



SUPPLEMENTAL

COUNCIL AGENDA: 02-28-06

ITEM: 6.3

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen  
James R. Helmer

**SUBJECT:** LUCRETIA AVENUE  
WIDENING PROJECT

**DATE:** 02-21-06

Approved

Date

2/24/06

Council District: 7  
SNI: Tully/Senter

## REASON FOR SUPPLEMENTAL MEMO

To provide additional information after bids were opened.

## RECOMMENDATION

Report on bids and award of contract for the Lucretia Avenue Widening (Story Road to Phelan Avenue) Project to the lowest responsive bidder, Wattis Construction Company, Inc., in the amount of \$1,101,051, and approval of five-percent contingency in the amount of \$55,000. CEQA: Mitigated Negative Declaration, PP05-003.

## BACKGROUND

The Tully-Senter Strong Neighborhood Initiative has identified the improvement of Lucretia Avenue as one of its top ten priorities. This project will provide improvements to enhance pedestrian, bicycle and traffic circulation, as well as public safety. This portion of Lucretia Avenue varies between two and four lanes (map attached), and in some areas does not have curb, gutter and sidewalk.

The project will install curb, gutter, sidewalk, pavement, wheelchair ramps, streetlights, storm drainage facilities and trees and modify the upright pedestrian crosswalk at the Hearthstone Way and Lucretia Avenue intersection. To construct these improvements, right-of-way was acquired from 11 private properties.

Construction is scheduled to begin in April with completion in December 2006.

**ANALYSIS**

Bids were opened on February 9, 2006 with the following results:

<u>Contractor</u>	<u>Bid Amount</u>	<u>Variance Amount</u>	<u>Over/(Under) Percent</u>
O. C. Jones & Sons, Inc. (Berkeley)	\$1,340,591.10	\$180,591.10	16
Top Grade Construction, Inc. (Livermore)	1,294,493.86	134,493.86	12
O'Grady Paving, Inc. (Mountain View)	1,277,570.00	117,570.00	10
Joseph J. Albanese, Inc. (Santa Clara)	1,189,265.00	29,265.00	3
<b>Engineer's Estimate</b>	<b>\$1,160,000.00</b>	--	--
Wattis Construction Company, Inc. (San José)	1,101,051.00	(58,949.00)	(5)
Granite Rock Co., DBA Pavex Const. (San José)	1,035,146.50	(124,853.50)	(11)

When bids opened, Wattis Construction Company, Inc. was the apparent low bidder. During the review of the bid proposals, a mathematical error was noted on line item 18 of the bid submitted by Granite Rock Company, DBA Pavex Construction Division (Pavex). The number of units multiplied by the unit price on this line item of the quantity sheet does not equal the extended price for this item. Section 2-1.05 of the City Standard Specifications states that in such situations the actual unit price multiplied by the number of units prevails over the extended price contained in the bid. Correction of the mathematical error results in Pavex's actual bid amount being \$73,008 lower and in Pavex being the low bidder. The table above reflects the corrected bid submitted by Pavex.

Pavex submitted a letter to the City on Feb 10, 2006 requesting to be relieved of its bid due to clerical error. Pavex asserted that it intended to bid line item 18 at a unit price of \$60 instead of \$6 that was written in its bid. In support of this assertion, Pavex submitted one of its bid closing forms. Pursuant to Section 2-1.095 of the City Standard Specifications, entitled "Relief of Bidders," staff recommends that Council approve Pavex's request to be relieved of its bid, and award the project to the lowest responsive bidder, Wattis Construction Company, Inc.

The bid submitted by Wattis Construction Company, Inc. is five percent below the Engineer's Estimate. The bid is considered reasonable for the work involved in the project.

Council Policy provides for standard contingency of five percent on public works projects. The standard contingency is appropriate for this project. The funds budgeted for this project are sufficient to provide for the recommended contingency.

### **OUTCOME**

Approval of this construction contract to Wattis Construction Company will enable the Lucretia Avenue Widening Project to go forward as envisioned in the Adopted 2005-2006 Traffic Capital Budget. Approval of the five-percent contingency will provide funding for unforeseen conditions during construction of this project.

### **PUBLIC OUTREACH**

Various neighborhood and community meetings were held to present the scope and give the public an opportunity to comment on the proposed project.

To solicit contractors, this project was listed on the City's Internet Bid Line and advertised in the *San José Post Record*. Bid packages for all Department of Public Works construction projects are provided to various contractor organizations and builder's exchanges.

### **COORDINATION**

This project and memorandum have been coordinated with the City Attorney's Office, City Manager's Budget Office and the Departments of Planning, Building and Code Enforcement and Finance.

### **COST IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$1,101,051

2. COST OF PROJECT

Project Development	\$ 168,000
Construction	1,101,051
Design and Construction Management	318,000
Land Acquisition	740,000
Contingency	55,000

**TOTAL PROJECT COSTS** \$2,382,051

Prior Year Expenditures (363,000)

**REMAINING PROJECT COSTS** \$2,019,051

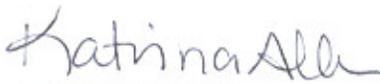
3. SOURCE OF FUNDING: 429 Building and Structure Construction Tax Fund
4. FISCAL IMPACT: This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. The proposed operating and maintenance costs of this project have been reviewed, and it has been determined that the project will have no significant adverse impact on the General Fund operating budget.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	RC #	Total Appn.	Amt. for Contract	2005-2006 Adopted Capital Budget Page	Last Budget Action (Date, Ord.No.)
<b>Remaining Project Costs</b>				\$ 2,019,051			
<b>Current Funding Available</b>							
429	4700	Lucretia Avenue: Story to Phelan	128815	\$2,437,000	\$1,101,051	V-1041	10/18/05, Ord. No. 27580
<b>Total Current Funding Available</b>				\$2,437,000	\$1,101,051		
<b>Total Funding for Remaining Project Costs</b>				\$2,437,000	\$1,101,051		

**CEQA**

Mitigated Negative Declaration, PP05-003, dated October 12, 2005.



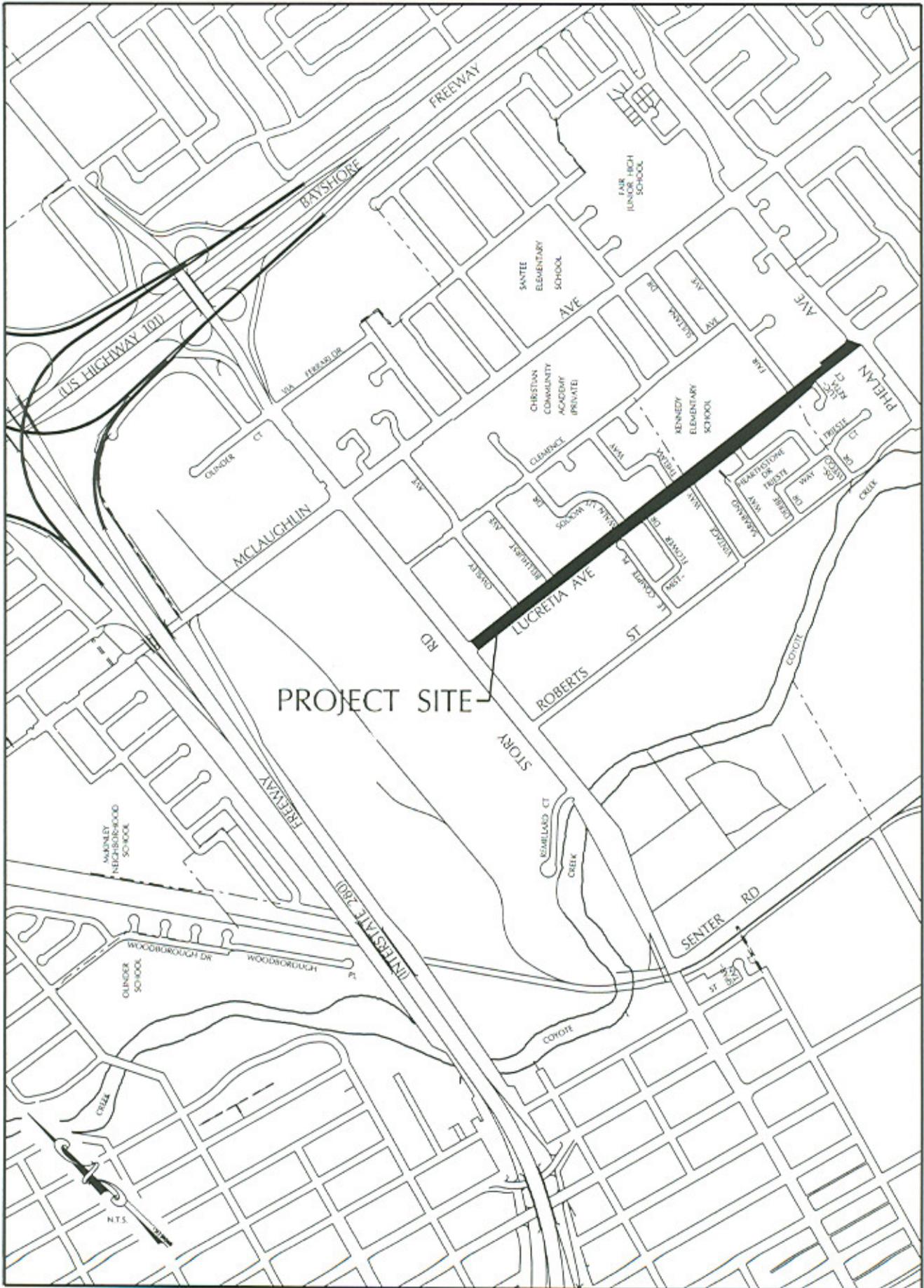
KATY ALLEN  
 Director, Public Works Department



JAMES R. HELMER  
 Director of Transportation

PD:TS:ew  
 (pi021306SCM.Lucretia.doc/R&B)  
 Attachment

# Lucretia Avenue Widening (Story Rd to Phelan Ave)



## LOCATION MAP

## MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**NAME OF PROJECT:** Lucretia Avenue Widening Project

**PROJECT FILE NUMBER:** PP05-003

**PROJECT DESCRIPTION:** Widening and improving Lucretia Avenue for approximately 2,400 linear feet.

**PROJECT LOCATION & ASSESSORS PARCEL NO.:** Lucretia Avenue public right-of-way, generally between Story Road and Phelan Avenue, in the City of San Jose; and Assessor Parcel Numbers: 477-11-014, 017 thru 022, 026, 030; 477-53-130, 131

**COUNCIL DISTRICT:** 7

**APPLICANT CONTACT INFORMATION:** Paul Izadyar (408) 277-4639, paul.izadyar@sanjoseca.gov, City of San Jose Public Works Department, 200 E. Santa Clara Street, Tower 7, San Jose, CA 95113

### FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

### MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- 1. AESTHETICS.** The project will not have a significant impact on aesthetics, therefore no mitigation is required.
- 2. AGRICULTURE RESOURCES.** The project will not have a significant impact on agricultural resources, therefore no mitigation is required.

3. **AIR QUALITY.** In order to minimize PM<sub>10</sub> emissions during construction, the City shall implement the following dust control measures:

- Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing residential land uses shall be kept damp at all times, or shall be treated with non-toxic soil stabilizers or dust palliatives.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers to all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles, if any.
- Install sandbags or other erosion control measures to prevent silt runoff to public streets.

4. **BIOLOGICAL RESOURCES.** The project includes the following measures for all construction activities that include excavation or disturbance of existing ground surface to avoid or reduce potential impacts to biological resources to a less than significant level.

Impacts to Ordinance Size Trees

- The project proposes the removal of 19 trees on both sides of Lucretia Avenue. All trees to be removed from the project site shall be replaced in accordance with the City of San Jose's standards, presented below. In addition, the project shall implement a tree planting plan. The species and exact number of trees to be planted will be determined in consultation with the City Arborist and Department of Planning, Building, and Code Enforcement.

City of San Jose Tree Replacement Standards		
Diameter of Removed Tree	Replacement Ratio	Replacement Tree Size
0-12 inches	1:1	15 gallon
12-18 inches	2:1	24 inch box
18+ inches	4:1	24 inch box

- The following measures shall be implemented to protect trees to remain on the project site:

Pre-construction measures:

1. The construction superintendent shall meet with the City Arborist or a consulting arborist prior to beginning work to discuss work procedures and tree protection.
2. Fence all trees to be retained to completely enclose a tree protection zone prior to demolition, grubbing or grading. Fences are to remain until all grading and construction is completed.
3. Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a Certified Arborist and adhere to the Best Management Practices for Pruning of the International Society of Arboriculture.

Measures during construction:

1. No grading, construction, demolition or other work shall occur within the tree protection zone. Any modifications must be approved and monitored by the consulting arborist.
2. Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the consulting arborist.
3. Supplemental irrigation shall be applied as determined by the consulting arborist.
4. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
5. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the tree protection zone.
6. Any additional tree pruning needed for clearance during construction must be performed or supervised by the consulting arborist and not by construction personnel.
7. As trees withdraw water from the soil, expansive soils may shrink within the root area. Therefore, foundations, footings and pavements on expansive soils near trees shall be designed to withstand differential displacement.

Impacts to Nesting Birds

- **Avoidance.** Avoid nesting season construction. Construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. The nesting season for most birds, including raptors and shrikes, in the South San Francisco Bay Area extends from January through August.
  - **Pre-construction/Pre-disturbance Surveys.** If it is not possible to schedule demolition and construction between August and January, then pre-construction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey should be conducted no more than 14 days prior to the initiation of demolition/construction or tree relocation/removal activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist will inspect all trees and other potential habitats (e.g. grasslands, buildings) in and immediately adjacent to the impact area for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFG, will determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that no nests of species protected by the Migratory Bird Treaty Act or State Code will be disturbed during project implementation.
- 5. CULTURAL RESOURCES.** The project includes the following measures for all construction activities that include excavation or disturbance of existing ground surface to avoid or reduce potential impacts to buried archaeological cultural resources to a less than significant level. During excavation activities, if it encounters native soil levels:
- An archeological monitor shall be retained to observe all construction activities that would penetrate more than one foot below the existing street surface. In the event that any archaeological materials are encountered, the project archaeologist shall halt work within 50 feet of the discovery until it is determined through mechanical subsurface presence/absence testing that an intact archaeological deposit extends into areas where further disturbance would occur.

If an intact archaeological deposit is identified, a plan for an evaluation of its significance (per the CEQA guidelines) shall be submitted to the City's Environmental Principal Planner for approval. If the find is determined to be significant, a mitigation program shall be prepared and submitted to the City's Environmental Principal Planner for approval. If no resources are discovered, the archaeologist shall submit a report to the City's Environmental Principal Planner verifying that the required monitoring took place and no further mitigation is necessary.

A final report shall be submitted to the City's Environmental Principal Planner that contains a description of the mitigation programs and its results including a description of the monitoring and testing program, a list of the resources found, a summary of the resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Environmental Principal Planner.

- In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority the Coroner shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

**6. GEOLOGY AND SOILS.** The project includes the following measures for all construction activities to avoid or reduce potential geology and soil impacts to a less than significant level:

- To prevent structural instability of the project facilities, the City of San Jose Public Works Department shall prepare formal pavement designs for the roadway widening which shall be incorporated into the final project design.

**7. HAZARDS AND HAZARDOUS MATERIALS.** The project would have a less-than-significant impact associated with hazards and hazardous materials, therefore no mitigation is required.

**8. HYDROLOGY AND WATER QUALITY.** The project includes the following measures for all construction activities to avoid or reduce potential water quality impacts to a less than significant level:

Site specific BMPs shall be included in the final project design in accordance with City requirements. Such measures should include the following:

- Restrict grading to the dry season or meet City requirements for grading during the rainy season;
- Use BMPs to retain sediment on the project site, such as fiber rolls and other measures listed below;
- Place burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction;
- Increase landscaping; and
- Stencil inlets with the message "No dumping – Flows to Bay."

**9. LAND USE AND PLANNING.** The project will not have a significant impact on land use and planning, therefore no mitigation is required.

**10. MINERAL RESOURCES.** The project will not have a significant impact on mineral resources, therefore no mitigation is required.

**11. NOISE.** The project includes the following measures for all construction activities to avoid or reduce temporary construction noise impacts to a less than significant level:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way should be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. No construction activities should occur on weekends or holidays.
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers which are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines should be strictly prohibited.
- Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment, such as air compressors and portable power generators, as far as practical from existing noise sensitive receptors. Construct temporary barriers to screen stationary noise generating equipment when located in areas adjoining noise sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Route all construction traffic to and from the project site via designated truck routes. Prohibit construction related heavy truck traffic in residential areas where feasible. Prohibit construction truck traffic in the project vicinity during non-allowed hours.
- Notify adjacent residents to the project site of the construction schedule in writing.
- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. The City would be responsible for designating a noise disturbance coordinator, posting the phone number, and providing construction schedule notices.

**12. POPULATION AND HOUSING.** The project will not have a significant impact on population and housing, therefore no mitigation is required.

**13. PUBLIC SERVICES.** The project will not have a significant impact on public services, therefore no mitigation is required.

**14. RECREATION.** The project will not have a significant impact on recreation, therefore no mitigation is required.

**15. TRANSPORTATION / TRAFFIC.** The project will not have a significant negative impact on transportation/traffic, therefore no mitigation is required. The project is expected to have a beneficial impact on transportation and circulation.

**16. UTILITIES AND SERVICE SYSTEMS.** The project will not have a significant impact on utilities and service systems, therefore no mitigation is required.

**17. MANDATORY FINDINGS OF SIGNIFICANCE.** The project would not result in significant impacts associated with the CEQA mandatory findings of significance. Based on the analysis provided in this Initial Study, the proposed roadway widening and improvements would not substantially degrade or reduce wildlife species or habitat, result in significant cumulative impacts, or cause adverse effects on humans.

**PUBLIC REVIEW PERIOD**

Before 5:00 p.m. on **Tuesday, October 11, 2005**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 200 East Santa Clara Street, San José CA 95113-1905 and include a \$100 filing fee. The written protest should make a "fair argument" based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP  
Director, Planning, Building and Code Enforcement

Circulated on: 9/20/05

Akoni Danielson  
Deputy

Adopted on: 10/12/05

Akoni Danielson  
Deputy