

## Legislation Details (With Text)

**File #:** BILL NO. 21-84  
**Name:**  
**Type:** Ordinance  
**Status:** Passed  
**File created:** 3/25/2021  
**In control:** City Council - Regular Session  
**On agenda:** 4/20/2021  
**Final action:** 4/20/2021  
**Title:** An Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same. (PWC 4/12/21)  
**Sponsors:** Public Works Admin & Engineering  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Ordinance, 2. Modification No. 2, 3. Project Map

Date	Ver.	Action By	Action	Result
4/20/2021	1	City Council - Regular Session	for second reading	Pass
4/20/2021	1	City Council - Regular Session	adopted and numbered	Pass
4/12/2021	1	Public Works Committee	recommended for approval	Pass

An Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same. (PWC 4/12/21)

Issue/Request:

An Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same.

Key Issues:

- Several homes along SE Secretariat Drive and SE Hackamore Drive have suffered structural flooding due to a lack of public infrastructure
- The property owners have certified, in writing, to the City that the primary residential structure has flooded
- This project is funded from the 2017 CIP Sales Tax that allocated some of the revenues to construct capital project improvements to reduce the risk of structural flooding that is the result of a lack of public infrastructure or failing public infrastructure
- City desires to modify the Agreement with Engineer to provide for this additional scope of engineering and construction services to complete the final design and provide construction services for the proposed work (hereinafter "Modification No. 2").

Proposed City Council Motion:

FIRST MOTION: I move for a second reading of an Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same.

SECOND MOTION: I move for adoption of an Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same.

Background:

- Pursuant to Ordinance No. 8666, the City and Intuition & Logic, Inc. entered into an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services to address structural flooding of properties along SE Hackamore Drive and SE Secretariat Drive (hereinafter "Base Agreement").
- Intuition & Logic, Inc. (hereinafter "Engineer") has submitted a proposal to provide design and construction services for flood proofing 4409 SE Secretariat Drive and upgrading the enclosed storm system near the 200 block of SE Hackamore Drive.

City desires to modify the Base Agreement with Engineer to provide for this additional scope of engineering and construction services (hereinafter "Modification No. 2").

Voters approved a 2007 Bond Issue and 2017 Capital Improvement Project (CIP) Sales tax to fund stormwater improvements intended to mitigate flooding of occupied structures. Projects were first verified in writing by the property owner and tenants. These written letters certified that the occupied structures flooded, and that the residents or owners wanted the problem addressed. City staff then evaluated the project so see if the flooding was caused by failed public infrastructure or a lack of public infrastructure that is commonly found in older neighborhoods built before 2008. Residential properties along SE Hackamore Drive and SE Secretariat Drive meet these conditions, so this stormwater project was initiated to mitigate flooding issues.

Unique elements of this project include a fairly sizeable stream, forced walkout-walkup structures, and significant amounts of undeveloped property upstream from the homes the flood. Intuition & Logic, Inc. was retained as the Engineer to evaluate potential concepts to resolve the issue. These ranged from buying out the affected properties to a more holistic approach of evaluating the entire watershed to limit the risk of additional flooding on other properties, or "re-flooding" the affected properties, that could be caused by future development of the large agricultural tracts of land upstream.

Intuition & Logic completed a preliminary design of three regional detention basins that would have lowered the elevation of the Base Flood Elevation in the areas mapped as special flood hazards by FEMA. Lowering the

floodwater levels would have mitigated the existing flooding issues and reduce the risk of future flooding as land is developed upstream. The stream itself is mapped by FEMA as a floodway draining into Lake Winnebago. This was City staff's first preferred alternative from the initial analysis. This would have been the first such regional, watershed-based stormwater management in areas developed for residential use, and would serve as pilot project for future development.

Constructing regional detention basins required the City to purchase land for the basins from two separate property owners. City staff had separate meetings with both property owners to discuss the concept for the basins. Both property owners expressed to staff that they were open to the concept of the basins after these initial meetings. At this point, Intuition & Logic's original contract was modified to include design services for the regional detention basins in BILL NO. 20-173 on 9/22/2020.

Preliminary design was advanced to the point where accurate property boundaries could be determined. City staff approached both property owners with the required property boundaries necessary to construct the regional detention basins. City staff explained that the proposed stormwater basin was designed to accommodate any future development of the existing ground, which would significantly reduce the costs and impacts of stormwater infrastructure for any future development on the site.

Typically, City staff will ask property owners directly benefiting from the stormwater work to donate the necessary easements. However, because the parties that owned the land needed for the detention basins would not directly benefit at this time, City staff prepared an appraisal so a purchase offer could be made for the basins. A fair market offer for the value of the required property was presented to the property owner.

After seeing the preliminary boundaries, that were similar to the conceptual layouts first presented, one of the property owners decided that they no longer wanted to sell property to allow construction of the basins. The offer was denied without a counter offer. With other localized options available to address the immediate structural flooding issues, City staff would not recommend pursuit of eminent domain proceedings to acquire the basins. City staff decided to abandon the regional basin concept and pursue the next preferred alternatives from the original Alternatives Analysis, which are to flood proof the structure at 4409 SE Secretariat Drive and to upsize the storm system near 216 & 220 SE Hackamore Drive.

This contract modification authorizes the Engineer to proceed with designing pipes, inlets, earthwork and other site improvements to mitigate the structure flooding on Hackamore and Secretariat Drive. The scope and fees of this modification include design development, permitting, preparation of plans, prepare bid documents for use in bidding and constructing the project, and engineering services during construction.

Impact/Analysis:

Not approving the modification will either end the project or re-direct the project to property buyout of the homes that flood.

Timeline:

The projected timeline, as amended in this Modification No. 2, calls for the design and final plans to be completed in November 2021, with bidding services for the construction thereafter.

Mike Anderson, Interim Director of Public Works/Construction Manager

Staff recommends approval of an Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same.

Committee Recommendation: The Public Works Committee voted unanimously 3-0 (Councilmember Shields "Absent"), to recommend to the City Council approval of an Ordinance approving Modification No. 2 to an Agreement dated July 16, 2019 (RFQ No. 543-32272B) for Professional Engineering Services for Stormwater - SE Hackamore Drive & SE Secretariat Drive with Intuition & Logic Inc., for an increase of \$64,690.10 with an amended not to exceed amount of \$324,334.30 and authorizing the City Manager to execute an agreement for the same.