



## **CITY OF MILPITAS AGENDA REPORT (AR)**

<b>Item Title:</b>	<b>Approve and Authorize the City Manager to Execute a Professional Services Agreement with David J. Powers &amp; Associates, Inc. in the amount of \$184,785 for Environmental Review and Permitting Services for the S. Milpitas Boulevard Bridge, Project No. 2016 and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek, Project No. 2018</b>
<b>Category:</b>	Consent Calendar-Community Services and Sustainable Infrastructure
<b>Meeting Date:</b>	4/20/2021
<b>Staff Contact:</b>	Steve Erickson, 408-586-3301
<b>Recommendation:</b>	<b>Approve and Authorize the City Manager to Execute a Professional Services Agreement with David J. Powers in the amount of \$184,785 for Environmental Review and Permitting Services for the S. Milpitas Boulevard Bridge and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek Projects, Project No. 2016 and 2018</b>

### **BACKGROUND:**

The South Milpitas Boulevard Bridge at Penitencia Creek, Project No. 2016 and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek Project, Project No. 2018, ("Projects") are included in the adopted 2020-2025 Capital Improvement Program (CIP) and the Transit Area Specific Plan (TASP). The Projects provide for the design and construction of a vehicular/pedestrian bridge over Penitencia Creek at the end of South Milpitas Boulevard, and a pedestrian overcrossing over Montague Expressway at the east levee of Penitencia Creek. Once completed, these projects will provide safe and convenient circulation and connectivity for vehicles, pedestrians, and bicyclists.

Environmental review of these Projects is required by the California Environmental Quality Act (CEQA). The purpose is to evaluate the Projects with respect to site specific environmental impacts that may result from their implementation, and to determine whether the Projects would result in any new significant impacts, or substantially increase the severity of impacts previously identified in the TASP EIR certified May 2008. These projects will also encroach within the limits of Penitencia Creek, and permitting from the Regional Water Control Board, Valley Water District, and Fish and Game will be required.

### **ANALYSIS:**

The firm of David J. Powers & Associates, Inc. is recommended to provide the environmental review and permitting tasks as required for the two Projects. Staff has negotiated a scope of work and fee for these services not to exceed \$184,785, which is considered reasonable for the work. Staff recommends the City Council approve and authorize the City Manager to execute an agreement (Attachment 1) with the firm of David J. Powers & Associates, Inc. to provide the required services for these Projects.

### **POLICY ALTERNATIVES:**

**Alternative:** Not approve and authorize the City Manager to execute the professional services contract with David J. Powers & Associates, Inc. and not proceed with the CEQA review for the projects.

Pros: None.

Cons: These projects provide necessary circulation improvements to provide safe and convenient vehicular and pedestrian connectivity between residential developments parks, the Great Mall, and the Milpitas BART Station.

Reason not recommended: CEQA review and permit approvals are required to move forward with construction of the improvements.

**FISCAL IMPACT:**

The David J. Powers & Associates, Inc. contract for professional services is not to exceed \$184,785. Sufficient funds are available in the respective Project budgets for the requested contract services.

1. S. Milpitas Blvd. Vehicle Bridge at Penitencia (Project 2016) is funded by TASP Impact Fees for \$2,400,000 and the available balance is \$1,963,580 as of April 9, 2021.
2. Montague Ped. Overcrossing at Penitencia (Project 2018) is funded by TASP Impact Fees for \$1,010,000 and the available balance is \$981,488 as of April 9, 2021.

**Recommendation:**

Approve and Authorize the City Manager to Execute a Professional Services Agreement with David J. Powers in the amount of \$184,785 for Environmental Review and Permitting Services for the S. Milpitas Boulevard Bridge and the Pedestrian Overcrossing at Montague Expressway and Penitencia Creek Projects, Project No. 2016 and 2018

**Attachment:**

Attachment 1: Professional Services Agreement

Attachment 2: David J. Powers & Associates - Scope of Work