



CITY COUNCIL AGENDA BILL 23-03

TITLE: Adoption of Resolution 2023-925: Professional services contract with Osborn Consulting, Inc. for Phase 2 design of the Newport Hills Creek Railroad Embankment Project, S-017.	EXHIBITS: 1. Proposed Resolution 2023-925 2. Resolution Exhibit A: Consultant scope and fee
ORIGINATING DEPT.: Public Works	
ACTION PROPOSED: Authorize the City Manager to execute a contract with Osborn Consulting, Inc. for Phase 2 design of the Newport Hills Creek Railroad Embankment Project, S-017.	

SUMMARY

Staff requests authorization to approve a design contract with Osborn Consulting, Inc. (OCI) for design and permitting services for Phase 2 of the Newport Hill Creek Railroad Embankment Project, S-017.

FISCAL IMPACT

A total of \$165,000 has been allocated for Phase 2 design of S-017 in the adopted 2023 Surface Water Management budget. The total fee for the OCI design contract is \$194,401. This project has received two grants for Phase 2 design totaling \$156,322. They consist of a Federal Emergency Management Agency (FEMA) High Hazard Dam Grant (\$56,322) and a King County Flood Control District Grant (\$100,000).

BACKGROUND

Located within May Creek Park, the Railroad Embankment over Newport Hills Creek (embankment) is a historic railroad trestle that was backfilled, likely during the coal-mining era. The embankment is approximately 55 feet tall and 150 feet long. The May Creek Trail is located along the top of the embankment. At the bottom of the embankment Newport Hills Creek flows through a 24" clay vitrified pipe that is approximately 212 feet long. Flow into the culvert is regulated by a vertical control structure. The City replaced the failing control structure in 2020 under Phase 1 of the project.

Since the control structure creates an artificial impoundment, the embankment is considered a dam and is on the Washington State dam inventory. A periodic inspection by Ecology's Dam Safety Office (DSO) in 2018 indicated that the embankment is in poor condition. The DSO recommended removing the

embankment. Since this inspection City staff have been monitoring the embankment, particularly during the wet season.

The Ecology Water Resources Program informed the City that the current dam (embankment) does not comply with state water code (as a Reservoir Permit was never issued for this impoundment), and that it is listed as a High Hazard Dam. By replacing the riser in 2020, as well as removing the embankment, the City will both reduce flood hazard and comply with state water code. This will considerably lessen the City's exposure and liability.

Long-term options for the embankment were evaluated in Phase 1 of the project. The Alternative Analysis recommended removal of the embankment to the original creek bed. The project is complex in nature and requires coordination with multiple agencies and organizations with varying requirements. Some of the agencies that the City has been or will be working with include the DSO, Washington Department of Fish and Wildlife (WDFW), the Muckleshoot Tribe, Ecology Water Resources Program, King County, FEMA, and the Army Corps of Engineers.

During the Alternatives Analysis process, the City did select the best alternative based on several criteria, which will include a construction cost estimate of approximately \$2.75 million. The sooner we can plan for an upcoming capital project, the better. Early financial planning allows time for the city to find funding partners as well as plan accordingly in our capital program.

When work is done to a creek or culvert a lot of different permits, agencies, and regulations are involved. The City has been working with DSO, Ecology, WDFW, and the Muckleshoot Tribe. Those agencies regulate the permits that would allow us to complete any work. With the replacement of the standpipe (2020) it was anticipated that the creek would be made fish passable in the long-term. That means that the embankment would be removed.

DISCUSSION

Phase 2 of the project will design and construct the embankment removal. Construction is scheduled no sooner than 2025 dependent on funding sources. The May Creek trail will be restored downstream of the current location. It will follow the contours of the bank to cross Newport Hills Creek on a small bridge downstream of the embankment. Removing existing culverts that are a barrier to fish passage is an enormous issue in the state. This is a requirement of the Muckleshoot Tribe and of the WDFW. See links: (bit.ly/S-017-Reference1) and (bit.ly/S-017-Reference2) for additional background on this issue.

Phase 2 consists of preparing the final design and permitting to remove the embankment and restore the ponded area to its native stream and riparian area. Phase 2 Design Work elements include:

1. Project Administration
2. Environmental Permitting
3. Geotechnical and Survey Coordination
4. Design

5. Management Reserve

A summary of the S-017 design contract history is listed in the table below:

S-017, Osborn Consulting, Inc.	Amount	Description
Phase 1 Design Contract	\$ 21,940	Phase 1 Design
Amendment #1	\$ 8,793	Stream Barrier Assessment
Amendment #2	\$ 139,788	Alternatives Analysis
Phase 2 Design Contract	\$ 194,401	Phase 2 Design & Permitting
TOTAL:	\$ 364,922	

This project is complicated, both from a design perspective and from a permitting perspective. The City will be working with numerous agencies and stakeholders throughout the project. Work element 5 was included to serve as a design contingency, in the event there are slight design modifications required by a partner agency or additional permitting requirements.

ACTION RECOMMENDED

I MOVE TO ADOPT RESOLUTION 2023-925 APPROVING A DESIGN CONTRACT WITH OSBORN CONSULTING INC. AS PRESENTED.
