

## CITY COUNCIL REGULAR SESSION

Resolution authorizing execution of a Design-Build Coordination and Review Agreement (GCB 3698) with the Washington State Department of Transportation (WSDOT) and the City of Bellevue (City) for acceptance of design and construction roles and responsibilities and payment of City staff time associated with the I-90 Fish Passage Project at Sunset Creek.

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## EXECUTIVE SUMMARY

This Resolution authorizes execution of a Design-Build Coordination and Review Agreement between WSDOT and the City for acceptance of design and construction roles and responsibilities and payment of City staff time associated with the I-90 Fish Passage Project at Sunset Creek.

## RECOMMENDATION

Move to adopt Resolution No. 10138

## BACKGROUND/ANALYSIS

### **WSDOT Fish Habitat Enhancement Projects (FHEP)**

As part of the State's fish recovery efforts, WSDOT has made it a priority to reconnect waterways where its road culverts act as fish passage barriers. Since 1991, when WSDOT created a dedicated program, 344 barriers have been corrected, opening a total of 1,161 miles of fish habitat.

Starting in late 2022, WSDOT will build four structures under Interstate 90 and local roads in Bellevue to open water flow in Sunset Creek.

### **I-90 Sunset Creek Fish Passage Project**

Culverts on Interstate 90 at Sunset Creek in Bellevue have been identified as fish passage barriers by the Washington Department of Fish and Wildlife (WDFW). The Sunset Creek culvert crossing is in the Factoria community approximately a half-mile east of the I-90/I-405 interchange.

This project will replace the existing 36-inch and 48-inch culverts under I-90 with a new open stream channel at least 60 feet deep and with two bridge spans of at least 55 feet in length. WSDOT will also build fish-passable structures on SE Eastgate Way and SE 36<sup>th</sup> Street for a total of four stream crossings. Upon completion of the project, WSDOT's contractor will return roadways, sidewalks, and trails to their configuration prior to construction.

On October 11, 2021, WSDOT presented to Council an update on the I-90 Fish Habitat Enhancement Projects.

On July 25, 2022, Council authorized execution of Utility Construction Agreement (UTB 1510) between WSDOT and the City for shared cost reimbursements associated with utility relocations for the WSDOT

Sunset Creek Fish Passage Project.

### **Design-Build Coordination and Review Agreement (GCB 3698)**

The Design-Build method of project delivery proceeds faster than the typical design-bid-build method of delivery, therefore expedited City review of design elements and construction support time will be required. Under this Agreement, WSDOT will reimburse the City to provide a Project Coordinator and sufficient staff resources for the expedited review and coordination of design and project submittals. City staff time billed through the permitting process will be charged to the Design Builder and will not be reimbursed through this Agreement. Project elements that are subject to this Agreement include design of City streets, bridges, utilities, fiber, and traffic control plans.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

While WSDOT has made progress since 1991, 21 northwest Washington tribes have asked the U.S. District Court to find that the State of Washington has a treaty-based duty to preserve fish runs. As a result, a 2013 federal court injunction (United States, et al. vs. Washington, et al. No. C70-9213) requires WSDOT to speed up its fish passage work in western Washington. WSDOT is now working with treaty tribes on a project delivery plan to open 90 percent of habitat blocked by state culverts by 2030. This requires a significant acceleration of the fish passage work.

### **Fiscal Impact**

Design Build Coordination and Review Agreement (GCB 3698):

This agreement defines roles and responsibilities required of WSDOT and the City for general project coordination. This agreement will obligate WSDOT to pay the City for City staff support through the duration of the project which may last five years, an amount not to exceed \$200,000. The City will utilize existing staff to fulfill the requirement under the agreement. WSDOT will be responsible for costs associated with permits. This new revenue will be receipted in the General Fund to offset the costs associated with staff.

## **OPTIONS**

1. Adopt the Resolution authorizing execution of a Design-Build Coordination and Review Agreement (GCB 3698) with the Washington State Department of Transportation (WSDOT) and the City of Bellevue (City) for acceptance of design and construction roles and responsibilities and payment of City staff time associated with the I-90 Fish Passage Project at Sunset Creek.
2. Do not adopt the Resolution and provide alternative direction to staff.

## **ATTACHMENTS**

A. CIP Project Description (PW-W/B-56)  
Proposed Resolution No. 10138

## **AVAILABLE IN COUNCIL LIBRARY**

Design Build Coordination and Review Agreement (GCB 3698)