



## Legislation Text

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Staff Report for a City of San Leandro City Council Resolution to Approve and Authorize the City Manager to Execute Consulting Services Agreements with NBS for Services Related to the Formation of Special Financing Districts for Eden Road, Project 210-38-295 and Neptune Drive Shoreline Flood Protection, Project 2016.0700; to Authorize the City Manager to Negotiate and Approve Individual Amendments up to 10% of the Original Contract Amounts; and to Authorize the City Manager to Negotiate and Approve Cumulative Amendments up to 20% of the Original Contract Amounts;

### **SUMMARY AND RECOMMENDATIONS**

This resolution provides for the approval of a contract to prepare documents necessary for the formation of a Community Facilities District (CFD) which, if approved, would pay for the Eden Road project. This resolution also provides for the approval of a contract to prepare documents necessary for the formation of an Assessment District (AD) which, if approved, would pay for the Neptune Drive Shoreline Flood Protection project.

Staff recommends the following:

- Approve a Consulting Services Agreement with NBS for services on the Eden Road project; and
- Approve a Consulting Services Agreement with NBS for services on the Neptune Drive Shoreline Flood Protection project; and
- Authorize the City Manager to negotiate and approve Individual Contract Amendments up to 10% of the Original Contract Amounts; and
- Authorize the City Manager to negotiate and approve Cumulative Contract Amendments up to 20% of the Original Contract Amounts.

### **BACKGROUND**

#### Eden Road

The City of San Leandro General Plan includes a project to convert a private dirt road west of Doolittle Drive at the northern edge of the City into a public street with pavement and all typical improvements. This new street will be extended southward to connect with Davis Street. The private dirt road, known as Eden Road, as well as 2512 Davis Street, have been purchased by the City for this project.

In 2006 the City adopted a plan line for the new street setting forth the location of proposed new improvements and in 2008 a consultant was hired to design the new roadway and estimate the cost of the improvements.

## Neptune Drive Shoreline Flood Protection

The Federal Emergency Management Agency (FEMA) adopted revised flood risk maps that indicate increased risk of flooding to approximately 1,000 San Leandro properties. This flooding risk is a result of a low spot on the shore of the San Francisco Bay near the intersection of Neptune Drive and Marina Boulevard as well as the height of the levee along the Estudillo Canal.

The City hired a consultant to design and obtain approval for a project to build a levee along the edge of the San Francisco Bay to prevent water from entering the neighborhood through the low spot near Neptune Drive and Marina Boulevard. The Alameda County Flood Control District, which provides flood protection for Alameda County, initiated a project to modify the levees along the Estudillo Canal so that the canal will protect the adjacent neighborhood from a one hundred year flood.

## Analysis

The Eden Road and Neptune Drive Shoreline Flood Protection projects provide special benefits to properties in the vicinity of the work. Special benefits are those benefits that are received by some properties but no other properties. For example, the Eden Road project provides a storm water collection benefit to properties that have frontage along the roadway and that same benefit is not received by properties located elsewhere. Similarly, properties that have a reduced risk of flooding due to the Neptune Drive Shoreline Flood Protection project receive benefit that is not received by properties that are already outside the flood zone. California state law permits the formation of special financing districts to collect special assessments for projects that provide special benefit. The formation of these districts requires approval of the property owners or, in some cases, the voters that are within the district.

A request for proposals for services related to the formation of two special financing districts was issued on September 7, 2018. Five firms, including NBS, submitted proposals. As NBS has a twenty-two year history of providing services related to special financing districts to government agencies, publishes training materials on the subject, and proposed a modern solution for financing of the Eden Road project, NBS was determined to be the most qualified consultant for the projects.

The attached contracts represent the current understanding of the work required. From time to time, changes to the scope of contracts are necessary to respond to new information or to include additional items of work necessary for a complete product. In order to resolve these issues in a timely fashion and avoid delaying work, staff requests authorization to issue individual contract amendments to the consultant up to 10% each and cumulative contract amendments up to 20% of the original value of each contract.

## Current Agency Policies

- Maintain and enhance San Leandro's infrastructure.

## Previous Actions

- On February 20, 2018, by Resolution 2018-011, the City Council approved an agreement with

Wood Rodgers, Inc. for design of the Neptune Drive Flood Protection project.

- On March 3, 2008, by Resolution 2008-022, the City Council approved an agreement with Keir and Wright for design of the Eden Road project.

### **Applicable General Plan Policies**

- Policy EH-1.7 Work collaboratively with County, State, and federal agencies to develop short and long-term programs that reduce flood hazards in the City. At the local level, the City will regularly maintain its storm drainage system and ensure that those portions of San Leandro Creek under its jurisdiction remain clear of obstructions.
- Action T-5.2.D Eden Road: As funding becomes available, complete the Eden Road improvement project, including paving and sidewalk improvements, and improved connectivity between Davis Street and Doolittle Drive.

### **Environmental Review**

The Eden Road project was determined to be categorically exempt from CEQA in 2006.

When the design of the Neptune Drive project is sufficiently complete, a CEQA determination will be made. If mitigation measures are required, they will be incorporated into the project.

### **Summary of Public Outreach Efforts**

Public outreach to properties within each special finance district is included in the consultant's scope of work and will be performed as part of this project.

### **Fiscal Impacts**

The Eden Road project will cost approximately \$8,000,000 including land purchase, design, and construction. The City purchased land and funded work to date with redevelopment agency funds. Full funding for the project will be requested from the property owners within the benefit area. The contract for services related to formation of this district is for \$27,200, if the maximum contract amendment amount is used the contract value could potentially be \$32,640.

The Neptune Drive Shoreline Flood Protection project will cost approximately \$2,000,000 including easements, design, and construction. The work to date has been funded through the CIP account 210-28-200. Full funding for the project will be requested from the property owners within the benefit area. The contract for services related to formation of this district is for \$77,200 if the maximum contract amendment amount is used the contract value could potentially be \$92,640.

### **Budget Authority**

Eden Road:

<u>Account No.</u>	<u>Reso., Appropriation Dates &amp; Source</u>	<u>Amount</u>
210-38-900	Reso 2016-002 SA	\$1,150,000

Neptune Drive Shoreline Flood Protection:

<u>Account No.</u>	<u>Reso., Appropriation Dates &amp; Source</u>	<u>Amount</u>
210-28-200	FY2017-18 CIP Budget	\$500,000

**Attachments to Related Legislative File**

- CSA NBS Eden Road
- CSA NBS Neptune Drive Shoreline Flood Protection

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