

CITY COUNCIL COMMITTEE

SPECIAL MEETING

POLICY DEVELOPMENT AND INTERNAL OPERATIONS

Mayor Laura Hoffmeister, Chair
Ron Leone, Committee Member

5:30 p.m.

Wednesday, September 14, 2016

Wing A, City Manager Conference Room
1950 Parkside Drive, Concord

ROLL CALL

PUBLIC COMMENT PERIOD

1. **REVIEW** – Special Events Rates and Deposits. Report by Karan Reid, Director of Finance.
2. **REVIEW** – Sidewalk Inspection and Repair Program. Report by Justin Ezell, Director of Public Works.
3. **ADJOURNMENT**

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Distribution: City Council
Valerie Barone, City Manager
Susanne Brown, City Attorney
Karan Reid, Director of Finance
Deborah Yamamoto, Senior Financial Analyst
Florence Weiss, Downtown Event Program Manager
Justin Ezell, Director of Public Works
Joelle Fockler, City Clerk

**REPORT TO POLICY DEVELOPMENT AND INTERNAL OPERATIONS
COMMITTEE****TO THE HONORABLE MAYOR AND VICE-MAYOR:**

DATE: September 14, 2016

SUBJECT: SPECIAL EVENTS RATES AND DEPOSITS**Report in Brief**

The City administers many privately-sponsored special events each year, including the Fourth of July Parade and Fireworks Show, the Brew Festival, and Kidfest. These events are either held on City property or if held on private property, require City services or support for their event. City Council Policy and Procedure No. 143 (P&P 143) governs the coordination of Special Events.

On May 10, 2016, City Council approved an update to the City's Municipal Fees and Charges, incorporating changes to fee recovery based on the newly adopted Fee Recovery Policy (City Council Policy and Procedure No. 170). As a result, the City Employee Services Rates for Special Events were adjusted to fully recover staff costs associated with support provided to Special Events. Subsequent to Council approval, staff received feedback that the new rates would be cost prohibitive to some of the sponsors of Special Events. In order to continue to support these valuable community events, staff requested Council delay implementation of the new rates until staff had an opportunity to research this further. The request was approved by Council on June 28, 2016.

A working group representing staff from all departments involved in the Special Events process met on several occasions to formulate recommendations to this Committee and City Council. The recommendations are:

- 1) Adjust City Employee Service Rates for Special Events by a standard rate of three (3%) percent per annum, rather than pegging the rates to the fully loaded cost of employees
- 2) Reestablish collection of a security deposit for all special events equal to twenty-five (25%) percent of the event estimate, or \$1,000, whichever is greater, and require the deposit be received at least two (2) weeks prior to the event;
- 3) Establish a new Special Events Special Revenue Fund to account for all revenues received from Special Events services. Over time, this fund could provide a potential funding source to partially sponsor future special events, should the City Council desire.

Staff requests the Committee review the recommendations, provide feedback and make recommendations to the City Council on changes to Special Events fees and revenues.

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Background

Recently a City-wide Cost Allocation Plan and User Fee Analysis project was completed. This project proceeded in two phases, was undertaken by a consultant (NBS, Inc.) and managed by staff in the Finance Department. The first phase was to prepare an updated Cost Allocation Plan, which spreads the cost of general government and support services across the direct services provided to the public. The second phase was an analysis of the City’s user fees to confirm and update the efforts entailed in providing each of the City’s services and programs. From this analysis, the Committee, and subsequently the City Council, approved a fee recovery policy and update of the City’s fee schedule.

On May 10, 2016, City Council approved updated Municipal Fees and Charges, generally effective July 1, 2016. Consistent with the newly adopted Fee Recover Policy (Policy and Procedure 170), the fully loaded cost of salaries and benefits, including the updated citywide overhead rate of 46%, was incorporated into the recoverable City Employee Services Rates for Special Events. Since the City’s Municipal Fees and Charges had not been adjusted for two years pending the outcome of updated Cost Allocation Plan and Master Fee Analysis project, these adjustments represented large increases to the City Employee Services Rates for Special Events.

Per Master Fee Schedule Approved on June 28, 2016:

Staff Positions that Support Special Events	Past Rate (eff. 9/1/14)	New Rate (eff. 7/1/16)	Percentage Increase (Decrease)
Public Works – Maintenance	91.19	113.61	25%
Public Works – Maintenance Limited Services	22.45	24.65	10%
Police Officer	146.02	192.23	32%
Police Reserves (pass through amount as quoted by Police Department)	41.15	43.41	5%

Traditionally, the Special Events fees are updated in September after the summer event season has concluded. This allows staff time to incorporate the new rates into all cost estimates provided to special event sponsors prior to the event occurring. Inadvertently, the Fee Schedule adopted on May 10, 2016, included an effective date of July 1 for Special Events’ costs. On June 28, 2016, City Council delayed implementation of new Special Events fees. Since June, a staff team was formed to review the Special Events structure and process to ensure responsive support continues to be provided for these programs.

Discussion

In July and August, a working group composed of the City Manager’s Office (Jovan Grogan), Community and Economic Development (John Montagh, Victoria Walker, Florence Weiss), Finance (Karan Reid, Deborah Yamamoto), Police (Chief Guy Swanger), Public Works (Justin Ezell), and Parks and Recreation (Steve Voorhies) met and discussed the Special Events rates and collection of deposits and the possibility of establishing a new fund specific to Special Events.

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Master Fee Adjustments

The new Fee Recovery policy created categories of cost recovery levels and targets changes to the City’s Fees and Charges based on changes in labor costs. Updates to Special Events fees were categorized as fully cost recovering and the Fee Schedule approved by City Council on May 10th reflected these adjustments.

However, the new rates are anticipated to be a hardship on many of the organizations that sponsor Special Events in the City. Because it is the Council’s and staff’s goal to facilitate special events as a means of supporting quality of life within the community, staff is recommending discontinuing the practice of setting the Special Event fee amount to equal the direct and indirect costs of providing the services. Rather staff recommends that the 2014 staff costs be increased by 3%. In future years, staff recommends that the cost of City staff support to special events only increase by 3% a year. This ensures regular modest adjustments to the fees each year, creating predictability and avoiding cost spikes for special event applicants.

The table below shows the current and proposed rates.

Staff Positions that Support Special Events	Current Rate (eff. 9/1/14)	Proposed Rate*	Percentage Increase (Decrease)
Public Works – Maintenance	91.19	93.93	3%
Public Works – Maintenance Limited Services	22.45	23.12	3%
Police Officer	146.02	150.40	3%
Police Reserves (pass through amount as quoted by Police Department)*	41.15	43.41	5%

*Rates for Police Reserves are set by the Police Department and directly remitted to the PD Reserves after the Special Event services are provided.

Staff also recommends documenting the current practice of providing a discount of City staff costs when the special event is sponsored by a Concord resident or business in the Master Fee Schedule. Current practice provides a cost discount of 20 percent to Concord residents and businesses; however, this discount has not been captured in the City’s published Master Fee Schedule. To provide full transparency regarding Special Events fees, it is recommended the discount be documented in the Master Fee Schedule.

Attachment 1 provides a redlined update to the Fee Recovery Policy, Policy & Procedure No. 170 and Attachment 2 shows the redlined changes proposed to the Special Events Fees section of the City’s Master Fee Schedule.

Security and Damage Deposits

In addition, staff recommends consistent application of the requirement to collect a security deposit of twenty-five (25%) percent of the event cost estimate, or \$1,000, for all requested special events. P&P No. 143 provides for collection of a deposit but does not stipulate a due date of receipt. Staff recommends amending the Master Fee Schedule to incorporate a requirement that the deposit must be received two weeks in advance of the event with a minimum deposit amount of \$1,000.

Establish a Special Events Special Revenue Fund

Currently, Special Events fees are deposited into the General Fund and roll into fund balance at the end of the fiscal year. Historically, the costs to provide the services by City employees have been absorbed within the departments' budgets and have not created a budget challenge. However, fees collected for Police Reserves services are a pass through cost and remitted directly to the Police Reserves. Staff recommends a Special Events Fund be established and future Special Events revenues (other than for Police Reserves) be deposited in the new fund in order to accumulate a funding source which could be used to partially sponsor future Special Events, should the City Council desire. Currently the City of Concord does not have any funding source, other than the General Fund, for sponsorship of Special Events.

Next Steps

Staff recommends the following next steps:

- Receive direction from the Committee on staff recommendations
- Present draft changes to the Special Event Fees and changes to Policy and Procedure No. 170 to the City Council in October/November

Recommendation for Action

Provide direction to staff on:

- 1) Recommended changes to Policy and Procedure 170 – Fee Setting Policy
- 2) Recommended changes to the Special Events Fees
- 3) Establishment of a Special Events Fee Revenue Fund, and
- 4) Confirm next steps

Fiscal Impact

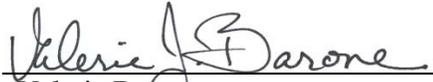
The adoption of the recommended changes to Special Event Fees will stabilize the rate structure to provide predictability to both the City and Special Event sponsors as to the costs of City services associated with Special Events.

The establishment of the Special Events Fund will facilitate the tracking of Special Events revenues over time and establish a fund for future Special Event subsidies, should the City Council desire to sponsor events.

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Valerie Barone

City Manager

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Senior Financial Analyst
Deborah.Yamamoto@cityofconcord.org

Approved by: Karan Reid
Director of Finance
Karan.Reid@cityofconcord.org

Attachments:

1. Attachment 1: Policy & Procedure No. 170
2. Attachment 2: Red-lined Master Fee Schedule

CITY OF CONCORD

Number: 170
 Authority: Council Motion
 Effective: 04-26-2016
 Revised: 10-xx-2016
 Reviewed: 09-14-2016
 Initiating Dept.: FIN



USER FEES AND CHARGES RECOVERY

1. PURPOSE

To establish policy guidelines for setting and updating User Fees and Charges; establish cost recovery goals; and ensure compliance with State law.

2. GENERAL

California Constitution Articles XIIC and XIID [Prop 218], Article XIIC §1(e) [Prop 26] and Article XIII A [Proposition 13] have placed both substantive and procedural limits on cities' ability to impose fees and charges. This policy establishes a process for Concord's User Fees and Charges to be reviewed and updated on an ongoing basis to ensure that fees do not exceed the City's costs of providing services; keep pace with changes in the costs of providing the services; and keep pace with changes in methods of levels of service delivery.

3. REVIEW AND UPDATE

A comprehensive analysis of City costs and fees should be conducted at least every five years. In the interim, fees will be adjusted by annual changes in labor costs as approved by the City Council with the exception of Special Events Fees, which shall be adjusted by 3% per annum. Fees may also be changed based on supplemental analysis whenever there have been significant changes in the method, level or cost of service delivery.

4. POLICY

It is the policy of the City of Concord to set User Fees and Charges based on cost recovery levels in lieu of fully subsidizing fee-related activities with General Fund dollars. The cost recovery levels are reflective of the following policy statements.

- 4.1 Community-wide vs. Private Benefit: The level of user fee cost recovery should consider the *community-wide* versus *private-benefit* nature of the program or activity. The use of general-purpose revenues is appropriate for community-wide services, while user fees are appropriate for services that are of special benefit to easily identified individuals or groups.
- 4.2 Service Recipient vs. Service Driver: The concept of the *service recipient* versus *service driver* is particularly important for regulated activities such as development review and police-issued permits. It could be argued that the applicant is not the beneficiary of the City's development review efforts and that the community is the primary beneficiary. However, the applicant is the driver of development review costs, and as such, cost recovery from the applicant is appropriate.
- 4.3 Consistency with City Goals and Policies: City policies and Council goals related to the community's quality of life may also be factors in setting cost recovery levels. For example, fees can promote city-wide goals, facilitate environmental stewardship, encourage compliance

with City regulations (e.g. water heater permits, minor but important permits to ensure safety) or discourage certain actions (e.g. false alarms, which negatively impact law enforcement).

- 4.4 Elasticity of Demand for Services: The level of cost recovery and related pricing of services can significantly affect the demand and subsequent level of services provided. At full cost recovery, this has the specific advantage of ensuring that the City is providing services for which there is genuinely a market that is not overly-stimulated by low fees.

Conversely, high levels of cost recovery will negatively impact the delivery of services to lower income groups. This negative feature is especially pronounced, and works against public policy, if the services are specifically targeted to low income groups.

- 4.5 Availability of Services from the Private Sector: High cost recovery levels are generally sought in situations where the service is available from other sources in order to preserve taxpayer funds for core City services. Conversely, services that are not available from other sources and are typically delivered when residents experience an emergency typically have low or zero cost recovery levels (e.g. response to a 911 call).

It should be noted, that the current Master Fee Schedule for recreational services includes a lower rate for Concord residents than residents living outside of Concord.

- 4.6 Feasibility of Collection and Recovery: Although it may be determined that a high level of cost recovery may be appropriate for specific services, it may be impractical or too costly to establish a system to identify and charge the user. Accordingly, the feasibility of assessing and collecting charges should also be considered in developing user fees, especially if significant program costs are intended to be financed from that source.

Target Cost Recovery Levels

Based on these policy statements, the following table overlays certain cost recovery levels grouped in low (0-40%), medium (40.1% to 80%), and high (80.1% to 100%) cost recovery ranges. It is important to note that these groupings provide policy guidance and are not absolute. Some policy statements may weigh more heavily than others, which may result in a different cost recovery level grouping for particular fees. For example, fees for recreational activities are expected to be set in general at the medium cost recovery level. However, fees for recreational activities for which there is high demand may have a high cost recovery level due to high enrollment levels per class. It is important to note that User Fees and Charges will be reviewed at least biennially by the City Council as part of approval of the Master Fee Schedule.

Cost Recovery Levels	Cost Recovery Percentage Rate	Policy Considerations (one or all may apply)
Low	0% - 40%	<ul style="list-style-type: none"> • Public at-large benefits • No intended relationship between fee and benefit received • Fee collection not cost effective would discourage compliance • No intent to limit use of service • Affordability of service to low-income residents
Medium	40.1% - 80%	<ul style="list-style-type: none"> • Services share factors of both low and high recovery levels
High	80.1% - 100%	<ul style="list-style-type: none"> • Individuals receive most of benefit of service • Other alternative service providers • Use is regulatory or specifically discouraged

Date of Last Adoption: 6-28-2016
Res. No.: 16-6042.3

**EXHIBIT A. RESOLUTION 78-6042
FEES AND CHARGES FOR VARIOUS MUNICIPAL SERVICES**

	<u>Current Fee</u>
A. ADMINISTRATIVE FEES	
1. Appeals to City Council (7-1-16)	
a. Appeals requiring public notice (CMC 2.05.040) (7-1-16)	117.00
Plus Public Notification fee	
b. Appeals where public notice is not required (CMC 2.05.050) (7-1-16)	117.00
2. City Employee Services (7-1-16)	
Hourly rates charged for special services requested that are provided by City employees. These hourly rates will also be used to calculate compliance with the California Uniform Public Construction Cost Accounting Act. (7-1-16)	
These hourly rates are used to calculate billable hourly rates. Billable hourly rates are defined to be the sum of the Productive Hourly rate plus the citywide indirect cost rate. (7-1-16).....	Table 1
3. City Employee Services – Special Events Blended Rates (P&P No. 143)	
a. Public Works – Maintenance (11- -169-1-16)	93.93 113.61
b. Public Works – Maintenance – Limited Services (11- -169-1-16)	23.12 24.65
c. Police Officer (11- -169-1-16)	150.40 192.23
d. Police Reserves (pass through) as quoted by Police Department (11- -169-1-16)	<u>Actual Costs</u> 43.41
Materials and Equipment at cost (11- -169-1-16)	Actual Costs
<u>A Discount of 20% provided to City of Concord residents and businesses</u>	
<u>Deposit of 25% or \$1,000, whichever is greater, required at least two weeks prior to Event (11- -16)</u>	<u>Min. \$1,000</u>
4. City Franchise and Telecommunication Agreement Fees	
Hourly rates charged for staff time devoted to work on City franchise and telecommunication agreements. (7-1-12)	See A.2
a. Deposit for small projects (replenish as needed) (7-1-09)	5,000.00
b. Deposit for large projects (replenish as needed) (7-1-09)	10,000.00
5. Copies including Public Records/Information (7-1-16)	
a. Photo copy– page size not to exceed 11”x17” (4-28-86)	
1) Each page (2-2-99)10
b. Print from microfilm (each print) (7-1-14)	3.00
c. Print copy– oversized page exceeding 11”x17” such as maps, drawings, plans, etc.	
1) Cost of production	Actual Costs
Or	
Actual cost (7-1-16)	
d. Extract of document and certification (each page) (7-1-16)	19.00



**REPORT TO COUNCIL COMMITTEE ON
POLICY DEVELOPMENT & INTERNAL OPERATIONS**

TO THE HONORABLE COMMITTEE MEMBERS:

DATE: September 14, 2016

SUBJECT: SIDEWALK INSPECTION AND REPAIR PROGRAM

Report in Brief

This staff report introduces draft Sidewalk Repair Program informational materials for Committee review and direction.

Background

In September 2015 the City Council approved the On-Call Sidewalk Replacement Pilot Program. The Program is intended to streamline the repair of sidewalk areas which are the responsibility of property owners by allowing them to use the City's authorized sidewalk repair contractors and waive the requirement to obtain individual encroachment permits for the repairs.

On July 12, 2016 the City Council established a formal City of Concord Policy on Sidewalk Inspection and Repair to complement the pilot program. The intent of developing formal sidewalk policy is to aid staff in the decision-making and notification process when sidewalk defects are found.

Discussion

During the July 12, 2016 meeting in which formal sidewalk policy was adopted, the City Council directed the Policy Development and Internal Operations Committee to review the informational materials that are to be distributed under the new Sidewalk Repair Program.

Staff has developed the attached standardized letter and tri-fold brochure to be distributed to property owners as a means of providing information and communication to property owners through the Sidewalk Repair Program.

Fiscal Impact

None. The informational materials will be distributed under a program that was previously established by the City Council.

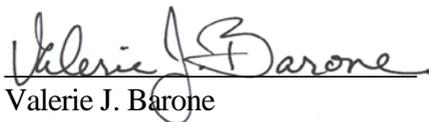
Public Contact

The City Council Committee Agenda was posted.

Recommendation for Action

Staff recommends that the Policy Development and Internal Operations Committee review and comment on the draft Sidewalk Repair Program letter and brochure and authorize staff to begin distributing the informational materials.

Prepared by: Justin Ezell
Public Works Director
justin.ezell@cityofconcord.org



Valerie J. Barone
City Manager
valerie.barone@cityofconcord.org

Attachment A: Draft Sidewalk Inspection and Repair Program Letter
Attachment B: Draft Sidewalk Repair Program Brochure

CITY OF CONCORD

PUBLIC WORKS

1455 Gasoline Alley MS/45

Concord, California 94520-4805

Telephone: (925) 671-3448

FAX: (925) 680-1660



August 31, 2016

<<NAME>>

<<ADDRESS 1>>

<<ADDRESS 2>>

RE: SIDEWALK INSPECTION AND REPAIR PROGRAM

Dear Property Owner:

As a part of the City of Concord Sidewalk Inspection and Repair Program you are being notified that your sidewalk is in need of repair.

You have two options for repairing your sidewalk. You can make your own repairs using a licensed contractor of your choosing, or, you can take advantage of the City's Sidewalk Repair Program. If you choose to complete the work using your own contractor, you must first obtain the applicable permits.

Choosing a contractor and managing the construction permit process can be complex and costly. Through the City's *Sidewalk Repair Program*, property owners benefit from economy-of-scale pricing and are free from worry about selecting a contractor, obtaining expensive permits or scheduling inspections. The City of Concord does the work for you; however it is still at your own expense.

It is possible that your homeowner insurance policy will cover the cost of repairing your sidewalk. Please contact your provider to determine if repairs are covered, and also be sure to confirm your deductible amount, as sidewalk repairs may be less costly than the deductible.

A brochure explaining the City's Sidewalk Repair Program is enclosed. You can contact us at (925) 671-3448 for more information or to inform us of your desire to participate in the program.

Sincerely,

City of Concord
Public Works Department

Enclosure: Sidewalk Repair Program Brochure

Frequently Asked Questions

Why do property owners have to pay for the repairs to the sidewalk?

Per the California Streets and Highways Code (Sections 5610-5618) and the City of Concord Municipal Code (Sections 12.25.030-12.25.040), property owners are responsible and liable for any damaged sidewalk areas adjacent to their homes or businesses. Property owners also benefit from a safe and aesthetically pleasing sidewalk through increased property value.

What criteria are used to determine if a sidewalk needs to be repaired?

The City has specific criteria it follows when inspecting sidewalks. Inspectors look for cracked, uneven surfaces, excessive deterioration, excessive slopes, and horizontal or vertical offsets that can cause tripping hazards. Once inspections have been completed property owners are notified of any sidewalk in need of repair.

Do property owners have to use the contractor provided by the City to make repairs?

No. Property owners may hire a contractor of their choosing to complete repairs. A City permit is required before completing any work.

Will my home owners insurance cover the cost to replace my sidewalk?

Please contact your insurance provider to determine if sidewalk repairs are covered, and also be aware of your deductible amount.

Property Owner Responsibility

The City of Concord has formal policy to make certain that appropriate oversight and consistent approach is provided when the City inspects and repairs sidewalks.

The City's Sidewalk Ordinance delineates the responsibility for maintaining and repairing sidewalks to the owners of real property that are adjacent to, or which front any portion of a sidewalk. The City's Streets Maintenance Division in Public Works will perform certain temporary sidewalk, curb and gutter repairs on said sidewalks.

Any temporary repairs installed or performed by the City are performed as a courtesy only, and shall not void, supersede or replace any duties of an adjacent property owner to implement permanent repairs to the sidewalk in accordance with the City's Sidewalk Ordinance.



CITY OF CONCORD

SIDEWALK REPAIR PROGRAM

For questions or to schedule work:

(925) 671-3448
Public.Works@cityofconcord.org
1455 Gasoline Alley
Concord, CA 94520
www.cityofconcord.org



City of Concord

Sidewalk Repair Program

Safe, pedestrian-friendly sidewalks contribute to the livability and aesthetic image of our community. Per State Law and City Municipal Code, property owners are responsible for repair and maintenance of their sidewalks.

The City of Concord's Sidewalk Repair Program is meant to assist property owners with expensive and complex sidewalk repair work.

Repair Options

Generally, property owners have two options for repairing their sidewalks:

- **Property owners can make their own repairs using a licensed contractor of their choosing.** An encroachment permit, which details the specifications for sidewalk repairs, is required. Permit fees apply and they include the cost of City-required inspections.
- **Property owners can take advantage of the City's Sidewalk Repair Program.** With this option property owners benefit from economy-of-scale pricing and are free from worry about selecting a contractor, obtaining permits or scheduling inspections.

How the Program Works

The City becomes aware of sidewalk defects through routine inspections and citizen complaints. When this happens the City temporarily repairs tripping hazards caused by the defect usually by ramping or grinding the sidewalk to smooth it out until repairs can be made. The property owner is then notified that repairs are needed to his or her sidewalk and is given the option of using a City contractor to complete the work through the Sidewalk Repair Program. Through this program, the City calculates the cost of repair work and the property pays the City directly. The City then schedules the repair work with the contractor and manages it to completion.

Sidewalk Repair Costs

The information below is meant as a guide, not the final determination, in helping you estimate the cost to repair your sidewalk.

First measure the **length** of the area to be replaced in inches. Always start and end your measurements at the expansion joints or score lines in the concrete (the lines that segment the sidewalk into rectangles or squares). Divide the inches by 12 to convert your measurement to feet.

Next measure the **width** of the area to be replaced in inches. Measure the entire distance from one side of the sidewalk to the other. Divide the inches by 12 to convert your measurement to feet.

Multiply the two numbers together to get the area to be replaced in **square feet (SF)**.

Using the adjacent table, calculate the cost of **removing sidewalk** and add it to cost of **constructing sidewalk**. Be sure to also add the cost of **tree root pruning** if necessary.

Example:

Sidewalk measures 36" wide by 180" long

$36"/12 = 3$ feet; and $180"/12 = 15$ feet

$3' \times 15' = 45$ square feet (SF)

$\$5 \times 45$ SF = \$225 to remove the sidewalk

$\$18 \times 45$ SF = \$810 to construct new sidewalk

$\$225 + \$810 + \$500$ (root pruning) = **\$1,535**

2016 Sidewalk Repair Pricing

Work Description	Unit	Price*
Remove concrete sidewalk	SF	\$5.00
Remove curb	LF	\$25.00
Remove curb & gutter	LF	\$30.00
Construct concrete sidewalk	SF	\$18.00
Construct 6" curb	LF	\$50.00
Construct 6" curb and gutter	LF	\$75.00
Tree root pruning	EA	\$500.00
Reconstruct driveway	SF	\$20.00

**Pricing will vary year-by-year and by contract.*

SF = Square Feet LF = Linear Feet EA = Each

