



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 17-1203, Version: 1

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Authorize Amending an Existing Contract for the Preliminary Design and Environmental Clearance of the Bernardo Undercrossing Project (F17-075) and Approve a Cost Sharing Agreement with the City of Mountain View and a Service Agreement with the Peninsula Corridor Joint Powers Board Regarding the Project and Approval of Budget Modification No. 38

#### **REPORT IN BRIEF**

Approval is requested to amend an existing contract with WMH Corporation to increase the contract amount from \$586,577 to \$1,051,721 for implementation of additional professional services, approve an increase in contingency from \$46,334 to \$92,848, and approval of Budget Modification No. 38 in the net amount of \$532,158. Approval is also being requested for a Cost Sharing Agreement with the City of Mountain View and a Service Agreement with the Peninsula Corridor Joint Powers Board Regarding the Project.

#### **EXISTING POLICY**

Pursuant to Section 2.08.040(d) of the Sunnyvale Municipal Code, City Council approval is required for transactions exceeding \$100,000.

Pursuant to Sunnyvale Charter Section 1305, at any meetings after the adoption of the budget, the City Council may amend or supplement the budget by motion adopted by affirmative votes of at least four members so as to authorize the transfer of unused balances appropriated for one purpose to another, or to appropriate available revenue not included in the budget.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### **BACKGROUND AND DISCUSSION**

In July 2017, the City Council approved the award of contract to WMH Corporation in the amount of \$586,577 (RTC No. 17-0622).

The award amount was based on preliminary design and environmental clearance for a bicycle/pedestrian undercrossing beneath the railroad tracks at Bernardo Avenue (Attachment 1). Prior to developing the RFP, scoping meetings were held with other public agencies including the City of Mountain View, Santa Clara County (Roads and Airports Division), and Peninsula Corridor Joint Powers Board (JPB), which is the governing body for the [Caltrain](http://www.bayrailalliance.org/caltrain) [<http://www.bayrailalliance.org/caltrain>](http://www.bayrailalliance.org/caltrain) Peninsula commuter rail transit service between San

Francisco, San Jose and Gilroy. At these scoping meetings, staff noted the potential to span Central Expressway and the Caltrain railroad. The shorter undercrossing (with at-grade crossing improvements across Central Expressway) was ultimately proposed because it was unclear if a longer configuration could attract sufficient users to mitigate possible security issues. City staff planned to design the undercrossing in a manner that would allow for a future extension across the Expressway.

Since the scoping discussions, the City of Mountain View has developed a Draft East Whisman Precise Plan. This Plan affects properties directly adjacent to Bernardo Avenue north of Central Expressway. The Draft Plan now predicts a substantial increase in development, including housing development, just north of the proposed undercrossing. Higher development rates in East Whisman would provide immediate demand for the longer facility, and the longer facility would also allow safer non-motorized movements across the expressway. In conjunction with this recommendation, the City of Mountain View offered to fund the additional cost to expand the preliminary design and environmental clearance to cover the extension. They also indicated their intention to act as a project partner in future efforts to obtain competitive Measure B Pedestrian/Bike Program funds for the undercrossing facility.

Traffic congestion along Central Expressway is also an increasing concern for the Santa Clara Roads and Airports Division. At an inter-agency meeting on the project, County staff indicated that their heightened preference for extending the undercrossing across Central Expressway. County staff indicated that they would be willing to act as a project partner by allowing the use of their property (between Mary Manor, Central Expressway and the Caltrain railroad) to maximize the visibility and attractiveness of the undercrossing, and by helping obtain Measure B funds for project construction.

The longer facility would likely be designed as two separate undercrossing structures beneath Caltrain and Central Expressway. The northern and southern undercrossing structures would meet at a landscaped plaza within an open park-like setting located on the County's property west of Mary Manor. This landscaped plaza would also provide connections for more advanced bikers to and from expressway bike shoulders. The northern entrance in East Whisman would open to a second sunken plaza to be designated near the corner of Bernardo and Central Expressway.

The proposed amendment to the WMH Corporation agreement (Attachment 2) includes two sets of project plans to allow for project construction in either two phases (with the railroad portion covered under the original scope) or as a single project that goes across both the Caltrain and expressway rights-of-way. This provides flexibility in case of funding uncertainty.

Considering the increased utility of a longer facility, the opportunity to use Mountain View funds, and the potential partnerships in funding efforts, staff requested an expanded scope and budget from WMH Corporation. The amended scope includes combined Sunnyvale / Mountain View Bicycle and Pedestrian Advisory Committee meetings, combined Sunnyvale / Mountain View community meetings, and additional Mountain View City Council meetings. The cross-border approach better reflects the needs and interests of both Sunnyvale and Mountain View community members because residents and commuters regularly travel across jurisdictional borders and this project addresses a network gap at the border.

The amended scope and additional contingency is associated with an additional budget of \$511,658. On December 12, 2017, Mountain View City Council approved a Cost Sharing Agreement

(Attachment 3) that provides \$521,783 to cover the First Amendment of the WMH Agreement (\$465,144), a 10% contingency for these services (\$46,514), and a 50% contribution to the JPB Service Agreement (\$10,125). The City of Sunnyvale is required to enter into a Service Agreement with the JPB (Attachment 4) at a cost of \$20,500 for engineering input. The amount of \$10,375 is being appropriated for these engineering services and permit application fees.

In addition to providing a more robust and integrated design that takes advantage emerging opportunities in East Whisman, designing the project as a longer undercrossing will result in costs savings relative to a two-stage process.

### **FISCAL IMPACT**

Budget Modification No. 38 will be funded by a payment of \$521,783 by the City of Mountain View in addition to \$10,375 from Traffic Impact Fees (TIF). This amount of \$521,783 includes the increased amount for the contract plus Mountain View's contribution to the JPB Third Party Agreement. Payments related to the First Amendment would be invoiced to the City of Mountain View.

#### **Budget Modification No. 38 FY 2017/18**

	<b>Current</b>	<b>Increase/ (Decrease)</b>	<b>Revised</b>
<b>Capital Projects Fund/General Assets Sub-Fund</b>			
<b><u>Revenue</u></b>			
Revenue from City of Mountain View (Project 832910-Bernardo Avenue Bicycle Undercrossing Environmental Analysis)	\$0	\$521,783	\$521,783
<b><u>Transfers In</u></b>			
Transfer from the Capital Projects Fund/Traffic Impact Fee Sub-Fund (Project 832910 Bernardo Avenue Bicycle Undercrossing Environmental Analysis)	\$632,911	\$10,375	\$643,286
<b><u>Expenditures</u></b>			
Project 832910-Bernardo Avenue Bicycle Undercrossing Environmental Analysis	\$632,911	\$532,158	\$1,165,069

**Capital Projects Fund/Traffic  
Impact Fee Sub-Fund**

Transfers Out

Transfer to the Capital Projects Fund/General Assets Sub-Fund (Project 832910 Bernardo Avenue Bicycle Undercrossing Environmental Analysis)	\$632,911	\$10,375	\$643,286
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Reserves

Capital Reserve	\$19,391,745	(\$10,375)	\$19,381,370
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**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

1) Authorize the City Manager to execute a first amendment, in substantially the same form as Attachment 1 to the report, to increase the not to exceed contract amount for the existing consultant services agreement with WMH Corporation from \$586,577 to \$1,051,721, 2) approve a 8.8% contingency in the amount of \$92,848, 3) authorize the City Manager to execute a Cost Sharing Agreement with the City of Mountain View regarding the Project, 4) authorize the City Manager to execute a Service Agreement with the Peninsula Corridor Joint Powers Board in the amount of \$20,500, and 5) approve a Budget Modification No. 38 in the amount of \$532,158 to fund the contract, recognize revenue from the City of Mountain View, and fund the balance of the Peninsula Corridor Joint Powers Board Service Agreement.

Prepared by: Gregory S. Card, Purchasing Officer  
Reviewed by: Timothy J. Kirby, Director of Finance  
Reviewed by: Wayne Tanda, Interim Director of Public Works  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager

**ATTACHMENTS**

1. Undercrossing Concept under Original Contract and Amendment 1
2. Draft First Amendment with WMH Corporation
3. Draft Cost Sharing Agreement with City of Mountain View
4. Draft Service Agreement with the Peninsula Corridor Joint Powers Board