



**DATE:** June 22, 2021

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Sailing Lake Access Road Improvement, Construction, Project 21-53 – Various Actions**

### **RECOMMENDATION**

1. Acting as the Board of Directors of the Shoreline Regional Park Community, appropriate and transfer \$1,400,000 from the Shoreline Regional Park Community Fund to Sailing Lake Access Road Improvement, Construction, Project 21-53, increasing the project budget from \$1,000,000 to \$2,400,000.
2. Approve plans and specifications for Sailing Lake Access Road Improvement, Projects 15-38 and 21-53, and authorize staff to advertise the projects for bids.
3. Authorize the City Manager to award a construction contract to the lowest responsible bidder if the low bid is within the project budget.
4. Authorize the City Manager to execute a design professional services contract with AECOM of Oakland to provide bid support, construction support, environmental monitoring, and coordination with regulatory agencies for Sailing Lake Access Road Improvement, Construction, Project 21-53, in a not-to-exceed amount of \$300,000.
5. Authorize the City Manager to execute a professional services contract with Tanner Pacific, Inc., to provide construction engineering services for Sailing Lake Access Road, Project 21-53, in a not-to-exceed amount of \$250,000.

### **BACKGROUND**

The City's low-lying North Bayshore Area is subject to coastal flooding from San Francisco Bay and fluvial flooding from Permanente Creek and Stevens Creek. In 2012, the City developed the Shoreline Sea Level Rise Study (Study), which assessed the coastal and fluvial flooding vulnerability of the North Bayshore Area as a result of the projected sea level rise. The Study recommended a program of 12 projects to provide sea level rise

flood protection. The list of projects ranges from coastal erosion protection and levee improvements to pump station and interior drainage improvements.

One of the proposed projects is the Sailing Lake Access Road Improvement project. The Sailing Lake Access Road is located between the Sailing Lake and Coast-Casey Forebay in Shoreline at Mountain View (see Figure 1). The Sailing Lake Access Road was constructed in conjunction with the Sailing Lake in the 1970s to contain the lake water. It has ongoing seepage and stability issues and requires repair. Due to the water volume and depth in the Sailing Lake as compared with the adjacent Coast-Casey Forebay, the Sailing Lake Access Road has recently been classified as a dam by the California Department of Water Resources, Division of Safety of Dams (DSOD). It is identified by DSOD as Shoreline Lake Dam, No. 7000-142, Santa Clara County. Any repair work on the road now requires review and approval from DSOD.

The primary objectives for the proposed Sailing Lake Access Road Improvement project include:

- Strengthening the embankment of the Shoreline Lake Dam and addressing seepage issues at the downstream toe of the dam to meet DSOD dam safety standards;
- Improving the roadway over the dam to support the anticipated heavy truckloads during construction of the Coast-Casey levee improvement, the South Bay Salt Pond Restoration project, and other future projects in the area as well as providing access for ongoing operations and maintenance and trail access; and
- Replacing some of the utility lines within the Sailing Lake Access Road, including landfill gas, park irrigation, and water main lines to avoid the need for additional permitting in the future.

The City executed a contract with AECOM, the project design consultant, on June 16, 2017 to prepare an engineering analysis and preliminary design for the project under Sailing Lake Access Road, Project 15-38. The City amended the contract on July 23, 2018 to include California Environmental Quality Act (CEQA) documentation, environmental permitting, DSOD compliance, and final engineering design.

To meet CEQA requirements, the City adopted the Mitigated Negative Declaration (MND) for the project on [March 23, 2021](#). In addition, the City Council authorized the City Manager to execute an Agreement for Sale of Mitigation Credits with San Francisco Bay Wetland Mitigation Bank for 0.1 acre of wetland mitigation credit to meet the San Francisco Bay Regional Water Quality Control Board mitigation requirements for the project.



**Figure 1: Location of Sailing Lake Access Road Improvement Project**

## **ANALYSIS**

There are a number of environmental and regulatory permitting requirements for the project. The City received the San Francisco Bay Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification and Order for the project on

May 5, 2021. In addition, the City received the United States Army Corps of Engineers Clean Water Act Section 404 Permit on May 26, 2021.

The project team addressed multiple rounds of DSOD review comments on the project design and submitted the 100% design plans and specifications to DSOD for review. The City also submitted a Waterworks Standards Main Separation Alternative Request to the State Water Resources Control Board Division of Drinking Water (DDW) for written approval. Staff anticipates the written approval for construction from DSOD and DDW will be issued shortly and will not award the construction contract until these two approvals are received.

The plans and specifications for the project are completed. If the recommended actions are approved and a responsive bid within the project budget is received, construction is anticipated to begin after September 1, 2021 and be completed by January 31, 2022 to avoid bird nesting season. The project site is located in an environmentally sensitive area. Nesting birds for both migratory and resident species may inhabit areas at or near the project site. No construction activities are permitted between February 1 and August 31.

To provide support during project bidding and construction, provide environmental monitoring for the project, and coordinate with permitting agencies, staff recommends executing a design professional services contract with AECOM under Project 21-53. AECOM has extensive experience on this project and the experience required to provide the construction phase services. The not-to-exceed design contract amount of \$300,000 includes \$275,899 for basic services and a contingency in the amount of \$24,101 for unforeseen items. The recommended fee is within the range typically charged for such services, and staff considers the fees to be fair and reasonable.

### **Construction Management and Inspection Services**

The Public Works Department utilizes consultants to supplement staff and provide construction engineering and inspection services as necessary to ensure the timely delivery of the City's construction projects and for projects requiring specialized construction expertise. The City currently uses three different firms to provide construction engineering and inspection services for private development and capital projects.

Staff evaluated the three firms that are currently providing construction engineering services to the City and recommends Tanner Pacific, Inc. (Tanner Pacific), as the most qualified to provide the services for this project. Tanner Pacific has experience working on projects with extensive soil work, utilities, and regulatory requirements in the North Bayshore Area.

The scope of services to be provided includes construction management, inspections, and project close-out. The recommended fee of \$250,000 for basic services and reimbursable expenses is within the range typically charged for such services, and staff considers the contract costs to be fair and reasonable for the scope of work required.

### **FISCAL IMPACT**

Sailing Lake Access Road, Construction, Project 21-53, is funded with \$1,000,000 from the City's Shoreline Regional Park Community Fund. The estimated cost for the project is as follows:

Construction	\$1,133,000
Construction Contingency	170,000
Project Management	150,000
City Construction Management and Special Inspection	300,000
Consulting Services	300,000
Purchase Mitigation Bank Credit	190,000
Printing and Other Miscellaneous Costs	<u>10,000</u>
Subtotal	\$2,253,000
City Administration	<u>147,000</u>
<b>TOTAL PROJECT COST</b>	<b><u>\$2,400,000</u></b>
CURRENT PROJECT BUDGET	1,000,000
<b>BUDGET SHORTFALL</b>	<b><u>\$1,400,000</u></b>

The budget shortfall is due to increased construction costs to address DSOD design comments, meet environmental mitigation and monitoring requirements, provide additional City utility and landfill pipeline improvements along the dam section, and hire construction management support. Staff is requesting a budget increase of \$1,400,000 from the Shoreline Regional Park Community Fund. There is sufficient balance in the Shoreline Regional Park Community Fund for the recommended appropriation. With the proposed increase, Sailing Lake Access Road Improvement, Construction, Project 21-53, will have a total project budget of \$2,400,000.

## **CONCLUSION**

The design documents are complete for the Sailing Lake Access Road Improvement project. Due to the recent classification of the road as a dam, the project has received additional regulatory mandates, and staff has added the replacement of utilities under the road so all the work could be reviewed and permitted by the regulators and implemented at the same time. The increased scope of work requires the project budget to be increased by \$1,400,000. If the recommended actions are approved and a responsive bid within the project budget is received, construction is expected to begin in September 2021 and be completed in early 2022.

## **ALTERNATIVES**

1. Defer construction.
2. Do not approve the recommended consultant contracts and direct staff to issue a request for proposals.
3. Provide other direction.

## **PUBLIC NOTICING**

Agenda posting. Prior to construction, the closure of the Sailing Lake Access Road will be noticed along the Shoreline at Mountain View Regional Park trails as well as on the Community Services Department website.

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