



TOWN OF FAIRFAX

STAFF REPORT

January 16, 2018

TO: Mayor and Town Council

FROM: Garrett Toy, Town Manager *GT*

SUBJECT: Receive report on status of environmental assessment phase for the Meadow Way Bridge replacement project, approve alternative "half retaining wall-half rip-rap" design, and approve Amendment No. 6 to the agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$32,738 for additional services to address right of way discrepancies, for a total not to exceed Agreement amount of \$2,210,678.

RECOMMENDATION

- 1) Receive report on status of environmental assessment phase for the Meadow Way Bridge replacement project.
- 2) Approve alternate "half retaining wall-half rip-rap" design for the Meadow Way Bridge and submit design to Caltrans for consent and funding.
- 3) Authorize the Town Manager to execute Amendment No. 6 to the agreement with California Infrastructure Consultancy (CIC) to increase the contract amount by \$32,738 for additional services to address right of way discrepancies, for a total Agreement not to exceed amount of \$2,210,678.
- 4) Appropriate \$32,738 to Fund 51-856 (Meadow Bridge)

BACKGROUND

In October 2013, the Council awarded a master contract to CIC to provide preliminary engineering, community outreach, environmental, and design services for five bridges in Fairfax, including the Meadow Way Bridge. Since that time, the Council has amended the contract with CIC for various phases of the Meadow Way Bridge project. Since 2013, the Town has spent approximately \$90,000 to make repairs to the bridge to ensure it will remain useable until it can be replaced.

The last contract amendment for Meadow Way Bridge was in September 2015 to allow CIC to complete unfinished reports/studies and continue with the Phase II environmental and design process for Meadow Way Bridge, including another community workshop to discuss conceptual designs for bridge types. At that time, staff indicated that any unforeseen right-of-

way issues, easements and property-related issues associated with the Creek Road and/or Meadow Way Bridges may require additional future requests to Caltrans.

In June 2016, a workshop was conducted to provide residents an opportunity to ask questions regarding the project's status and hear directly from Caltrans staff who attended the workshop.

In January 2017, Council approved the preliminary design (i.e., residents preferred a concrete bridge) to allow CIC to move forward with the environmental analysis (NEPA, CEQA) for the project. At the meeting, CIC indicated that this environmental phase will take upwards of 18 months to complete. Staff stated we would provide the Council and residents an update in approximately 6 months which should represent a good measurable interval regarding the environmental analysis. CIC would also provide update on any changes to preliminary design caused by the environmental analysis.

DISCUSSION

This section provides an update on the environmental work, a summary of the proposed redesign, and the need for the small contract amendment.

Status Report on Environmental

Since the Council meeting of January 18, 2017, when the project concept was approved, CIC reports the following project activities have taken place:

- NEPA and CEQA environmental studies have started and continued. The studies include plants and animals federally- and state-listed as threatened and endangered, cultural and historic resources, noise, air quality, water quality, traffic and flood plain analysis, per Preliminary Environmental Study (PES) approved by Caltrans.
- Changes in preliminary design have led WRA to submit a revised Area of Potential Effect (APE) map to Caltrans. The revised APE map expands the Archeological APE to match that of the Architectural APE near the Thompson Davis property.
- Preliminary structural design in support of the above environmental studies to define the full impact of the project.
- Preliminary studies regarding fish habitat improvements by creating fish pools; log, root wad and rock revetment; and planting in and around the creek banks.
- Periodic updating of web-based postings for the residents and other information seekers.
- Liaison with constructors regarding constructability of the bridge components, as well as with Caltrans regarding acceptability of the proposed construction elements.
- The design team is planning on maintaining one-on-one contacts with the residents directly impacted to provide updates and receive feedback, followed by web updates for the rest of the street residents.

Cultural resources studies will start at the end of January with expected completion in early spring. Analysis of noise, air quality, water quality, traffic and flood plain analysis will be completed by late spring. Ongoing biological resources studies are expected to be completed

in late summer. Final NEPA clearance is expected in the fall. CEQA documentation is expected to be circulated for public review also in the fall for the projects.

Redesign of Retaining Wall

Regarding the long wall in the southwest project quadrant, CIC has developed a preliminary concept of “half-wall-half-riprap” vs. a long retaining wall (see attached concept). CIC initially shared this concept with the town and the impacted property owner, and subsequently the rest of the Meadow Way neighborhood. The impacted household has given its consent about the change and is happy with the new concepts.

We surveyed the residents and all 15 respondents indicated they prefer the new design. Of the 15 respondents, 13 live separately on Meadow Way, 1 respondent lived in the Larkspur, and another was from same household on Meadow Way.

The primary benefit of the redesign is that it creates a more natural fish and riparian environment in the creek and reduces the amount hardscaped surface at the creek level. However, the concept could result in modestly higher, long term maintenance cost to the Town, although it is too difficult to evaluate the costs at this time.

Caltrans has preliminarily indicated that the concept seems to be reasonable and could be acceptable. However, Caltrans would need to formally review the preliminary design. CIC reports that the cost of its construction would be somewhat less or similar to the “all-wall” solution currently on the books. However, there would be modest increase in design cost to prepare the “log, root wad and boulder revetment” design for Caltrans approval in the future. CIC doesn’t believe this redesign will delay the environmental review for the project. With Council approval of the concept, staff will work with CIC to submit the new design to Caltrans for approval along with the request for additional design monies.

Contract Amendment

Amendment No. 6 to the contract is needed for the extra work performed to address resident concerns regarding right of way (ROW) discrepancies including the additional work performed by the surveyor. Specifically, at the time of project application and prior to field surveys, MarinMap, a County-wide GIS service, showed the right of-way clear for the project. Surveys and right-of-way (ROW) investigation by the design team has revealed private property line discrepancies and errors, accumulated over the decades since the area was subdivided in early 1900s. The 40' wide street ROW, the conventional width in the area, has been encroached upon by private properties over the decades. Some residents insisted on the ROW being only 30' wide. A half dozen preliminary title reports were purchased and examined, yet the discrepancies persist.

Because of the discrepancies, and for a prudent design, the bridge and its approach roadways will be designed located in the middle of the ROW to avoid disputes. The Town and its design team have been engaged in dialogue with the residents through two public workshops thus far, one-on-one meetings with 6-7 homeowners, web site postings, emails, etc., explaining the

project and its ROW. One resident hired an independent surveyor who prepared a document disputing the Town's assertions about ROW. The Town, the design team and its surveyor analyzed the document and the two surveyors agreed that, in spite of the discrepancies, the project would not encroach on any residential portion of their properties, and this was communicated with the neighborhood. However, since private property lines often extend into the creek, temporary construction easements for creek access and permanent easements for retaining walls and wingwalls in the creek portion of several properties will be necessary. Initial contacts with the affected property owners have been positive and the Town has good reason to believe temporary and permanent easements and a minor ROW take would be achievable after environmental document (ED) approval.

This amendment is for recovering the design dollars spent on ROW issues. It also includes costs incurred after Bridge Type Selection for additional outreach, response to residents, and discussions with a neighborhood individual insisting on another bridge type and challenging the preliminary environmental screening (PES) conducted with Caltrans. Another amendment will be needed in the future after the ED for ROW appraisal, acquisition, easement agreements and authorization. This process is per Caltrans guidelines regarding request for ROW funding.

FISCAL IMPACT

Of the requested \$32,738, the Town's share is approximately 11.47% of the added cost or \$3,755. The \$3,765 will be allocated from Fund 51- Capital Project reserves. The balance of the funding comes from the federal Highway Bridge Program grant administered by Caltrans.

ATTACHMENTS

- A. Meadow Way Survey
- B. Design revision and plans
- C. Amendment #6 to the contract
- D. Revised APE Map

FAIRFAX BRIDGES - MEADOW WAY SURVEY

Collected December 21st – January 7th

Survey Summary

There were 15 responses to the survey. 100% of the responses preferred the new design.

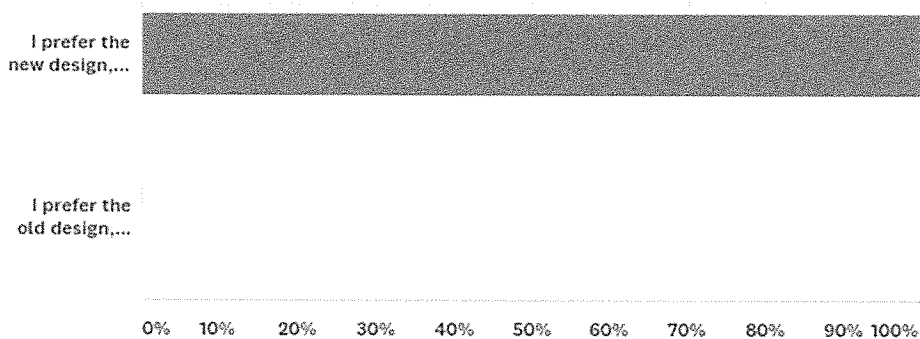


Figure 1 100% of respondents prefer the new retaining wall design.

Respondent Questions and Concerns

Creek Access:

- “There must be access to creek in case of emergency”
- “Access to the creek on that side would be nice. It would be great to see fish there.”

Environmental:

- “Please plant with firesafe plants.”
- “Please make sure it extend upstream far enough to prevent scour problems.”
- “Is there any possibility that the log-rootwad revetment could block the flow of the creek and create flooding?”
- “Fish habitat is crucial!”

Overall Presentation

- “On the Retaining Wall Location and Layout Plan, it would be helpful to notate each of the walls and provide the 'old plan' along side the 'new plan'.”

Meadow Way Bridge Replacement

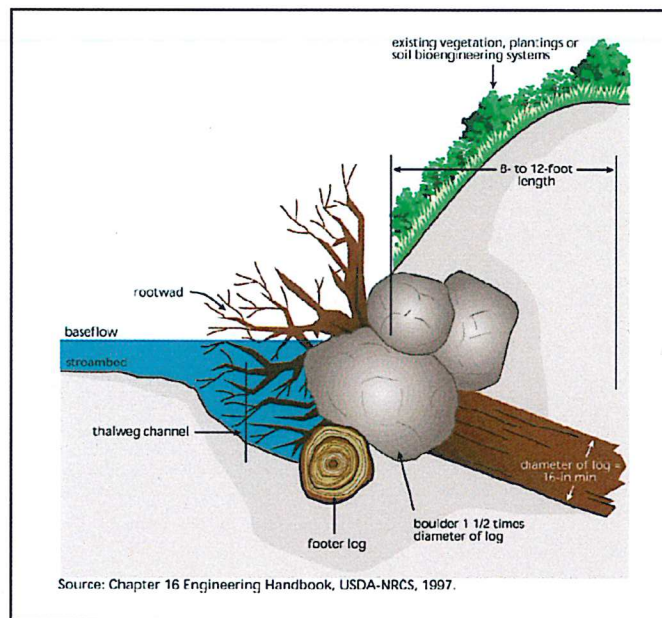
Retaining Wall Design Revision

The design team has made changes to the retaining wall in the creek at the base of 333 Cascade Drive property (Davis-Thompson Family), as part of the bridge replacement project. These changes entail breaking up the long retaining wall into two smaller retaining walls, one still at the bottom, and connected to the bridge, and the other on top where the said property's redwood fence sits currently. The slope would still be planted with native riparian trees, shrubs and vines, and there will be a specially designed log-rootwad revetment at the base of the slope and the lower wall for improving fish habitat. The lower wall will provide fall protection with a specially designed picket fence and the upper wall will carry new wooded fence on top of it, similar to what is there now. Wall surfaces will be treated architecturally, as before. There will be an informal footpath from the top to the creek for access that the neighbors have been requesting. This footpath will not be designated as such, signed or even be part of the plans, but would be planted to not preclude walking down to the creek.

LOG, ROOTWAD & BOULDER REVETMENTS

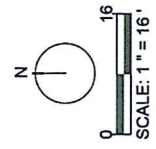
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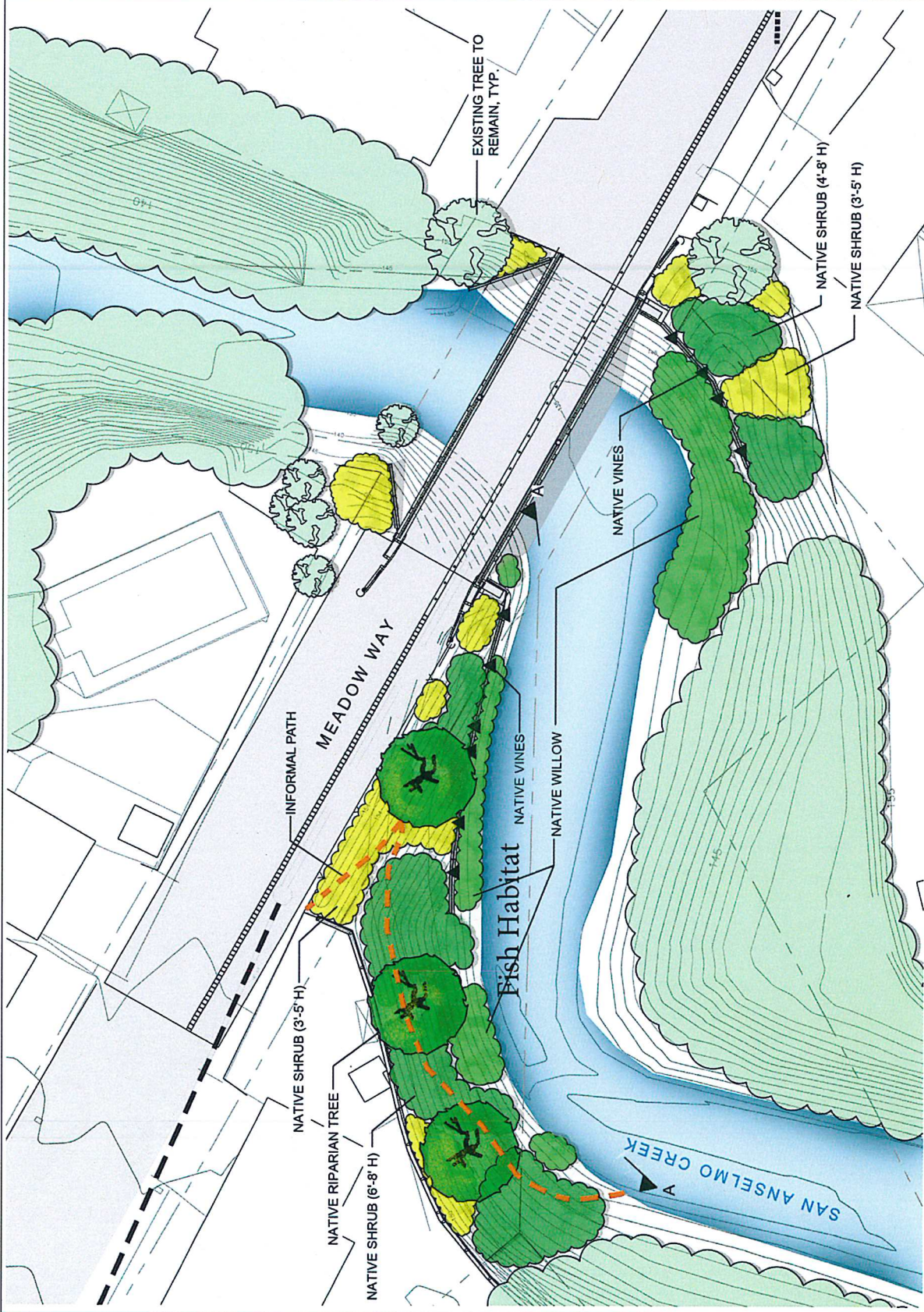
These revetments are systems composed of logs, rootwads, and boulders selectively placed in and on streambanks. These revetments can provide excellent overhead cover, resting areas, shelters for insects and other fish food organisms, substrate for aquatic organisms, and increased stream velocity that results in sediment flushing and deeper scour pools. Several of these combinations are described in Floyd Reynolds (1991), Rosgen (1992) and Berger (1991).



Applicability:

- For stabilization and to create instream structures to improve fish rearing and spawning habitat.
- Suited to streams where fish habitat deficiencies exist.
- Should be used in combination with soil bioengineering system or vegetative plantings to stabilize the upper bank and ensure a regenerative source of streambank vegetation.
- This BMP has a narrow range of applications and should only be used based on as assessment by a professional river engineer.





AMENDMENT NO. 6 TO DESIGN PROFESSIONAL SERVICES AGREEMENT

This Amendment No. 6 to Design Professional Services Agreement (this "Amendment No. 6") is entered into as of January __, 2018, by and between the TOWN OF FAIRFAX (the "Town") and CALIFORNIA INFRASTRUCTURE CONSULTANCY (the "Contractor"), with reference to the following facts:

RECITALS

A. Town and Contractor previously entered into that certain Design Professional Services Agreement dated as of September 4, 2013 (the "Contract"). Capitalized terms used in this Amendment No. 6 shall have the meanings assigned to them in the Contract.

B. The parties wish to modify the Contract as provided more particularly below, for additional services to address right-of-way discrepancies.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by this reference, Town and Contractor hereby agree as follows:

1. Contractor shall complete the work for the Meadow Way Bridge per the Contract and the maximum amount payable under the Contract shall be increased by \$32,738.00 to a total not-to-exceed amount of \$2,210,678.00.
2. Except as specifically modified herein, all of the other remaining provisions of the Contract shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Town and Contractor have executed this Amendment No. 6 as of the date first written above.

"TOWN"
TOWN OF FAIRFAX

"CONTRACTOR"
CALIFORNIA INFRASTRUCTURE
CONSULTANCY

By: _____

By: _____

Name: _____

Name: _____

Title: _____

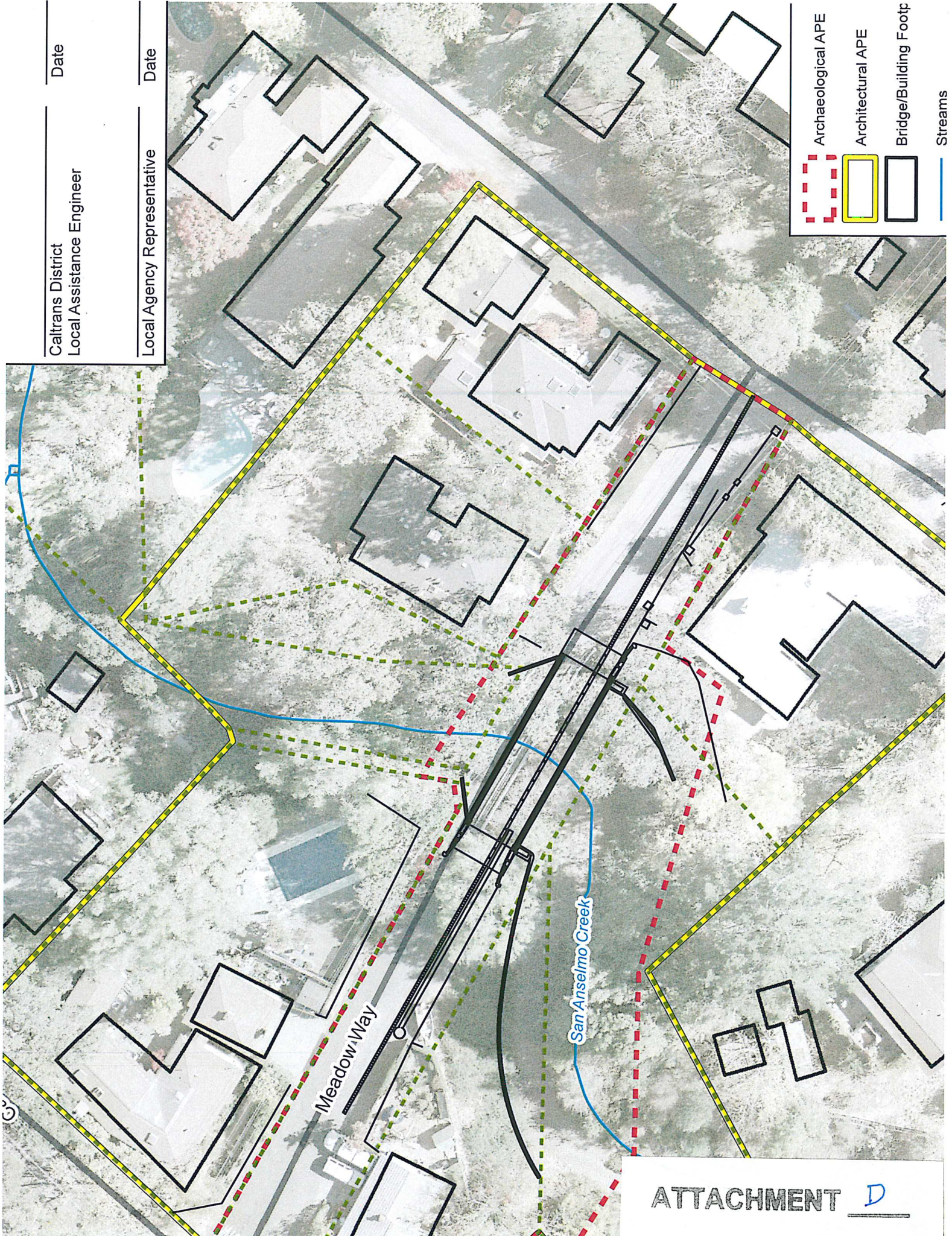
Title: _____

Caltrans District
Local Assistance Engineer

Date

Local Agency Representative

Date



Archaeological APE

Architectural APE

Bridge/Building Footprints

Streams