

RESOLUTION NO. 19-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A First Amendment To The Professional Services Agreement With Noble Consultants, Inc., For An Amount Of \$32,620 For A Total Amount Not To Exceed \$122,655 For Additional Engineering Design And Regulatory Permitting Services For Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16243031)

WHEREAS, the Point Emery Shoreline Protection Project is a Capital Improvement Program project, EPW 101-18 (CIP #16243031), with the purpose of maintaining and preserving existing park land in danger of erosion from tidal and wave action; and

WHEREAS, 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 whereas 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); and

WHEREAS, the unprotected portions of the point are experiencing erosion which will eventually lead to loss of park land; and

WHEREAS, on July 24, 2018 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 for the amount of \$90,035; and

WHEREAS, under the original agreement, Noble 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 for the shoreline protection; and

WHEREAS, during design development and regulatory agency permit review it became apparent that the project would fall under BCDC's major project permit review process and would generally require more study and design effort than initially contemplated in Noble Consultants' original contract scope; and

WHEREAS, 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 with the East Bay Regional Park District relating to its ownership of the western tip of Point Emery; and

WHEREAS, among the additional tasks that Noble will perform are review, research, response and plan changes related to BCDC, USACE and RWQCB comments and coordination with City staff on obtaining East Bay Regional Park District, Alameda County

Department of Environmental Health and the California Department of Toxic Substances review and approval; and

WHEREAS, the First Amendment to the Noble Agreement for the amount of \$32,620 includes a \$7,500 contingency amount for unforeseeable additional work necessary to deliver the design and permitting for the project; and

WHEREAS, the Agreement total not to exceed amount of \$122,655 will be funded from the \$345,000 Capital Improvement Program project budget; now, therefore, be it

RESOLVED, that the City Manager is hereby authorized to enter into a first amendment to the contract with Noble Consultants Inc. for an amount of \$32,620 to a contract amount not to exceed \$122,655 for engineering design and regulatory permitting services for Point Emery Shoreline Protection Project, EPW 101-18 (CIP #16243031)

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, October 1, 2019, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY