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 7 [FEE EXEMPT GOV. CODE §6103]

8
 9 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
 10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11 SPIRIT OF THE SAGE COUNCIL, a
 12 California Public Benefit Corporation;
 PROJECT SOLITON, a California Public
 13 Benefit Corporation

14 Petitioners,

15 v.

16 CITY OF PASADENA, a public entity; CITY
 17 OF PASADENA WATER AND POWER; and
 18 DOES 1 through 25, inclusive;

19 Respondents.
 20

Case No. BS 156207

Assigned for All Purposes to the
 Honorable Judge Richard Fruin
 Department 15

**DECLARATION OF GARY
 TAKARA IN SUPPORT OF CITY
 OF PASADENA'S [PROPOSED]
 JUDGMENT**

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1 I, Gary Takara, declare:

- 2 1. I am an Engineering Manager in the City of Pasadena's ("City") Water and Power
3 Department ("PWP"), and have held this position since June 2015. I started with the City
4 in March 1994 as an Associate Engineer. I have over 27 years in water resource
5 management and related engineering experience. In 1990, I received my Bachelor of
6 Science from California Polytechnic, Pomona in Civil Engineering.
- 7 2. In my current capacity as Engineering Manager, my job duties include managing the PWP
8 Water Supply and Water Quality groups. I supervise the project team for the Arroyo Seco
9 Canyon Project ("Project") at issue in this case. I have been intimately involved in the
10 planning, engineering, grant administration, and implementation of the Project. All of the
11 physical work done to date on the Project has received my review and approval prior to
12 implementation.
- 13 3. As a result of the Station Fire in 2009 and subsequent heavy rains in 2010, the Arroyo
14 Seco experienced substantial debris flows and flooding that damaged existing PWP water
15 diversion facilities in the Arroyo. In general, the Project involves removal of facilities in
16 Area 1 (Arroyo Seco Headworks), repair and replacement of damaged and worn facilities
17 in Area 2 (Arroyo Seco Intake), and repair, maintenance, construction of new facilities,
18 and recreational improvements in Area 3 (JPL East Parking Lot).
- 19 4. I am aware of the court's Statement of Decision in this matter, and in particular of the
20 court's "Comments for Hearing on April 24, 2017 at 10:00 A.M" wherein the court stated:
21 "The court's Statement of Decision is not limited to increased water appropriations over
22 the City's historical usage. It refers to any additional capacity to take stream water at
23 Area 2 or any other location within the Project boundaries."
- 24 5. The purpose of my declaration is to provide expert opinion to distinguish between the
25 specific Project elements that would facilitate to the City's capacity to take additional
26 stream water so that those may be severed from the Project as appears to be the desire of
27 the court, and the remainder of the Project related to either recreational/JPL
28

1 accommodating improvements, or repair, maintain, and operate of PWP facilities
2 necessary to fully return back to normal operations.

- 3 6. None of the work in Area 1 is related to increasing PWP's capacity to take additional
4 stream water. That work is related to removing facilities from the Arroyo Seco and
5 conducting streambed repair necessary as a result of such removal.
- 6 7. In Area 2, all Project elements are directly related to PWP's ability to take additional
7 stream water, with the exception of the access road improvement and related slope
8 reconstruction and protective riprap. The road improvements are necessary to reach Area
9 1 with the construction equipment required to conduct the removal described above.
- 10 8. The work in Area 3 is of overlapping utility, and is best explained by reference to Table
11 3.1-1 of the Initial Study/Mitigated Negative Declaration at issue in this case, a copy of
12 which is attached hereto as Exhibit A for the court's reference. None of the Project
13 elements in the following rows have anything to do with increasing PWP's capacity to
14 take additional stream water: JPL East Parking Lot; New public restroom; Bridge
15 Crossing; Trails; Trailhead; Habitat restoration (none proposed as part of the Project);
16 Pipeline Relocation and Demolition (further explanation provided below); Storm Drain
17 Improvements (none proposed as part of the Project); Overlook (none proposed as part of
18 the Project); Park Entrance (none proposed as part of the Project); Access Road; Pump-
19 back system (none proposed as part of the Project); Water line; Overhead power and
20 communications lines; Septic Tanks and Sewer lines; Security Gates; Lighting; and Public
21 telephones (not proposed as part of the Project).
- 22 a. The only Project elements in Area 3 related to increasing PWP's capacity to take
23 additional stream water are found in the "Spreading Basins" row, and consist of
24 "expand 4 existing basins" and "construct 2 [new] spreading basins." Those items
25 are highlighted in yellow on Exhibit A for sake of clarity.
- 26 b. In that same row, the Project element of "replace 2 sludge ponds with 2 new
27 spreading basins" would not enable to take additional stream water. PWP
28 currently operates the sludge ponds as spreading basins, so this work is necessary

1 to improve existing facilities to better serve the use for which they are currently
2 operated.

3 c. Also in that same row, the Project element of “construct 2 sedimentation basins” is
4 necessary as a result of the ruined state of the headworks in Area 1, as debris
5 currently freely flows downstream and will eventually clog up PWP’s existing
6 facilities without proper management.

7 d. None of the Project elements in the row titled “Pipeline Relocation and
8 Demolition” are related to an increased capacity to take stream water.

9 i. The Project element “replace and realign Hume line from the north end of
10 parking lot to the spreading basins” is related to an existing pipeline that
11 currently directs water to the spreading basins and is not intended to be
12 increased in size but simply realigned to accommodate the proposed layout
13 for improvements at Area 3.

14 ii. The Project element “relocate the JPL water line to the new access road”
15 moves an existing line to be located out of the way to construct the 2
16 sedimentation basins. (See notation regarding “Relocate the 12-inch
17 diameter Arroyo Booster pipeline to the new access road” in paragraph 10
18 below.) But even if the sedimentation basins were not constructed, PWP
19 would want the water lines under the new road so as to minimize disruption
20 from any future digging in the area.

21 iii. The Project element “demolish a portion of the influent and effluent line
22 from the Behner Water Treatment Plant” is related to removal of portions
23 of existing pipelines no longer in use.

24 iv. The Project element “Remove sludge lines” is simply removal of
25 unnecessary piping and general cleaning up of the area.

26 9. For sake of clarity, the Project does not propose any new or increased piping capacity
27 between Areas 2 and 3 that would eventually be of utility should PWP receive all
28

1 necessary regulatory and court approvals to increase its capacity to take water from the
2 Arroyo Seco.

3 10. PWP did undertake some physical work in Area 3 during the pendency of this litigation as
4 there was no court order to the contrary. Specifically, PWP constructed pipelines within
5 the alignment of the proposed new road, including: a new 12-inch pipeline to serve a
6 future groundwater well beside Basin F; a 16-inch utility line to serve existing offsite
7 wells in the Arroyo and the existing Monk Hill Treatment Plant, a 12-inch discharge main
8 for the existing Arroyo Booster located south of the site (this work was undertaken in
9 place of "Relocate the 12-inch diameter Arroyo Booster pipeline to the new access road"),
10 and relocation of the 12-inch potable water service to the NASA/JPL property. None of
11 this work would enable an increase in the capacity to take stream water.

12 11. Finally, it is important to note that certain construction activity assumptions were included
13 in the Project, and are set forth in Exhibit A in Table 3.2-1. The assumptions would
14 remain the same in general, but scaled back in any particular Project Area consistent with
15 any judgment issued by this court.

16 12. The City is facing delay costs associated with its inability to move forward with elements
17 of the Project unrelated to additional capacity to take water out of the stream. Temporary
18 bridges along the trail to Areas 1 and 2 must be installed to support the movement of
19 construction equipment. The City began that work during the pendency of this litigation,
20 but stopped once the court issued its Statement of Decision. Because the City does not yet
21 know whether it can proceed with any part of the Project, it must extend the contract for
22 the temporary bridges, at an additional cost of \$30,000 over the original contract amount.
23 On Monday, June 19, 2017, the City Council approved that additional expense. Attached
24 hereto as Exhibit B is the staff report upon which Council acted, and which explains the
25 delay costs.

EXHIBIT A

**TABLE 3.1-1
AREA 3 IMPROVEMENTS**

Area 3 Improvements	Description of Improvements		
	Hahamonga Watershed Park Master Plan	Final Master EIR for Arroyo Seco Master Plan (Master EIR section)	Arroyo Seco Canyon Project
JPL East Parking Lot	Relocate JPL parking, remove southern ½ of parking lot and convert northern ½ into public parking.	6-story, 1,200-space parking structure on JPL west parking lot (2.3.1.11.1 and 3.1.4.1.1).	(Note: This parking structure is under construction by JPL and is not part of the Project.)
		Convert JPL parking to 200-space public parking (2.3.1.15.1).	Up to 100-space decomposed granite recreational parking lot. (Note: This is 100 parking spaces fewer than the parking lot analyzed in the Master EIR.)
New public restroom	New restroom (with 1 urinal and 1 stall for men and 2 stalls for women) at northern end of parking lot, with storage area, public telephone, underground power connection, and sewage lift station and force main leading to the JPL line across the JPL bridge.	New restroom (with 1 urinal and 1 stall for men and 2 stalls for women) at northern end of parking lot, with storage area, trash enclosure, emergency phone, sewage lift station, and force main leading to the sewer line at the JPL campus through JPL bridge (2.3.1.15.2).	New restroom at northern end of parking lot with 2 gender-neutral stalls and sewage lift station and sewer connection leading to the JPL sewer line across JPL bridge. (Note: This is 1 urinal and 1 stall fewer than the restroom analyzed in the Master EIR.)
Bridge Crossing	New bridge crossing for the North Perimeter Trail, vehicles, and utilities.	Northern Bridge Crossing across Arroyo Seco that is 12 feet wide and 150 feet long (2.3.1.16.3).	Not proposed, but the existing pedestrian access path across the JPL bridge will be maintained and will connect to the new parking lot.
Spreading Basins	Expand 4 existing basins.	Expand 4 existing basins into the JPL parking lot (2.3.1.4.5).	Expand 4 existing basins.
	Relocate 2 sludge ponds.	Relocate and expand 2 sludge basins (2.3.1.4.5).	Replace 2 sludge ponds with 2 new spreading basins.
	Build 2 new basins.	Build 2 new basins (2.3.1.4.5).	Construct 2 sedimentation basins and 2 spreading basins. (Note: This is 2 basins more than analyzed in the Master EIR. While the basins would be located in the same area, the area would have a different basin configuration.)
		Convert 2 basins into a lake (2.3.1.4.5 and 2.3.1.13).	Not proposed.

**TABLE 3.1-1
AREA 3 IMPROVEMENTS**

Area 3 Improvements	Description of Improvements		
	Hahamongna Watershed Park Master Plan	Final Master EIR for Arroyo Seco Master Plan* (Master EIR section)	Arroyo Seco Canyon Project
Trails	New trail that runs from the north end of the JPL parking lot to the Gabrielino Trail.	4 trail connections from East Rim Trail to Perimeter Trail, including a new trail at the north end of the parking lot (2.3.1.16.5).	Potential future pedestrian pathway from the north end of the parking lot through the slope area to Gabrielino Trail
	Extend East Rim Trail from Arroyo Well to VOC Water Treatment Plant and from Arroyo Well to both the Altadena Crest Trail and the Gabrielino Trail (along back of JPL parking lot).	East Rim Trail is approximately 2,600 linear feet of new trail that runs from the VOC Water Treatment Plant through Johnson Field to the Arroyo Well before ending at the Altacrest Trail on backside of the existing parking lot (2.3.1.16.4).	Pedestrian pathway/trail along the eastern edge of the parking lot, with a potential future extension north to join the Gabrielino Trail north of Area 3.
	Relocate existing trail to the maintenance road.	Relocate the existing trail to the maintenance road (2.3.1.18.2).	Proposed maintenance roads around new spreading basins will be open for public use.
Trailhead	Gabrielino Trailhead area with a new restroom, picnic tables, public parking, and interpretive signage.	Interpretive and picnic area at the intersection of the Arroyo Well and Johnson Field Road, with parking spaces (2.3.1.12.7).	Restroom, pet waste station, and signage proposed at the Gabrielino Trailhead area.
Habitat restoration	Realign stream corridor and restore habitat on banks west of the parking lot and basins.	Move, expand, and restore the stream corridor by the Altadena drain (2.3.1.18.1.1).	No improvements are proposed on the banks west of the parking lot.
	Establish habitat at spreading basins.	Habitat establishment at spreading basins (2.3.1.18.1.3).	Not proposed.
	Establish habitat at the East Entrance.	Habitat establishment at the East Entrance and at Sunset Overlook (2.3.1.18.1.5).	Not proposed.
Pipeline Relocation and Demolition	None specified.	None specified.	Replace and realign Hume line from the north end of parking lot to the spreading basins.
			Relocate the JPL water line to the new access road.
			Demolish a portion of the influent and effluent line from the Behner Water Treatment Plant
			Relocate the 12-inch diameter Arroyo Booster pipeline to the new access road.
			Remove sludge lines.

**TABLE 3.1-1
AREA 3 IMPROVEMENTS**

Area 3 Improvements	Description of Improvements		
	Hahamonga Watershed Park Master Plan	Final Master EIR for Arroyo Seco Master Plan (Master EIR section)	Arroyo Seco Canyon Project
Storm Drain Improvements	Shorten the Altadena storm drain and armor embankment to reduce erosion and restore habitat.	Shorten the Altadena drain and restore the stream corridor (2.3.1.4.6).	Not proposed.
	Extend the Altacrest storm drain as an underground pipe into the stream with inlets from the access road and the parking lot.	Extend the Altacrest drain as an underground drain between basins and that empties into the stream, with inlets to receive runoff from the parking lot (2.3.1.4.7).	Altacrest drain extension is not proposed County Storm Drain remains in place.
Overlook	Construct Sunset Overlook with interpretive signage and park amenities north of the East entrance.	Construct Sunset Overlook with picnic tables, seating, signage, and parking near east park entrance (2.3.1.14).	Not proposed.
Park Entrance	Relocate and improve the park entrance at Windsor/Explorer/Ventura intersection to Windsor/Mountain View.	Relocate the park entrance to Windsor/Mountain View, add a retaining wall, and restore habitat (2.3.1.3.1).	Not proposed.
	Relocate the parking area south of the entrance to the JPL parking lot	Relocate the parking area to the northern end of the JPL parking lot (2.3.1.3.1).	Not proposed.
		Reconstruct Windsor/Ventura intersection; add an interpretive area and a parking area (2.3.1.3.3)	Not proposed.
Access Road	Realign to the east side of the basins.	Realign along eastern edge of the parking lot (2.3.1.3.2).	Realign along eastern side of the basins and south and west of the new parking lot.
	Widen the road to Johnson Field.	Widen the Johnson Field Road to 2 lanes (2.3.1.3.3).	Not proposed.
Pump-Back system	Inlet at dam; pipe at the bottom eastern slope; and outlet at the highest east-side basin and across the new bridge to the west side basins	Inlet, pump, and pipes to basins and lakes (2.3.1.4.2).	Not proposed.
Water line	Water line connections to new restrooms, campsite sinks, drinking fountains, and buildings.	None specified.	Connect the restroom and parking lot irrigation system to a metered service from the relocated JPL water main.

**TABLE 3.1-1
AREA 3 IMPROVEMENTS**

Area 3 Improvements	Description of Improvements		
	Hahamonga Watershed Park Master Plan	Final Master EIR for Arroyo Seco Master Plan* (Master EIR section)	Arroyo Seco Canyon Project
Overhead power and communication lines	Relocate to the North Bridge crossing or within the utility easement.	Relocate power and communication lines.	Not proposed.
	Power connections to new restrooms and pump-back system.	None specified.	Connect the restroom, irrigation controls, and basin metering structure to a new service drop using an existing overhead line in Area 3 (where the biggest load will come from the lift station).
	Underground PWP overhead distribution lines from the VOC Water Treatment Plant to Arroyo Well and from the VOC Water Treatment Plant to Johnson Field.	Underground 3,000 feet of power and communication lines from the VOC Water Treatment Plant to Arroyo Well and from the VOC Water Treatment Plant to Johnson Field (2.3.1.19.1).	Not proposed.
	Relocate SCE lines running from the JPL substation to the Windsor/Ventura intersection.	Realign the SCE power line across the basins to the North Bridge, Gabrielino Trail, Ventura Street, and ultimately to the existing line on Altadena Drive (2.3.1.19.2).	Not proposed.
Septic Tanks and Sewer lines	Abandon all septic tanks and construct a sewer collection system.	Connect a new restroom near Johnson Field to the sewer line on Lehigh Street (2.3.1.12.3) and connect a new restroom at the JPL parking lot to the sewer line in JPL campus (2.3.1.15.2).	Connect a restroom to sewer line in JPL campus.
Security gates	Add security gates at all vehicular entries and at the tunnel from the dam parking lot.	Add gates and fencing at the East Entrance and along west side of Windsor Avenue (2.3.1.20).	Not proposed.
		Add fencing at end of Altadena Drive (2.3.1.20).	Not proposed.
			Add security gates at the north end of the parking lot, with a roundabout and a guard house

**TABLE 3.1-1
AREA 3 IMPROVEMENTS**

Area 3 Improvements	Description of Improvements		
	Hahamongna Watershed Park Master Plan	Final Master EIR for Arroyo Seco Master Plan (Master EIR Section)	Arroyo Seco Canyon Project
Lighting	Add lighting on built structures and at major park entrances only.	Add safety lights at the new parking lots and at the new restrooms (3.1.4.1.1).	Add restroom interior and exterior lighting.
Public telephones	Add near improved restrooms and recreation amenities.	Add at the new restroom at north end of the public parking lot (2.3.1.15.2).	Not proposed.
JPL: Jet Propulsion Laboratory; VOC: volatile organic compounds; PWP: City of Pasadena Water and Power; SCE: Southern California Edison.			
* Based on the Final Master EIR that includes Draft Master EIR and Clarifications and Revisions to Draft Master EIR (Section 12.0 of the Final Master EIR).			

As shown, the Project would implement some of the improvements proposed by the HWMP and analyzed in the Final Master EIR for the Arroyo Seco Master Plan. However, the Project proposes a recreational parking lot and a restroom that are smaller than those analyzed in the Final Master EIR. There is also a variation to the spreading basin configuration within the same location and area. Other proposed improvements in Area 3 (e.g., proposed trails, walkway, hume line relocation, JPL water line relocation, utility line demolition in the proposed basin area, water line connection, security gates, roundabout, and guard station at north end of parking lot) are not discussed in the HWMP or the Final Master EIR. At the same time, the Project does not preclude the future implementation of other improvements in Area 3 (e.g., storm drain improvements, trail relocation, pumpback system, and utility line relocations) as contained in the HWMP or analyzed by the Final Master EIR but not proposed by the Project. Accordingly, this IS/MND is a stand-alone document and does not tier off of the Master EIR.

3.2 PROJECT DEMOLITION AND CONSTRUCTION

Construction of the permanent Project improvements is anticipated to take approximately 16 months, starting in Summer 2015 with construction of the temporary bridges beginning one month before the start of construction activities in Areas 1 and 2. Designated staging areas will be fenced to prevent safety hazards, as well as deter to vandalism and theft. Project completion is expected by Fall 2016, with temporary bridge demolition occurring at the end of construction activities in Areas 1 and 2. Planned construction activities are broken out by Area below.

During grading activities in Area 3, a total of approximately 23,000 cy of cut materials is anticipated. In the interest of minimizing export from the Project site, the City may implement a mechanical shaker to sort and sift through excavated soils. The shaker would separate finer soils from larger rocks, thereby allowing for the beneficial reuse of the excavated soils as engineered fill materials during the construction of the spreading basins. The shaker would be in operation for 8-hour days over the last 2 months of grading activities. If the City utilizes the shaker option, approximately 23,000 cy of cut materials would be processed through the shaker, resulting in approximately 21,000 cy of material for fill (to be used on-site) and approximately 2,000 cy of larger rock materials. These 2,000 cy of rock materials may be used on-site for decorative/landscaping purposes throughout the Project study area, or may be exported off-site. For the sake of providing a conservative analysis, both the Air Quality, Noise and Traffic sections of the IS/MND assume export of these materials.

Table 3.2-1, Construction Activity Assumptions, summarizes the anticipated construction activities for each area.

**TABLE 3.2-1
CONSTRUCTION ACTIVITY ASSUMPTIONS**

	Area 1	Area 2	Area 3
Temporary Bridge Construction^a			
Start	Summer 2015	Summer 2015	N/A
Length of activity	4 weeks	4 weeks	N/A
Equipment in use ^b	1 crane, 1 welder, 1 forklift	1 crane, 1 welder, 1 forklift	
Number of truckloads	10 truckloads	10 truckloads	N/A
Disposal site	Scholl Canyon Landfill	Scholl Canyon Landfill	N/A

**TABLE 3.2-1
CONSTRUCTION ACTIVITY ASSUMPTIONS**

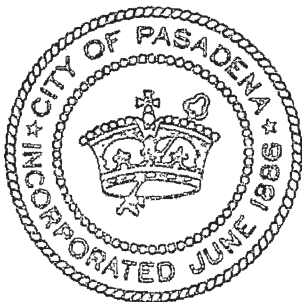
	Area 1	Area 2	Area 3
Site Preparation – Clearing and Grubbing			
Start	Summer 2015	Summer 2015	Summer 2015
Length of activity	3 weeks	2 weeks	1 month
Equipment in use ^b	1 dozer, 2 dump trucks	1 dump truck	1 dozer, 1 excavator, 2 dump trucks
Amount of export	80 cy of debris	80 cy of debris	2,400 cy of debris
Number of truckloads for export	10 truckloads (16 cy truck- half loads)	10 truckloads (16 cy truck- half loads)	150 truckloads (16 cy trucks)
Disposal site	Scholl Canyon Landfill	Scholl Canyon Landfill	Scholl Canyon Landfill
Demolition			
Start	Fall 2015	Fall 2015	Fall 2015
Structures to be demolished	Headworks structure (1,800 sf)	Portions of diversion and weir structures and the retaining wall (500 sf)	Maintenance shed (100 sf), concrete vaults, head gates (300 sf), and paving on temporary access road (a portion of the 7 ac. Parking lot)
Length of activity	1 month	1 month	2 weeks
Equipment in use ^b	2 saws, 1 excavator with hammer, 2 dump trucks	2 saws, 1 excavator with hammer, 2 dump trucks	2 saws, 1 excavator with hammer, 2 dump trucks
Cubic Yards of Export	64 cy Demo wastes	16 cy of Demo wastes	4,000 cy of Demo wastes
Number of truckloads for export	8 truckloads (16 cy truck- half loads)	2 truckloads (16 cy truck- half loads)	250 truckloads (16 cy trucks)
Disposal site	Scholl Canyon Landfill	Scholl Canyon Landfill	Scholl Canyon Landfill
Grading			
Start	Fall 2015	Fall 2015	Fall 2015
Length of activity	4 months	1 month	5 months
Area to be graded	8 ac	9,000 sf	20 ac
Cut and fill	0	180 cy cut (road base)	23,000 cy cut and 21,000 cy fill (net cut of 2,000 cy)
Equipment in use ^b	1 excavator, 1 dump truck	1 excavator, 1 dump truck	2 excavators, 2 front-end loaders, 2 dump trucks For 2 months: 1 shaker and 1 front-end loader
Amount of export	0	180 cy	2,000 cy (rocks)
Number of truckloads ^c	0	36 truckloads (10 cy trucks half-load)	210 truckloads (10 cy trucks)
Disposal site	Scholl Canyon Landfill	Scholl Canyon Landfill	Scholl Canyon Landfill
Length of hauling	0	3 days	4 weeks
Underground Infrastructure/Utilities			
Start	N/A	Winter 2015	Fall 2015
Length of activity	N/A	3 months	4 months
Equipment in use ^b	N/A	1 excavator, 1 concrete truck, 1 concrete pumper truck, 1 crane	1 excavator, 2 dump trucks, 1 plate compactor

**TABLE 3.2-1
CONSTRUCTION ACTIVITY ASSUMPTIONS**

	Area 1	Area 2	Area 3
Paving			
Start	N/A	Spring 2016	Spring 2016
Length of activity	N/A	1 month	2 months
Pavement	N/A	asphalt	asphalt and DG
Area to be paved	N/A	5,000 sf	67,000 sf asphalt and 72,000 sf DG
Equipment in use ^b	N/A	1 vibratory roller, 1 paver, 1 grader, 1 belly dump, 1 dump truck	1 vibratory roller, 1 curb builder, 1 paver, 1 grader, 1 road striping machine, 1 belly dump, 1 dump truck
Building Construction			
Start	N/A	Summer 2016	Summer 2016
Length of activity	N/A	1 month	3 months
Equipment in use ^b	N/A	1 crane, 1 concrete truck	1 crane, 1 concrete truck, 1 concrete pumper truck
Architectural Coatings			
Length of activity	N/A	1 day interior	5 days interior
Temporary Bridge Demolition^a			
Start	Fall 2016	Fall 2016	N/A
Length of activity	4 weeks	4 weeks	N/A
Equipment in use ^b	1 crane, 1 welder, 1 forklift	1 crane, 1 welder, 1 forklift	
Number of truckloads	10 truckloads	10 truckloads	N/A
Disposal site	Scholl Canyon Landfill	Scholl Canyon Landfill	N/A
sf: square feet; ac: acres; cy: cubic yards; N/A: not applicable.			
^a Assumes 2 temporary bridges will be built, with a temporary bridge over Bridge No. 1 and another temporary bridge over Bridge No. 3.			
^b In addition to the listed equipment, the following equipment would be shared among any 1 of the 3 work areas: medium-duty trucks (<10), all-terrain forklift (1), front-end loader (1), water truck, portable generator, and hand tools (e.g., grinders, drills, compressors).			
^c In order to provide a conservative assessment to account for the unknown variation in the amount of soil that could be re-used onsite for engineered fill versus exported off-site, the number of truck trips was increased by assuming the use of 10 cy trucks instead of the standard 16 cy trucks.			
Source: Carollo 2013.			

Trucks hauling soils and debris to Scholl Canyon Landfill are expected to come to the site from I-210 at the Windsor Avenue off-ramp and head north on Windsor Avenue to Explorer Road into Area 3. From Area 3, trucks would turn southeast and north to the access road (North Arroyo Boulevard) to reach Areas 1 and 2. From these areas, the trucks would head south and pass through Area 3, Explorer Road, Windsor Avenue, and onto the westbound on-ramp on I-210. From I-210, trucks would head west on SR-134; exit at the Figueroa Street/Scholl Canyon Road off-ramp; head north-northeast toward the landfill. Trucks would come back from the landfill entering the eastbound on-ramp on the SR-134 at Figueroa Street and head east; trucks would then go west on I-210 to Windsor Avenue to Explorer Road and, ultimately, to the site.

EXHIBIT B



Agenda Report

June 19, 2017

TO: Honorable Mayor and City Council

FROM: Water and Power Department

SUBJECT: AUTHORIZE THE CITY MANAGER TO AMEND CONTRACT NO. 30723 WITH TOBY B. HAYWARD, INC. TO FURNISH LABOR AND MATERIALS FOR CONSTRUCTION OF TEMPORARY BRIDGES AT ARROYO SECO CANYON

RECOMMENDATION:

It is recommended that the City Council:

1. Acknowledge that a lawsuit was filed against the City seeking to invalidate the City's approval of the Initial Study Mitigated Negative Declaration ("IS/MND") for the underlying Arroyo Seco Canyon Project, the court issued a decision in March 2017 partially against the City, the City is currently awaiting the terms of a final judgment which may allow the work proposed herein to move forward, and such work will only move forward if in compliance with the judgment; and
2. Authorize the City Manager to amend Contract No. 30,723 with Toby B. Hayward, Inc. to extend the contract duration by an additional one year with an option for three additional one-year terms subject to the approval of the City Manager, and increase the contract not-to-exceed amount from \$440,000 to \$470,000 to provide labor and materials for the construction of the temporary bridges at Arroyo Seco Canyon.
3. To the extent this could be considered a separate procurement subject to the Competitive Selection process, grant the contract an exemption pursuant to Pasadena Municipal Code (PMC) Section 4.08.049(B), contracts for which the City's best interests are served.

BACKGROUND:

The Water and Power Department ("PWP") is proposing to repair and replace facilities within the Arroyo Seco Canyon area that were damaged by events related to the 2009 Station Fire. Through enhancements located in three areas of the Arroyo Seco, the project will also allow for the increased utilization of existing surface water rights held by the City, improve water quality in the canyon, improve biological habitats, restore hydrological

function, and improve ecosystem health. The proposed improvements are collectively referred to as the Arroyo Seco Canyon Project ("ASCP") and are scheduled for construction in 2017.

Two existing bridges in the Arroyo Seco Canyon do not have the capacity to support loads from construction equipment that will be needed for the ASCP. Specification WD-16-01 includes the construction of temporary structures that will allow transport of heavy equipment and materials over two existing bridges and provide protection to the railing of a third bridge in advance of the planned ASCP construction.

On September 12, 2016, City Council authorized the contract with Toby B. Hayward, Inc. to furnish labor and materials for construction of temporary bridges at Arroyo Seco Canyon based on competitive bid results. The contract was signed on November 21, 2016 for an amount not to exceed \$440,000. Since the date of contract execution, Toby B. Hayward Inc. completed the construction of the first temporary bridge, and began procuring materials and fabrication for the construction of the second temporary bridge.

On July 2, 2015, two petitioners jointly filed a lawsuit against the City seeking to invalidate the City's approval of the California Environmental Quality Act ("CEQA") IS/MND. On March 23, 2017, the court issued a ruling that was unfavorable to the City; PWP instructed Toby B. Hayward Inc. to put the remaining construction of the second temporary bridge on hold, which otherwise would have been completed in approximately 45 days. On May 2, 2017, the City issued a proposed writ of mandate. However, as of May 30, 2017 the court had not issued the terms of the judgment, which would state which components of the ASCP, including the temporary bridges, will be allowed for construction.

Contract 30,723 with Toby B. Hayward Inc. expires on June 30, 2017. Staff recommends that the City Council approve an initial one-year extension to June 30, 2018 with an option for three additional one-year terms, and increase the contract amount from \$440,000 to \$470,000. The increased amount will cover remobilization costs resulting from the hold placed on the project and the extension of its duration. The additional costs include lease of equipment and materials, storage of materials that have been fabricated or partially fabricated, but not yet installed, and labor expenses representing the short period when the work was placed on hold, but believed to resume before contract expiration.

Staff's recommendation to extend the contract by at least one year will allow for a thorough evaluation of the City's options, which include permanent repair and strengthening of the bridge or to proceed with the temporary bridge as the preferred alternative. If the final ruling allows the work to move forward, and the evaluation of options leads to the conclusion that a continuation of the current contract remains in the best interest of the City, then the extension will also provide sufficient time to complete the second temporary bridge. Depending on the outcome of the final judgment, PWP may opt not proceed with the work, in which case staff will negotiate contract termination terms with the contractor. The optional one-year extensions may be needed depending on the timing of the final judgment and resulting additional delays to the work.

Amend Contract with Toby B. Hayward, Inc.
June 19, 2017
Page 3 of 4

The contract amount includes a 15% contingency of \$57,400 to accommodate any necessary change orders as a result of unforeseen conditions, including environmental mitigation and logistical challenges due to the location of the work in the Arroyo Seco. To date, \$5,295 of this contingency has been committed. Not including contingency, the balance remaining on the contract for authorized work and retainage is \$227,609.

COUNCIL POLICY CONSIDERATION:

The contract is consistent with the Public Facilities Element of the General Plan and supports the City Council's goal to improve, maintain and enhance public facilities infrastructure, and to implement capital improvements that will maintain and rehabilitate infrastructure.

ENVIRONMENTAL ANALYSIS:

In compliance with CEQA, an Initial Study ("IS") was prepared as documentation to support a Mitigated Negative Declaration ("MND") for the ASCP. The IS/MND was approved by the City's Hearing Officer at a public hearing on January 7, 2015. Subsequent appeals were filed challenging this decision, but ultimately City Council adopted the IS/MND after a public hearing on June 1, 2015. During the 30-day period set by filing the Notice of Determination, a lawsuit was filed against the City seeking to invalidate the City's approval of the IS/MND. The court issued a decision in March 2017, and the City is currently awaiting the terms of the judgment. The work provided for in this contract will only move forward in compliance with the terms of the judgment.

FISCAL IMPACT:

The cost of this action will be \$309,720, which includes the balance of the contract amount of \$227,609, plus remaining contingency of \$52,105, plus additional costs of \$30,000. Funding for this action will be addressed by the utilization of existing appropriations in the Water System Capital Improvement Program Budget Number 1040 – Arroyo Spreading Basins & Intake Structures. It is anticipated that 100% of the cost will be spent during fiscal year 2018. In addition, it is anticipated there will be \$50,000 in additional costs for contract administration, and inspection as a result of this action. The total fiscal impact will be \$359,720.

The following table presents the fiscal impact summary:

Remaining Authorized Work	\$227,609
Proposed Increase	\$30,000
Remaining Contingency	\$52,105
Total FY18 Contract Amount	\$309,720
Contract Administration	\$ 30,000
Inspection	\$ 20,000
Total Fiscal Impact	\$359,720

The ASCP, including the temporary bridge work, is partially funded by a Proposition 84 grant from the California Department of Water Resources. It is not known at this time what effect the outcome of the lawsuit will have on reimbursement of temporary bridge costs. There is no anticipated impact to other operational programs or capital projects as a result of this action.

Respectfully submitted,



Gurcharan S. Bawa
General Manager
Water and Power Department

Prepared by:



Michael Tse
Associate Engineer

Approved by:



STEVE MERMELL
City Manager

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I, CLAIRES A. VORHIS, hereby declare and state:

4 I am employed in the County of Los Angeles; I am over the age of eighteen
5 years and not a party to the within entitled action. My business address is 100 North
6 Garfield Avenue, Suite N210, Pasadena, California. My mailing address is PO Box
7 7115, Pasadena, CA 91109-7215.

8 On June 20, 2017, I served the foregoing document described as:

9 **DECLARATION OF GARY TAKARA IN SUPPORT OF CITY OF**
10 **PASADENA'S [PROPOSED] JUDGMENT**

11 on the interested parties by placing a true copy thereof enclosed in a sealed envelope
12 addressed as follows:

13 **SEE ATTACHED SERVICE LIST**

14 ☐ **BY FACSIMILE:** Based on an agreement of the parties to accept
15 service by fax transmission, I faxed the documents to the persons at the fax number.
16 No error was reported by the fax machine that I used. A copy of the record of the fax
17 transmission, which I printed out is attached..

18 ☐ **BY MAIL:**

19 ☐ As follows: I am "readily familiar" with the City's practice of
20 collection and processing correspondence for mailing. Under that practice it would
21 be deposited with U.S. postal service on that same day with postage thereon fully
22 prepaid at Pasadena, California, in the ordinary course of business. I am aware that
23 on motion of the party served, service is presumed invalid if postal cancellation date
24 or postage meter date is more than one day after date of deposit for mailing in
25 affidavit.

26 ☐ I deposited such envelope in the mail at Pasadena, California.
27 The envelope was mailed with postage fully prepaid.

28 ☐ **BY PERSONAL SERVICE:**

☐ I delivered such envelope by hand to the offices of the addressee
pursuant to CCP § 1011.

☒ **BY EMAIL OR ELECTRONIC TRANSMISSION:**

☒ Based on an agreement of the parties to accept service by e-mail or
electronic transmission (with a courtesy hard copy should any document exceed 30
pages), I caused the documents to be sent to the persons at the e-mail addresses listed
above. I did not receive, within a reasonable time after the transmission, any
electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that
the above is true and correct.

EXECUTED on June 20, 2017, at Pasadena, California.


CLAIRE A. VORHIS

ATTORNEYS' SERVICE LIST

SPIRIT OF THE SAGE COUNCIL, a California Public Benefit Corporation;
PROJECT SOLITON, a California Public Benefit Corporation, Petitioners v. CITY
OF PASADENA, a public entity; CITY OF PASADENA WATER AND POWER;
and DOES 1 through 25, inclusive, Respondents.

City Attorney File No. 7534
Case No. BS 156207

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