



Office of the City Manager

CONSENT CALENDAR

April 30, 2013

To: Honorable Mayor and Members of the City Council  
From:  Christine Daniel, City Manager  
Submitted by: Scott Ferris, Acting Director, Parks Recreation and Waterfront  
Subject: Contract No. 7009 Amendment: 2M Associates for the Bay Trail Extension Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 7009 with 2M Associates of Berkeley to provide additional construction support services for the Bay Trail Extension Project in an amount not to exceed \$23,045 for a total contract amount not to exceed \$250,184, and extending the contract through December 31, 2013.

FISCAL IMPACTS OF RECOMMENDATION

Funds for this contract amendment are available from the State Coastal Conservancy grant. (Budget code 626-5950-450.30-35, Project No. 05PP67), CMS No. XH2XH.

CURRENT SITUATION AND ITS EFFECTS

Construction of the Bay Trail Extension began in August 2012 and was temporarily halted on January 18, 2013 in order to comply with the Bay Conservation and Development Commission (BCDC) permit conditions that restrict construction during the wet winter season. Construction will resume on May 6, 2013 and continue through completion, expected in the summer of 2013. Nearly all of the construction has been completed except for the installation of the pedestrian bridge and punch list items.

Before construction can resume on May 6, 2013, new pre-construction surveys of Burrowing Owls and other nesting birds are required. The surveys, to be performed by 2M Associates, will follow the protocol adopted by the California Department of Fish and Game as documented in their March 7, 2012 Staff Report on Burrowing Owl Mitigation.

The consultant also will provide additional services to address issues that have arisen during construction. These additional services include: a) documentation of site conditions at time of temporary shutdown and again immediately before construction resumes; b) design of vehicle barriers between University Avenue and the trail; c) design of curb and paving treatment near Seabreeze Market to contain the exposed soil and prevent it from washing out onto the trail surface; and d) additional construction support services to ensure compliance with the approved plans during the bridge

installation and completion of the project. The cost of these additional services is \$23,045.

### BACKGROUND

The Bay Trail Extension to the Berkeley Marina is a spur of the San Francisco Bay Trail and will provide bicycle and pedestrian access from the main loop of the Bay Trail at the corner of University Avenue and West Frontage Road into the Marina along the south side of University Avenue. The first segment of the trail ends at the South Lawn, but when fully built, the project will continue to the South Sailing Basin, through Shorebird Park to Hs. Lordship's Restaurant, and then north along Seawall Drive to the Berkeley Yacht Club. The first segment of the multi-use trail includes a footbridge over the Strawberry drainage outfall south of University Avenue.

On January 27, 2004, Council adopted the Design Plan and a Mitigated Negative Declaration (Res. No. 62,375-N.S.) for the entire project. On May 23, 2006, Council approved a contract with 2M Associates for preparation of the construction documents for the first segment of the Bay Trail Extension project (Resolution No 63,308-N.S.).

In 2010, a total of \$2.283 million in grant funding was awarded to the City by two separate agencies for the construction of the first segment of the Bay Trail Extension at the Berkeley Marina as follows: a) on May 27, 2010, the California Coastal Conservancy awarded \$355,000 in State funds; and b) on August 2, 2010, the Metropolitan Transportation Commission (MTC) awarded \$1,928,000 in federal STIP TE funds.

Council previously authorized the application and execution of these grant agreements as follows: a) with the MTC in the amount of \$1.928 million on December 8, 2009 (Resolution No. 64,709-N.S.) and with the California Coastal Conservancy in the amount of \$355,000 on November 9, 2010 (Resolution No. 65,086-N.S.).

The State of California, acting as the agent for the grantor, the Federal Highway Administration (FHWA), issued a Categorical Exclusion (CE) for the above project in compliance with the National Environmental Policy Act (NEPA) on September 27, 2011. On January 17, 2012, Council approved advertising for construction bids. The construction contract was awarded to Redgwick Construction Company, Inc. on May 29, 2012 (Resolution No. 65,746-N.S.) and construction began in August 2012.

### RATIONALE FOR RECOMMENDATION

Mitigation measures for Burrowing Owls, the Alameda song sparrow, and other nesting birds were established during the environmental review process and incorporated into the project. The mitigation measures call for pre-construction surveys to be conducted within 30 days of construction, and again if construction activities cease for more than 30 days.

### ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Deborah Chernin, Principal Planner, PRW, 981-5157

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 7009 AMENDMENT: 2M ASSOCIATES FOR THE BAY TRAIL  
EXTENSION PROJECT

WHEREAS, on January 27, 2004, Council adopted the Design Plan and a Mitigated Negative Declaration (Resolution No. 62,375-N.S.); and

WHEREAS, on May 23, 2006, Council approved a contract with 2M Associates for the construction documents for the Bay Trail Extension Segment One Project (Resolution No. 63,308-N.S.). Construction bid documents were completed in 2008; and

WHEREAS, in 2010, a total of \$2.283 million in grant funding was awarded to the City for the construction of the Bay Trail Extension Segment One at the Berkeley Marina by two separate agencies, as follows: a) on May 27, 2010, the California Coastal Conservancy approved \$355,000 in State funds; and b) on August 2, 2010, the Metropolitan Transportation Commission (MTC) approved \$1,928,000 in federal Transportation Enhancement (TE) funds; and

WHEREAS, Council previously authorized the application and execution of these grant agreements as follows: a) with the MTC in the amount of \$1.928 million on December 8, 2009 (Resolution No. 64,709-N.S.); and b) with the California Coastal Conservancy in the amount of \$355,000 on November 9, 2010 (Resolution No. 65,086-N.S.); and

WHEREAS, the grant agreement with the California Coastal Conservancy was executed on December 15, 2010; amended on June 22, 2011 to extend the term through August 30, 2012; and amended again on October 9, 2012 to extend the term through June 30, 2013; and

WHEREAS, on December 14, 2011, the California Transportation Commission (CTC) allocated \$1.928 million to the City for project construction; and

WHEREAS, construction of the Bay Trail Extension began in August 2012 and was temporarily halted on January 18, 2013 in order to comply with the Bay Conservation and Development Commission (BCDC) permit conditions that restrict construction during the wet winter season; and

WHEREAS, before construction can resume on May 6, 2013, new pre-construction surveys of Burrowing Owls and other nesting birds are required; and

WHEREAS, funding for this contract amendment is available through a California Coastal Conservancy grant (budget code 626-5950-450.30-35, Project No. 05PP67), CMS No. XH2XH.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 7009 with

2M Associates of Berkeley for additional construction support services for the first segment of the Bay Trail Extension project in an amount not to exceed \$23,045 for a total contract amount not to exceed \$250,184, and extending the contract through December 31, 2013. A record signature copy of contract and any amendments to be on file in the Office of the City Clerk.

