

**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda date: July 21, 2008

Reviewed by: BP

**Subject:** Acceptance of the work of Contract 07-19, Burrowing Owl Habitat Project

**Report by:** Ann Chaney, Community Development Director  
Barry Whittaker, Project Manager

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**STAFF RECOMMENDATION**

Adopt Resolution No. 08-45 accepting the work of Contract 07-19, Burrowing Owl Habitat Project, as complete, and direct the filing of a Notice of Completion.

**BACKGROUND**

This item was continued from the July 7, 2008 City Council meeting to address questions regarding the use of steel versus wood posts, change order details, total project cost information, and other questions such as post size and perch installations.

On April 1, 2008, the City entered into construction contract 07-19 with T.S. Brickley Construction, Danville, in the amount of \$54,499 to construct a fenced-in enclosure, complete with gates, and construct three artificial burrow habitats for burrowing owls on the Albany Plateau at Eastshore State Park. The 8.1-acre burrowing owl habitat serves as a mitigation measure for the Gilman Sports Field project, which is being constructed on land where burrowing owls have been previously observed.

On May 23, 2006, the East Bay Regional Park District gave “Approval of the Albany Plateau Burrowing Owl Mitigation Project, and Authorization to Execute an Agreement to Construct the Mitigation Project and Accept Maintenance Funds from the City of Albany (Resource Enhancement Program): Eastshore State Park.”

**DISCUSSION/ANALYSIS**

**Fence Post Material**

The East Bay Regional Park District, which owns the land on which this project was built, specified the use of field fence for the project. In order to have a sense of what field fence looked like, they directed staff to Point Isabel. As a result, the Community Development Director anticipated the use of wooden posts with mesh similar to the fencing surrounding the dog park at Pt. Isabel. In speaking recently with EBRPD staff, they clarified that there are two types of fencing at Pt. Isabel, one that primarily encloses

the dog park (uses wood posts), while much of the remaining fencing uses steel posts. Both have the same fabric. The District apparently had been referring to the latter type fencing, which helps explain the confusion regarding the post material. In those recent conversations, District staff stated that for operational and fire reasons, neither their Fire Marshal nor their Maintenance Division would have approved wood posts at this site. Until late fall 2007, all Standard Details received from the District described the posts as 'line posts' with 'field fence' fabric. Later Standard Details, included in the Council packet of October 1, 2007, included Notes that state, "Line Posts to be Schedule 40 galvanized steel pipes, 1.900" O.D., etc." The Community Development Director did not notice this added specification regarding post material, and thus did not convey this piece of information to the City Council.

In talking further with District staff, they said another reason they specified metal posts at this site was because wood posts are treated, which might have an affect on wildlife. City staff asked why different fencing was used at the Berkeley Meadow. District staff responded that they are continually learning about different grades and types of fencing from a maintenance, stability, and wildlife standpoint. For example, the Berkeley fence is bending more when people try to climb over it. Therefore, the Albany project has posts that are closer together (8' on center vs. 10' on center in Berkeley), and uses a heavier wire gauge. According to District staff, the Albany fence is more substantial, easier to maintain, and more resistant to rust. The fence sections on both sides of each gate were intentionally constructed to stand up to persons intent on climbing over. Top rails were included in these sections to minimize damage from climbing.

Staff has also learned that wooden posts at this site would have required:

1. Digging a post hole and installing a concrete footing for each post;  
The metal posts could be "driven" into the ground versus having holes dug.
2. Collecting, testing, and hauling away the dirt for each post  
Note: The gate and brace panel posts required posthole digging, and the City had to hire a company to do soil testing in case any contaminated soil was disturbed (an added cost to the project). While the resulting soil was not classified as "hazardous," it was trash-filled, and the City had to pay the contractor extra cost to haul it away.
3. Wooden posts will not last as long as metal per the District's experience.

If wooden posts had been specified, it is estimated that the contract amount in order to dig each hole and pour a concrete foundation for each post would have added \$31,000 to the project costs. This estimate was provided by the fencing subcontractor on the job. bringing in water and concrete to the relatively remote site is expensive, as is hauling out the dirt as spoil.

## Cost Changes

There were several small cost changes during construction that totaled \$ 5,198.51. One such change was for additional fencing material because the length of fencing constituting ‘brace panels’ was underestimated. This item totaled about \$4,600. Conversely there was a savings of \$3,500 when fewer repairs to the fence were required than were bid. The bid estimated 20 fence repairs due to possible acts of vandalism. However, only one such act occurred. Another cost change involved redoing some ‘clearing’ work requested by the District to a more stringent standard than had accepted the first time. This totaled \$2,243. Finally, the biologist had not originally specified compaction of the burrow mounds. However, in the inspection of the finished mounds, it was apparent that the application of water and some compaction was necessary. To complete this work, the project incurred an additional cost of \$2,002.

## Conclusion

Overall, the work was completed satisfactorily and staff recommends that the City Council accept the work of Contract 07-19 as complete. The East Bay Regional Park District staff was involved throughout the project, inasmuch as the property is in their possession, and the City was working under an encroachment permit from them.

Features of the project included the following:

- 8.1 acres of fenced area located in the northeast portion of the Plateau was enclosed with a perimeter fence of 12.5-gauge, 4 foot high no-climb woven wire fence (as required by EBRPD), with four entrance gates around the perimeter of the habitat area for mowing and emergency access purposes (per EBRPD standards)
- Three artificial burrows were constructed, using 4” terra cotta pipe. When the City’s biologist for this project reviewed the constructed burrows, he asked that an ‘elevated perch’ be created at the front of each burrow by simply pulling back the dirt fill at the mouth of the pipe burrow. The contractor did this work without added cost. It should be noted that inclusion of an optional perch at each location was mentioned in the project description of the environmental initial study.
- 40-ft wide grassland buffer was preserved for walking trail and maintenance/emergency vehicles outside the fenced area with minor grading performed to allow for maintenance and emergency vehicle turning.
- An interpretive sign was installed at the main entrance to the Plateau from the parking lot per EBRPD specifications. Additional “habitat enhancement” signs were installed along the fence itself.

## **FINANCIAL IMPACTS**

In 2006 the JPA Cities committed \$32,000 (\$6,400 each) toward construction, monitoring and maintenance of the burrowing owl project. City of Berkeley project staff have indicated that sufficient funds are currently available in the Gilman project budget to

complete this burrowing owl project, and that no further funding requests from the JPA cities would be made for this purpose. Albany's funding source for its contribution is from Measure R Ball Field funds.

The total cost for this project is as follows:

\$ 59,697.51	T.D. Brickley Construction - Final Construction Cost
\$ 5,592.54	Fugro West Inc. - soils testing
\$ 14,141.25	Avocet Consulting (biology) - Design and construction oversight of burrows and five years of monitoring
<u>\$ 25,000.00</u>	East Bay Regional Park District - For five years of maintenance (per the Agreement)
\$104,431.30	Total project cost (includes five years of maintenance and monitoring)

It should be noted that the final construction cost of approximately \$59,700 was \$33,900 less than the \$93,600 construction estimate approved by Council on 10/1/07. This will ultimately result in a savings to the Gilman Street (Tom Bates Regional Sports Complex) ball field project.

Attachments

1. Resolution #08-45
2. Notice of Completion and Acceptance of Public Work