From: Jacob Patterson
To: City Clerk
Cc: Whippy, Isaac
Subject: Public Comment -- 2/26/24 CC Mtg., Item No. 5E, 2025 Pavement Engineering Design RFP
Date: Saturday, February 24, 2024 8:57:56 AM

City Council,

You might want to consider pulling 5E for discussion and a potential minor amendment to the scope of work. Technically, staff may be able to address the following concern without formally amending the consent calendar item but it would be helpful to provide some direction regarding the repaving of W. Cypress Street, one of the many street and alley segments included in the list of street segments, because the Council does help balance spending priorities. For the City's paving projects, we often include filling in or improving adjacent sidewalks to bring them up to ADA requirements. Usually, that is simply adjusting the slope around non-compliant driveway mouths, adding curb cuts and ramps at intersections, or filling in short segments where there is no sidewalk so at least one side of a street has a complete and accessible sidewalk. That is included in the intended design work and is listed in the RFP as follows "Design elements of this project may also include the construction/reconstruction of sidewalks, curbs, and gutters following the Americans with Disabilities Act (ADA) where selected treatments necessitate such work." However, W. Cypress Street completely lacks any sidewalks or ADA-accessible paths of travel along the street. Installing sidewalks along that entire segment would be expensive but widening the paved surfaces along the length between Main Street and Coastal Trail parking lot and including striping or some sort of bollard or fence to divide the pedestrian and vehicle traffic is entirely feasible. The contractor should be made aware of this specific design matter so they can explore alternative approaches.

The lack of safe and accessible pedestrian infrastructure has come up in various other contexts (e.g., the Caltrans ADA project that was cancelled and the MCOG-funded sidewalk project, which has an unknown status), including statements by City staff and consultants that the City was aware of the need to provide ADA access when the park and street were constructed but chose not to because of funding constraints--that was foolish and likely violated the City's ADA-compliance obligations because providing equal access to public facilities is not an option but a legal requirement. The City continues to have an obligation to provide accessible infrastructure and the repaving of W. Cypress Street is the appropriate time to do so; in fact, performing the work likely triggers the need to bring that street segment into compliance. I just want to highlight this concern and compliance issue to make sure it isn't inadvertently overlooked because of the project budget and the expense necessary to meet the City's legal obligations, along with a non-specific reference to sometimes including ADA sidewalk improvements. Moreover, the Table of Selected Streets indicates the treatment for each segment and W. Cypress is only listed as "THICK MILL AND OVERLAY" when it will likely need to include adding in a sidewalk along the entire length or widening the current pavement to allow for a paved pedestrian surface. Simply repaving over the existing street surface would not address the current deficiencies. (Note: this wouldn't be as much of a concern if the MCOG sidewalk project will have been completed prior to this paving project because it would provide an alternative way to access the trail and park.)

Regards,

--Jacob