

Mayor and Council Communication

DATE: 04/07/20

M&C FILE NUMBER: M&C 20-0238

LOG NAME: 20TRAIL DRIVE DISPUTE RESOLUTION

SUBJECT

Authorize A Settlement with Event Facilities Fort Worth, Inc. for Costs Related to Landscaping and Irrigation Repairs on Trail Drive in a Total Amount of \$124,091.00, Adopt Appropriation Ordinance in the Amount of \$62,045.00, Approve a Reduction From Available Credit in an Amount of \$62,046.00 and Update the FY2020-2024 Capital Improvement Plan (COUNCIL DISTRICT 7)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize a settlement in the amount of \$124,091.00 with Event Facilities Fort Worth, Inc. for landscape and irrigation work funded by Event Facilities Fort Worth, Inc. on the medians and parkways on Trail Drive;
2. Authorize the credit deduction of funds owed the City per City Secretary Contract (CSC) No. 45622-EX in the amount of \$62,046.00;
3. Adopt the attached appropriation ordinance to adjust the receipts and appropriations in the General Capital Projects Fund by decreasing receipts and appropriations in the Contract Street Maintenance programmable project (City Project No. P00020) in the amount of \$62,045.00 and increasing receipts and appropriations in the Trail Drive Extension project (City Project No. 100742) by the same amount;
4. Authorize the payment of \$62,045.00 to Event Facilities Fort Worth, Inc.; and
5. Find that the payment and credit in the amount of \$124,091.00 is being made for work completed which serves a public purpose with improvements made on public roads and right-of ways within and adjacent to Trail Drive.

DISCUSSION:

The purpose of this Mayor and Council Communication is to authorize payment to Event Facilities Fort Worth, Inc. (EFFW) for landscaping and irrigation systems repair work conducted by Dennett Construction Company in the street median and parkways along Trail Drive in October 2019. EFFW has rendered payment in full to Dennett Construction Company for the work done and has requested the City of Fort Worth reimburse EFFW in the amount of \$124,091.00. The City acknowledges that EFFW has paid the full amount to Dennett Construction.

On October 11, 2019 representatives of EFFW, the FW Stock Show & Rodeo, Beck Construction, Dennett Construction and Park and Recreation and Public Events departments met onsite to review landscape and irrigation systems damages on Trail Drive east of Montgomery Street.

The purpose of the meeting was to set an action plan to reestablish plantings to pre-existing conditions in preparation for the Dickies Arena Dedication on Saturday October 26, 2019. Because time was of the essence, an oral good faith agreement was made by representatives of EFFW and the City to have Dennett Construction obtain scope and costs for the landscape and irrigation systems repairs. EFFW agreed to pay for the work with the expectation that the City would reimburse EFFW. The payment to Dennett Construction Company was made in good faith by EFFW based on the October 11 onsite review of the landscape and irrigation systems and the agreed upon expedited plan of action to reestablish the landscaping in preparation for the Dickies Arena Dedication on Saturday October 26.

The final cost of the completed work in the amount of \$124,091.00 was paid by EFFW. The City and EFFW have agreed that expenses incurred by EFFW in the amount of \$124,091.00 is accurate; landscape installation and irrigation repairs were made on public land; and the landscaping and irrigation serve a public purpose.

The total amount of \$124,091.00 will be paid to EFFW as follows:

1. \$62,045.00 will be a cash payment.
2. \$62,046.00 will be in the form of a credit deduction to CSC No. 45622-EX.

As noted in M&C 20-0089, the balance of the credit as of February 18, 2020 was \$258,076.30. Following this reduction, the balance of the credit due to the city stands at \$196,030.30.

Funding for this project was not included in the FY2020-2024 Capital Improvement Plan due to the project being scheduled to be completed in FY 2019. The additional funding for this project was initially appropriated for pay-as-you-go maintenance funding for Street Maintenance. However this appropriation will not defer any Street Maintenance funds as available residuals are being used to fund this project. The action in this M&C will update the FY2020-2024 Capital Improvement Plan.

Trail Drive Extension - 100742

Fund	Existing Funding	Additional Funding	Project Total

General Capital Projects - 30100	\$1,382,552.00	\$62,045.00	\$1,444,597.00
Intergovernmental Contribution - 30106	\$2,800,000.00		\$2,800,000.00
TaxNote2017 - 34017	\$3,000,000.00		\$3,000,000.00
W&S Capital Projects - 56002	\$228,500.00		\$228,500.00
Grand Total	\$7,411,052.00	\$62,045.00	\$7,473,097.00

This project is located in COUNCIL DISTRICT 7.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the current capital budget, as appropriated, of the General Capital Projects Fund Contract Street Maintenance programmable project. Prior to an expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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