City of Fayetteville Staff Review Form

2020-0587

Legistar File ID

8/4/2020

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

Submitted Date

7/13/2020

Division / Department

ENGINEERING (621)

Submitted By

Division / Department

Submitted Date

Action Recommendation:

Approval of this cost share with Stonebrook Acquisitions LLC in the amount of $165,829.60 for the installation of a 36-inch storm sewer with appurtenances with the construction of Stonebrook Subdivision to address a long standing drainage issue within the City and a project contingency of $25,000.00.

<table>
<thead>
<tr>
<th>Budget Impact:</th>
<th>Sales Tax Capital Improvement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Account Number</strong></td>
<td></td>
</tr>
<tr>
<td>02116.1</td>
<td></td>
</tr>
<tr>
<td><strong>Project Number</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Budgeted Item? Yes</td>
<td>Project Title</td>
</tr>
<tr>
<td>Does item have a cost? Yes</td>
<td>Cost Share/ROW/Intersection/Street Calming</td>
</tr>
<tr>
<td>Budget Adjustment Attached? No</td>
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</tr>
<tr>
<td></td>
<td>Current Budget $730,606.00</td>
</tr>
<tr>
<td></td>
<td>Funds Obligated $98,088.40</td>
</tr>
<tr>
<td></td>
<td>Current Balance $632,517.60</td>
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<tr>
<td></td>
<td>Item Cost $190,829.60</td>
</tr>
<tr>
<td></td>
<td>Remaining Budget $441,688.00</td>
</tr>
</tbody>
</table>

| Purchase Order Number:                   | Previous Ordinance or Resolution # |
| Change Order Number:                     | Approval Date:                     |
| Original Contract Number:                |                                  |

Comments:
MEETING OF AUGUST 4, 2020

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Garner Stoll, Development Service Director
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: July 16, 2020

SUBJECT: Approval of this cost share with Stonebrook Acquisitions LLC in the amount of $165,829.60 for the installation of a 36-inch storm sewer with appurtenances with the construction of Stonebrook Subdivision to address a long standing drainage issue within the City and a project contingency of $25,000.00.

RECOMMENDATION:
Staff recommends approval of this cost share with Stonebrook Acquisitions LLC in the amount of $165,829.60 for the installation of a 36-inch storm sewer with appurtenances with the construction of Stonebrook Subdivision to address a long standing drainage issue within the City and a project contingency of $25,000.00.

BACKGROUND:
For many years a drainage problem has existing for many homes along the west side of S Roberts Road just south of E Huntsville Road. There is a large area that holds water and cannot drain without either infiltrating into the ground or being physically pumped out of the area. This has caused several homes to be surrounded by water and/or flood in the past and caused the Transportation Division many hours of work pumping out the low areas. Photos of one of the flooding events in December of 2015 can be found attached to this memorandum.

DISCUSSION:
During the review process for the Stonebrook Subdivision, a possible solution to the drainage issues along Roberts Road was discovered. By constructing a storm pipe from an existing outfall near 1146 S Saint Andrews Circle to the southeast corner of the Stonebrook Subdivision, it would be possible to drain the area by gravity flow during and after rain events. Being as this appears to be the only option to have the area drain by gravity flow, staff is recommending a cost share to have the storm drain installed along with the construction of Stonebrook Subdivision. The developer of Stonebrook has agreed to include this as a portion of their construction contract and have the City pay the additional costs associated with the issue. The City proposes to pay for 100% of the additional costs because the developer of the Stonebrook Subdivision is not creating the issue as it has existed for many years.

It should be noted that the attached bid tab shows both Phase I and Phase II improvements. Currently, staff is only recommending the installation of the Phase I improvements by the
Subdivision. The remainder of the improvements are downstream of the Stonebrook Subdivision and will be evaluated further and potentially installed at a later date.

**BUDGET/STAFF IMPACT:**
This project is funded by the Sales Tax Capital Improvement Fund

**Attachments:**
Photos of 12/2015 Flooding Event
Cost Share Agreement
Bid tab showing cost of improvements
Vicinity Map
CONTRACTUAL AGREEMENT FOR
COST SHARE OF STORM SEWER INSTALLATION COSTS

This Agreement, made and entered into on this 4th day of August, 2020, by and between
the City of Fayetteville, Arkansas (“City”) and Stonebrook Acquisitions, LLC (“Stonebrook”),

WHEREAS, on March 23, 2020, the City of Fayetteville Planning Commission
approved a the Stonebrook Subdivision located south and east of the intersection of S River
Meadows Drive and E Huntsville Road; and

WHEREAS, as a portion of the approval the City and residents expressed concern over
and existing drainage problem along Roberts Road that could be resolved with the construction of
the subdivision and would be very difficult to resolve if not included in the construction of the
subdivision; and

WHEREAS, the applicant was acceptable to working with the City to revise the
subdivision plans to resolve this drainage issue provided the City would be acceptable to funding
the additional improvements; and

NOW, THEREFORE, the City of Fayetteville, Arkansas and Stonebrook agree as
follows:

1. The City of Fayetteville, Arkansas agrees to:

   A. Reimburse Stonebrook for approximately 97% of the cost to install
      approximately 1,120 linear feet of 36-inch storm sewer with appurtenances and
      additional design/inspection fees in the area identified in Attachment “A” up to
      a maximum-not-to-exceed amount of $165,829.60 as was estimated by the
      builder’s representative and shown on Attachment “B”, attached.

   B. Remit payments due to Stonebrook within sixty (60) days after receipt of valid
      invoices.

2. Stonebrook agrees to;

   A. Provide the necessary and normal project management, inspection, and testing
      as necessary for a complete and acceptable storm sewer installation, including
      submittal of plans and specifications to the City’s Engineering Department, per
      their standard procedures.
B. Provide a copy of the invoices from the Contractor upon City approval of the storm sewer installation.

C. Pay for the storm sewer installation (with reimbursement of approximately 97% of the cost by the City of Fayetteville in a not-to-exceed amount stated under item 1.A. of this agreement.

3. It is understood that in the instance of unforeseen circumstances such as rock excavation, the City and Stonebrook will negotiate a change order agreeable to both parties on a unit cost basis subject to City Council approval. If no unit cost exists in the original contract, one will be negotiated between the City and Stonebrook.

4. It is further understood that the contract for construction of the storm sewer is between Stonebrook and its Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City’s only obligation shall be to participate in this agreement with a not-to-exceed reimbursable amount of as stated in item 1.A. of this agreement.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

STONEBROOK ACQUISITIONS, LLC

By: [Signature]

Kevin Riggins, Owner

CITY OF FAYETTEVILLE,
ARKANSAS

By: [Signature]

LIONELD JORDAN, Mayor

ATTEST:

By: [Signature]

Kara Paxton, City Clerk
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Quantity</th>
<th>Unit</th>
<th>Item Description</th>
<th>Unit Price</th>
<th>Total Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
<td>LS</td>
<td>Removal of Line 6I, Drop Inlet 6-9, and End Treatment</td>
<td>$13,700.00</td>
<td>$13,700.00</td>
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<tr>
<td>2</td>
<td>1120</td>
<td>LF</td>
<td>36&quot; RCP Pipe CLIII (Segments 6A-6H)</td>
<td>$87.00</td>
<td>$97,440.00</td>
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<tr>
<td>3</td>
<td>1</td>
<td>EA</td>
<td>Flared End Section 6-1</td>
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<tr>
<td>4</td>
<td>1</td>
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<td>Junction Box 6-2</td>
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<tr>
<td>5</td>
<td>1</td>
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<td>1</td>
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<td>EA</td>
<td>Area Inlet 6-8</td>
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<tr>
<td>10</td>
<td>1</td>
<td>EA</td>
<td>Replace Ex Drop Inlet 6-9 (Does not include removal) (SP12)</td>
<td>$4,500.00</td>
<td>$4,500.00</td>
</tr>
</tbody>
</table>

Phase 1 CITY IMPROVEMENTS: $145,740.00
Original Engineering Fees: $19,260.00
Inspection Fees (4%): $5,829.60
Total Improvements: $170,829.60
City’s Portion: $165,829.60
Developer’s Portion: $5,000.00