



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Public Works

**Prepared by: Joanna Kwok, Assistant Public Works
Director
April Miller, Public Works Director**

City Manager Approval:  _____

TOPIC: SECOND STREET, FOURTH STREET, AND MIRACLE MILE INTERSECTION IMPROVEMENTS PROJECT

SUBJECT: AUTHORIZE THE CITY MANAGER TO ENTER INTO THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH CSW/STUBER-STROEH ENGINEERING GROUP INC. FOR ADDITIONAL DESIGN SERVICES ASSOCIATED WITH THE SECOND STREET, FOURTH STREET, AND MIRACLE MILE INTERSECTION IMPROVEMENTS PROJECT, IN AN ADDITIONAL AMOUNT OF \$96,900, INCREASING THE TOTAL NOT-TO-EXCEED AMOUNT OF THE AGREEMENT TO \$228,482

RECOMMENDATION:

Staff recommends that the City Council:

1. Authorize the City Manager to enter into the first amendment to the professional services agreement with CSW/Stuber-Stroeh Engineering Group Inc. for additional design services associated with the Second Street, Fourth Street, and Miracle Mile intersection improvements project, in an additional amount of \$96,900, increasing the total not-to-exceed amount of the agreement to \$228,482.
2. Authorize a supplemental budget appropriation with Gas Tax funds (#206) in an amount not to exceed \$96,900.

BACKGROUND:

The Second Street, Fourth Street, Miracle Mile intersection improvements project will reconfigure the intersection of Second Street and Fourth Street, San Rafael's gateway to and from West Marin County, to improve pedestrian and bicyclist experiences and vehicular traffic flow. The project seeks to simplify the intersection, shorten pedestrian crossings, promote bicycle connectivity, and maintain local transit navigability. The project also serves as a continuation of the Third Street Rehabilitation project.

FOR CITY CLERK ONLY

Council Meeting:

Disposition:

On [June 21, 2022](#), under resolution number 15097, the City Council authorized the City Manager to enter into a professional services agreement with CSW/Stuber-Stroeh Engineering Group for engineering design services in an amount not to exceed \$131,582.

In September 2022, the Transportation Authority of Marin (TAM) nominated this project to be submitted to the Metropolitan Transportation Commission (MTC) for \$3,051,000 in One Bay Area Grant 3 (OBAG3) funding, which was approved by MTC in 2023.

ANALYSIS:

The existing intersection was atypical and complex, involving five traffic signal phases and connecting roadways. The team went through an iterative design process with community members and stakeholders to develop six conceptual designs for the intersection reconfiguration that could meet the various project goals. The current design balances the needs of all users and enhances the easterly gateway to San Rafael.

City staff recommends amending the original professional services agreement with CSW/Stuber-Stroeh Engineering Group to include additional design services for completing the project's construction documents and to provide support for ensuring compliance with the OBAG3 funding requirements.

PUBLIC OUTREACH:

The Second Street and Fourth Street intersection redesign was first discussed at the Third Street Rehabilitation project meetings, as listed in the [February 7, 2022, City Council staff report](#). The initial concepts for the project were first presented to the City's Bicycle and Pedestrian Advisory Committee (BPAC) on August 5, 2020. Later, City staff engaged the community and key stakeholders at the following meetings.

- October 5, 2022: BPAC meeting
- December 7, 2022: BPAC meeting
- January 26, 2023: Virtual Community Meeting

In addition to these meetings, City staff has maintained [a project website](#) and met with residents and business owners virtually and onsite to discuss the project.

FISCAL IMPACT:

The proposal from CSW/Stuber-Stroeh Engineering Group Inc. to provide additional design services agreement totals \$96,900. These additional services would increase their total contract amount from \$131,582 to \$228,482.

Because the cost of the proposed amendment exceeds the approved budget for the professional services agreement, a supplemental budget appropriation of \$96,900 is required for this expenditure. Gas Tax funds (#206) are available to support this budget augmentation.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Authorize the City Manager to enter into the amendment and supplemental budget appropriations as recommended.
2. Do not authorize the City Manager to enter into the amendment nor supplemental budget appropriation and provide further direction to staff.

RECOMMENDED ACTION:

Staff recommends that the City Council:

1. Authorize the City Manager to enter into the first amendment to the professional services agreement with CSW/Stuber-Stroeh Engineering Group Inc. for additional design services associated with the Second Street, Fourth Street, and Miracle Mile intersection improvements project, in an amount of \$96,900, increasing the total not-to-exceed amount of the agreement to \$228,482.
2. Authorize a supplemental budget appropriation with Gas Tax funds (#206) in an amount not to exceed \$96,900.

ATTACHMENT:

1. First Amendment to the Professional Services Agreement with CSW/Stuber-Stroeh Engineering Group Inc.

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH
CSW/STUBER-STROEH ENGINEERING GROUP INC. FOR IMPROVEMENTS TO
THE SECOND AND FOURTH STREET INTERSECTION**

THIS FIRST AMENDMENT to the Professional Services Agreement by and between the **CITY OF SAN RAFAEL** (hereinafter “**CITY**”), and **CSW/STUBER-STROEH ENGINEERING GROUP INC.** (hereinafter “**CONSULTANT**”), is made and entered into as of _____.

RECITALS

WHEREAS, the **CITY** and **CONSULTANT** entered into a Professional Services Agreement dated July 14, 2022 to perform professional services in connection with **CITY’S** Second Street and Fourth Street Intersection project, for an amount not to exceed \$131,582 (the “Agreement”); and

WHEREAS, under the terms of the Agreement, the Term of the Agreement was to expire on July 14, 2023; however **CITY** and **CONSULTANT**, agreed informally that the Term of the Agreement would be extended, and now wish to ratify and memorialize that extension; and

WHEREAS, **CITY** requires additional professional services from the **CONSULTANT**, and the **CONSULTANT** is willing to provide such services.

AMENDMENT TO AGREEMENT

NOW, THEREFORE, the parties hereby agree to amend the Agreement as follows:

1. Article II of the Agreement, entitled “**DUTIES OF CONSULTANT**” is hereby amended to include the additional services set forth in **CONSULTANT’S** proposal dated April 10, 2024, attached to this First Amendment as Exhibit A and incorporated herein by reference.
2. Article IV of the Agreement, entitled “**COMPENSATION**” is hereby amended to include additional compensation payable to **CONSULTANT** for the services described in Exhibit A to this First Amendment, on a time and materials basis in accordance with the Exhibit A, in a not-to-exceed amount of \$96,900, and to change the total not-to-exceed amount under the Agreement to \$228,482.

3. Article V of the Agreement, entitled "TERM OF AGREEMENT" is hereby amended, effective as of July 14, 2023, to extend the Agreement term by two years, through July 14, 2025.
4. Except as specifically amended herein, all of the other provisions, terms and obligations of the Agreement between the parties shall remain valid and shall be in full force.

IN WITNESS WHEREOF, the parties have executed this First Amendment on the day, month, and year first above written.

CITY OF SAN RAFAEL

CONSULTANT

CRISTINE ALILOVICH, City Manager

By: _____

Name: _____

Title: _____

ATTEST:

[If Contractor is a corporation, add signature of second corporate officer]

LINDSAY LARA, City Clerk

By: _____

APPROVED AS TO FORM:

Name: _____

Title: _____

GENEVIEVE COYLE, Assistant City Attorney

Exhibit A

April 10, 2024

Revised August 29, 2023

Revised June 12, 2023

Original March 29, 2023

Theo Sanchez, PE
Associate Civil Engineer
City of San Rafael, Department of Public Works
111 Morpew St.
San Rafael, CA 94901

Subject: Revised Additional Service Request – Second and Fourth Street Intersection Improvements

Dear Ms. Kwok:

Thank you for the opportunity to support the City of San Rafael in improving the Second and Fourth Street intersection. As you are aware, the current preliminary plan has significantly changed from the original concept developed for the Third Street Improvement project and used for the One Bay Area Grant as well as serving as the basis for our consulting services agreement executed on July 14, 2022. Working with the community and stakeholders, the current design better balances transportation modes and enhances the easterly gateway to San Rafael. To achieve this design, we will spend additional effort than originally contemplated.

Additionally, our team will assist the City in securing Caltrans Request for Authorization approval, also known as an E76. The City of San Rafael received \$3.051 million from the One Bay Area Grant (OBAG) program to support construction of the Second and Fourth Streets Intersection Improvement project. We understand the project will reconfigure the intersection generally as illustrated in our July 18, 2023, 65% submittal. OBAG is a federal funding program, which is administered by the Caltrans office of Local Assistance. To advertise the project for a public bid with the intention of using the OBAG funds to pay for the work, the City must secure the approval of Local Assistance. This process is defined in the Local Assistance Procedures Manual, which typically requires environmental and right of way studies to confirm the project complies with federal standards as well as those of the grantor.

Listed below is our scope of these services for design and local assistance support.

Design Support

- A-1. Concept Studies.** At the request of stakeholders, our team prepared sixteen exhibits and modified the concept plan from the approved geometric drawing included in the project proposal. A summary of the modifications includes:
- a. Geometric modifications to northerly parking area into a landscape plaza.

- b. Removal of the Fourth Street slip lane.
- c. Geometric modifications to the driveway approach to Urban Remedy and the pet grooming store.
- d. Geometric modifications to the Fourth Street angle of intersection with Second Street.
- e. Addition of an island median at the Marquard Avenue intersection.
- f. Testing of options to improve bicycle and pedestrian access in the intersection.
- g. Evaluation of alternatives to expand bicycle facilities along West End Avenue.
- h. Preparing necessary turning templates to confirm truck turning movements in the intersection and new driveway approaches.

A-2. Traffic Analysis (Kimely Horn). To support the revision of the Second and Fourth Street intersection, Kimely Horn has reviewed various alternative conceptual designs including attendance at additional meetings. This effort included a review of traffic data collected by city, highway-capacity analysis for peak periods, technical reporting, and summary memorandum, which serves as the basis for signal operations and phasing plan.

A-3. Boundary Survey. During the development of the signal plan at West Crescent and Second Street, stakeholders requested the location of the right of way to validate the concept. We completed research at the Marin County free library and searched for the evidence in the field but found much of it destroyed. On the fourth trip to the field, our survey crew found evidence on Alexander Avenue that could be used to resolve the boundary. Pursuant to California law, we prepared a Record of Survey and are ready to submit it to Marin County.

A-4. Gateway Landscape Design. The initial concept plan did not anticipate major changes to landscape and hardscape at the intersection. However, during development of the plan, stakeholders desired to improve the area to serve as a gateway to downtown San Rafael. This plan will include trees, landscaping, and hardscape elements. Our team will complete the design of an irrigation system in compliance with Marin Municipal Water District's requirements.

A-5. Design Enhancements. Both the West Crescent and Second Streets as well as the Fourth and Second Streets intersections' designs are more complicated than originally anticipated requiring additional labor effort to refine hardscape, utility, and striping.

Local Assistance Support

B-1 Preliminary Environmental Study. .Because of the federal funding, the project must be reviewed under the National environmental Protection Act (NEPA). As the project is located within a highly developed area, it should be a categorical exclusion. To commence the process, we will complete a Preliminary Environmental Study (Exhibit 6-A) for review by the City and for submittal to Local Assistance.

B-2 Field Review. To commence the environmental scoping process, we will complete the Field Review and Roadway Data Forms (Exhibits 7-B and 7-C) for review by the City and for submittal to Local Assistance. We will attend the field review meeting with the Local Assistance representative at the City's offices and potentially in the field to review the PES and discuss the technical studies that may be required for the project.

- B-3 Environmental Studies.** Local Assistance has standard conditions related to noise and biological resources related to projects similar to 2nd and 4th Street. However, we will provide the following if requested:
- a. Standard memoranda.** We will provide a standard memorandum related to traffic handling during construction.
 - b. Cultural Resources.** Based upon previous work completed in the area, we understand that the Federated Indians of the Graton Rancheria may be interested in consulting on the progress of the project. We will retain a cultural resources firm to prepare an APE map, complete research, and coordinate with the tribe. We expect the project to integrate monitoring for resources during construction.
- B-4 CEQA Assessment.** We will prepare a project description for preparation of the categorical exemption under CEQA based upon California Code of Regulations Sections 15301(c), 15302(c), 15303(d), and 15304(f).
- B-5 Right of Way Certification.** CSW|ST2 will complete the following to support the certification.
- a. Notices to Owners.** We will complete and submit a Notice to Utility Owners informing them of the project and their need to relocate facilities in conflict at their cost.
 - b. Form 13-B.** We will complete Local Assistance Form 13-B "Right of Way Certification" for the project documenting that the City has permanent rights-of-way as well as utility clearances to construct the project. We assume this will be a Certification Number 1.
 - c. Right to Enter.** While the contractor may need to enter private property to complete the work, it is for the benefit of the private property owner, which can be completed through a standard right of entry process. We will prepare two (2) right of entry documents. .
- B-6 Federal Specifications Integration.** We will modify the City's standard specifications to include the required federal-aid contract language including adding Form FHWA-1273. This will include integration of NEPA and CEQA mitigations into the documents.
- B-7 Request for Authorization.** With completion of the 100% documents, right of way certification, and environmental process, we will provide the following information to the City for submittal to Caltrans.
- a.** Request for Authorization Form and Cost Estimate (LAPM 3-A)
 - b.** PS&E Certification and Checklist (Exhibit 12-D)
 - c.** Contract Goal Methodology (Exhibit 9-D)
 - d.** Plans and Specifications

ASSUMPTIONS

In preparation for our scope of work, we have made several assumptions to establish our team's required labor effort.

1. There will not need to be a Historic Structures Report required for the project.
2. Cultural resources investigation will be based upon record; no field exploration is necessary.
3. Right of way acquisition is not required. For the purpose of this certification, we assume that 1904 and 1908 4th Street has some form of mutual access easement allowing for the removal of the driveway as currently shown in the plans.

COMPENSATION

CSW/ST2 agrees to provide the services described above on a time and expense basis, in accordance with our current Hourly Rates and Billing Policy. Please allow a total not to exceed fee of \$96,900 summarized as follows:

Task	Description	Request
A-1	Concept Studies	\$12,000
A-2	Traffic Analysis (Kimely Horn)	\$12,300
A-3	Boundary Survey	\$17,000
A-4	Gateway Landscape Design	\$17,300
A-5	Design Enhancements	\$16,300
	Subtotal, Task A	\$74,900
B-1	Preliminary Environmental Study	\$1,000
B-2	Field Review	\$ 2,000
B-3	Environmental Studies	
B-3a	Standard Memoranda	\$ 1,500
B-3b	Cultural Resources Sub Consultant (Optional)	\$ 10,000
B-4	CEQA Assessment	\$ 1,500
B-5	Right of Way Certification	\$ 3,000
B-6	Federal Specifications Integration	\$ 1,500
B-7	Request for Authorization	\$ 1,500
	Subtotal, Task A	\$22,000
TOTAL, Task A and B:		\$96,900

SERVICES AND STANDARD OF CARE

CSW/ST2's services shall be limited to those expressly set forth above. We shall have no other obligations or responsibilities for the project except as agreed to in writing, or as provided in this agreement. CSW/ST2's services shall be provided consistent with, and limited to, the standard of care applicable to such services. CSW/ST2 shall provide its services consistent with the professional skill and care ordinarily provided by consultants practicing in the same or similar locality under the same or similar circumstances.

We appreciate your consideration of this request. Please contact me at 415.533.1864 or rstevens@cswst2.com if you need additional information.

Sincerely,



Robert Stevens, PE, TE
Principal