



Legislation Details (With Text)

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Title: Approve a Right of Entry (ROE) Permit related to the Fresno Veterans Home project

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 15-956 Copy of ROE Permit, 2. 15-956 Vicinity Map

Date	Ver.	Action By	Action	Result
11/5/2015	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

November 5, 2015

FROM: SCOTT L. MOZIER, PE, Director
Public Works Department

THROUGH: ROBERT N. ANDERSEN, PE, Assistant Director
Public Works Department, Capital Management Division

FROM: LAL GOONAWARDENA, PE, Design Services Manager
Public Works Department, Capital Management Division

SUBJECT

Approve a Right of Entry (ROE) Permit related to the Fresno Veterans Home project

RECOMMENDATIONS

Staff recommends that the City Council authorize the City Manager or his designee to sign the ROE Permit with State of California on behalf of the City.

EXECUTIVE SUMMARY

In 2011 the City of Fresno implemented a project to provide utility services and widen streets adjacent to the Fresno Veterans Home, near the intersection of California Avenue and Marks Avenue. Per the agreement, the State Department of Veterans Affairs constructed an on-site temporary ponding basin to mitigate storm run-off because of the City's inability to provide storm drain facilities

before the construction of the Veterans Home. The ROE is necessary for the City to enter the Veterans Home property to maintain the basin as necessary and backfill the temporary basin when permanent storm drain facilities are established in the future.

BACKGROUND

On July 29, 2003, the City Council authorized the City Manager to sign an agreement with the State of California, Board of Public Works. Per the agreement, the City warrants that infrastructure for all utilities and storm drains are installed to the boundary of the property constructed prior to State's commencement of construction of the Veterans Home. Due to the complexities of the storm drain system, the State agreed to build a temporary on-site ponding basin to allow the City to defer the construction of permanent facilities at the time of Veterans Home construction. The said agreement stipulates that the City install off-site storm drain facilities by year December 31, 2018 and in the interim City was grant a ROE permit for period of 3 years starting January 1 2010. Under the ROE the City is required to maintain the temporary basin during its existence as well as backfill and restore the location of the temporary basin to a buildable condition after the permanent facilities are connected to the off-site drain system. The State requested the City to obtain a replacement ROE permit to fulfill its obligations under agreement authorized by the Council. The City Attorney's office has reviewed and approved the proposed Right of Entry permit as to form.

ENVIRONMENTAL FINDINGS

By definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify as a "project" and is therefore exempt from the California Environmental quality act.

LOCAL PREFERENCE

Local Preference is not applicable to the ROE Permit because it does not require bidding or an award of a contract.

FISCAL IMPACT

In the original agreement the City agreed to maintain the temporary basin at an estimated annual cost of \$500 to \$1,000 per year commencing FY 2012 until permanent storm drain service becomes available.

Attachments:

Copy of the Right of Entry Permit
Vicinity Map