



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** December 20, 2022

**TO:** Adam Politzer, Interim City Manager

**FROM:** Mohamed Alaoui, Public Works Director

**SUBJECT:** **Resolution Of The City Council Of The City of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Contract With Brannon Corporation, Inc. To Increase The Total Compensation Amount By \$53,239 For A Total Not To Exceed Amount Of \$874,039; 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 eastern part of the northern shore as well as the shoreline south of the peninsula is protected with riprap (large diameter rubble, stones, and boulders). The unprotected portions of the point are experiencing erosion which will eventually lead to 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 from 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 to authorize 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 the Project for public bidding (Resolution No. 21-129).

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

The East Bay Regional Park District has issued encroachment permit 095E-91-423 to the City of Emeryville which authorizes work that occurs under their 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.

## DISCUSSION

The quantity of rock riprap material installed to construct the revetment to the designed line and grade exceeded the design bid quantity estimate and, as a result, a contract amendment in the amount of \$53,239 is necessary to pay the additional cost for the rock material, delivery, and placement.

## FISCAL IMPACT

Funding summary for the Project 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 - Estimated	\$20,000	475 – General Capital
Project Cost	Construction Management	\$151,905	475 – General Capital
Project Cost	Construction Cost Original	\$820,800	475 and Per Capita Grant
Project Cost	Construction Amendment	\$53,239	475 – General Capital
<b>Project Funding Need</b>		<b>\$1,209,356</b>	
Current - Project Allocation	(CIP#16475021)	\$1,445,000	475 – General Capital
Pending - Project Allocation	(CIP#16475021)	\$80,283	Per Capita Grant
<b>Current Project Shortfall</b>		<b>\$0</b>	

**STAFF COMMUNICATION WITH THE PUBLIC**

Not Applicable

**CONFLICT OF INTEREST**

Not applicable

**CONCLUSION**

Staff recommends that it is in the public's interest for City Council to adopt the above-titled resolution.

**PREPARED BY:** Michael Roberts, Senior Civil Engineer

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



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Adam Politzer, Interim City Manager

**ATTACHMENTS**

- Original Contract
- Draft Resolution
- First Amendment to the Contract