

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Public Works Agency  
DATE: March 23, 2004

2004 MAR 11 PM 1:48

**RE: RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TY LIN INTERNATIONAL/CCS FOR DESIGN SERVICES FOR THE 42<sup>ND</sup> AVENUE AND HIGH STREET ACCESS IMPROVEMENTS PROJECT – PHASE II (CITY PROJECT NO. C98510) FOR AN AMOUNT NOT TO EXCEED ONE MILLION THIRTY-SEVEN THOUSAND NINE-HUNDRED EIGHTY-THREE DOLLARS (\$1,037,983)**

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**SUMMARY**

A resolution has been prepared authorizing the City Manager to enter into a professional services agreement with TY Lin International/CCS for design services for the 42<sup>nd</sup> Avenue and High Street Access Improvements Project - Phase II (City Project No. C98510) for an amount not to exceed \$1,037,983. The project is located within City Council District 5.

When constructed, the project will improve vehicular and pedestrian circulation and access at I-880 from 42nd Avenue (State Route 185) and High Street (see attached map, Exhibit A). The project consists of extending and aligning 42nd Avenue with Alameda Avenue to provide a road parallel to High Street; widening High Street to provide additional capacity at the intersections of the freeway frontage roadways of Oakport Street and Coliseum Way; realigning E. 8th Street near Alameda Avenue; and extending and realigning Jensen and Howard Streets to connect High Street and 42nd Avenue. Phase I of the project, which consisted of the preliminary engineering and environmental analysis, is near completion with environmental approval from Caltrans expected in March 2004. Phase II of this project consists of finalizing the design and producing construction documents.

The project is consistent with the following Mayor and City Council goals and objectives 3A and 6C:

**Improve Oakland Neighborhoods:** Improve traffic/bike/pedestrian safety.

**Maintain and Enhance Oakland's Physical Assets:** Provide for clean, well-maintained and accessible streets and sidewalks.

The project is funded by Measure B and the State Transportation Improvement Program (STIP). Funds in the amount of \$1,200,000 are available for Phase II.

Staff recommends approval of the resolution.

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**FISCAL IMPACTS**

The professional services agreement will be for an amount not to exceed \$1,037,983. This amount includes a contingency in the amount of \$94,363.00. The total cost for this project, excluding right-of-way acquisition and construction, is as follows:

<b>Project Cost</b>	
<b><i>Phase I (Completed: Preliminary Engineering and Environmental Analysis)</i></b>	
Professional Services Agreement – CCS Planning and Engineering, Inc.	\$447,970
Miscellaneous Outside Services	\$30,000
City Staff and Services	\$90,000
Contingency	\$32,030
<b><i>Sub-Total</i></b>	<b><i>\$600,000</i></b>
<b><i>Phase II (Design)</i></b>	
Professional Services Agreement - TY Lin International/CCS	\$943,620
Professional Services Contingency	\$94,363
Miscellaneous Outside Services	\$45,000
City Staff and Services	\$95,000
Contingency	\$22,017
<b><i>Sub-Total</i></b>	<b><i>\$1,200,000</i></b>
<b>Total</b>	<b>\$1,800,000</b>

The total project funding is \$1,800,000 from Measure B and the State Transportation Improvement Program (STIP). Resolution No. 74635 C.M.S approved by the City Council on November 10, 1998 authorized the use of \$800,000 in Measure B funds for this project. Resolution No. 75986 C.M.S. approved by City Council on September 19, 2000 authorized the appropriation of \$1,000,000 in federal and state funds from the STIP. Out of the \$800,000 Measure B funds authorized by the City, \$600,000 is being used for Phase I. The remaining Measure B funds in the amount of \$200,000 and the STIP funds in the amount of \$1,000,000 will be used for Phase II.

Funds are available in the following accounts to cover all project costs:

- Measure B Fund (2210); Capital Improvement Projects – Project Management Organization (92190); Prior Year Account (78811); and 42<sup>nd</sup> Avenue and High Street Access Improvements Project (C98510), in the amount of \$200,000.
- California Department of Transportation Fund (2140); Capital Improvement Projects – Transportation Services Division Organization (92246); Architectural and Engineering Services Account (54411); Contract Contingencies Account (54011) and 42<sup>nd</sup> Avenue and High Street Access Improvements Project (C98520), in the amount of \$1,000,000.

The remaining phases of the project are only partially funded. STIP funding for right-of-way acquisition, in the amount of \$3,130,000, has been programmed for fiscal year 2006/07 and could be reprogrammed to a later year depending on the state's economic situation. The City is

now seeking additional STIP funding in the amount of \$10,500,000 as follows: Right-of-Way Acquisition - \$900,000 and Construction - \$9,600,000.

## **BACKGROUND**

On April 20, 1999, City Council approved Resolution No. 74924 C.M.S authorizing an agreement with CCS Planning and Engineering, Inc. (CCS) for engineering design services for 42<sup>nd</sup> Avenue and High Street Access Improvements Project - Phase I, for an amount not to exceed \$447,970. CCS was chosen through the City's Request for Proposal process as the top-ranked firm to provide the desired services for Phases I and II. Because Phase II was not funded at that time, City staff negotiated an agreement with CCS for Phase I only. As indicated in the Council Agenda Report for Resolution No. 74924 C.M.S., now that funding is available for Phase II, City staff has negotiated an agreement for Phase II and is returning to Council for approval of the agreement. CCS merged with TY Lin International in October 2003. As a result, the professional services agreement will be with TY Lin International/CCS.

Public Works Agency staff actively managed Phase I of the project, which provided the preliminary engineering plans and environmental analysis. Staff met the environmental review requirements of the California Environmental Quality Act (CEQA) and the City of Oakland with the preparation of an Initial Study and supplemental technical reports. In March 2001, based on the Initial Study, the City self-certified that there is no evidence that the project will have any potential for adverse impact on the environment, and filed a Negative Declaration with the Office of the Alameda County Clerk, as required by CEQA.

In April 2001, staff started working with Caltrans to obtain approval of various environmental and preliminary engineering reports required by the National Environmental Protection Act (NEPA) for federal environmental clearance. Staff expected to obtain the federal environmental clearance for Phase II of the project in July 2001, and STIP funds for Phase II were obligated at that time. The STIP funding for Phase II had an expenditure deadline of June 2003, two years. However, the federal environmental clearance was delayed by almost three years because of the complexity of the environmental review process. In May 2003, the City requested and received from the California Transportation Commission a one-time schedule extension of 18 months for Phase II. In December 2003, the City submitted the final environmental documentation requested by Caltrans. Approval of this documentation, expected by March 2004, will mark the federal environment clearance required for the City to be eligible for STIP reimbursement for Phase II costs.

## **KEY ISSUES AND IMPACTS**

Phase II of this project will provide for the development of the final design and preparation of construction documents. Phase II could have been awarded together with Phase I in 1999 but funding was not available. Funding became available for Phase II in 2001, however staff could not move the project forward because of the long NEPA clearance process. The funding

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expenditure deadline for Phase II is December 2004, which only allows about eight months for the design. Eight months design time is very marginal for a project of this size and it is highly necessary that the Council approve this Resolution, otherwise the STIP fund of one million dollars may be lost. Staff is requesting authorization to enter into an agreement with TY Lin International/CCS at this time in order to complete Phase II of the project and meet the funding expenditure deadline of December 2004. Local/Small Local Business Enterprise (L/SLBE) goals do not apply to federally funded projects. However, the Contract Compliance Division has been informed about the plan to negotiate the Phase II contract with the prime consultant for Phase I.

## **PROJECT DESCRIPTION**

The project is located at I-880 near 42<sup>nd</sup> Avenue and High Street, and within City Council District 5. The project will improve access to I-880 for vehicles traveling between the Cities of Oakland and Alameda via 42nd Avenue/Alameda Avenue and High Street. Additionally, the project will relieve traffic congestion and improve circulation along local roadways.

The project was initiated in coordination with the seismic retrofit of the High Street overhead structure on I-880, which is currently under design by Caltrans. The Caltrans project will replace the existing overhead structure, reconfigure the 42<sup>nd</sup> Avenue interchange with at-grade intersections, and reconstruct the local frontage roads to accommodate the work. The City project will build off the Caltrans project. Specifically, the City's project will extend and align 42nd Avenue with Alameda Avenue to provide a road parallel to High Street; widen High Street to provide additional capacity at the intersections of the freeway frontage roadways of Oakport Street and Coliseum Way; realign E. 8th Street near Alameda Avenue; and extend and realign Jensen and Howard Streets to connect High Street and 42nd Avenue.

This preferred design alternative was chosen based on input from the Oakland community, City of Alameda and the California Department of Transportation (Caltrans) in 2000 through 2001. Two community meetings were held as part of this project in the fall of 2000. Most recently, in 2003, a Community Impact Assessment Report was prepared to document the socio-economic and relocation impacts to businesses in the area. The project would require acquisition of right-of-way from 15 properties, including nine developed properties with eight existing businesses and six undeveloped properties. The property and business owners of each of the eight businesses were contacted about the impacts of the project to their businesses and the potential mitigation measures. The project impact mitigation measures are specified in the environmental impact document.

## **SUSTAINABLE OPPORTUNITIES**

Economic: The improvement of the transportation network will promote business and economic development opportunities for the Port of Oakland and City of Oakland per the objectives and policies outlined in the Estuary Policy Plan adopted in November 1998.

Environmental: This project will improve the environment by reducing congestion and vehicle emissions, therefore improving the quality of life in the area.

Social Equity: This project will create employment opportunities, and increase safety for persons who depend on non-motorized transportation, such as senior citizens, persons with disabilities, and children.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The project will comply with all requirements of the Americans with Disabilities Act (ADA), including provisions for curb ramps, audible pedestrian signals, as well as other applicable local, state, and federal disability laws and regulations.


## **RECOMMENDATIONS AND RATIONALE**

Staff recommends that the City Council authorize the City Manager, or her designee, to enter into a professional services agreement with TY Lin International/CCS for design services for the 42nd Avenue and High Street Access Improvements Project - Phase II (City Project No. C98510) for an amount not to exceed \$1,037,983. In order to meet the new funding expenditure deadline of December 31, 2004, the agreement with TY Lin International/CCS needs to be executed at this time.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



**RAUL GODINEZ II, P.E.**  
Director, Public Works Agency

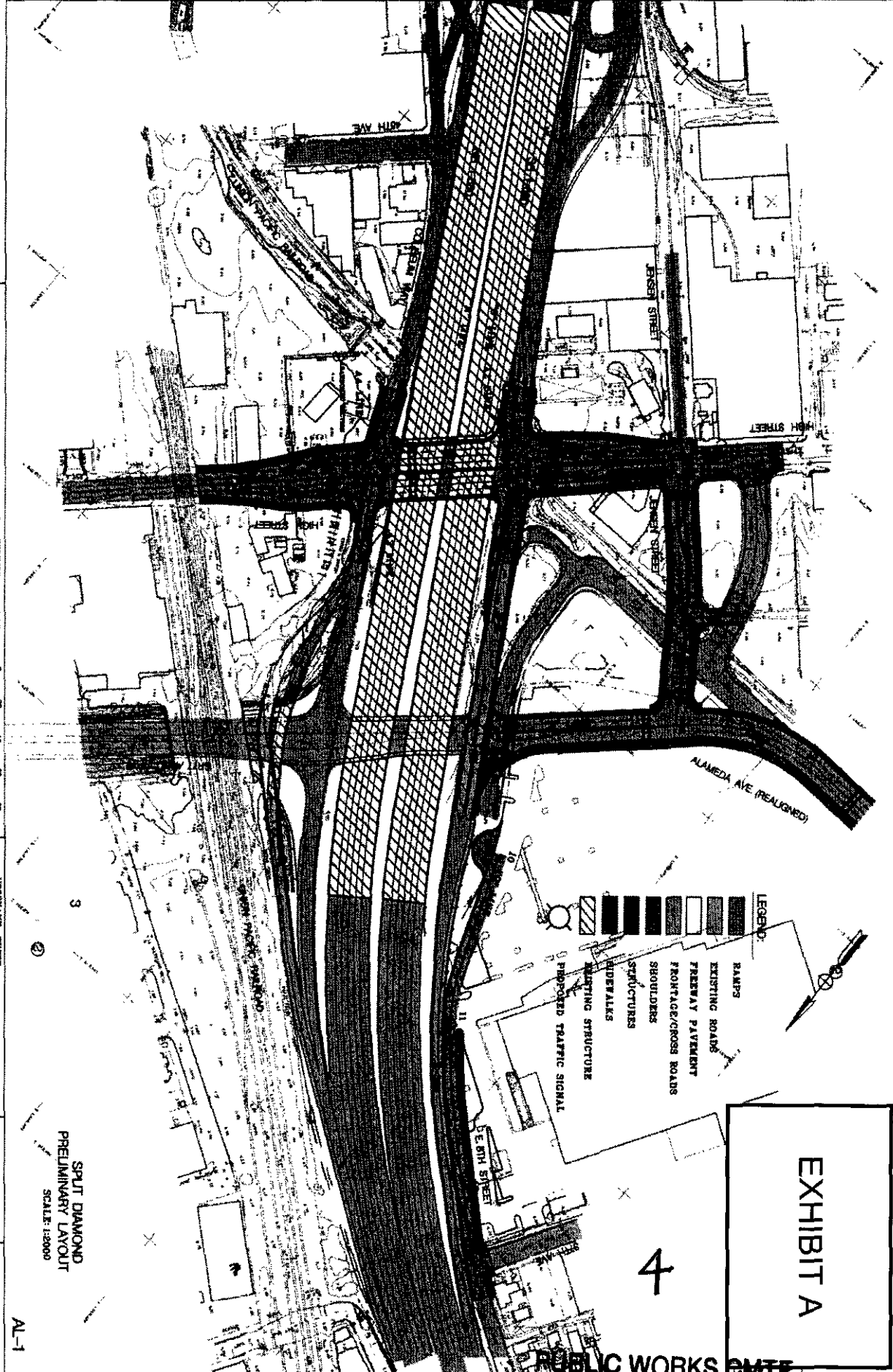
Reviewed by:  
Wladimir Wlassowsky, P.E.  
Interim Transportation Services Manager

Prepared by:  
Ade Oluwasogo  
Supervising Transportation Engineer

APPROVED AND FORWARDED  
TO THE PUBLIC WORKS COMMITTEE:

  
**OFFICE OF THE CITY MANAGER**

CALCULATED/DESIGNED BY	DATE	REVISOR BY							
CHECKED BY		DATE REVISED							



FOR REVISIONS, PLEASE CONSULT THE ORIGINAL SET OF PLANS AND REVISE THE FILE NUMBER AND DATE OF REVISIONS.

SPLIT DIAMOND  
PRELIMINARY LAYOUT  
SCALE: 1:2000

EXHIBIT A

OFFICE OF THE CITY CLERK

OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_

C.M.S. 2004 MAR 11 PM 1:48

*Rev. Civ*

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

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH TY LIN INTERNATIONAL/CCS FOR DESIGN SERVICES FOR THE 42ND AVENUE AND HIGH STREET ACCESS IMPROVEMENTS PROJECT – PHASE II (CITY PROJECT NO. C98510) FOR AN AMOUNT NOT TO EXCEED ONE MILLION THIRTY-SEVEN THOUSAND NINE-HUNDRED EIGHTY-THREE DOLLARS (\$1,037,983)**

**WHEREAS**, the 42<sup>nd</sup> Avenue and High Street Access Improvements Project will improve vehicular and pedestrian circulation and access at I-880; and

**WHEREAS**, Phase I of the 42<sup>nd</sup> Avenue and High Street Access Improvements Project is scheduled for completion by March 31, 2004, and Phase II consisting of the development of the design and preparation of construction documents must be completed by December 31, 2004; and

**WHEREAS**, CCS Planning and Engineering, Inc. was selected in 1999 to provide engineering design services for all phases of the 42<sup>nd</sup> Avenue and High Street Access Improvements Project; and

**WHEREAS**, the City Council in 1999 authorized City staff to negotiate an agreement with CCS Planning and Engineering, Inc. for Phase II, and to return to City Council for approval once funding became available; and

**WHEREAS**, funding in the amount of \$1,200,000 from Measure B and the State Transportation Improvement Program (STIP) is available through Measure B Fund (2210), 42nd Avenue and High Street Access Improvements Project (C98510) and California Department of Transportation Fund (2140), 42nd Avenue and High Street Access Improvements Project (C98520); and

**WHEREAS**, the City Council finds that the services provided pursuant to the agreement authorized hereunder are of a professional, scientific, or technical nature and are temporary in nature; and

**WHEREAS**, the City Council finds that this agreement shall not result in the loss of employment or salary by any person having permanent status in the competitive service; and

**WHEREAS**, the environmental review requirements of the California Environmental Quality Act (CEQA) and the City of Oakland have been satisfied with the preparation of an Initial Study and supplemental technical reports by the City of Oakland, as lead agency; and

**WHEREAS**, based on the Initial Study, there is no evidence before the City of Oakland that the project will have any potential for adverse impact on the environment, and a Negative Declaration was filed with the Office of the Alameda County Clerk on March 7, 2001; now, therefore, be it

**RESOLVED:** That the City Manager, or her designee, is hereby authorized to enter into a professional services agreement with TY Lin International/CCS to provide design services for the 42nd Avenue and High Street Access Improvements Project - Phase II (City Project No. C98510) for an amount not to exceed \$1,037,983; and be it

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**FURTHER RESOLVED:** That the City Manager, or her designee, is hereby authorized to execute any amendments, or modifications of said agreement without further City Council approval, except for increases in the agreement amount; and be it

**FURTHER RESOLVED:** That should additional funds be received for this project, the City Manager, or her designee, is hereby authorized to accept and appropriate the same for the purposes described above; and be it

**FURTHER RESOLVED:** That the agreement shall be approved for form and legality by the City Attorney, and a copy of the agreement shall be kept on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_

**PASSED BY THE FOLLOWING VOTE:**

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

NOES –

ABSENT –

ABSTENTION –

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

CEDA FLOYD

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

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**PUBLIC WORKS CMTE.**

**MAR 23 2004**