**MUKILTEO CITY COUNCIL AGENDA BILL 2012-50**

<table>
<thead>
<tr>
<th>SUBJECT TITLE:</th>
<th>FOR AGENDA OF:</th>
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<tbody>
<tr>
<td>Smuggler’s Gulch LID Contract Amendment &amp; DOE Grant Acceptance</td>
<td>September 4, 2012</td>
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**EXHIBITS:**
1. Location Map
2. Tetra Tech – Smuggler’s Gulch LID Contract Amendment
3. Department of Ecology Grant Award Contract

**Contact Staff:**
Patricia Love, Assist Dir. Of Com. Dev.
Jim Niggemeyer, Assist City Engineer

**Department Approval:**
Larry Waters, PE, Public Works Director.

**City Administrator Approval:**
Joe Hannan, City Administrator

| Amount Budgeted: | $125,000 |
| Appropriation Required: | $211,853 |
| DOE Grant Award: | $1,000,000 |
| Total Project Costs | $1,333,333 |

**Account Name(s):**
Capital- Smuggler’s Gulch LID Retrofit Test Case

**Account Number:**
440.90.594.305.6203 Smuggler.4406203

**RECOMMENDATION:** Authorize the Mayor to sign the Smuggler’s Gulch Low Impact Development contract amendment in the amount of $223,700.00 with Tetra Tech for engineering services to prepare the design and engineering plans for the project and to accept the Department of Ecology stormwater grant for the Smuggler’s Gulch Drainage Basin LID and Stormwater Retrofit.

**BACKGROUND:**
During the 2012 budget process, staff proposed a capital project to initiate a Low Impact Development (LID) demonstration project in the Smuggler’s Gulch Drainage Basin to reduce flooding, manage erosion, and improve water quality. The intent of the project was to reduce peak flow rates, increase ground water recharge which will help maintain stable stream base flows, and improve water quality by retrofitting an existing detention pond and implementing Low Impact Development techniques. At the April 16, 2012 Council meeting, a contract was awarded in the amount of $74,600.00 to Tetra Tech for engineering services to prepare the design and engineering plans for the rain garden and detention pond retrofit project in Smuggler’s Gulch.

As part of the LID project, the City teamed with two other groups to help promote learning opportunities about LID and best management practices. The Snohomish Conservation District provided educational materials at an open house and Edmonds Community College used the Smuggler’s Gulch project as a case study for students enrolled in their spring horticultural class. The overall project benefited by partnering the College; as a result of the student’s work we are meandering the rain gardens, incorporating mushroom concepts for water quality, adding interpretive signage for both adults and kids at a lower height, adding river rock and large woody debris to simulate a creek appearance, and adding small decorative sculptures (bugs and animals) into the design for kids to provide a child-friendly area and to encourage learning about habitat features and the importance of water quality for the environment.

**DEPARTMENT OF ECOLOGY STORMWATER GRANT:**
In August of 2010 the City applied for a one million dollar stormwater grant from the Department of Ecology (DOE) to help cover the some of the costs associated with the Smuggler’s Gulch project. Our application was ranked in the mid-range of approximately 120 applications. As part of the 2011/12 Legislative Budget Session, the Legislature appropriated additional funds to the DOE stormwater grant.
program and allocated one million dollars to the Smuggler’s Gulch Drainage Basin LID and Retrofit project. Attached is a copy of the grant contract for your review and approval. The City Staff has worked with Ecology staff to define the parameters of the project and our City Attorney has reviewed and approved the contract for legal issues that may affect the City.

**PROJECT BUDGET:**
The $1 million dollar grant requires a $333,333.00 match; as part of the 2012 budget $125,000 was set aside for the Smuggler’s Gulch LID capital project and as referenced above the project has begun with Tetra Tech as the consulting engineering firm. Because of the timing of the grant, most of 2012 project budget can be used as match for the project. However, an additional $211,853 must be appropriated out of the stormwater fund over the next two years to meet our match responsibilities. These dollars will be spent over the next two budget cycles (2013 & 2014) as the project proceeds through subsequent design phases and construction. Below is a summary of the funding sources and project budget.

### PROJECT FUNDING

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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<tbody>
<tr>
<td>DOE Stormwater Grant</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>2012 City Stormwater Budget (eligible amount out of the $125,000 appropriated)</td>
<td>$121,480</td>
</tr>
<tr>
<td>2013 – 2014 City Stormwater Budget</td>
<td>$211,853</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,333,333</strong></td>
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### SMUGGLER’S GULCH DRAINAGE BASIN LID & STORMWATER RETROFIT

**REVISED PROJECT BUDGET**

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Total Project Costs</th>
<th>Total Eligible Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administration (City Staff Time)</td>
<td>$40,000</td>
<td>$40,000</td>
</tr>
<tr>
<td>Engineering Design &amp; Topographic Survey</td>
<td>$371,300*</td>
<td>$295,000</td>
</tr>
<tr>
<td>Construction Management</td>
<td>$133,333</td>
<td>$133,333</td>
</tr>
<tr>
<td>Construction</td>
<td>$862,000</td>
<td>$862,000</td>
</tr>
<tr>
<td>Public Education</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td><strong>Total Project Costs:</strong></td>
<td><strong>$1,409,630</strong>*</td>
<td><strong>$1,333,333</strong></td>
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*Includes the 2010 Pre-Design Report ($64,297) and Cultural Resource Report ($12,000) costs used to apply for the DOE grant

**SUMMARY OF REQUEST:**

With the DOE grant the City will be able to significantly expand upon the existing demonstration project. This additional work requires an amendment to the contract approved by the Council in April. Attached is a copy of the new scope of work which includes a planning-level and design effort to: a) identify the most effective stormwater management facilities that can be constructed within the Smuggler’s Gulch Basin; b) retrofit two existing stormwater ponds to provide water quality treatment of improved detention capabilities; and c) prepare the construction documents. These stormwater facilities will include: additional rain gardens, gravel galleries and the retrofit of three existing drainage ponds.

Secondly, staff is recommending that the Council officially accept the DOE grant and authorize the Mayor to sign the contract.

**ALTERNATIVES:** Do not accept the grant and proceed with the project as funds become available.
SUPPLEMENTAL AGREEMENT NO. 1

Scope of Services
Smuggler’s Gulch Drainage Basin LID & Stormwater Retrofit Contract

A. The City of Mukilteo, “CLIENT” desires to supplement the agreement entered into with Tetra Tech, Inc., “CONSULTANT” executed on April 18, 2012. All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

SECTION II: SCOPE OF WORK

The original scope of work will be amended to include the services as described in Attachment “A”, attached hereto and made a part of this agreement.

SECTION V: PAYMENT – Maximum Total Amount Payable

This section shall be amended as follows:

These additional services will cause an increase in the amount of Two Hundred Twenty Three Thousand, Seven Hundred Dollars ($223,700) in accordance with the attached Attachment “B”.

The maximum amount payable under this Agreement as supplemented, inclusive of all fees and other costs is now Two Hundred Ninety Eight Thousand, Three Hundred Dollars ($298,300).

If you concur in this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

Dated this ______ day of _________________, 2012.

CITY OF MUKILTEO Tetra Tech Inc.

______________________________ ______________________________
Joe Marine     Scott Williams
Mayor      Vice President Transportation/Transit