

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY  
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES  
AGREEMENT WITH MARK THOMAS & COMPANY, INC., FOR THE  
PRELIMINARY ENGINEERING (30% FINAL DESIGN) OF THE EAST WEST  
CONNECTOR (QUARRY LAKES PARKWAY, PHASES 3 AND 4) PROJECT,  
CITY PROJECT NO. 18-04, IN THE AMOUNT OF \$2,087,600, AND APPROPRIATING  
\$208,760 FROM THE UNASSIGNED FUND BALANCE OF THE SB-1 FUND**

**WHEREAS**, a transportation corridor (formerly Route 84 and formerly East West Connector) from Mission Boulevard (SR 238) to I-880/Decoto Road Interchange in the cities of Union City and Fremont was planned over 30 years ago and was an identified project in the original Alameda County's Measure B half-cents sales tax measure; and

**WHEREAS**, for the past three decades this transportation project was managed by Caltrans and various Alameda County's transportation agencies, most recently Alameda County Transportation Commission (Alameda CTC); and

**WHEREAS**, the East West Connector project prepared an approved Environmental Impact Report (EIR) under CEQA (California Environmental Quality Act) in 2009, a draft set of project plans (65% Final Design) in 2011 and lacked the necessary right of way acquisitions, easements, utility agreements, regulatory agency permits, BART permits, and railroad construction permits in the cities of Union City and Fremont; and

**WHEREAS**, on March 22, 2018, the Alameda County Transportation Commission (Alameda CTC) approved the request from the City of Union City to be the project sponsor of the former East West Connector Project to complete the final design of the current 2011 roadway design plans, to prepare a traffic study update, to determine if an update, amendment or addendum is required for the approved 2009 East West Connector EIR, to coordination with transit agencies (BART, AC Transit, Dumbarton Express & Union City Transit), adjacent cities, pedestrian and bicycle advocate groups to ensure the design meets the needs of those interests, in terms of connectivity, safety and related concerns, to executing project (design review) agreements with BART and Union Pacific for the grade separations at BART, Oakland Subdivision and Niles Subdivision and to update the overall project cost estimate in the amount of \$2.5 million and then report back to the Commission upon completion of this work; and

**WHEREAS**, at the August 14, 2018, the City Council adopted Resolution No. 5374-18 which authorized the City Manager to execute the East West Connector Project Funding Agreement (PFA) No. A18-0046 in the amount of \$2.5 million with AlaCTC and became the Project Sponsor, responsible for the design, right of way certification and construction of the project estimated at \$320 million, which included Fremont's Decoto Complete Streets Project; and

**WHEREAS**, on February 12, 2019, the City Council adopted Resolution No. 5444-19, which authorized renaming the I-880 to Mission Boulevard/East West Connector Project to the

Quarry Lakes Parkway Project; and

**WHEREAS**, on November 19, 2020, at the AlaCTC Commission Meeting, Union City presented an update of the Quarry Lakes Parkway project as a new local four-lane, multimodal corridor with landscaped medians, sidewalks, buffer Class II bike lanes with a separated, generous Class I multi-use trail. Project management also included coordination meetings with bicycle and transit advocates, City of Fremont, BART, AC Transit and East Bay Regional Park District. The project task deliverables included the completion of the Traffic Transportation Memorandum identifying reduction in VMT (Vehicle Miles Travel), the CEQA determination that no update of the 2009 EIR is required, and completion of a high-level cost estimate for Quarry Lakes Parkway (Phases 1-5) and Fremont's Decoto Complete Street project using the East West Connector project quantities. The only task not completed was finalizing the East West Connector plans because these outdated 2011 plans did not meet current Complete Streets, Multimodal Corridor Policies, NACTO (National Association of City Traffic Officials) Design Criteria and did not meet most recent design standard and engineering criteria for roadway design, seismic structures, railroad design and other project elements as outlined in the Quarry Lakes Parkway' Project Delivery Memorandum dated July 14, 2020 (Exhibit t A); and

**WHEREAS**, at the same meeting, Union City presented the City's recommended project phasing implementation plan with usable segments for Quarry Lakes Parkway project that included Phase 1: 7<sup>th</sup> Street Connection (7<sup>th</sup> Street to Mission Boulevard), Phase 2: Gateway Connection (Old Alameda Creek to Alvarado-Niles Road), Phase 3: 11<sup>th</sup> Street Connection (11<sup>th</sup> Street to 7<sup>th</sup> Street), Phase 4: Alvarado-Niles Connection & Grade Separations (BART and Oakland Subdivision) and Phase 5: Paseo Padre Parkway & Bike Trail Connection (Paseo Padre Parkway in Fremont to Old Alameda Creek in Union City); and

**WHEREAS**, at the same meeting, the Alameda CTC Commission adopted Resolution No. 20-013 that approved \$4.2 million for Quarry Lakes Parkway to complete the Final Design of Phases 1 and 2 with 1986 Measure B funds and approval by the Executive Director in the amount of \$ 17.8 million to complete the Final Design of Phases 3 and 4 when a full-funding plan has been approved to complete the Right of Way and Construction of Phases 1-4; and

**WHEARAS**, at the same meeting, Alameda CTC staff presented a proposed full funding plan totaling \$288.0 million for Decoto Compete Streets in Fremont and Quarry Lakes Parkway in Union City that included \$ 69.0 million of 1986 Measure B funds, \$14.3 million of CMA-TIP funds, \$32.8 million of LATIP (Local Agency Transportation Improvement Plan) funds from the sale of the Caltrans property in Union City with a total shortfall of \$172.0 million and a shortfall for Phases 3 and 4 of \$112.0 million; and

**WHEREAS**, on March 9, 2021, the City Council adopted Resolution Nos. 5720-21 and 5721-21, authorizing commitments of Measure BB TEP 21, Dumbarton Corridor Improvement funds of \$40.0 million and TEP 22, Union City Intermodal District funds of \$72.0 million to Quarry Lakes Parkway Project for Phases 3 and Phase 4 to close the funding gap of the \$112.0 million shortfall; and

**WHEREAS**, on June 24, 2021, the California Transportation Commission (CTC) approved the conveyance of excess Caltrans parcels (originally reserved for Route 84) appraised at \$86.0 million to the City of Union City and the City is now responsible to select a residential developer; and

**WHEREAS**, the \$86.0 million from the sale of the Caltrans parcels for residential development will fund the Local Agency Transportation Improvement Program (LATIP) with estimated LATIP obligations of about \$58.0 million to Quarry Lakes Parkway and Decoto Road Complete Streets; and

**WHEREAS**, on September 7, 2021, Union City received a \$4.2 million grant in 1986 Measure B funds in the executed Alameda CTC Project Funding Agreement No. A22-0053 to fund the cost of Final Design Services of Phases (Segments) 1 and 2 for Quarry Lakes Parkway (East West Connector), City Project No. 18-04 and released a Request for Proposal (RFP) for an Engineering Consultant team on October 19, 2021; and

**WHEREAS**, on December 9, 2021, an Evaluation Panel determined that Mark Thomas and their subconsultant team presented a well-organized, technical presentation and provided highly qualified responses to engineering issues related to Complete Streets design, roadway drainage, hydrology, hydromodification, water quality, understanding of utilities within Public Right of Way and coordination with adjacent developments and unanimously made the recommendation to select Mark Thomas & Company, Inc. for Final Design of Quarry Lakes Parkway, City Project No. 18-04; and

**WHEREAS**, on January 11, 2022, the City Council adopted Resolution No. 5878-22 authorizing the City Manager to execute a Consulting Services Agreement, C5833 with Mark Thomas & Company, Inc. for the Preliminary Engineering (30% Design) of Phases (Segments) 1 and 2 of the Quarry Lakes Parkway (East West Connector) in the amount \$1,200,000 and was funded from Alameda CTC's Project Funding Agreement No. A22-0053; and

**WHEREAS**, the 2011 East West Connector project identified large outfall structures into Old Alameda Creek for the proposed Line M Bypass pipeline originating at the existing Line M Channel near 7<sup>th</sup> Street, and a second outfall structure into Old Alameda Creek for roadway drainage from Quarry Lakes Parkway during non-peak flow of two (2) deep water treatment bio-retention/hydromodification basins within the Caltrans Property about 5.0 acres along Osprey Drive across the street from the existing residential housing; and

**WHEREAS**, within the past several months, Mark Thomas, City staff and Alameda County Flood Control & Water Conservation District (ACFC&WCD) have collaborated to revise the overall Quarry Lakes Parkway, Phases 1-4 roadway drainage strategy and design from Line M Flood Control channel located in Phase 1 to the outfall structures into Old Alameda Creek in Phase 2 by relocating the water quality bio-retention/hydromodification basins to the upland area along east side of Old Alameda Creek, thus making the area along Osprey Drive available for development, modifying the locations of the two (2) Old Alameda Creek outfall drainage structures to support drainage design and the new basin location and added overflow

stormwater runoff from the Line M Flood Control Channel directly into under-utilized Old Alameda Creek with the opportunity to revitalize and restore biological resources within Old Alameda Creek and create trail networks connecting Arroyo Park in Union City to Quarry Lakes Regional Park and the proposed Isherwood Park in Fremont; and

**WHEREAS**, on June 24, 2022, the Consultant Team, city staff and Alameda County Flood Control & Water Conservation District staff met with San Francisco Regional Water Quality Control Board staff at the Old Alameda Creek for a site visit meeting, walked along bottom of the dry abandon creek to discussed the proposed roadway drainage design strategy along with opportunity to revitalize and restore Old Alameda Creek, received initial agency support for proposed design and discussed the next step was to meet with regulatory agencies for their initial review comments the design was a change to the East West Connector; and

**WHEREAS**, the Consultant Team, city staff and Alameda County Flood Control & Water Conservation District staff on September 8, 2022 at an Inter-Agency meeting hosted by U.S. Army Corp of Engineers with U.S. Fish and Wildlife Services and San Francisco Regional Water Quality Control Board staff, presented the overall revised Quarry Lakes Parkway (Phases 1-4) roadway drainage strategies and design along with the opportunity to revitalize Old Alameda Creek for their early consultation and regulatory agencies initial support for the design; and

**WHEREAS**, at the same meeting, the U.S. Army Corp of Engineers acknowledged that the East West Connector project was assigned Corp File No. 2008-00012 for all the required federal and state permits including Army Corp, Section 404 Clean Water Act (federal) for removal of the existing Basin 2C wetland, the re-alignment of the Line M Channel and proposed outfall structures into the Old Alameda Creek outfall structures, California Department of Fish and Wildlife, Section 1602 Streambed Alteration Agreement (state) for the re-alignment of Line M flood control channel and proposed Old Alameda Creek outfall structures and Regional Water Quality Control Board, Section 401 Water Quality Certification/Waste Discharge (state) for removal of Basin 2C wetland and New Basin seasonal wetland, the re-alignment of the Line M flood control channel and the proposed outfall structures into Old Alameda Creek; and

**WHEREAS**, at the same meeting the regulatory agencies stated that the once the Quarry Lakes Parkway, Phases 1-4 project plans have been revised and updated to reflect the proposed roadway drainage design strategy for the project team to report back to the agencies at a future Inter-Agency meeting with the all the draft federal and state permit applications for their review, discussion and consultation and will only issue the required federal and state permits for the entire Quarry Lakes Parkway, Phases 1-4 corridor; and

**WHEREAS**, on September 20, 2022, at the Bicycle and Pedestrian Advisory Committee (BPAC) meeting, Mark Thomas presented the proposed roadway drainage strategy and design including the opportunity to revitalize and restore biological resources within Old Alameda Creek and create trail networks connecting Arroyo Park in Union City to Quarry Lakes Regional Park and the proposed Isherwood Park in Fremont. The BPAC members and the public

expressed their support for the proposed trail network system along the creek, connecting existing and proposed parks in Union City and Fremont and revitalizing Old Alameda Creek; and

**WHEREAS**, the proposed Scope of Services in the Consulting Services Agreement with Mark Thomas & Company, Inc. is for Preliminary Engineering (30% Final Design) of East West Connector (Quarry Lakes Parkway, Phases 3 and 4), City Project No. 18-04, in the amount of \$2,087,600, will allow Mark Thomas to provide a detailed, extensive review of outdated 2011 East West Connector Project Plans (65% Final Design) between Alvarado-Niles Road and 7<sup>th</sup> Street with a focus on overall drainage system within Quarry Lakes Parkway, Phases 3 and 4, including the proposed large, gravity flowing Line M Bypass pipeline drainage structure system, the proposed Pump Station, retaining wall structures, the Newark Aquifer roadway slab protection and the major BART and Union Pacific railroad underpass structures from Alvarado-Niles Road to 7<sup>th</sup> Street. The design work will include evaluating CAD drawing files, engineering and structural calculations and technical reports (geotechnical, hazardous waste, biological, etc.) to prepare updated 30% Design Plans to current roadway design and seismic earthquake standards using the most current engineering criteria and policies, to revised technical/engineering reports and to refine Cost Estimates and to evaluate construction phases based on available funding; and.

**WHEREAS**, the current cost estimates for Quarry Lakes Parkway, Phase 3: 11<sup>th</sup> Street Connection and Niles Subdivision Grade Separation is at \$91.6 million and Quarry Lakes Parkway, Phases 4: Alvarado-Niles Connection and Grade Separations (BART and Oakland Subdivision) is at \$79.6 million, which includes final design, right of way and construction phases; and

**WHEREAS**, on June 14, 2022, the City Council adopted Resolution No. 5951-22 adopting a List of Projects for Fiscal Year 2022-2023 funded by SB-1: The Road Repair and Accountability Act of 2017, estimated at \$1,658,973, and the List of Projects includes the Quarry Lakes Parkway Project, City Project No. 18-04; and

**WHEREAS**, the Consulting Services Agreement with Mark Thomas & Company, Inc. for Preliminary Engineering (30% Final Design), in the amount \$2,087,600, will be funded with \$1,878,840 from the East West Connector Project Funding Agreement No. A18-0046 in the Capital Projects Fund (Account Number 4100-3199-91804-54110) for East West Connector (Quarry Lakes Parkway), City Project No. 18-04, and a 10% local match of \$208,760 from the SB-1 Road Maintenance and Rehabilitation Account (RMRA) Fund (Account Number 2515-3199-91804-54110) for the East West Connector (Quarry Lakes Parkway, Phases 3 and 4) Project, City Project No. 18-04.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Union City hereby authorizes the City Manager to execute a Consulting Services Agreement with Mark Thomas & Company, Inc., for Preliminary Engineering (30% Final Design) of East West Connector (Quarry Lakes Parkway, Phases 3 and 4), City Project No. 18-04, in the amount of \$2,087,600 (Exhibit B); and

**BE IT FURTHER RESOLVED** that the City Council of the City of Union City does hereby appropriate \$208,760 from the Unassigned Fund Balance in the SB-1 Fund (Fund 2515) to Account Number 2515-3199-91804-54110.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on the 22<sup>nd</sup> day of November 2022, by the following vote: