



# Town of Moraga

PUBLIC WORKS/ENGINEERING  
DEPARTMENT

## QUESTIONS & ANSWERS #3

### Laguna Creek Restoration and Flood Protection Project

Q3.1 We understand that CA Red Legged Frog was found at the site during 2013 FEMA funded flood repairs. Who completed the 2013 repair work?

A3.1 Below is a excerpt from the July 8, 2020 staff report for the Laguna Creek Restoration Project Update with an outline of who worked on the previous repairs:

#### June 2007

On June 13, 2007, the Town Council awarded a \$37,000 construction repair contract to Mark Scott Construction to repair the 2005-06 Winter Storm flood damage to the Pavilion. The work included replacing 12 electrical outlets; preparing surfaces and repainting interior walls; baseboards; four exterior doors; four interior doors; ground floor windows; repairing hardwood flooring; replacing kitchen and bathroom flooring and underlayment; installing a new bar window; and installing a new sump pump.

On June 27, 2007, the Town Council authorized staff to enter a professional services contract for the Laguna Creek Embankment Repairs below the Pavilion with 1) LSA Associates, Inc. not to exceed \$10,000; and 2) Kleinfelder, Inc. not to exceed \$15,000. Additionally, Town Council authorized staff to enter into a professional services contract with Kleinfelder, Inc. not to exceed \$15,000 for Hacienda Foundation Repairs.

#### November 2007

On November 28, 2007, the Town Council authorized a professional services contract with LSA Associates, Inc. for environmental permitting services for the Laguna Creek Retaining Wall Repair (CIP Project No. 08-203). The contract included environmental permitting services associated with repairs of the retaining wall, headwalls, wing walls, apron, creek slopes, and streambed on Laguna Creek upstream and downstream of the Pavilion.

#### December 2007

On December 12, 2007, Town Council authorized a design services contract with Cal Engineering and Geology, Inc. in an amount not to exceed \$100,000 for the design and preparation of plans, specifications, and bid documents associated with repairs of the retaining wall, headwalls, wing walls, apron, and creek slopes, and streambed on Laguna Creek upstream and downstream of the Pavilion at the Hacienda.

#### October 2009

As part of the environmental investigation work by LSA, Laguna Creek was determined to be a habitat for the California Red-Legged Frog, a Federally listed threatened species. Per the requirements of the California Environmental Quality Act, an Initial Study and Mitigated Negative Declaration was prepared and circulated for public comments. On October 14, 2009, the Town Council passed Resolution 62-2009, adopting the Initial Study and Mitigated

Negative Declaration for the Laguna Creek Retaining Wall Project. (See Attachment D.)

December 2012

On December 5, 2012, the Town entered into a consultant services agreement with WRECO to evaluate alternatives to protect the Hacienda facilities against flood risk from a 100-year flood event. WRECO provided engineering services to assess the existing conditions of Laguna Creek within the Hacienda property and recommendations to protect the Pavilion and adjacent facilities.

June 2013

Town Council awarded a consultant services contract to BKF Engineers on June 12, 2013, to provide construction management and inspection services for the Laguna Wall Repair and Bank Stabilization Project (CIP 08-203).

On June 26, 2013, the Council awarded a \$603,940 plus 15% contingency construction contact to Pavex Construction to construct the Laguna Creek Wall Repair and Bank Stabilization Project. The project received significant funding from state and federal grants. The project sought to replace the failed or “washed out” walls and to repair and stabilize the banks. However, it did not address providing sufficient hydraulic capacity in the creek to abate future flood risks up to a 100-year return event at the Hacienda facilities.

Q3.2 The new channel will be design to convey the 100-year FEMA Flow. Can you confirm that the channel and connected floodplain to convey FEMA 100-year flow?

A3.2 The Consultant will be required to confirm the hydraulic capacity of the channel. Note that the FEMA 100-year flow is not necessarily the design criteria, though it is the minimum flow the channel must convey. The Consultant will be responsible to determine the appropriate flow rate to provide 100-year flood protection.

Q3.3 The RFP indicates that the goal is to remove the pavilion from floodway of creek. Is the intention to remove the pavilion from the floodway or the floodway and the 100-year floodplain?

A3.3 The Consultant will be responsible for removing the Pavilion building from the 100-year floodplain and 100-year floodway (if applicable).

Q3.4 Is the available hydraulic model the FEMA model or a modern HEC-RAS model with design level detail?

A3.4 The Town has a couple of HEC-RAS models created by our consultants some years ago. These will be made available to the Consultant for informational purposes only. The Consultant will be responsible for certifying their own modeling. The FEMAs model may be obtained by contacting FEMA. Additionally, Contra Costa Flood Control District may have

information on this creek.

Q3.5 Relocation of the existing sanitary sewer line (operated by Central Contra Costa Sanitary District (CCCSD) is scoped. Are As-Built plans of the sewer line available?

A3.5 As part of the coordination with utilities, obtaining as-built plans (if they exist) from CCCSD would be the role of the Consultant.

Q3.6 Does the town have a master plan?

A3.6 The Town has a Storm Drain Master Plan created in 2015 with an Addendum in 2019. These can be found here:  
<https://www.moraga.ca.us/185/Storm-Drain-Master-Plan>

Q3.7 Is the Town expecting two separate proposals for each phase of the project – Phase 1 and Phase 2?

A3.7 The proposals do not need to be separate as long as the Phase 1 and Phase 2 scope of work, schedule and costs are clearly delineated. The Town will be grading the consultant based on the Phase 1 and Phase 2 proposals. The current contract will only be for Phase 1 with an option to amend the contract to include Phase 2 based on approvals from the Grant Agencies.

Q3.8 We understand that the Town has received grants from three separately agencies. Are all the funds available for the projects or do condition exist that preclude the use of the entire funding?

A3.8 The Town received three grants and is seeking additional funding. The grants are not mutually exclusive though each grant has limitations on the use of the funds and project itself. There are many provisions that could preclude use of the entire funding, such as failure to perform, failure to meet scope requirements, or if FEMA doesn't approve work beyond Phase 1. The Consultant will be responsible for following the provisions of the grants to ensure conformance.

Q3.9 Does the grant funding have any driving deadlines?

A3.9 The current Phase 1 funding from FEMA expires in March of 2021, though this may be able to be extended if need be. FEMA has not yet awarded Phase 2. The other grants expire in 2025.

Q3.10 We notice that the Town completed a CEQA exemption for the project in 2018, submitted as part of the East Bay Regional Park District Measure WW Urban Creeks Grant Program. Have circumstances changed that would indicate additional CEQA compliance is required or shall we assume that CEQA is complete?

A3.10 A Notice of Exemption (NOE) was filed on February 20, 2018 based on preliminary design criteria for the project at that time. The Town is not assuming the filed NOE necessarily will serve as the controlling CEQA document for this project. The Consultant will be required to prepare any appropriate documentation necessary for CEQA compliance, and certify that their design is in compliance with CEQA.