

Mayor and Council Communication

DATE: 08/13/24

M&C FILE NUMBER: M&C 24-0646

LOG NAME: 20SWM LEBOW ENGINEERING SERVICES AMENDMENT

SUBJECT

(CD 2) Authorize Amendment No. 1, in the Amount of \$1,000,000.00, to the Engineering Agreement with Freese and Nichols, Inc. for Project Development and Design Services for the Upper Lebow Flood Mitigation Project, Adopt Appropriation Ordinances and Amend the Fiscal Years 2024-2028 Capital Improvement Program

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize execution of Amendment No. 1, in the amount of \$1,000,000.00, to the engineering agreement with Freese and Nichols, Inc. (City Secretary No. 59575) for project development and design services for the Lebow Channel Flood Mitigation project (City Project No. 103061);
2. Adopt the attached appropriation ordinance adjusting estimated receipts and appropriations in the Stormwater Revenue Bonds 2020 Fund by increasing estimated receipts and appropriations in the Lebow Channel Flood Mitigation project (City Project No. 103061) in the amount of \$800,000.00 and decreasing estimated receipts and appropriations in the Grand Avenue Phase 2 project (City Project No. 103664) by the same amount;
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 Lebow Channel Flood Mitigation project (City Project No. 103061) in the amount of \$700,000.00 and decreasing estimated receipts and appropriations in the Grand Avenue Phase 2 project (City Project No. 103664) by the same amount; and
4. Amend the Fiscal Years 2024-2028 Capital Improvement Program.

DISCUSSION:

This Mayor and Council Communication (M&C) is to authorize Amendment No. 1 to the engineering contract with Freese and Nichols, Inc. (FNI) in the amount of \$1,000,000.00, to continue to perform project development and design services for the Lebow Channel Flood Mitigation project. The Lebow Channel Flood Mitigation project is a high priority project which seeks to mitigate structure and property flooding along Lebow Channel and to mitigate hazardous roadway overtopping within the project area.

The original contract was awarded for \$1,000,000.00 by M&C 23-0433 on May 23, 2023 (CSC No. 59575). It was intended to be amended to add additional funds as the project progressed since the Lebow Channel Flood Mitigation project is multi-phase. This is a task order contract with each task order serving to advance project development and design of the Lebow Channel Flood Mitigation project. This includes, but is not limited to:

- Survey
- Engineering design
- Geotechnical analysis and design
- Utility conflict coordination
- Hydrologic and hydraulic modeling
- Funding application assistance

Under the original contract, FNI has assisted the City with applications for two Federal Emergency Management Agency (FEMA) grants (M&C 23-1058) and for funding from the Texas Water Development Board (TWDB) from the Flood Infrastructure Fund (M&C 24-0280). The information provided in the funding applications included the identification of right-of-way needs for project construction, project phasing plans, and preparation of a benefit-cost analysis. Concepts for the detention pond at Long Avenue have been developed, potential utility conflicts have been identified, and mitigation plans are being developed.

This amendment will provide capacity for the engineer to continue project development efforts for the channel sections beginning at Northeast 36th Street and moving upstream, begin design on the detention pond, and be ready to respond quickly if funding is awarded from any of the above-mentioned grants or funding applications. This amendment will also add language to the contract to satisfy FEMA contracting guidelines if FEMA funding is awarded.

The additional \$500,000.00 funding above the contract amendment amount appropriated with this M&C is intended for property acquisition in support of the detention pond at Long Avenue.

Funding for this project was not included in the FY2024-2028 Capital Improvement Program due to the project not being identified yet. The action in this M&C will amend the FY2024-2028 Capital Improvement Program as approved in connection with Ordinance 26453-09-2023.

Capital Fund Name	Current Appropriations	Budget Adjustment	Totals
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52002 – Stormwater Capital Projects (CPN 103061)	\$0.00	\$700,000.00	\$700,000.00
52007 – Stormwater Revenue Bonds 2020 (CPN 103061)	\$60,399.00	\$800,000.00	\$860,399.00
52008 – Drainage Rev Bonds Series 2023 (CPN 103061)	\$1,000,000.00	\$0.00	\$1,000,000.00
Project Total			\$2,560,399.00

M&C 23-0433, 23-0158, and 24-0280 provide additional details regarding the Lebow Channel Flood Mitigation project.

Funding is budgeted in the Stormwater Rev Bonds 2020 and Stormwater Capital Projects Funds for the TPW Dept Highway & Streets Department for the purpose of funding the Lebow Channel Flood Mit project.

Business Equity Office: Freese and Nichols, Inc. agrees to maintain its initial M/WBE commitment of 11% that it made on the original agreement and extend and maintain that same M/WBE commitment of 11% to this first amendment. Therefore, Freese and Nichols, Inc. remains in compliance with the City's M/WBE Ordinance and attests to its commitment by its signature on the Acceptance of Previous M/WBE Commitment form executed by an authorized representative of its company.

This project is located in COUNCIL DISTRICT 2.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current capital budget, as previously appropriated, in the FWCC Grand Ave Ph 2 Pt 2 project within the Stormwater Rev Bonds 2020 and Stormwater Capital Projects Funds and upon approval of the above recommendations and adoption of the attached appropriation ordinances, funds will be available in the Stormwater Rev Bonds 2020 and Stormwater Capital Projects Funds for the Lebow Channel Flood Mit project to support the above recommendations. Prior to any expenditure being incurred, the Transportation & Public Works Department has the responsibility to validate the availability of funds.

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