



Meeting Date: 04/18/18  
Agenda Item: # \_\_\_\_\_

### **Mission Statement**

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play. Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

## **CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT**

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**REPORT TO:** Mayor & City Council  
**REPORT THRU:** Daphne Hooper, City Manager  
**REPORT BY:** Derek W. Starkey, PE, City Engineer  
**REVIEWED BY:** Brandi Jensen, City Attorney  
**REVIEWED BY:** Denise Lewis, Finance Director  
**AGENDA ITEM:** **Possible Action to ratify the United States Bureau of Reclamation (USBR) Consent Document to Utilize Easement and Acceptance of Design Eliminating Two Laterals for the Hardie Lane Roadway Reconstruction Project.**

**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

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### **RECOMMENDED ACTION BY CITY COUNCIL**

Staff recommends the following action:

**"I move to ratify the United States Bureau of Reclamation (USBR) Consent Document to *Utilize Easement and Acceptance of Design Eliminating Two Laterals* for the Hardie Lane Roadway Reconstruction Project"**

### **Key Points:**

1. This Agreement is necessary to complete proposed Hardie Lane Reconstruction Project improvements.
2. This Agreement will allow the City's Contractor to relocate the TC5 Lateral underground within the Bureau of Reclamation easement.
3. This Agreement designates USBR's acceptance of the Project's final design of the proposed underground lateral, which includes eliminating the TC5-T1 and TC5-T4 turn-outs.
4. The Hardie LN Project is partially funded under HWY Agreement No. P511-13-063.
5. The City received an Administrative Determination to Waive Fees and Costs for Land Use Authorization document from USBR in June 2015. Therefore, there are no Administrative Costs or Use Fees associated with this Consent Document.
6. Per the Consent Document, the City shall reimburse TCID/LBAO's cost for inspecting the construction of the TC5 lateral and associated facilities.

**POLICY REFERENCE**

*Nevada Statutes:* NRS 625.050 Practice of Professional Engineering  
NRS 625.530 Section 3 Restrictions upon Public Works  
NRS 332.115.b  
NRS 37

*Fernley Municipal Code:* N/A

*Policies & Procedure Manual:* City of Fernley Grants Policy, 2016 NDOT Right-of-Way Manual, 2017 NDOT LPA Manual

*Community Assessment:* Safe travel for kids, moving around town and sidewalks and bike paths, (pp. 12)

*Other:* City of Fernley Safe Routes to School Plan, adopted in 2011  
43 CFR 429.26 Subpart (F), (3) and (4)

**SUPPORTING INFORMATION**

The Hardie Lane Roadway Reconstruction Project is implementing pedestrian improvements along Hardie LN from Main ST to Cottonwood LN. Infrastructure for pedestrian access does not currently exist throughout the majority of this corridor. The proposed improvements will reduce pedestrian and vehicular traffic conflicts, and provide an accessible sidewalk.

The Truckee-Carson Irrigation District (TCID), manages and operates the Newlands Project on behalf of USBR, and delivers irrigation water to water right holders within the Hardie LN Project area. In its current configuration, the TC5 irrigation canal is an open ditch running along the east side of Hardie LN between Cottonwood LN and Westerlund LN. As part of the Project, the TC5 will be piped between Rachel ST and Westerlund LN. Once the pipe is installed and backfill is complete, a 10-foot wide AC Multi-Use path will be installed starting near Westerlund LN, and tying into the existing 4-ft sidewalk at Cottonwood LN.

The USBR Consent Document constitutes Reclamation’s determination that the proposed design is consistent with its easement, and that USBR and TCID accept the design of the TC-5 Lateral. Further, TCID determined that TC5-T1 and TC5-T4 are no longer used to deliver Newlands Project water. Therefore, the City has been authorized to eliminate the turn-outs upon installation of the proposed pipe.

Staff is requesting that Council ratify the USBR Consent Document, which was executed by the Mayor on March 30, 2018. Once the City receives the fully executed Agreement from USBR, a copy will be submitted to NDOT for the ROW/Utility Certification review process prior to the Project going out to bid for construction.

**FINANCIAL INFORMATION**

**FISCAL IMPACT:**

- 1. Is There A Fiscal Impact? Yes
- 2. Is it Currently Budgeted? Yes
- 3. If Budgeted, Which Line Item/Account?  
100-475-745

**FISCAL SYNOPSIS:**

**The FY 17/18 budget for the Project is \$5,524,100.00**

**BACKGROUND INFORMATION**

The original application from the City to the Bureau was received by USBR in June 2013. USBR provided an estimate of costs in the amount of \$73,233.00, for the City to complete improvements on the canal.

Upon 75% design completion for the Project, and the appointment of a new USBR Project Manager, the City requested a waiver of Administrative and Use fees applicable to the Hardie LN Roadway Reconstruction Project Consent Document,

per 43 CFR 429.26 Subpart (F), in June 2015. The Fee Waiver was granted by USBR and the City received a fully executed copy from the Bureau, on June 30, 2015.

USBR assigned another new Project Manager to the Hardie LN Project in September 2016. City submitted the Request for Review and Acceptance of Design Drawings and Specifications form in October 2016.

The 90% PS&E submittal was distributed to Project stakeholders in February 2017, and a draft copy of the Consent Document was received from USBR by the City in May 2017.

The draft Consent Document required, "In the event that TCID or Reclamation later determines that the TC5-T1 and T5-T4 turnouts are needed, the City will consent to and cooperate with the construction of those turnouts. The cost of any such construction shall be borne by the City." Staff requested revised language stating that the City should not be responsible for paying for the extension of irrigation facilities, if demand is made for water in the future. This revision was incorporated into the final Consent Document, received from USBR by the City on March 23, 2018.

The Mayor executed the Agreement on March 30, 2018, with intent to ratify at the April 18, 2018 City Council Meeting. Once the City receives the fully executed Agreement from USBR, a copy will be submitted to NDOT for the ROW/Utility Certification review process prior to the Project going out to bid for construction. The City's Contractor will need the Consent Document prior to performing work in Reclamation's facilities.

### **PRIOR COUNCIL ACTION/REVIEW**

March 6, 2013, Possible action to award contract to Nichols Consulting Engineers, Chtd. for Hardie Lane Reconstruction project, Rachel Street to Main Street, survey, design, construction engineering, quality assurance inspection and material sampling and testing in an amount not to exceed \$216,662.00, Motion passed.

May 2, 2013, Discussion and possible action to staff regarding fiscal year 2013/2014 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

July 17, 2013, Possible action to approve the Cooperative Local Public Agency (LPA) Agreement for the Hardie Lane Safe Routes to School Project, funded amount \$802,102, Motion passed.

April 24, 2014, Discussion and possible action to staff regarding fiscal year 2014/2015 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

January 7, 2015, Possible action to approve Amendment A, to extend and incorporate additional scope of work for engineering services and associated fees, for the existing Hardie Lane Reconstruction Contract with Nichols Consulting Engineers, Chtd., in an amount not to exceed \$324,267.03, Motion passed.

March 18, 2015, Possible action to approve the Amendment of the Cooperative Local Public Agency (LPA) Agreement for the Hardie Lane Safe Routes to School Project, to extend the Project limits, include additional Project Scope and accept additional funding from the Transportation Alternatives Program, (TAP), in the amount of \$34,000, Motion passed.

May 7, 2015, Discussion and possible action to staff regarding fiscal year 2015/2016 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

June 3, 2015, Possible action to approve Amendment B, to incorporate additional scope of work for engineering services and associated fees, in relation to NEPA compliance requirements, for the existing Hardie Lane Reconstruction Project Contract, to Nichols Consulting Engineers, Chtd., in an amount not to exceed \$17,761, Motion passed.

May 18, 2016, Discussion and possible action to staff regarding fiscal year 2016/2017 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

August 3, 2016, Possible Action to approve Amendment No. 2 of the Cooperative Local Public Agency (LPA) Highway Agreement No. P511-13-063 for the Hardie Lane Safe Routes to School Project, Motion passed.

September 7, 2016, Presentation on the status of the City's current grant projects with the Nevada Department of

Transportation.

December 07, 2016, Discussion and possible Action to approve Amendment C, to incorporate additional scope of work for the existing Engineering Services Contract for the Hardie Lane Reconstruction Project, to NCE, in an amount not to exceed \$208,633.57, Motion passed.

May 17, 2017, Discussion and possible action to staff regarding fiscal year 2017/2018 proposed budget including but not limited to; all funds and departments, budget process, timelines, existing budget, assessment and goals for next year, Motion passed.

July 5, 2017, Possible Action to approve the acquisition of two (2) Temporary Construction Easements (TCEs) and one (1) Permanent Easement (PE) located at APN: 020-041-65 (295 East Main Street), from T&N Fernley, LLC, in the amount of \$3,900, Motion passed.

August 2, 2017, Possible Action to approve the acquisition of the following Temporary Construction Easements (TCEs):

- a) APN: 020-061-22 (176 Hardie LN), Evans, in the amount of \$1,000
- b) APN: 020-061-21 (170 Hardie LN), Bridgewater Investments, LLC, in the amount of \$1,000
- c) APN: 020-061-20 (150 Hardie LN), Singh and Grewal, in the amount of \$1,000
- d) APN: 020-061-23 (180 Hardie LN), Bush and Donohue, in the amount of \$1,000
- e) APN: 020-041-64 (100 Hardie LN), Palmer, in the amount of \$2,000
- f) APN: 020-082-19 (355 Hardie LN), Sagar Energy Corp., in the amount of \$1,000, Motion passed.

August 2, 2017, Possible Action to approve the acquisition of one (1) Right-of-Way Take (ROW Take), one (1) Permanent Easement (PE) and one (1) Permission to Construct (PTC) located at APN: 020-131-02 (450 Hardie LN), from Lyon County School District, in the amount of \$60,300, Motion passed.

September 20, 2017, Possible Action to approve the acquisition of one (1) Temporary Construction Easement (TCE) located at APN: 020-061-19 (275 E. Cedar ST), in the amount of \$7,000., Motion passed.

December 6, 2017, Possible Action to approve the acquisition of one (1) Temporary Construction Easement (TCE) and one (1) Permanent Easement (PE) located at APN: 020-102-01 (315 East Main Street), from the United States Postal Service (USPS), in the amount of \$2,000, Motion passed.

#### **ATTACHED INFORMATION**

- 1) USBR Consent Document to Utilize Easement and Acceptance of Design Eliminating Two Laterals