



# CITY OF FERNLEY

## CITY COUNCIL AGENDA REPORT

Meeting Date: February 17, 2021

<b>REPORT TO:</b>	Mayor and City Council
<b>REPORT THRU:</b>	<b>Daphne Hooper, City Manager</b>
<b>REPORT FROM:</b>	<b>Jessica Dover, Senior Project Manager</b>
<b>REVIEWED BY:</b>	Brandi Jensen, City Attorney
<b>REVIEWED BY:</b>	Denise Lewis, City Treasurer

<b>FINANCIAL IMPACT:</b> Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	<b>CURRENTLY BUDGETED:</b> Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>	<b>FUND/ACCOUNT:</b> 100-475-745
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**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

**AGENDA ITEM: Staff Report (For Possible Action): Possible Action to Award a Contract for Professional Right-of-Way Services for the Cottonwood LN Reconstruction Project to: Atkins North America, Inc., in an amount not to exceed \$124,375.**

**Agenda Item Brief:**  
The proposed Scope of Services includes but is not limited to: property owner outreach, communication and negotiations, escrow coordination and title clearance and miscellaneous Project presentations and meetings, as required.

**Recommended Motion:**  
"I move to Award a Contract for Professional Right-of-Way Services for the Cottonwood LN Reconstruction Project to: Atkins North America, Inc., in an amount not to exceed \$124,375."

**Business Impact (per NRS Chapter 237):**

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

See attached report for background, analysis, alternatives.

## ALTERNATIVES:

1. City Council may award the proposed Contract for Professional Services
2. City Council may reject the proposed Contract and provide additional direction to the City Manager

## PROJECT SUMMARY:

The proposed Contract with Atkins North America, Inc., (Atkins) includes acquisition services to be completed as part of the City of Fernley's (City's) Cottonwood LN Reconstruction Project (Project). The proposed scope of work is based on approximately eleven (11) permanent easements and six (6) temporary construction easements from thirteen (13) land parcels. Atkins will be signing the City's Standard Contract in order to complete the work.

Right-of-Way (R/W) Acquisition Services will be completed in accordance with the Uniform Relocation and Assistance and Real Property Acquisition Policy Act of 1970, as amended. Atkins performed similar acquisition services as part of the City's Hardie LN Reconstruction Project.

The proposed Scope of Work may include, but is not limited to, the following Tasks:

- Task No. 1: Project Management
  - o Atkins Project coordination and administrative tasks required to complete the proposed scope of work
- Task No. 2: Property Owner Outreach, Communication and Negotiations
  - o In compliance with the Uniform Relocation and Assistance and Real Property Acquisition Policy Act of 1970, as amended, Atkins will obtain additional R/W for the Cottonwood LN Reconstruction Project for approximately: eleven (11) permanent easements and six (6) temporary construction easements by performing the following services:
    - Establish just compensation for proposed acquisitions
    - Prepare waiver valuation reports if the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less
    - Prepare and/or review Project documents, as requested by City
    - Maintain negotiator's diary to document interactions with applicable property owners anticipated to be impacted by proposed acquisitions
    - Prepare and distribute letters to impacted property owners
    - Participate in monthly R/W status meetings
    - Coordinate meetings with landowners and/or their representatives to discuss Project scope, impacts to individual parcel(s), negotiate acquisitions and obtain proper documentation for individual real estate interests being pursued, as applicable
- Task No. 3: Escrow Coordination and Title Clearance
  - o Coordination with the title company, City and property owners to effectively and efficiently complete the appropriate escrow and title process
    - Assist City to identify and obtain proper documentation required to close escrow process
    - Record final Agreement documents with Lyon County as required
- Task No. 4: Additional Tasks and Subtasks
  - o This Task is OPTIONAL, and may include the following:
    - Up to (2) presentations to the City of Fernley City Council and/or City Senior Staff
    - Up to (3) non-routine R/W meetings
- Task No. 5: On-Call Services, T&M Not to Exceed \$8,000
  - o This Task is OPTIONAL and may include the following:
    - Additional services not detailed in other Tasks listed above; may or may not be used at the sole discretion of the City

## **BACKGROUND:**

The Cottonwood LN Reconstruction Project, includes reconstruction of portions of Cottonwood LN between SR 828 (Farm District RD) and US 50A/95A. Cottonwood LN is a critical East-West Minor Collector for the City and is used for both residential and commercial access. In addition to pavement reconstruction, drainage design and ADA improvements will be considered throughout the Project corridor. Sanitary sewer and water infrastructure will also be evaluated for replacement and/or upsizing within the Project area.

This Project has been programmed for completion of Engineering Design during FY 20/21, with Construction to follow in FY 21/22. The City is currently under Contract with Lumos and Associates, Inc., to perform Engineering Design Services for the Project. The 90% Plans, Specifications and Engineer's Estimate of Costs for Construction (90% PS&E) was submitted to the City in October 2020.

Lumos' existing Engineering Scope of Services includes the following R/W Services:

- Topographic Survey and Base Map
- Preliminary Title Reports
- Easement Acquisition Summary Sheet
- Right-of-Way Maps
- Easement Acquisition Summary Sheet
- Legal Descriptions and Exhibits

It is anticipated that City will procure appraisal services if necessary. If appraisal services are determined to be required, Staff will bring a proposed Contract for Professional Appraisal Services forward to be considered during a future City Council Meeting.

Right-of-Way tasks critical to a successful Project delivery will be required in addition to R/W Services included in Lumos' Contract. These Services are typically proposed for Council consideration once Engineering Design has progressed enough to reasonably determine the extent of acquisitions anticipated for the Project, (generally between 60% to 90% PS&E). Staff is proposing that Atkins perform these tasks, listed per the *Project Summary* Section, above.

## **LEGAL IMPLICATIONS:**

## **FINANCIAL IMPLICATIONS:**

Project appropriations are included in the approved FY 2021 Budget as part of the Capital Improvement Plan:

- \$1,740,000 (100-475-745), Cottonwood LN Reconstruction and Drainage Construction (Page 163, 214, 222)
- \$550,000 (510-166-100), Cottonwood LN Waterline Replacement and Extension Construction (Page 217, 247)
- \$140,000 (520-166-100), Cottonwood LN Sanitary Sewer Rehab/Reconstruct (Page 219, 258)

The following Tasks have been included in the proposed Scope of Services (Attachment A to the City of Fernley Standard Contract for Professional Services, Atkins North America, Inc.) as OPTIONAL:

- Task 4, Additional Tasks and Subtasks
- Task 5, On-Call Services

If it is necessary to perform work to be paid from these tasks, Atkins will prepare and submit a written request detailing the need, scope and not-to-exceed budget for any proposed work. Work under these tasks shall proceed only with the City Project Manager's prior written approval.

Total Right-of-Way Acquisition Services: (Tasks 1 through 3)	\$114,375
Total OPTIONAL Right-of-Way Acquisition Services: (Tasks 4 and 5)	\$10,000
Total:	<b>\$124,375</b>

**ATTACHMENTS:**

- 1.) City of Fernley Standard Contract for Professional Services, Atkins North America, Inc.