



Office of the City Manager

CONSENT CALENDAR

September 26, 2006

To: Honorable Mayor and
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Marc Seleznow, Director, Department of Parks Recreation and Waterfront

Subject: Contract: Environmental Analysis for Aquatic Park Improvement Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend the contract with Laurel Marcus and Associates (LMA) for design, engineering and environmental analysis of hydrology and habitat improvements at Aquatic Park in an amount not to exceed \$372,264 which includes a 10% contingency for the period August 1, 2006 to December 31, 2007.

FISCAL IMPACTS OF RECOMMENDATION

The budget for the contract amendment is as follows:

LMA base contract scope of work (not to exceed)	\$305,072
Additional services, if needed (Strawberry Creek connection)	<u>\$33,350</u>
Subtotal	338,422
Contingency (10%)	<u>\$33,842</u>
Total authorization	\$372,264

The City has allocated funding as shown below:

\$45,000	Budget Code 450-5850-450-6580	(Parks Tax-FY07 Project #07WF12)
\$115,000	Budget Code 485-5950-450-6530	(Bayer-FY06 Project #XX9R04 Carryover)
\$187,989	Budget Code 850-5997-450-3035	(CIP-FY06 Project #01WF76 Carryover)
\$18,264	Budget Code 450-5849-450-3038	(Parks Tax-FY07 Project #07WF12)
<u>\$6,011</u>	<u>Budget Code 450-5849-450-3035</u>	(Parks Tax-FY07 Project #07WF12)
\$372,264	Total	

If the recommendation is approved, the appropriation of the carryover funds into FY 2007 will be included in the First Amendment to the FY 2007 Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Coastal Conservancy has agreed to fund up to \$2 million for water quality and habitat improvements at Aquatic Park using funds from Proposition 50, pending approval by the Coastal Conservancy Board and the staff at the Wildlife Conservation Board (WBC), who administers

Proposition 50 funds. Before the Conservancy will award a grant for construction, the City must complete the California Environmental Quality Act (CEQA) process by early 2007. In order to proceed with the CEQA process, a Project Description (preliminary design) must be developed. The consultant team led by Laurel Marcus and Associates will perform the surveys, hydrologic studies, preliminary design, and environmental analysis in order to complete the CEQA process (See Attachment 2–Scope of Services).

The resulting conceptual design will be based on the “Natural Resource Management Study” (NRMS), prepared by LMA in 2003, and the “Aquatic Park Waterbird Population and Disturbance Response Study” prepared by Jules Evens of Avocet Research Associates in 2005, as well as input from the Parks and Recreation Commission, the community, and staff. The design will serve as the basis for the preparation of the construction bid drawings.

The surveys and studies will also be of use to the Public Works Department and Caltrans as they look to resolve the drainage problems associated with existing culvert that extends from the Radio Tower Pond, beneath Interstate 80 (Caltrans right-of-way) and West Frontage Road, to the Bay. Caltrans has indicated that they would contribute \$35,000 toward the survey and analysis of the Radio Tower Pond which is included in the LMA scope of work. In addition, the contract work will provide data useful for resolving drainage problems associated with the Potter Creek outfall.

LMA has completed the scope of work in the existing contract. In order to move forward with the next step in the project, preliminary design and environmental review, Staff recommends that Council approve a contract amendment with LMA.

BACKGROUND

In 1990, the Draft Aquatic Park Master Plan (APMP) was developed through the efforts of the Parks and Recreation Commission, the community, and technical consultants (biological, hydrologic, and engineering); and was updated in 2000. In 2003, the City implemented the main recommendation of the APMP, and hired Laurel Marcus and Associates (LMA) to prepare an “Aquatic Park Natural Resources Management Study” (NRMS), with input from the Parks and Recreation Commission, community, and staff. A summary of the NRMS recommendations is attached.¹ (Attachment 3) In 2004, the City of Berkeley was awarded a conditional grant of up to \$2 million from the Coastal Conservancy (Proposition 50 funds) to improve the water quality and wildlife habitat at Aquatic Park, based on recommendations made in the 2003 NRMS. In order to provide a timetable to the Coastal Conservancy, City staff developed an implementation plan called the Aquatic Park Improvement Program (APIP) based on the APMP and the NRMS, consisting of the following three phases:

- Phase 1—Hydrology and water quality improvements;
- Phase 2—Habitat improvements; and
- Phase 3—Circulation, signage and other park amenities

The first two phases are hydrology and habitat improvements, as identified in the NRMS. The third phase includes other important Park improvements identified over time, such as circulation, environmental education, and other user amenities. (See Attachment 4: APIP Overview.) Note that

¹ The complete NRMS is available on the City’s website. See Parks, under Planning and Design News.

Phase 3 improvements require further study and are not intended to be a complete list of future Park improvements.

The Conservancy has expressed intent to provide funding for Phases 1 and 2 using funds from Proposition 50, contingent upon the completion of CEQA review by early 2007. Proposition 50 is restricted to water quality and habitat improvement projects only.

Parks and Recreation Commission

On April 24, 2006, the Parks and Recreation Commission approved a motion to: 1) accept the NRMS; 2) support the APIP; and 3) task the Aquatic Park Subcommittee with guiding the design and environmental review and, if the subcommittee has the people power, also consider the traffic circulation issue. [M/S/C (Huang/Price/unanimous)]

Aquatic Park Subcommittee

To date, the Subcommittee has met four times (May 23, June 13, July 27 and August 22, 2006) and will continue to meet on a regular basis to help guide the design and environmental review of the APIP. Representatives from the Audubon Society, Egret and the Sierra Club, as well as other park stakeholders and leaseholders have been participating in the Subcommittee's planning process.

RATIONALE FOR RECOMMENDATION

LMA has completed the scope of work in the existing contract. In order to move forward with the next step in the project – preliminary design and environmental review – staff recommend that Council approve a contract amendment with LMA.

The California Coastal Commission has a grant requirement that the City complete the CEQA review by early 2007 in order to receive up to \$2 million in grant funding for hydrology and habitat improvements at Aquatic Park. The LMA team has the required technical expertise and knowledge of the project in order to complete the CEQA review in a timely manner. Authorizing a contract amendment with LMA will enable the City to meet the grant requirement of the Coastal Conservancy.

ALTERNATIVE ACTIONS CONSIDERED

None considered.

CONTACT PERSONS

Deborah Chernin, Senior Planner, Parks Recreation and Waterfront, 981-6715
Heather McMillan, Senior Planner, Parks Recreation and Waterfront, 981-6436

Attachments:

1. Resolution
2. LMA Scope of Services
3. Summary of NRMS Recommendations
4. APIP Overview

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

AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH LAUREL
MARCUS AND ASSOCIATES FOR ENVIRONMENTAL ANALYSIS

WHEREAS, on January 16, 2001, Council authorized the City Manager to execute a contract and any amendments with Laurel Marcus and Associates to complete a Natural Resource Management Study (NRMS) (Resolution No. 60,908); and

WHEREAS, on March 1, 2002, the City Manager executed a contract with Laurel Marcus and Associates in an amount not to exceed \$70,000 for the term March 8, 2002 to September 8, 2002; and

WHEREAS, on April 9, 2004, after two extensions, the City Manager amended the contract with Laurel Marcus and Associates to expand the scope of work and increase the fee by \$27,700 for a new total amount not to exceed \$97,700 for the term ending September 8, 2005; and

WHEREAS, on September 7, 2005, the City Manager extended the term of the contract to end on September 8, 2006; and

WHEREAS, on October 27, 2005, the City of Berkeley was awarded a conditional grant for up to \$2 million to implement water quality and habitat improvements at Aquatic Park, pending the completion of CEQA environmental review by early 2007; and

WHEREAS, the California Coastal Commission has a grant requirement that the City complete the CEQA review by early 2007 in order to receive up to \$2 million in grant funding for improvements at Aquatic Park.

WHEREAS, the City needs professional design, analysis and engineering services to prepare a Project Description and conduct the environmental review process by early 2007 in order to meet the grant requirement; and

WHEREAS, LMA has completed the scope of work in the existing contract; and

WHEREAS, LMA has the required technical expertise and knowledge of the project in order to complete the CEQA review in a timely manner; and

WHEREAS, the City has allocated funding in the following budget codes: \$45,000 (Budget Code 450-5850-450-6580–Parks Tax–FY07 Project #07WF12); \$115,000 (Budget Code 485-5950-450-6530–Bayer FY06 Project #XX9R04 Carryover); \$187,989 (Budget Code 850-5997-450-3035–CIP–FY06 Project #01WF76 Carryover); \$18,264 (Budget Code 450-5849-450-3038–Parks Tax–FY07 Project #07WF12); and \$6,011 (Budget Code 450-5849-450-3035–Parks Tax–FY07 Project #07WF12).

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to amend the contract with Laurel Marcus and Associates for design and environmental analysis of hydrology and habitat improvements at Aquatic Park in an amount not to exceed \$372,264 which includes a 10% contingency for the period August 1, 2006 to December 31, 2007.

Attachment 2

**Scope of Service (Summary)
for Laurel Marcus and Associates**

The consultant will provide the following services for the Aquatic Park Improvement Program (APIP), Phase I and II:

Hydrology and Habitat Improvements-Main Lagoon, Model Yacht Basin and Radio Tower Pond

- A. Meetings
- B. Project Management
- C. Collect and Analyze Data for Design
 1. Review “Aquatic Park Waterbird Study” and Commission and community comments received re: “Natural Resource Management Study” (NRMS)
 2. Conduct site surveys
 3. Assist staff in preparation of a Use Area/Protection Analysis
 4. Draft design guidelines
- D. Concept Design
- E. Environmental Issue Analysis

Additional Services that May Be Needed:

(Note: These services will be provided only if approved in advance by staff.)

- F. Data Collection, Analysis, Modeling and Design for Strawberry Creek and other Connections
- G. Interpretive Signs and Wildlife Viewing Areas
- H. Revise Concept Design
- I. Hydraulic Model of Revised Design
- J. Final Design Development
- K. Preparation of Monitoring and Management Plan
- L. Other Services Relating to Water Quality and Habitat Improvements at Aquatic Park, as Directed by the City.

Attachment 3

**AQUATIC PARK NATURAL RESOURCE MANAGEMENT STUDY
LMA Recommended Alternatives**

<i>Alternative</i>	<i>Description</i>	<i>Level of Improvement</i>	<i>Proposed Priority</i>	<i>Relative Cost</i>
1	Open up all flap gates on inlet-outlet culverts in Main Lagoon	Moderate improvement in Main Lagoon; no improvement in MYB	Low	Low \$25,000
8	Develop wetlands and manage MYB and RTP including restricting public access	Increase in wetland habitat for MYB and protection of habitat from human disturbance	High	Low
9	Change of Bird Island to bird roosting and refuge area	Creation of refuge and roosting habitat in Main Lagoon	Moderate	Moderate
10	Eradication of invasive non-native plant species- Phase 1 to reduce spread of invasive species offsite; removal sites would be revegetated with native plants.	Enhancement of Park and reduction in spread of invasive species into other areas	High	Moderate - requires 10-year follow-up
11	Revegetation and improved management of freshwater wetlands.	Native plant revegetation following invasive plant removal and management as part of surrounding park	Moderate	Low
12	Eradication of invasive non-native plant species (Phase 2 - acacia and eucalyptus on eastern area of Park and revegetation with natives.	Eastern shoreline of Main Lagoon would be opened up to better views.	Moderate	Moderate to high - requires 10-year follow-up
13	Removal of asphalt in abandoned parking lots, improvement to ornamental plants and revegetation with native plants.	Western uplands	Low	Low to moderate, depending on removal and disposal of old asphalt.

Attachment 4
Aquatic Park Improvement Program – Overview

	Hydrology Improvements	Habitat Improvements	Circulation, Signage & Other Park Improvements
<p>Phase I Projects</p> <p><i>Included in Coastal Conservancy Funding Proposal (except as noted)</i></p>	<p>Establish a counter-clockwise one-way flow in the lagoons, with inflow from Bay through Potter Street storm drain, into MYB, and through MYB into Main Lagoon. Outflow to the Bay only through the five Main Lagoon tide tubes (NRMS Alt. 6; includes Alts. 2, 3):</p> <ul style="list-style-type: none"> • Install larger connection/s between the Potter Street storm drain and MYB by replacing two adjacent existing culverts with larger ones or with a single larger structure. • Install larger connection/s between the MYB and Main Lagoon by replacing two existing culverts with a larger open area between the lagoons, covered by a bridge. • Improve the five inlet-outlet culverts in the Main Lagoon (need detail on this). <p>Investigate improving the Strawberry Creek storm water overflow connection at the north end of AP. to enhance circulation.</p> <p>Develop a long-term Hydrology Maintenance and Monitoring Plan.</p> <p><i>As part of a separately funded related project, a new connection will be established between Radio Tower Pond and the Potter St. storm drain, replacing blocked RTP/Bay tide tube. Concept design will be covered under APIP.</i></p>	<p>None.</p>	<p>Possibly construct bridge as part of access road between MYB and Main Lagoon. Bridge would span an open culvert.</p> <p><u>Interpretive Element</u>: Establish signage to explain hydrology improvements and effect on water circulation and quality as well as impacts on aquatic habitat.</p> <p><i>As part of a separately funded project, improvements to the northern end of the Park will be made under the Addison Street Improvement Project and Bicycle Bridge Touchdown project. This will include a formal Park entrance.</i></p>

	Hydrology Improvements	Habitat Improvements	Circulation, Signage & Other Park Improvements
<p>Phase II Projects</p> <p><i>Included in Coastal Conservancy Funding Proposal (except as noted)</i></p>	<p>Make drainage improvements to upland area east of the Main Lagoon to precede habitat restoration improvements there and consider stormwater remediation in design of improvements (linked to NRMS Alts.10 and 11).</p>	<p>Allow MYB (and RTP) to develop some wetland areas and manage both as a wildlife area with limited human and dog access (NRMS Alt. 8).</p> <p>Improve freshwater wetlands in the Park through re-vegetation and management (NRMS Alt. 11).</p> <p>Eradicate invasive non-native plant species – First Stage. Includes replacement with natives (NRMS Alt. 10).</p> <p>Convert Bird Island or another appropriate area of the Park to a bird roosting and refuge area (NRMS Alt. 9).</p> <p>Develop a long-term Native Habitat Maintenance and Monitoring Plan.</p>	<p><u>Interpretive Element</u>: Establish signage to explain habitat restoration projects and inform Park users about how to protect bird and other natural habitat.</p> <p>Provide improved wildlife viewing opportunities.</p> <p>As part of separate project, create a temporary parking area at south end of Park to reduce impacts on roadside habitat and serve visitors until Circulation and Parking Plan is completed under Phase III.</p>

	Hydrology Improvements	Habitat Improvements	Circulation, Signage & Other Park Improvements
<p>Phase III Projects</p> <p>These are additional improvements identified in the NRMS, the draft APMP or by EGRET.</p> <p><i>All these improvements require further study and design, as well as funding.</i></p>	<p>Investigate rehabilitation of the clogged Northern Lone Tide Tube and the MYB Tide Tube.</p> <p>Investigate potential for water jets (like Lake Merritt's) at north end of the Main Lagoon and possibly other locations to be determined.</p> <p><i>The above improvements should be considered in modeling and designing improvements for Phase I, especially any anticipated improvements to the Strawberry Creek overflow connection.</i></p>	<p>Eradicate invasive non-native plant species – Second Stage (NRMS Alt. 12 – includes Acacia and Eucalyptus trees).</p> <p>Excavate shoreline north of rowing club to create tidal mudflat/wetland – Rowing Club Wetland (NRMS Alt 7).*</p> <p>Along western uplands, abandon parking lots, re-vegetate with natives and improve ornamental vegetation (NRMS Alt. 13).*</p> <p><i>*Portions of the above NRMS Alternatives 7 and 13 may be incorporated into Phase II.</i></p>	<p>Improve circulation and support facilities for bicycle, pedestrian, wheelchair and automobile users.</p> <p>Establish additional interpretive features that would celebrate Aquatic Park's natural, built, and social history, and its present uses.</p> <p>Establish additional directional and informational signage would orient and educate user.</p> <p>Improve Park safety and security features.</p> <p><i>As part of a separate project, freeway access between RTP and MYB will eventually be removed by Caltrans, but no target date yet established.</i></p> <p><i>The above improvements should be considered in designing Phase I and Phase II improvements, especially anticipated circulation improvements.</i></p>