



Legislation Text

File #: 20-893, **Version:** 1

STRATEGIC PRIORITY: Quality of Life
AGENDA DATE: May 27, 2020
COUNCIL DISTRICT(S): 10
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a second amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include additional 2017 Bond Funds -Not to exceed \$99,000.00, from \$1,000,000.00 to \$1,099,000.00 - Financing: Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)

BACKGROUND

This action will authorize the second amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. (Friends) for a portion of the Katy Trail between Blackburn Street and Armstrong Avenue, for the extension of the soft surface trail, and for resurfacing of the existing soft surface trail.

The amendment will include the following terms:

1. City shall provide match funding in an amount not to exceed \$99,000.00 for amendments to the alignment of the soft surface and concrete trails in an area south of Fitzhugh Avenue.
 - a. The \$99,000.00 will be funded by the Land Acquisition and Partnership Match Funding item in Proposition B of the 2017 Bond Program and represents 30% of the total cost of the \$325,000.00. The Friends will provide a private match in the amount of \$226,000.00, which represents 70% of the total cost.
2. The Friends must have raised a total minimum of \$1,099,000.00 in private or grant funding prior to the City's funds being used. The \$1,099,000.00 amount represents the original \$1,000,000.00 City contribution, plus the additional \$99,000.00 contribution included in this action.

3. The Friends will be responsible for all other project costs associated with the originally defined project and the modifications defined in the second amendment to the agreement.
4. As an alternative to the City publicly procuring their portion of the project, the City can reimburse the Friends 30% of their site development costs per Texas Local Government Code, Sections 212.071, 212.072, and 212.073, in a total amount not to exceed \$1,099,000.00, which includes the previously approved \$1,000,000.00 amount, plus the \$99,000.00 included in this action. The First Amendment to the Agreement allowed for the 30% reimbursement option, so the Second Amendment will increase the not to exceed amount of the reimbursement from \$1,000,000.00 to \$1,099,000.00. The 30% reimbursement option requires that the Friends provide a Performance Bond to the City for the total amount of their construction contract.
5. All other terms of the original agreement will remain in place.

Due to the close proximity of the proposed new soft surface trail to their properties, the homeowners on the east side of the new soft surface trail in an area south of Fitzhugh, from 4121 to 4143 Buena Vista, requested design changes which will move the soft surface trail further to the west. The changes include realigning the new soft surface trail; removing and reconstructing the existing concrete trail further to the west; and additional landscaping. The total cost for the proposed realignment of the trail is \$325,000.00. Negotiations with the homeowners on both the east and west sides of the trail by the Friends, Park and Recreation Department staff, and the Council and Park and Recreation Board Members for Council District 14 have been on-going since January 2020. After finalizing the design solution of the trail in the subject area, the homeowners on the east side, in the area from 4121 to 4143 Buena Vista, contributed \$226,000.00 (70 percent) of the cost of the modifications to the Friends of the Katy Trail. The Friends has submitted a match funding application for \$99,000.00, which is the remainder of the cost of the realignment, since they did not have the additional funding for these changes.

Park and Recreation Department staff, after careful consideration of the alternatives, believes that this is the most equitable solution to the alignment of the trail in the subject area. While there is a stand of bamboo on the west side to screen the trail from the homes, the east side of the trail depends on trees for both screening of homes and providing shade for the trail users. The realignment will allow room for most of the bamboo on the west side to remain, while creating additional space on the east side for trees to provide shade for the trail users and screening for the homes.

The original amount of the Friends' construction contract was \$5,715,999.00. The annual operating budget for the Friends is \$1,020,000.00, which goes towards the operation and maintenance costs of the Katy Trail.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 10, 2019, the Park and Recreation Board authorized a design and construction agreement with the Friends of the Katy Trail, Inc. and the first amendment to the existing operations and maintenance agreement for the Katy Trail.

Information about this item was provided to the Quality of Life, Arts and Culture Committee on February 11, 2019.

On November 1, 2019, the Park and Recreation Board was briefed on the 2017 Bond -Program Land Acquisition and Partnership Match Funding Guidelines.

On February 13, 2019, City Council authorized a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; extension options to allow for one ten-year extension option and two additional five-year extension options; and updating the agreement to current City Standards by Resolution No. 19-0275.

On June 20, 2019, the Park and Recreation Board authorized a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include match funding in an amount not to exceed \$1,000,000.00 from 2017 Bond Funds for construction.

On June 26, 2019, City Council authorized a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include match funding in an amount not to exceed \$1,000,000.00 from 2017 Bond Funds for construction by Resolution No. 19-1031.

On September 5, 2019, the Park and Recreation Board Planning and Design Committee considered the 2017 Bond Program - Land Acquisition and Partnership Match Funding Guidelines.

On September 19, 2019, the Park and Recreation Board authorized the 2017 Bond Program - Land Acquisition and Partnership Match Funding Guidelines.

On May 7, 2020, the Park and Recreation Board authorized a second amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include additional 2017 Bond Funds in an amount not to exceed \$99,000.00, from \$1,000,000.00 to \$1,099,000.00.

FISCAL INFORMATION

Fund	FY 2020	FY 2021	Future Years
Park and Recreation Facilities (B) Fund (2017 General Obligation Bond Fund)	\$99,000.00	\$0.00	\$0.00

Original Agreement	\$ 0.00
Amendment No. 1	\$1,000,000.00
Amendment No. 2 (this action)	<u>\$ 99,000.00</u>
 Total amount	 \$1,099,000.00

OWNER

Friends of the Katy Trail, Inc.

Robin Baldock, Executive Director

MAPS

Attached