. **Security-** City shall, at its own cost and expense, provide security services until fencing is installed within the Temporary Access Area.

On March 10, 2023, in compliance with City of San Bernardino Municipal Code, Section 3.04.070 Emergency Purchases provisions, City staff expeditiously coordinated with a public works contractor, Onyx Paving Company (Onyx), and directed the contractor to mobilize on site to remove the barriers (walls, chain link fence) and pave temporary asphalt concrete roadway within the school property connecting N Fairfax Drive connecting to E 17th Street. Onyx is the contractor of record on the City's 7 Street Segment Pavement Rehabilitation Project. Under the same emergency provisions, the

City contracted Redwood Private Security (Redwood) from the time of the closure to Sunday, March 12, 2023, to ensure the security of the school since the school no longer had a fence to secure their site. Once the fence was installed, Redwood was relieved of their duty. These two actions satisfied term 1 and 4. Term 2 will be on-going until the site condition is returned to its original condition. Once returned to its original condition, this will satisfy Term 3.

The temporary access roadway was opened to public traffic by end of March 10, 2023, to respond to the emergency conditions. Days after initial access was provided, Onyx and the City staff work to further improve and enhance the temporary road to ensure the safety of motorists, pedestrians, and Fairfax Elementary School. Throughout the process, staff provided updates to City staff, Administration, the Mayor and City Council, and the San Bernardino City Unified School District.

Proposed Plan to Address Bridge

The Cross Street bridge is located over the flood control channel, and it served as the only vehicular access point to a residential neighborhood of around 70 residences. The condemnation of the bridge due to recent fire incident eliminated the only means of access (including emergency service access) to the subject neighborhood, which posed an emergency condition. Due to emergency conditions, staff assessed available options and determined that the open field within the northeast part of the adjacent school property, Fairfax Elementary School, may be utilized as to provide temporary means of access from E 17th Street to N Fairfax Drive. This temporary access road would provide means of access to the subject neighborhood through N Fairfax Drive connecting to E 17th Street through the school property.

The temporary access roadway was opened to public traffic by end of March 10, 2023, to respond to the emergency conditions. The temporary access to the subject neighborhood was provided by end of March 10th. Further necessary construction improvements to this temporary roadway within school site has been addressed by Onyx Paving Company under Emergency Purchases procedures in compliance with City Municipal Code Section 3.04.070, and cost has been tracked on forced account. The required additional improvements included installation of k-rail and chain link fence for school safety, additional vehicular signage, speed humps and solar powered site lighting. As part of the established cost accounting procedures, actual cost for labor, material and equipment has been tracked for all necessary emergency improvements and staff will further present this cost to Council to ratify the necessary emergency construction cost with Onyx Paving Company.

While staff coordinated with Fairfax Elementary School representatives a temporary means of access to provide access to the subject neighborhood, staff further coordinated with the structural engineering firm, IMEG, and assessed available options to provide permanent means of access to the subject neighborhood. As part of the review, staff determined that there was a second bridge north of N Fairfax Drive

providing a secondary means of vehicular and pedestrian access to the subject neighborhood. This secondary bridge was demolished decades ago.

IMEG reviewed the site conditions and presented a two-phase approach to provide permanent access to the subject neighborhood. The two-phase approach is presented as follows:

Phase 1 – Cross Street Bridge Structural Review and Rehabilitation:

This is the 1st phase of the proposed work. As part of this phase, IMEG will perform structural load calculations on the existing Cross Street bridge and determine structural reinforcement requirements to open the bridge to traffic. Following the necessary assessment, if it is determined that it is feasible to reinforce existing bridge to carry vehicular traffic, this option would include preparation of construction documents to reinforce the existing bridge. As part of this phase, IMEG will provide civil, structural, geotechnical and surveying work and will prepare construction plans and specifications for the proposed rehabilitation of existing Cross Street bridge. The proposed work on the existing bridge involves construction of a new substructure under the existing bridge to carry vehicle loads.

The Phase 1 Improvements would take approximately 4-6 months to open the existing bridge to vehicular traffic. The anticipated cost for this option including construction cost, contingency and soft costs is anticipated to be in the range of \$750,000.

Staff coordinated with IMEG and developed a design services scope for Phase 1 Improvements. The cost for design services is \$88,750. In compliance with the City's purchasing guidelines, the Interim City Manager authorized the proposed scope of work. Staff issued Notice to Proceed to IMEG to proceed with necessary design services.

In order to minimize further inconvenience to Fairfax Elementary School and restore the school site to its original condition staff is working diligently to complete the design documents. Staff intends to return the City Council at a later date to receive authorization for construction.

Phase 2 - Fairfax Drive New Bridge Construction:

The 2nd phase includes coordination, planning, permitting and design for a new vehicular bridge by north of N Fairfax Drive. This second bridge would provide a secondary means of access to the subject neighborhood. Due to flood channel surrounding the subject neighborhood, it is ideal to have auxiliary access to this neighborhood in the event of any temporary closure on Cross Street bridge in the future to avoid any access issues to the neighborhood.

This phase would include preparation of engineering documents for a new bridge construction including necessary permitting with regulatory agencies, environmental coordination and design of construction documents. The anticipated construction cost for this option including contingency and soft costs is anticipated to be in the range of

\$1.5M. This option would take approximately 2 years to complete construction of the proposed new bridge.

Staff requests Council's authorization to issue Request for Proposals for Design Services for Fairfax Drive Bridge Construction – Phase 2 Improvements. Staff will return to Council to award Design Services Agreement and establish project budget for Phase 2.

2021-2025 Strategic Targets and Goals

This project is consistent with Key Strategic Target and Goal No. 2b: Focused, Aligned Leadership and Unified Community - This will assist the City with establishing multiagency partnerships and restructure governmental relationships to meet shared goals while appropriately utilizing public school spaces for educational and community purposes

Fiscal Impact

As indicated in the discussion section, the actions taken by staff were consistent with Municipal Code, Section 3.04.070 Emergency Purchases provisions. Staff will return to the Mayor and City Council with a full accounting of the costs associated with providing the temporary access road to the affected community.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California, ratify the Memorandum of Understanding for the Temporary License between the City of San Bernardino and the San Bernardino City Unified School District for use of property on Fairfax Elementary School.

Attachments

Attachment 1 – Memorandum of Understanding for the Temporary License.

Ward:

Second Ward

Synopsis of Previous Council Actions:

None