

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

Agenda Date: 02/07/05  
Prepared Date: 01/31/05  
Reviewed by: \_\_\_\_\_

**SUBJECT:** Contract with the Waterways Restoration Institute (WRI) for Restoration Design And Engineering Services For Phase 2 of the Lower Codornices Creek Restoration Project

**REPORT BY:** Judy Lieberman, Assistant City Administrator

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**RECOMMENDATION**

Authorize the City Administrator to approve the contract with WRI for Restoration Design And Engineering Services For Phase 2 of The Lower Codornices Creek Restoration Project in the amount of \$177,385.

**BACKGROUND**

1. Update on Status of Codornices Creek Project: The Codornices Creek Restoration Project is a joint project with the City of Berkeley and the University of California to restore lower Codornices Creek between the Union Pacific Railroad Tracks on the west and San Pablo Avenue on the east. Planning for the project began in the mid-1990's, and has finally come to fruition in the past year. Phase 1 of the project, from the UPRR tracks to 5<sup>th</sup> street, was started in August of 2004, and is now substantially completed. Currently remaining is the installation of a pedestrian bridge at 4<sup>th</sup> street to provide a crossing for ballfield users. All other work, including moving and restoring the softball field at Fielding East, has been accomplished. Please see Attachment #1 for an aerial photograph of the creek site, taken in October of 2004.

The total estimated project cost for Phase 1 is approximately \$1.34 million, which includes pre-planning, permitting and environmental compliance for the entire project. Of this amount, approximately \$1,650,000 is been funded by grants, and \$277,000 by Measure R funds. Attachment #2 to this report summarizes the project budget.

2. Phase 2 of Codornices Creek Project: Phase 2 of the Codornices Creek Project includes the continued restoration of the creek between 5<sup>th</sup> and 8<sup>th</sup> streets, the installation of a bridge at 5<sup>th</sup> street, the relocation of a portion of the Post Office wall at 8<sup>th</sup> and Harrison, and the construction of a bicycle/pedestrian trail along this segment. The total estimated project cost for Phase 2 is approximately \$1 million. Of this, \$900,000 will be funded by

grants, the majority of which is an \$800,000 grant from the Coastal Conservancy which is scheduled for Board approval in March, 2005. See attachment #2 for a summary of Phase 2.

3. Other related Codornices Creek projects: It should be noted that other projects are occurring along the Codornices watershed. Downstream of the UPRR culverts, the regulatory agencies required that the cities approve a plan for short term and long term improvements of the creek including widening the right-of-way and working with CalTrans to add culverts under 1-80 to resolve capacity and flooding issues. The Urban Creeks Council (UCC) has applied for a grant to assist in this downstream project, as well as to fund a variety of smaller improvement projects upstream of San Pablo Avenue all the way up the watershed to the Berkeley Hills.

## **DISCUSSION**

1. The Waterways Restoration Institute, a non-profit institute specializing in planning and construction of creek restoration projects, has been the project's advocate, consultant and designer since the earliest stages of project planning. WRI is also the non-profit co-sponsor of the Department of Water Resources grant (\$985,123) for construction of the project, and has been instrumental in both getting grants for the project and in navigating the difficulties of the permitting process.

For Phase 1, WRI managed the design process through a variety of sub-consultants, including the Restoration Design Group (RDG), which developed the design and engineering plans, and Far West Restoration Engineering (FarWest) which managed all of the hydraulic modeling and biological studies. There were also a number of other sub-consultants for specific tasks including soil testing, bridge design, fish relocation, etc.

2. WRI's contract of \$61,000 for Phase 1 design and engineering ran into significant cost overruns in the summer of 2004. The eventual cost of the contract was \$167,000, which included design, engineering, permitting, and construction management. Additionally, the project scope also expanded to include issues surrounding soil testing and management and stakeholder negotiations with the Union Pacific Railroad and regulatory agencies. While the initial contract was obviously severely under-scoped, concerns about the lack of notification and the extent of the costs led to a negotiated settlement with WRI of \$142,000.

Based on this past experience, WRI and the City have worked carefully together to develop a realistic scope of work and associated cost. This process was significantly aided by the experiences of Phase 1, including better estimates of time required per task, and clarification regarding which parties are responsible for various items. In addition, fees are to be billed on a lump sum basis per task item, not on an hourly basis. Billings will show invoice amounts and the remainder of the contract amounts. The contract, including the scope of work and budget per task item, is included as Attachment 2.

## **FINANCIAL IMPACT**

The total cost of the contract is \$177,385. Of this, \$150,000 will be reimbursed from Coastal Conservancy grant funds, \$12,730 for maintenance and monitoring will be paid from the Creek Account established by the MOU by the cities of Berkeley and Albany and the University of California, and the remaining \$14,655 will be paid from Measure R creek funds.

The current balance of the creek portion of the Measure R fund (account code 782) is approximately \$1,250,000.

### **Attachments**

1. Kite Aerial Photo
2. Codornices Creek: Phase 1 & 2 Budget summary, 2005
3. Contract 05-01: Scope of Work is included as Exhibit A