



## Agenda Submittal

**Agenda #:** 9 **Status:** Approved  
**Type:** ATR **Department:** General Services  
**File #:** 13-0203 **Contact:** Michael J. Lango, 784-7902  
**Agenda date:** 3/26/2013 **Final action:** 3/26/2013  
**Title:** Authorize County participation in a joint project with the Administrative Office of the Courts for the Fairfield Flood Protection Validation and Conceptual Design Study for the southeast portion of the Downtown Fairfield County Campus; Approve a \$222,458 Appropriation Transfer Request from the Accumulated Capital Outlay Contingencies to the Clay Street Ditch and Drainage Project for Solano County's share of cost (4/5 vote required); Authorize the County Administrator to sign a Memorandum of Understanding and any subsequent modifications with the Courts for the Study once MOU documents are finalized; and Authorize the Director of General Services to sign all other project-related documents required to accomplish the work  
**Governing body:** Board of Supervisors  
**District:** District 3  
**Attachments:** 1. A - Aerial Map of Study Area, 2. B - Shared Cost Letter from State, 3. C - Proposal for Fairfield Flood Protection Study, 4. Minute Order.pdf

Date	Ver.	Action By	Action	Result
3/26/2013	1	Board of Supervisors	Approved	

Published Notice Required? Yes ☐ No ☒  
Public Hearing Required? Yes ☐ No ☒

### DEPARTMENTAL RECOMMENDATION:

General Services recommends that the Board of Supervisors:

1. Authorize County participation in a joint project with the Administrative Office of the Courts (AOC) for the Fairfield Flood Protection Validation and Conceptual Design Study for the Downtown Fairfield County Campus to be performed by Lionakis of Sacramento (Attachment C);
2. Approve a \$222,458 Appropriation Transfer Request from the Accumulated Capital Outlay Contingencies to the Clay Street Ditch and Drainage Project for Solano County's share of cost for the Study (4/5 vote required);
3. Authorize the County Administrator to sign a Memorandum of Understanding (MOU) and any subsequent modifications with the AOC that are required to transfer payment to the State for County share of costs once the MOU documents are finalized; and
4. Authorize the Director of General Services to sign all other project-related documents required to accomplish the work

### SUMMARY:

The southeast portion of the Downtown Fairfield County Campus has a history of periodic, localized flooding with events occurring in 1978, 1982, 1995, 1999, and 2005. Recovery costs from the 2005 flood exceeded \$1.2 million and the AOC and County annually spend \$26,000 in seasonal flood protection efforts for Court-occupied facilities. Past studies conducted by the City of Fairfield, in conjunction with Solano County and the

AOC, revealed that the primary cause of flooding in the County Campus is due to overland flow from Washington Street, Clay Street and the overtopping of the Union Avenue Creek. A regional solution to prevent flooding would be time/resource intensive, expensive, and involve numerous local, state and federal agencies to successfully complete.

After conferring with the AOC with the goal of identifying cost effective and feasible solutions to protect County and Court-occupied facilities, County and AOC staff are recommending a Flood Protection Validation and Conceptual Design Study to analyze information specifically pertaining to the study area (Attachment A) and develop two feasible conceptual designs considering cost and value. The two-phase Study will cost \$319,759 and take approximately 5 months to complete. Cost responsibility for the Study will be shared with the County paying \$222,458 and the AOC paying \$97,301. The shared cost differential is due to the fact that the AOC has vested interest in only three of the ten structures within the study area. The AOC will contract for services with Lionakis of Sacramento using an existing contract to expedite the Study and a MOU will be finalized concurrent with the Study to ensure that the AOC can receive the County's share of cost. The results of the Study will be presented to the Board following completion of the Study.

### **FINANCIAL IMPACT:**

The cost of the Study is \$319,759, including \$58,683 in contingent services to develop a local hydrology model (if required). The County's share of cost will be \$222,458 and the AOC's share will be \$97,301 (Attachment B). The County's share of cost will be paid using Accumulated Capital Outlay (ACO) funds. The cost sharing calculation was jointly determined by the County and AOC staff based on the amount of square footage occupied within the study area utilizing past documents approved by the County and AOC that apportioned space and costs between the AOC and County, specifically the Transfer of Responsibility for Court Facilities documents and subsequent amendments pursuant to the Trial Court Facilities Act of 2002 that were initially approved by the Board of Supervisors in June 2007; these documents define the County and Court percentage of occupancy and cost responsibility for jointly occupied facilities. Also utilized was a Memorandum of Understanding executed in November 2002 that defines the cost participation by the Court associated with the expansion of the County's Co-generation facility.

### **DISCUSSION:**

#### ***Background/History***

The southeast portion of the Downtown Fairfield County Campus has a history of periodic flooding. Flooding events have occurred 5 times in 28 years. Following flooding in December 2005, the City of Fairfield, in conjunction with the County, commissioned a hydrology study called the "Fairfield Drainage Analytical Study" prepared by Winzler & Kelly (W&K) of San Francisco, which was completed in March 2008. The intent of the study, which examined a large watershed area within Fairfield including the County campus, was to identify the preferred alternatives to eliminate flooding in the County's Downtown Campus and adjacent businesses located on State Street. The results from the study indicate the primary cause of flooding in the County Campus is due to overland flow from Washington Street, Clay Street, and the overtopping of the Union Avenue Creek.

Within the W&K study, four comprehensive solutions to the flooding were evaluated, with an estimated cost of \$8.8 million to provide protection during a 15-year storm event. Extensive inter-governmental approvals from multiple local, State and federal agencies would be required to implement the plan, which would take years if not decades to authorize. The W&K Study also concluded that alternative methods of flood protection of equivalent duration could be implemented in order to protect specific buildings in the County campus potentially at a much lower cost. The Board of Supervisors received a report on the findings resulting from the W&K Study in June 2010 and directed staff to continue to work with the City of Fairfield and other stakeholders to resolve flooding issues in the Downtown County Campus.

Following completion of the W&K Study, the AOC commissioned an independent study completed by Jacobs/Valley Facilities Management Corporation completed in July 2011 that investigated flood protection measures limited solely to the Fairfield Hall of Justice (HOJ) at 600 Union Avenue. The first level Fairfield HOJ has historically suffered the greatest flood damage since that level is lower than the surrounding street.

Since 2010, the County and AOC have been exchanging information and correspondence regarding how best to proceed with a practical and cost effective solution. This effort culminated when the AOC and County jointly agreed that the appropriate next step was to contract with Lionakis to provide professional design and engineering services to validate flood protection and develop conceptual design options for the southeast portion of the Downtown Fairfield County Campus. The AOC agreed to take the lead in contracting for services for the Study but it is intended that any project emanating from the Study would be contracted by the County. Lionakis was selected since the AOC has an existing on-call services agreement to immediately access services. In addition, County Staff have contacted the City of Fairfield Department of Public Works and invited the City to designate a representative to participate in the Study, including assisting in reviewing the proposed scope of work, which the City has agreed to do.

### ***Proposed Fairfield Flood Protection Validation and Conceptual Design Study***

The proposed study area is bounded by Texas Street to the north, Clay Street to the east, Clay Street to the south (including the County-owned Co-generation Facilities located on Delaware Street) and Union Avenue to the west. The Study will be performed over approximately 5 months from Notice to Proceed in two phases (Attachment C). Phase I, Flood Protection Validation Study, will center on engineering services, including preparation of topographic and boundary surveys, field investigation to locate existing underground utilities, review of existing reports and hydrology models, site visits, interviews with Court, County and City staff to analyze information and recommend the frequency interval for flood protection, which will consider cost and value. Phase 2 will focus on developing two conceptual designs consistent with the level of flood protection established in Phase 1 and will also consider recommendations from previous studies in relation to known site constraints. Phase 2 also includes 3-dimensional graphic models of the conceptual designs, engineering input for each conceptual design focusing on sequencing, constructability and cost, and an Opinion of Probable Cost for each conceptual design. If necessary, Phase 2 will also include development of a local hydrologic model. That determination cannot be made until Phase 1 work has been completed; development of the local hydrologic model would only occur upon joint authorization of the County and AOC.

The AOC has indicated that following approval by the Board of Supervisors, consultant work can begin immediately. However, the AOC has also indicated that a MOU between the AOC and County must be in place in order for the State to receive and process payment from the County for its share of cost. Development of the MOU will occur simultaneously with the Study in order to expedite delivery of the Study.

### **ALTERNATIVES:**

1. The Board could elect not to authorize or fund the County's share of cost for the Study. This action is not recommended since sufficient analysis has been performed to indicate that a larger scale flood prevention effort would be expensive and involve multiple local, state and federal jurisdictions. A more modest flood protection study will inform the County and AOC of the scope, cost and schedule required to implement what hopefully will be more modest improvements that can minimize, if not eliminate, flood damage during localized flooding events in the southeast portion of the Downtown Fairfield County Campus. Non-approval will likely result in repetitive and successive insurance claims to repair damaged facilities and disrupt vital services provided by the Court and County, including Emergency Operations. Without a shared funding approach, the AOC would focus flood protection efforts on the Fairfield Hall of Justice, which in turn, could adversely affect surrounding structures.
2. The Board could elect not to delegate signing authority to the County Administrator and Director of General Services for expenses that fall within the County's share of cost for the Study. This action is

not recommended since the timing of Board meetings may be inconsistent with activities required to complete the MOU and other legal documents required to progress the Study causing unnecessary delays. Additional staff time would be required to prepare multiple Board reports resulting in reduced efficiencies and potentially increased costs.

**OTHER AGENCY INVOLVEMENT:**

Representatives from the AOC, local Court and City of Fairfield participated with County staff in the development and evaluation of the scope of work for the Study. County Counsel provided legal review of the language included in Lionakis' proposal. Representatives from the AOC, local Court, City of Fairfield Department of Public Works, Solano County Department of Resource Management (Public Works Division), Department of General Services (Architectural Services and Facilities Operations Divisions) will participate in the Study, which will be contracted by the AOC under an existing contract with Lionakis. The County Administrators Office, Department of Human Resources (Risk Management Division) and County Counsel will be consulted as needed during the course of the Study.

In addition, the Solano County Grand Jury has made previous inquiries and investigations regarding flood control policies and procedures to prevent, correct and/or minimize damage to County-owned facilities in the Downtown Fairfield County Campus.

**CAO RECOMMENDATION:**

**APPROVE DEPARTMENTAL RECOMMENDATION**