



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 6, 2023

TO: Paul Buddenhagen, City Manager

FROM: Mohamed Alaoui, Public Works Director

SUBJECT: **Resolution Of The City Council Of The City of Emeryville Accepting The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021), As Complete And Authorizing The City Engineer To File A Notice Of Completion With The Alameda County Clerk And Authorizing The City Manager To Enter Into A Second Amendment To The Contract With Brannon Corporation, Inc. To Increase The Total Compensation Amount By \$3,535 For A Total Not To Exceed Amount Of \$877,574 For The Point Emery Shoreline Protection Project, Project No. EPW-18101 (CIP No. 16475021)**

RECOMMENDATION

Staff recommends that the City Council adopt the above resolution.

BACKGROUND

The Point Emery Shoreline Protection Project is a Capital Improvement Program project, EPW 101-18 (CIP #16475021), with the purpose of maintaining and preserving existing park land in danger of erosion from tidal and wave action ("Project"). The shoreline of the peninsula is currently not protected from wave action along portions of the northern shore and the westerly part of the south shore. The easterly part of the northern shore as well as the shoreline south of the peninsula is protected with rip-rap (large diameter rubble, stones, and boulders). The unprotected portions of the point were experiencing erosion which would have led to the loss of park land.

On July 10, 2018, the City Council adopted Resolution No. 18-102 to authorize the City Manager to enter into a professional services agreement with Noble Consultants to provide investigative and engineering design services and to assist in obtaining required permits for the necessary improvements in the amount of \$90,035.

Under the original agreement, Noble Consultants Inc. provided a topographic survey, geotechnical engineering investigation (soil borings and report), detailed engineering design (plans, specifications and estimates) and required regulatory permit services [for example, the SF Bay Conservation and Development Commission (BCDC), the US Army Corps of Engineers (USACE), and the SF Bay Regional Water Quality Control Board (RWQCB)] to enable the shoreline protection.

BCDC's initial review of the Project permit application revealed the need to further document the Alameda County Department of Environmental Health's regulation of Point Emery as a landfill and to clarify its permitting needs and associated approvals from the California Department of Toxic Substances Control, as well as the need to

obtain project concurrence from the East Bay Regional Park District relating to its ownership of the western tip of Point Emery.

On April 20, 2021, the City Council adopted Resolution No. 21-29, authorizing the City Manager to enter into a contract with NV5 for an amount not to exceed \$61,595 for consulting services necessary to complete design documents and obtain permitting for the Project.

On December 7, 2021, the City Council authorized the City Manager to enter into an agreement with Cal Engineering and Geology for construction management services and authorized the City Engineer to advertise construction of the project for public bidding (Resolution No. 21-129).

The City of Emeryville was authorized to perform the work of the project under BCDC permit number 2019.002.00 and permit number 2019.002.01, amendment number one.

The East Bay Regional Park District issued encroachment permit 095E-91-423 to the City of Emeryville authorizing work that occurs within park district jurisdiction.

On April 5, 2022, the City Council authorized the City Manager to enter into a contract with Brannon Corporation to construct the project for an amount not to exceed of \$820,800.

On December 20, 2022, the City Council authorized the City Manager to enter into a First Amendment with Brannon Corporation to increase the contract amount by \$53,239 for a total contract amount not to exceed \$874,039.

DISCUSSION

As required by the BCDC permit authorizing the project work, a post construction eelgrass condition survey was performed on May 8, 2023, which revealed that no damage to eelgrass occurred during the construction work at Point Emery. The work of protecting Point Emery with rip-rap is now complete and ready for acceptance by the City Council. Once the project is accepted and the City Engineer has authorized it, the Public Works Department must file a Notice of Completion with the Alameda County Clerk.

In order to make final payment to Brannon Corporation for the extra work related to the installation of new bollards, hydroseeding, and a concrete bike rack pad, a Second Contract Amendment to increase the contract amount by \$3,535, for a total contract amount not to exceed \$877,574 is necessary.

FISCAL IMPACT

The Project Funding Summary is shown below:

		Amount	Fund
Project Cost	Noble Consultants-Design	\$122,655	475 – General Capital
Project Cost	Noble Termination	(\$20,839)	475 – General Capital

Project Cost	NV5 – Design	\$61,595	475 – General Capital
Project Cost (Estimated)	Permitting	\$20,000	475 – General Capital
Project Cost	Construction Management	\$151,905	475 – General Capital
Project Cost	CM First Amend	\$14,958	475 – General Capital
Project Cost	Construction Cost Original	\$820,800	475 – General Capital
Project Cost	First Const. Amendment	\$53,239	475 – General Capital
Project Cost	Second Const. Amendment (Current Resolution)	\$3,535	475 – General Capital
Project Funding Need		\$1,227,848	
Current - Project Allocation	(CIP#16475021)	\$1,445,000	475 – General Capital
Current Project Shortfall		\$0	

STAFF COMMUNICATION WITH THE PUBLIC

Not Applicable

CONFLICT OF INTEREST

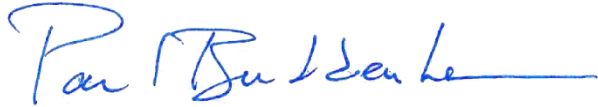
Not applicable

CONCLUSION

Staff recommends that the Emeryville City Council approve the above titled resolution to accept the Point Emery Shoreline Protection Project as complete and authorize the City Engineer to file a Notice Of Completion with the Alameda County Clerk, and authorize the City Manager to enter into a Second Contract Amendment with Brannon Corporation, Inc. to increase the contract amount by \$3,535, for a total not to exceed amount of \$877,574, for the Point Emery Shoreline Protection Project.

PREPARED BY: Michael Roberts, Senior Civil Engineer

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Paul Buddenhagen, City Manager

ATTACHMENTS

- Original Contract
- First Amendment to the Contract
- Draft Resolution
 - Second Amendment + Exhibit A-2