

**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: July 11, 2006

2006 JUN 29 PM 7:09

**RE: RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$198,084.00 OF FISCAL YEAR 2006-2007 STATE TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 FUNDS FOR THE COLISEUM TRANSIT HUB STREETSCAPE IMPROVEMENT PROJECT, WAIVING PUBLIC ART FEES FOR THIS PROJECT, AND INCREASING THE CHANGE ORDER AMOUNT FROM 20 PERCENT TO 35 PERCENT ON THE CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER**

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**SUMMARY**

A resolution has been prepared for the City Council that authorizes the City Administrator, or her designee, to apply for, accept, and appropriate up to \$198,084.00 in State Transportation Development Act (TDA) Article 3 Funds for the Coliseum Transit Hub Streetscape Improvement Project, hereinafter referred to as "Coliseum Streetscape Project" and to increase the change order amount from 20% to 35% on the construction contract with McGuire and Hester.

The streetscape improvements currently underway include construction of new sidewalks, crosswalks, wheelchair ramps, landscaped medians featuring palm trees, installation of ornamental pedestrian level lights and streetlights, traffic signals, irrigation systems, and AC Transit bus shelters. The TDA funds will be used primarily for pedestrian improvements such as new sidewalks, crosswalks, walkways, wheelchair ramps, and ornamental pedestrian lighting.

The City awarded the construction contract to McGuire and Hester in the amount of \$1,378,195 for the Coliseum Streetscape (San Leandro Street from 66<sup>th</sup> Ave. to 73<sup>rd</sup> Ave.) Project. The notice to proceed with construction was issued on April 3, 2006, and the anticipated substantial completion date is September 30, 2006. It is anticipated that the twenty percent contract change order limit will be exceeded due to PG&E's Rule 20B utility underground work for the project.

**FISCAL IMPACTS**

Approval of the resolution will allow the City to apply for, accept, and appropriate up to \$198,084.00 in grant funding for the Coliseum Streetscape Project using FY 2006-07 TDA Article 3 funds. Funding for the project will be appropriated to FY 2006-2007 State Transportation Development Act (TDA) Article 3 Fund (2162), Public Works Agency, Streets and Structures Organization (30242), Coliseum Transit Hub Streetscape Improvement Project (G234510).

The City's 1.5% public art fee is not an eligible expense under TDA Article 3 program guidelines. For this reason, the resolution requests that this fee be waived for this project.

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An approved City Council resolution must be submitted by the July 24, 2006 application deadline to retain eligibility for funding. No matching funds are required to receive TDA Article 3 Funds, which must be expended within three (3) years of allocation.

Currently, funds are adequate to cover the base construction contract amount of \$1,378,195. However, additional funds will be required to cover portions of the PG&E Rule 20B utility underground change order work and project contingency. Therefore, the additional TDA Article 3 grant funds will be necessary to cover the proposed pedestrian improvement related work. Ongoing maintenance costs as a result of this project are expected to be minimal and will be absorbed within current maintenance appropriations. Available project funding is shown in the following table:

Funding Source	Funding Codes	Project No.	Available Funds
Metropolitan Transportation Commission's Transportation For Livable Communities (MTC/TLC)	Fund 2163; Org 92242;	G234510	\$653,144
Alameda County Congestion Management Agency for Transportation Funds for Clean Air (ACCMA/TFCA)	Fund 2166; Orgs. 92228, 92242	G234520	\$182,906
Federal Transit Administration (FTA) Alameda County (AC) Transit - Cooperative Agreement	Fund 2999, 2163; Orgs. 30232, 30242, 30534, 92228, 92242	G234530	\$573,499
Bay Area Air Quality Management District/Transportation For Clean Air (BAAQMD/TFCA)	Fund 2159; Org 88659;	C291210	\$130,000
Oakland Redevelopment Agency Match for MTC/TLC and CMAQ Funds	Fund 9453; Org 88659	P233440	\$130,000 \$16,000
MTC Congestion Management Air Quality (CMAQ) Funds	Fund 2163	(Pending)	\$89,000
<b>MTC State Transportation Development Act (TDA) Article 3 Funds FY 2006-2007</b>	<b>Fund 2162</b>	<b>(Pending)</b>	<b>\$198,084</b>

**Total: \$1,972,633**

## BACKGROUND

The Coliseum Streetscape Project located on San Leandro Street between 66<sup>th</sup> Ave. and 73<sup>rd</sup> Ave. is part of the larger Coliseum transit-oriented-development (TOD) being created by the Oakland Redevelopment Agency at the Coliseum BART and Amtrak Station. The larger TOD concept plan calls for a new sustainable mixed-use Coliseum Transit Village with ground floor retail and 600-800 units of housing that will include full pedestrian and bicycle amenities supported by the emerging inter-modal mass transit hub.

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The Coliseum Streetscape Project originally emerged from a number of public safety planning efforts initiated by a community-based City/Agency partnership called the Coliseum BART Station Area Improvement Task Force (SAITF). As a result, a Crime Prevention through Environmental Design (CPTED) study was completed. The intent was to reduce crime and improve vehicular and pedestrian safety, calm traffic flow, encourage alternate modes of mass transportation and enhance the overall appearance of San Leandro Street.

State TDA Article 3 Funds are administered by MTC for the exclusive use of bicycle and pedestrian capital improvement projects. TDA funds became available for the Coliseum project when several cities in Alameda County elected not to use their TDA apportionments for FY 06-07. Because Oakland had the only one “ready-to-go” project that could be constructed in FY 06-07, the funds were offered to Oakland as an advance against the FY 07-08 allocation for other future projects.

In addition, City staff were asked to identify what projects would be under construction in the Fall of 2006 that would require supplemental funding related to project elements for the exclusive use of bicycles or pedestrians. As a result, a total of five City projects were submitted to MTC for TDA State Article 3 funding consideration. After MTC’s review of the five submittals, it was determined by MTC staff that the Coliseum project met their readiness requirement and would receive a grant award during the current round of funding availability. The other projects included 12<sup>th</sup> St. Dam Project, Lakeside Drive, Chinatown Project, Bay Trail (Derby to Lancaster), Mandela/ 8<sup>th</sup> Street Gap Closure Project.

MTC requires the Council’s resolution for the TDA grant to include an Attachment A (“Findings”). These findings must verify that the project meets the requirements for funding eligibility, including assurance of no legal impediments or other factors that would affect the City’s ability to deliver the project. The findings must also confirm availability of City staff resources and adequate funding, review of environmental and right-of-way issues to determine that fund obligation deadlines will not be jeopardized and conceptual review of any contingent issues that should be considered.

The Coliseum Streetscape Project is consistent with the goals of the City of Oakland's General Plan, the Bicycle Master Plan, and the Pedestrian Master Plan. The proposed project was also selected according to the Council-adopted criteria set forth in the *Resolution Establishing Prioritization Methods for the City of Oakland's Facilities and Structures, Parks and Open Space, Sewers, Storm Drains, Street, Sidewalks, and Traffic Improvement Infrastructure Needs*, (Number 78747, adopted July 20, 2004).

The majority of the current change order work is for PG&E’s Rule 20-B project, which will underground the existing utilities along San Leandro Street between 66<sup>th</sup> Ave. to 73<sup>rd</sup> Ave. and complement the Coliseum Streetscape Project. Originally, the City agreed to have PG&E construct the Rule-20-B underground utility portion concurrently with the Coliseum Streetscape Project. However, due to unforeseen PG&E design and engineering delays, it was not possible to construct both projects concurrently. When the delays were finally realized, the construction contract for the Coliseum Streetscape Project had already been awarded. To avoid further

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scheduling impacts to the streetscape project, the City placed a portion of the PG&E Rule-20-B underground utility work under the scope of the Coliseum Streetscape project, which will result in additional change orders for construction, exceeding the approved 20% limit.

### **KEY ISSUES AND IMPACTS**

Adoption of this resolution will allow the City to complete its application for TDA Article 3 funding by the July 24, 2006 grant deadline. Acceptance of these funds will enable Oakland to build a key segment of the Coliseum Streetscape Project with new pedestrian amenities and address the community's desire for improving security and traffic calming. In addition, the streetscape project will complement the recently completed Amtrak Capitol Corridor Platform Station and AC Transit bus shelters relocation with a new 40' wide signalized pedestrian crosswalk in front of the BART station entrance.

Under the standard contract, the City is allowed to spend up to 20% on change order work without Council approval. All change order work beyond the 20% limit require Council approval. The current streetscape change order amounts are \$202,420.15 or 14.5% of the \$1,378,195.00 construction contract amount. City staff has identified about \$90,000.00 or an additional 6.5% worth of change order work to construct sidewalk widening and other necessary pedestrian improvements for the project. The projected combined total of 21% exceeds the available change order limit at the initial preliminary stages of construction. Based on past experience and current industry standards for this type of project, the current 20% contingency should be increased to 35% to accommodate future change order work.

### **PROJECT DESCRIPTION**

The Coliseum Streetscape Project will provide new ornamental pedestrian and streetlights with landscaped medians including decorative banners and Date Palm trees. A new 40' wide signalized pedestrian crosswalk will be constructed in front of the Coliseum BART Station entrance to accommodate the consolidation of AC Transit bus stops along the West-side of San Leandro Street. All existing utilities will be installed underground as part of the corresponding PG&E Rule 20-B project.

The TDA funded portion of streetscape improvements on San Leandro Street from 66<sup>th</sup> Ave. to 73<sup>rd</sup> Ave. will include but not be limited to portions of the new sidewalks, crosswalks, walkways, wheelchair ramps, and ornamental pedestrian lighting.

### **SUSTAINABLE OPPORTUNITIES**

Economic: Implementation of this project provides an opportunity to use local contractors and offers employment openings to Oakland residents, thereby strengthening the local economy. The physical improvements to the Coliseum Streetscape Project will help improve and protect the economic vitality of the community.

Environmental: The streetscape project encourages and supports mass transit and pedestrian and bicycle uses that help reduce automobile dependence and thus improve overall air quality.

Social Equity: This project will provide greater accessibility and safety to persons who depend on non-motorized transportation and public transit to access jobs, recreational facilities and other services.

**DISABILITY AND SENIOR CITIZEN ACCESS**

The project complies with Americans with Disabilities Act (ADA) guidelines and will improve access for persons with disabilities and senior citizens who use wheelchairs, walk, or bicycle. The reconfiguration of sidewalks and walkways will make it easier for senior and disabled persons to cross the street.

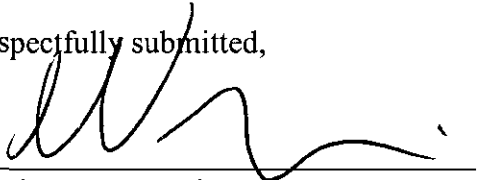
**RECOMMENDATIONS AND RATIONALE**

Staff recommends that the City Council authorize the City Administrator to:

Apply for, accept, and appropriate up to \$198,084.00 in FY 2006-07 TDA Article 3 Funds to implement the Coliseum Streetscape Project. These additional grant funds are necessary to fund the pedestrian and bicycle improvements to the Coliseum Streetscape Project. Moreover, an increase in the change order limit from 20% to 35% is required to adequately support and ensure the successful completion of the project.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,  


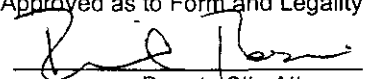
**Daniel Vanderprien**  
Director of Redevelopment, Economic, and  
Housing and Community Development

Reviewed by:  
Gregory Hunter  
Oakland Redevelopment Agency  
Manager, Coliseum Project Area

Prepared by:  
Larry Gallegos  
Oakland Redevelopment Agency  
Project Manager, Coliseum Project Area

APPROVED AND FORWARDED TO  
THE PUBLIC WORKS COMMITTEE:

  
OFFICE OF THE CITY ADMINISTRATOR

  
Deputy City Attorney

OFFICE OF THE CITY CLERK  
OAKLAND

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# OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$198,084 OF FY 2006-07 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 BICYCLE AND PEDESTRIAN FUNDS FOR THE COLISEUM TRANSIT HUB STREETScape IMPROVEMENT PROJECT, WAIVING PUBLIC ARTS FEES FOR THIS PROJECT, AND INCREASING THE CHANGE ORDER AMOUNT FROM 20 PERCENT TO 35 PERCENT ON THE CONSTRUCTION CONTRACT WITH MCGUIRE AND HESTER**

**WHEREAS**, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq. authorizes the submission of applications to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 875, revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

**WHEREAS**, the MTC requires that resolutions authorizing the application, acceptance and appropriation of funds include an "Attachment A: Findings", verifying that there are no legal, fiscal or other impediments to the implementation of this project; and

**WHEREAS**, MTC Resolution No. 875, revised, requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

**WHEREAS**, the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and

**WHEREAS**, the City of Oakland desires to apply for \$198,084 in FY 2006-07 TDA Article 3 funds for construction of the Coliseum Transit Hub Streetscape Improvement Project; and

**WHEREAS**, the Public Works Agency has requested a waiver of the 1.5% public art fees for this project because TDA guidelines prohibit the use of grant funds for public art when public art is not a project component; and

**WHEREAS**, the Public Works Agency has requested an increase in the change order amount from 20% to 35%, not to exceed \$482,400, on the construction contract with McGuire and Hester to cover pedestrian, bicycle and future unforeseen construction items necessary to complete the Coliseum Transit Hub Streetscape Improvement project; now, therefore, be it

**RESOLVED:** That the City of Oakland declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; and be it

**FURTHER RESOLVED:** That there is no pending or threatened litigation that might adversely affect the Coliseum Transit Hub Streetscape Improvement project, or that might impair the ability of the City of Oakland to carry out the project; and be it

**FURTHER RESOLVED:** That the City of Oakland attests to the accuracy of and approves the statements in the "Attachment A: Findings" to this Resolution; and be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the application, acceptance and appropriation of FY 2006-07 TDA Article 3 funds in the amount not to exceed \$198,084 for construction of the Coliseum Transit Hub Streetscape Improvement Project, to be allocated deposited and appropriated in the TDA Article 3 Fund (2162), Public Works Agency Organization (30242), Coliseum Transit Hub Streetscape Improvement Project (G234510); and be it

**FURTHER RESOLVED:** That the City's 1.5% public art fee for the Coliseum Transit Hub Streetscape Improvement Project is hereby waived; and be it

**FURTHER RESOLVED:** That a certified copy of this resolution and its attachments, and any accompanying supporting materials, shall be forwarded to the Alameda County Public Works Department for submission to MTC as part of the countywide coordinated TDA Article 3 claim; and be it

**FURTHER RESOLVED:** That the City Administrator, or his/her designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests and related actions, and to appropriate any additional funds received for the completion of these projects; and be it

**FURTHER RESOLVED:** That should additional funds be received for the Coliseum Transit Hub Streetscape Improvement Project, the City Administrator, or his/her designee, is hereby authorized to accept and appropriate the same for the purposes described above; and be it

**FURTHER RESOLVED:** That should additional change order work exceed 20% on the construction contract with McGuire and Hester for the Coliseum Transit Hub Streetscape project, the City Administrator, or his/her designee, is hereby authorized to approve the same, up to 35%, but not to exceed \$482,400.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT DE LA FUENTE

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California

ATTACHMENT A TO RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO APPLY FOR, ACCEPT AND APPROPRIATE UP TO \$198,084.00 IN FY 2006-07 STATE TRANSPORTATION DEVELOPMENT ACT (TDA) ARTICLE 3 FUNDS FOR THE COLISEUM TRANSIT HUB STREETScape IMPROVEMENT PROJECT

Findings

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2006-7 Transportation Development Act, Article 3, Pedestrian/Bicycle Project Funding

1. That the CITY OF OAKLAND is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the CITY OF OAKLAND legally impeded from undertaking the project(s) described in the application for project funds.
2. That the CITY OF OAKLAND has committed adequate staffing resources to complete the project(s) described in the project application.
3. A review of the project(s) described in the project application has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in the project application have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project described in the project application complies with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.), and that the CITY OF OAKLAND is in possession of the document(s) supporting such compliance, said document(s) having been made available to for public review and stamped by the County Clerk or County Recorder of the county in which the claimant is located.
6. That as portrayed in the budgetary description(s) of the project(s) in the application, the sources of funding other than TDA are assured and adequate for completion of the project.
7. That the project described in the application is a capital construction and/or design engineering project.
8. That the project described in the application which may have bicycle related improvements has been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.).
9. That any project described in the application that is a "Class I Bikeway," meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project described in the application is ready to commence implementation during the fiscal year of the requested allocation.
11. That the CITY OF OAKLAND agrees to maintain, or provide for the maintenance of, the facilities described in the project application for the benefit of and use by the public.

**REDEVELOPMENT AGENCY CERTIFICATION:** I certify that to the best of my knowledge, this information is accurate and there is no legal impediment, or pending or threatened litigation, which might adversely affect the proposed project, or the City's ability to carry it out. Signed: \_\_\_\_\_ Date: 6.28.06

David Vanderprieft  
Director of Redevelopment, Economic and Housing  
and Community Development  
City of Oakland