

Mayor and Council Communication

DATE: 08/09/22

M&C FILE NUMBER: M&C 22-0575

LOG NAME: 20SWM WALSH RANCH REGIONAL STORMWATER PLAN AMEND

SUBJECT

(CD 3) Authorize Execution of Amendment Number 1 to City Secretary Contract Number 56932, a Standard Agreement for Engineering Related Professional Services with Freese & Nichols, Inc., to increase the Contract Amount by \$640,000.00 for a Revised Contract Amount of \$730,000.00 for the Walsh Ranch Regional Stormwater Plan, Authorize Execution of Amendment Number 1 to City Secretary Contract Number 57359, a Developer Funding Agreement for Walsh Ranch Master Drainage Study with Walsh Ranches Limited Partnership, to increase the Developer Contributions in the Amount of \$320,000.00 and City Participation in the Amount of \$320,000.00 for a Revised Developer Contribution in the Amount of \$365,000.00 and a Revised City Participation in the Amount of \$365,000.00, Adopt Appropriation Ordinances and Amend the Fiscal Years 2022-2026 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Amendment Number 1 to City Secretary Contract Number 56932, a Standard Agreement for Engineering Related Professional Services with Freese & Nichols, Inc., to increase the contract amount by \$640,000.00 for a revised contract amount of \$730,000.00 for the Walsh Ranch Regional Stormwater Plan project (City Project No. 103844);
2. Authorize execution of Amendment Number 1 to City Secretary Contract Number 57359, a Developer Funding Agreement for Walsh Ranch Master Drainage Study with Walsh Ranches Limited Partnership, to increase the developer contributions in the amount of \$320,000.00 and city participation in the amount of \$320,000.00 for a revised developer contribution in the amount of \$365,000.00 and a revised city participation in the amount of \$365,000.00;
3. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Capital Projects Fund by increasing estimated receipts and appropriations in the Walsh Ranch Regional SW Plan project (City Project No 103844) in the amount of \$275,000.00 and decreasing estimated receipts and appropriations in the Flooding Assessments programmable project (City Project No. P00046) by the same amount;
4. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Developer Contribution Fund, in the amount of \$320,000.00, from available funds, for the purpose of funding the Walsh Ranch Regional SW Plan project (City Project No.103844); and
5. Amend the Fiscal Years 2022-2026 Capital Improvement Program.

DISCUSSION:

Approval of this Mayor and Council Communication (M&C) authorizes execution of Amendment Number 1 to City Secretary Contract Number 56932, a Standard Agreement for Engineering Related Professional Services with Freese & Nichols, Inc., to increase the existing contract by \$640,000.00 for a revised contract amount of \$730,000.00 for the Walsh Ranch Regional Stormwater Plan. The M&C also authorizes execution of Amendment Number 1 to City Secretary Contract Number 57359, a Developer Funding Agreement for Walsh Ranch Master Drainage Study with Walsh Ranches Limited Partnership (Walsh), to increase the developer contributions in the amount of \$320,000.00 and City participation in the amount of \$320,000.00 for a revised developer contribution in the amount of \$365,000.00 and a revised City participation in the amount of \$365,000.00.

On March 8, 2022, Mayor and Council Communication M&C 22-0162, the City Council authorized execution of a Developer Funding Agreement with Walsh Ranches Limited Partnership, with developer contributions in the amount of \$45,000.00 and City participation in the amount of \$45,000.00 to cost share in the development of a regional drainage master plan for Walsh Ranch. That M&C also discussed the intention to amend the agreement to complete the full initiative if both Walsh and the City determined that doing so would meet the goals of the initiative. This amendment continues the original agreement's 50/50 cost share. The City's cost share will come from the Stormwater Utility.

Initial work efforts by the City and Walsh established clear, and mutually agreed upon goals and deliverables for the study and initiated the preliminary engineering. This amendment will complete the work effort through task orders, each with a detailed scope of work agreed upon by both the City and Walsh. Over all work efforts would entail: (a) completing the preliminary engineering drainage study that includes an assessment of properties in the same watershed that are upstream of Walsh Ranch; and (b) based on the study and its assumptions about drainage factors upstream of Walsh, development of a comprehensive master drainage plan for all of Walsh Ranch. This includes the completion of the base conditions modeling, the development of future conditions modeling, and the development of a plan to mitigate impacts associated with the Walsh Ranch development.

With a comprehensive plan in place, future phases could be planned and designed based on baseline drainage conditions and an overall concept for meeting City drainage standards that have already been agreed upon by Walsh, their consultants, and City staff. This will significantly reduce the design effort for the Walsh team and the review effort for City staff leading to expedited acceptance of the drainage plan for each phase of the Walsh Ranch development.

In addition to the benefits described above, this regional approach to assessing the drainage impacts of development in this watershed will:

1. More comprehensively mitigate the risk of adverse drainage impact for properties downstream of the Walsh Ranch development;
2. Provide valuable guidance and a drainage plan that can be used for developments in the City that are located upstream of Walsh Ranch; and
3. Provide a case study to determine the potential value and feasibility of commissioning similar regional studies and master drainage plans for other undeveloped areas of the City.

Freese & Nichols, Inc. was selected as the most qualified consultant to conduct the study based on their submission on the Transportation and Public Works Department, Stormwater Management Division's Request for Qualifications for Stormwater Management Professional and Engineering Services issued on July 29, 2021. The engineering agreement for the initial phase was executed administratively for a total cost not-to-exceed \$90,000.00. The engineering consultant proposes to complete the current and additional work for a total contract amount not to exceed \$730,000.00. Staff considers the fee to be fair and reasonable for the additional scope of services.

The action in this M&C will amend the Fiscal Years 2022-2026 Capital Improvement Program as approved in connection with Ordinance 25073-09-2021, Section 6. Capital Improvements, as listed on page 27 as follows:

Capital Fund Name	Project Name	FY2022 CIP Appropriations	Authority	Budget Adjustment	Revised FY2022 Budget
52002-Stormwater Capital Projects Fund	P00046-Flooding Assessments programmable project	\$1,292,982.00	M&C 22-0162	(\$90,500.00)	\$1,202,482.00
52002-Stormwater Capital Projects Fund	P00046-Flooding Assessments programmable project	\$1,202,482.00	This M&C	(\$275,000.00)	\$927,482.00

Funding is available in the Flooding Assessments programmable project for the purpose of funding the Walsh Ranch Regional SW Plan project.

Business Diversity: The City-funded portion of the agreement is less than \$1,000,000; therefore, there is no goal requirement.

This project is located in COUNCIL DISTRICT 3.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available in the Flooding Assessments programmable project within the Stormwater Capital Projects Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Stormwater Capital Projects Fund and Developer Contribution Fund through future identified task orders within the Walsh Ranch Regional SW Plan project to support the approval of the above recommendations and execution of the amendment of the contract. Prior to an expenditure being incurred, the Transportation & Public Works Department has the responsibility of verifying the availability of funds.

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