



COUNCIL REPORT

DATE: June 24, 2025

CATEGORY: Consent

DEPT.: Public Works

TITLE: **East Whisman Area Transportation-Oriented Development Improvements (Phase II: Ellis Street Improvements), Project 16-48—Professional Services Agreement**

RECOMMENDATION

Authorize the City Manager or designee to amend the professional services agreement with BKF Engineers, a California corporation (Entity No. 599256), for East Whisman Area Transportation-Oriented Development Improvements (Phase II: Ellis Street Improvements), Project 16-48, to add \$196,000 for additional design services, for a total not-to-exceed amount of \$958,000.

BACKGROUND

East Whisman Area Transportation-Oriented Development Improvements, Project 16-48 (East Whisman TOD Project), is a complicated active transportation project that requires coordination across multiple agencies and private companies. East Whisman TOD Project provides pedestrian, bicycle, and other complete street improvements along East Middlefield Road and Ellis Street.

The East Whisman TOD Project is divided into two phases: Phase I included bicycle improvements on Middlefield Road between Whisman Road and Bernardo Avenue and was completed and work was accepted by Council on [December 3, 2019](#). Phase II will provide pedestrian and bicycle improvements on Ellis Street, between Fairchild Drive and Manila Avenue, and improve access to the Valley Transportation Authority (VTA) Bayshore/NASA Light Rail Transit (LRT) Station on Manila Avenue (see Figures 1 and 2).

The following improvements are included in the Phase II scope:

- Sidewalk widening to 14' along the west side of Ellis Street from Fairchild Drive to the U.S. 101 northbound on-ramp;
- A new retaining wall underneath U.S. 101;
- New Class II bike lane/route;
- Curb and gutter repair;

- Traffic signal modifications;
- Ellis Street pavement rehabilitation between Fairchild Drive and the south end of the U.S. 101 northbound on-/off-ramps, including new striping and pavement markings; and
- Coordination with Caltrans as the project crosses a Caltrans facility (U.S. 101), requiring a Caltrans permit.
- Coordination with the California Public Utilities Commission (CPUC), NASA, and VTA.

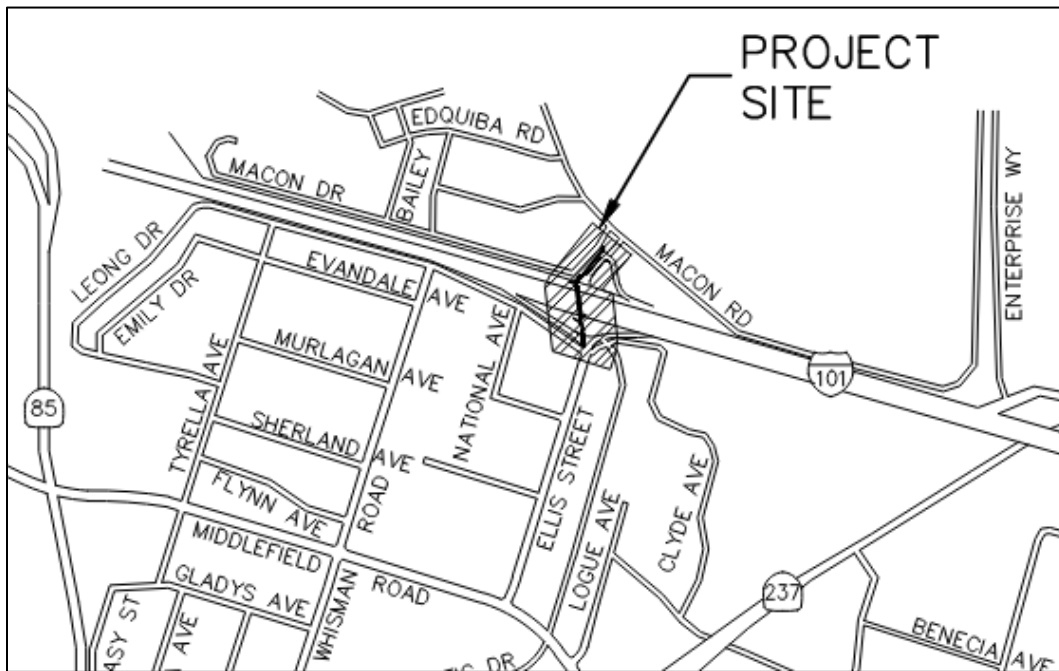


Figure 1: Project Location Map

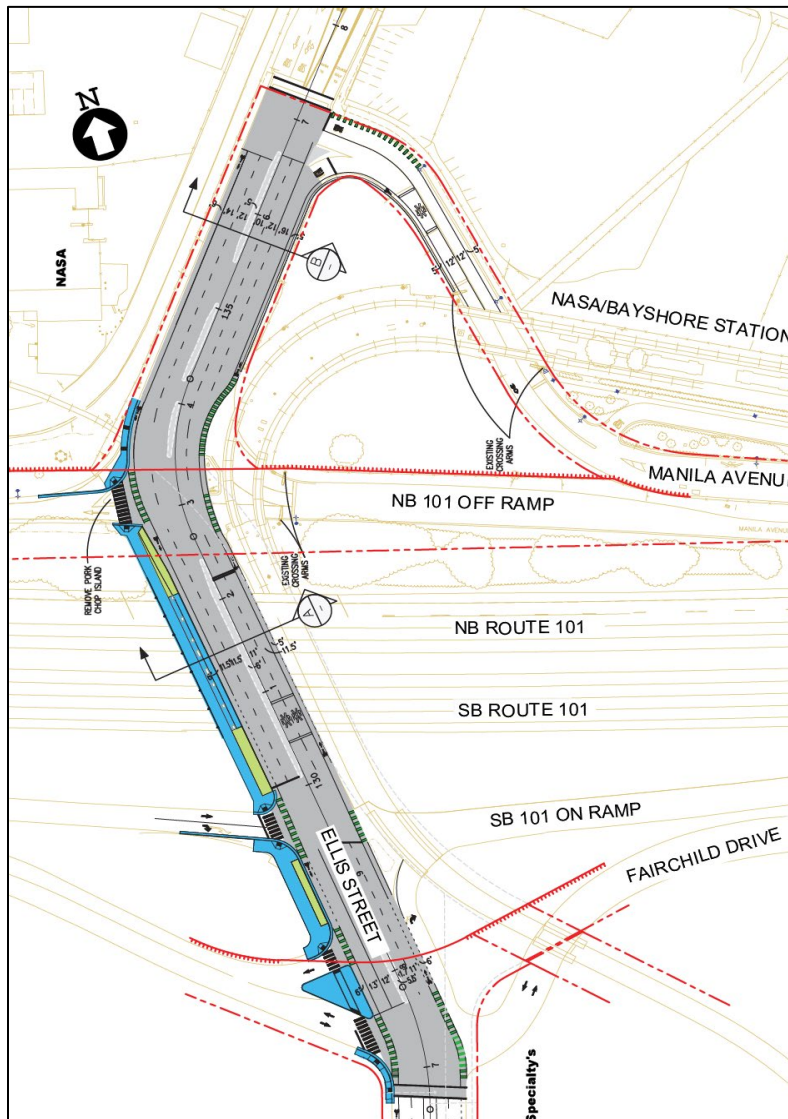


Figure 2: Project Concept Layout

Council has taken several actions for the design of the East Whisman TOD Project, as shown in Table 1.

Table 1: Project History

Date	Action/Milestone
June 7, 2016	Council approved a professional services agreement with BKF to complete design of both phases of the project in the amount of \$517,000.
May 7, 2019,	After the City reexecuted the BKF original agreement on April 8, 2019, after it expired, Council approved a contract amendment to include pavement rehabilitation and additional coordination with the California Department of Transportation (Caltrans) for \$42,000, bringing the total project design amount to \$559,000.
December 8, 2020	Council accepted a \$90,000 contribution from Google toward the additional design efforts to coordinate the East Whisman TOD Project and Google's own Manila Avenue project and authorized a second BKF contract amendment to add \$105,000 to expand the design scope of the project by extending the multi-use pathway to connect Manila Avenue to Ellis Street, for a total project design amount of \$664,000.
April 23, 2024	Council authorized the City Manager or designee to amend the professional services agreement with BKF to add \$98,000, for additional scope improvements in a not-to-exceed amount of \$762,000.

ANALYSIS

Caltrans and CPUC Coordination

Design is progressing well, and staff and the consultant have been coordinating with Caltrans through their design and permitting process. During their review, Caltrans indicated that the Project needs to comply with two additional requirements: the technical specifications need to include Caltrans' latest Standard Specifications (updated on April 21, 2025) and Standard Special Provisions, and a structural memorandum is needed, detailing the construction of the ground anchor retaining wall under U.S. 101 adjacent to the multi-use pathway on the west side of Ellis Street.

Staff and BKF also have been coordinating with other agency stakeholders, including the CPUC, NASA, and VTA. There are at-grade rail lines on Ellis Street that interface with the VTA light rail. As several of the project elements fall in close proximity of these rail lines, CPUC review and permit approval are required for any modifications and improvements.

In recent discussions with the CPUC, they provided feedback to the proposed northbound Class II bike lane, which runs parallel and adjacent to the VTA light rail tracks along the east side of Ellis Street. Due to the very close proximity of the active rail lines to the proposed bike lane, the CPUC indicated a significant safety concern and would not issue a permit as currently proposed. Using the American Association of State Highway and Transportation Officials Guide for the Development of Bicycle Facilities, staff and the consultant identified an alternative solution that would provide access to the multi-use path located on the west side of the Ellis Street and Fairchild Drive intersection with the inclusion of a bicycle turn box (bicycle box) (see Figure 3).

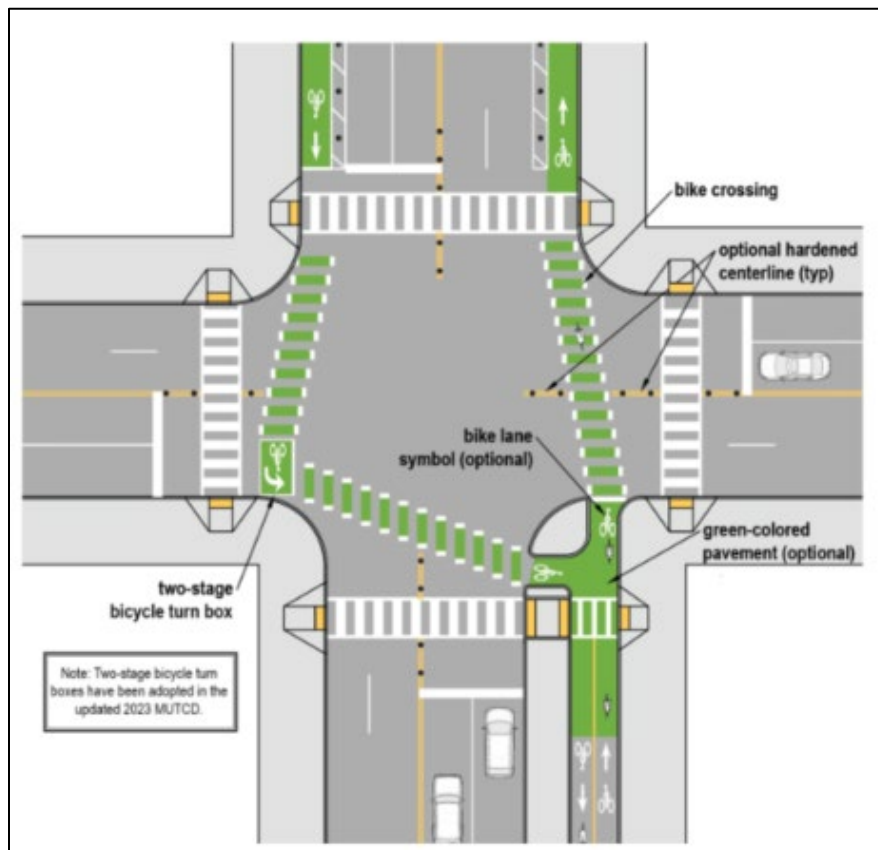


Figure 3: Bicycle Turn Box Example Layout

The bicycle box will allow northbound bicyclists to continue across the intersection, wait at the bicycle box for a green westbound signal, proceed westbound, and then access the pathway.

BKF Agreement Amendment

Both the Caltrans and CPUC requirements result in additional design services, and an agreement amendment with BKF is needed to complete the design of the Project.

The amendment scope includes:

- Modifying the technical specifications to meet Caltrans' requirements.
- Providing a structural memorandum for the special installation of the retaining wall located underneath U.S. 101.
- Adding a bicycle box on the bike route along Ellis Street to direct bicyclists to the multi-use pathway.
- Completing all work relating to the CPUC permit.

The recommended fee for these additional services is \$196,000. This fee is consistent with such services, and staff considers the fee to be fair and reasonable for the scope of work required. Staff recommends Council authorize amending the professional services agreement with BKF to add \$196,000, for a new total BKF project-design amount not to exceed \$958,000, inclusive of basic and additional services and reimbursable expenses. If Council approves the recommended action, design is estimated to be completed by summer 2025. Once design is completed, staff will submit for the final permits. Permitting approvals are expected to be received in spring 2026 with construction starting in summer 2026.

FISCAL IMPACT

East Whisman Transportation-Oriented Development Improvements, Project 16-48, is funded as follows:

Table 2: Project Funding

<u>Funding Source</u>	<u>Amount</u>
Public Benefit—Ellis/Whisman Fund	\$3,200,000
Transit-Oriented Development Fund	3,000,000
Transportation Reserve	1,240,000
Other (Google Funding)	<u>90,000</u>
TOTAL	<u>\$7,530,000</u>

The professional services fee, with the inclusion of the recommended amendment, is \$858,700, for basic services and reimbursable expenses with a contingency of \$99,300 for additional services, for a total BKF project-design amount not to exceed \$958,000. The project budget has sufficient funds for the recommended action, and no additional appropriation is requested at this time.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

SUBJECT TO THE LEVINE ACT

☒ Material contract modification or amendment

CONCLUSION

The East Whisman TOD Project, Phase II, will provide bicycle, pedestrian, and transit access improvements along Ellis Street, between Fairchild Drive and Manila Avenue. Through coordination with Caltrans and CPUC, additional regulatory requirements have been identified. A design services amendment is recommended to incorporate the necessary design changes to comply with Caltrans and CPUC requirements. Design is estimated to be completed by summer 2025 when staff will submit for final permits. Permitting approvals are expected to be received spring 2026, and construction is expected to start summer 2026.

ALTERNATIVES

1. Do not authorize the amendment adding funding to the BKF professional services agreement and direct staff to reduce the project scope.
2. Provide other direction.

PUBLIC NOTICING—Agenda posting.

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