



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

Agenda Date: September 3, 2024  
Reviewed by: NA

**SUBJECT:** Lower Codornices Creek Restoration Phase IV Project (CIP No. 43001)  
– Contract No. C23-26 Closeout and Filing of Notice of Completion

**REPORT BY:** James Cirelli, Associate Engineer  
Allison Carrillo, CIP Manager  
Devora Zauderer, Public Works Program Manager  
Mark Hurley, Public Works Director

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**SUMMARY**

Construction of Phase IV of the Lower Codornices Creek Restoration Project (Phase IV Project, CIP No. 43001), Contract No. C23-26, is complete. Staff recommends that the Council authorize the City Manager to approve to accept the improvements and file the Notice of Completion. No budget adjustments are needed at this time.

**STAFF RECOMMENDATION**

That Council adopt Resolution No. 2024-68, authorizing the City Manager to:

1. Accept the improvements completed in Contract No. C23-26; and
2. File the Notice of Completion with the County Recorder's Office.

**BACKGROUND**

The planning and implementation of the restoration of Codornices Creek between Kains Avenue to Interstate 80 has been ongoing since the late 1990s and involves the City of Albany, the City of Berkeley, and the University of California. Lower Codornices Creek forms the boundary between the cities of Berkeley and Albany and the primary owner within Albany is the University of California (UC Village). The Phase IV Project (CIP No. 43001) included construction of a multi-use path from 8<sup>th</sup> Street to 10<sup>th</sup> Street to fill a gap in the multi-use path paralleling the creek. Additional background information regarding previous phases and planning for the Phase IV Project is available in the April 17, 2023 [Authorize Call for Bids for Phase IV Construction staff report](#).

In October 2019, the City Council accepted the Phase IV Project design and authorized staff to identify funding for construction (Resolution No. 2019-86). In November 2020, the City Council adopted Resolution No. 2020-108 authorizing the adoption of Albany's updated FY2019/20-2023/24 Capital Improvement Plan (CIP), and appropriated budget for the first three fiscal years. This included \$620,000 in funds from remaining Measure R Lighting and

Landscape Assessment District (LLAD) 1996-1 fund balances for the Lower Codornices Creek Restoration Project – Phase IV.

In 2021, the City applied for and was awarded funding for the Phase IV Project in the sum of \$826,000 in combined regional Measure B and State Transportation Fund for Clean Air (TFCA) transportation dollars. The City Council accepted this award and authorized staff to administer the grant, bringing the total project budget up to \$1,446,000 (Resolution No. 2021-97). The grant period began in July 2022.

With construction funding secured for the Phase IV Project, staff reviewed the project site in August 2022 to review potential changes as the current design was completed in October 2019. Staff observed repaving projects by UC Berkeley, habitat restoration, and tree and fence changes within the Phase IV Project site since the 2019 design. Staff concluded that existing conditions had changed significantly enough to warrant an updated survey and revised plan set to reflect current conditions.

In early 2023, RDG Planning & Design began updating the plan set to reflect changes in project specifications, materials, and best practices. In addition, due to the environmental complexity with construction adjacent to a forested creek and the involvement of multiple, actively engaged stakeholders, staff worked with Zoon Engineering to provide a pre-construction review, evaluating the biddability and constructability of the Phase IV Project plan set and specifications. In April 2023, RDG completed revisions to the Phase IV Project plan set and specifications based on the updated survey of the project area and incorporated Zoon's constructability comments.

On July 17, 2023, the Council authorized the award of Contract No. C23-26 to Bay Construction Co. (BayCo) for construction of the Phase IV Project (Resolution No. 2023-54).

On June 5, 2024, the City Manager executed unilateral Contract Change Order (CCO) #1 and unilateral CCO#2 for ameliorating compensation disputes. On July 22, 2024, the City Manager executed CCO#3 for resolving final compensation disputes and for final quantity adjustments.

## **DISCUSSION**

The Phase IV Project began construction in September 2023 and achieved substantial completion on March 22, 2024. BayCo was required to actively maintain new plantings for three months and test the bioretention basins, both of which were completed on June 17, 2024. The completed work included:

- Conversion of the previously existing informal dirt path between 8<sup>th</sup> Street and 10<sup>th</sup> Street to an accessible asphalt and concrete mixed-use trail;
- Installation of a speed table on 8<sup>th</sup> Street and widening the adjacent sidewalks to connect the existing Codornices Creek trail to the Phase IV Project trail improvements;
- Relocation of existing bleachers at 10<sup>th</sup> Street to provide additional trail width;
- Installation of bicycle parking along the trail and at 10<sup>th</sup> Street;
- Fencing and guardrail improvements between 8<sup>th</sup> Street and 10<sup>th</sup> Street;
- Removal of invasive vegetation and planting/establishment of appropriate vegetation;

- Installation of two bioretention basins on 8<sup>th</sup> Street;
- Asphalt concrete paving on 8<sup>th</sup> Street and 10<sup>th</sup> Street.

The Project is now complete and a Notice of Completion is required to be filed with the Alameda County Recorder’s Office. The final contract amount of Contract No. C23-26 is \$1,349,640; refer to Attachment 2 for further information.

## **SUSTAINABILITY**

The Phase IV Project progresses the City’s climate action and adaptation by advancing active transportation and accelerating climate resilience, as summarized in the following section (i.e. Goal 1 of the City Council Strategic Plan).

### **CITY COUNCIL STRATEGIC PLAN**

The Phase IV Project supports Goal 1 and Goal 3 of the Council’s Strategic Plan.

#### **Goal 1: Advance Climate Action & Adaptation**

The City’s Climate Action & Adaptation Plan serves as an instructional plan that identifies programs and projects that are intended to reduce greenhouse gas emissions, as well as measures to adapt to climate change impacts:

*Advance Active, Shared, and Electric Transportation.* Transportation is identified as the highest source of greenhouse gas emissions in Albany and increasing active transportation, such as walking and bicycling, is a priority. A major element of the Phase IV Project is a multi-use trail (Class I path), which links two existing Class I paths: the Codornices Creek trail between 6<sup>th</sup> Street and 8<sup>th</sup> Street and the Class I path between 10<sup>th</sup> Street and San Pablo Avenue. Additionally, bicycle parking was installed along the trail and at 10<sup>th</sup> Street. Ultimately, the Phase IV Project enhances accessibility, bikeability, and walkability within the City.

*Accelerate Resilience.* Expanding and improving natural systems is identified to promote resilience and carbon storage; actions outlined include expanding green infrastructure and fostering resilient natural landscapes. The Phase IV Project installed bioretention basins at 8<sup>th</sup> Street, filtering debris and contaminants before entering Codornices Creek. In addition, wildlife habitat is protected with the removal of non-native vegetation, encouraging existing native vegetation to grow within the Phase IV Project area. Native vegetation maintains a local ecosystem and increases biodiversity. Furthermore, native vegetation is adapted to the local climate, requiring less maintenance and can often withstand environmental stressors (e.g. extended periods of dry weather) more effectively.<sup>1,2</sup>

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<sup>1</sup> Christopher J. Duerksen & Cara Snyder, *Nature-Friendly Communities: Habitat Protection and Land Use Planning*

<sup>2</sup> United States Environmental Protection Agency, *Landscaping with Native Plants: Quantification of the Benefits of Native Landscaping Current Knowledge*

### **Goal 3: Promote Streets that Support Safety & Transportation Mobility Options**

The City’s Local Roadway Safety Plan in connectivity with the Active Transportation Plan (ATP) help guide transportation and mobility enhancement projects within the City. The ATP identifies upgrading sidewalks and curb ramps to meet ADA standards, as was performed under this project. In addition, both the trail and sidewalk improvements afford greater mobility by disabled persons, strollers, and able-bodied persons in general, promoting active transportation (i.e. non-motorized travel).

### **FINANCIAL SUMMARY**

The project budget for Phase IV Project (CIP No. 43001) was approved by Council as part of the City’s Capital Improvement Plan in November 2020 (Resolution No. 2020-108) with amendment via Resolution No. 2021-97 to appropriate the awarded grant funding. Additional appropriations from Alameda CTC Measure B and BB Bike & Pedestrian pass-through funds were approved by Council in July 2023 (Resolution No. 2023-54).

The following table details Contract No. C23-26 expenditures and changes:

<b>Project Expenditures</b>	<b>Cost</b>
Base Contract (C23-26)	\$ 1,360,000
Contract Change Order #1	\$ (15,290)
Contract Change Order #2	\$ 2,641
Contract Change Order #3	\$ 2,289
<b>Total Construction Contract Expenditures</b>	<b>\$ 1,349,640</b>

The following table details the total appropriated budget and funding sources for the Phase IV Project:

<b>Funding Sources</b>	<b>Amount</b>
Measure R LLAD 1996-1 Creeks (2304)	\$ 620,519
Alameda CTC Grant (1506)	\$ 826,000
Measure B Bike & Ped (1102)	\$ 90,000
Measure BB Bike & Ped (1202)	\$ 182,000
<b>Total</b>	<b>\$ 1,718,519</b>

The total cost for construction of the Codornices Creek Phase IV project was \$1,636,290, as detailed in Attachment 2 (Final Project Budget Summary). Remaining funds in the project budget will be returned to fund balances and reallocated as appropriate to upcoming projects.

Note that the grant fund number has been adjusted as per guidance from the granting agency and from Finance best practices. This adjustment is purely administrative and has no impact on funding amount or allocation to the project.

### **Attachments**

1. Resolution No. 2024-68
2. Final Project Budget Summary
3. Notice of Completion

1 **RESOLUTION NO. 2024-68**

2  
3 **A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING**  
4 **THE CITY MANGER TO ACCEPT THE IMPROVEMENTS COMPLETED UNDER**  
5 **CONTRACT NO. C23-26 FOR PHASE IV OF THE LOWER CODORNICES**  
6 **CREEK RESTORATION PROJECT (CIP NO. 43001) AND**  
7 **AUTHORIZING STAFF TO FILE THE NOTICE OF COMPLETION**

8 **WHEREAS**, the City of Albany has partnered with the City of Berkeley and the  
9 University of California since the late 1990s to restore the portion of lower Codornices Creek  
10 between San Pablo Avenue and the train tracks as a vital riparian habitat and a resource to the  
11 community; and

12 **WHEREAS**, in November 2020, the City Council approved Resolution No. 2020-108,  
13 adopting the FY2019/20 – 2023/24 Capital Improvement Plan and appropriating funds for the  
14 first three fiscal years of the Plan, including \$620,000 in Measure R LLAD (Landscape and  
15 Lighting Assessment District) 1996-1 funding for the Lower Codornices Creek Restoration  
16 Project (CIP No. 43001); and

17  
18 **WHEREAS**, in December 2020, the City Council approved Resolution No. 2020-123,  
19 authorizing submission of the Phase IV project for consideration for funding as part of the  
20 Alameda County Transportation Commission’s 2022 Comprehensive Investment Plan; and

21  
22 **WHEREAS**; in 2021, City staff received notification that funding had been awarded to  
23 the Phase IV Project in the sum of \$826,000 in combined Alameda County Measure B and  
24 State Transportation Fund for Clean Air (TFCA) transportation dollars; and

25  
26 **WHEREAS**, in October 2021, the City Council approved Resolution No. 2021-97,  
27 accepting the \$826,000 award and authorizing City staff to administer the grant; and  
28  
29



**FINAL PROJECT BUDGET SUMMARY**  
**LOWER CODORNICES CREEK RESTORATION PROJECT PHASE IV**  
**CIP No. 43001**

**Approved Project Budget**

• Measure R LLAD 1996-1 Creeks (2304)	\$ 620,519.00
• ACTC Grant – Measure B (1204)	\$ 741,000.00
• ACTC Grant – TFCA (1106)	\$ 85,000.00
• Measure B Bike & Ped (1102)	\$ 90,000.00
• Measure BB Bike & Ped (1202)	\$ 182,000.00
<b>Total Approved Budget</b>	<b>\$ 1,718,519.00</b>

**Project Expenses**

*Design – Restoration Design Group (Contract No. C23-07)*

• Original Contract (plan set update)	\$ 35,977.00
• Contract Amendment #1 (RWQCB coordination & construction support)	\$ 21,800.00
Final Contract Cost	\$ 57,777.00

*Design – Zoon Engineering (Contract No. C23-10)*

• Base Contract (biddability & constructability review)	\$ 11,722.50
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*Construction Management – Zoon Engineering (Contract No. C23-46)*

• Original Contract	\$ 155,000.00
• Contract Amendment #1	\$ 48,575.00
• Contract Amendment #2	\$ 13,575.00
Final Contract Cost	\$ 217,150.00

*Construction – Bay Construction Co. (Contract No. C23-26)*

• Original Contract	\$ 1,360,000.00
• Contract Change Order #1	\$ (15,290.00)
• Contract Change Order #2	\$ 2,640.96
• Contract Change Order #3	\$ 2,289.43
Final Contract Cost	\$ 1,349,640.39

**Total Project Cost \$ 1,636,289.89**

**Recorded at the request of:**  
CITY OF ALBANY

**When Recorded, Mail to:**  
City Clerk  
City of Albany  
1000 San Pablo Avenue  
Albany, CA 94706

(Space Above for Recorder's Use)

## NOTICE OF COMPLETION AND ACCEPTANCE OF PUBLIC WORK

Notice is hereby given by the City of Albany, a municipal corporation, located in Alameda County, State of California, with its principal offices at City Hall, 1000 San Pablo Avenue, Albany, CA 94706, of the following:

That it has caused the construction and installation of the following described public work upon the following described real property; and the furnishing of all labor, materials, methods or processes, implements, tools, machinery, equipment, transportation, and services necessary to accomplish same, to wit:

**Contract No. C23-26, Lower Codornices Creek Restoration Phase IV Project**, including, but not limited to, conversion of the previously existing informal dirt path between 8<sup>th</sup> Street and 10<sup>th</sup> Street to an accessible asphalt and concrete mixed-use trail, installation of a speed table, widening of sidewalks, installation of bicycle parking, fencing and guardrail improvements, removal of invasive vegetation, planting/establishment of new vegetation, installation of bioretention basins, and asphalt concrete paving.

That the said City of Albany is in possession of said real property and owns a fee simple estate or an easement for public use therein.

That said work was done in accordance with plans and specifications therefore approved and adopted by said City of Albany, and said work was done pursuant to a public works contract dated July 17, 2023, duly awarded by said City of Albany to Bay Construction Co., 4026 Martin Luther King Jr. Way, Oakland, CA 94609, and was accepted by the City Council of the City of Albany as complete on September 3, 2024.

That the undersigned certifies that he is authorized to and does make this verification on behalf of the City of Albany; that he has read the foregoing notice and knows the contents thereof; and that the undersigned declares under penalty of perjury that the foregoing is true and correct to the best of his knowledge.

Executed on \_\_\_\_\_, at Albany, California.

CITY OF ALBANY  
A Municipal Corporation

By: \_\_\_\_\_  
Mark Hurley  
Public Works Director  
City of Albany