



## Legislation Text

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**DATE:** February 22, 2018

**TO:** Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Paul Holzen, City Engineer/Director of Engineering  
Jonathan Marston, Assistant Director of Engineering  
Jeff Willoughby, Stormwater Coordinator

**SUBJECT:**

Consideration of Amendment No. 2 to the Professional Services Agreement (COF Contract No. 2015-0096) with Civil & Environmental Consultants, Inc. for the Jordan Branch/Spencer Creek Restoration Project in an Amount Not-to-Exceed \$123,850.00. (2/22/2018 CIC 3-0)

**Purpose**

The purpose of this memorandum is to provide information to the Franklin Board of Mayor and Aldermen (BOMA) concerning Amendment No. 2 to the Professional Services Agreement (PSA) with Civil & Environmental Consultants, Inc. (CEC) for the Jordan Branch/Spencer Creek Restoration Project.

**Background**

For several years, the City of Franklin has received complaints from residents about the erosion of Jordan Branch, which flows behind several houses in The Meadow at Cool Springs subdivision. The stream originates near the city limits between Brentwood and Franklin, directly adjacent to the Nashville Golf & Athletic Club. The recent history of this project is as follows:

- June 10, 2017 - BOMA approved a PSA (COF Contract No. 2014-0119) with CEC to conduct a feasibility study to determine ways to mitigate the eroding stream channel *before* investing in a field survey and full engineering design
- January 1, 2015 - Results of the feasibility study presented to the BOMA for further direction
- May 26, 2015 - BOMA approved a PSA (COF Contract No. 2015-0096) with CEC for the full design of the restoration project
- January 10, 2017 - BOMA approved Amendment No. 1 to COF Contract No. 2015-0096 to provide additional detail about the construction access road needed for the project. This information was requested by the residents at a previously held public meeting

- July 11, 2017 - BOMA approved Resolution 2017-19 to approved the preliminary design and to authorize final design, right-of-way/easement acquisition, and construction.

The designer has completed conceptual, preliminary, and permit plans for this project. They have also submitted applications to the Tennessee Department of Environment and Conservation (TDEC) for an Aquatic Resources Alteration Permit (ARAP) and to the United State Army Corps of Engineers (USACE) for a Nationwide Permit #27 (NWP #27). The ARAP was issued by TDEC on December 20, 2017. As a part of the application review for NWP #27, the USACE contacted partner agencies, such as the Tennessee Department of Archaeology (TDOA) and the State Historical Preservation Office (SHPO), regarding the effects of this project on nearby cultural resources. Ultimately, the USACE, the TDOA, and the SHPO are requiring the City to perform additional archaeological testing before the issuance of a permit.

Because of the unknown delay that may be caused by this additional archaeological testing, City staff met with the CEC team to determine if an alternate approach to completing the project was feasible. Unfortunately, any work that directly affects the stream channel would trigger the need for additional archaeological testing. Modification of the design to avoid archaeological testing would limit the City's ability to remove trees that are in danger of falling and reduce the effectiveness of the project.

Amendment No. 2 would provide the minimum archaeological services required to meet the permit requirements. However, additional costs could arise if testing reveals any significant findings. Also included in this amendment are: a bat mist net survey (required by USACE), construction administration, and construction observation. If the archaeological tests deem the project unfeasible, then these additional tasks would not be authorized by City staff.

### **Financial Impact**

The total cost of Amendment No. 2 is an amount not-to-exceed \$123,850.00. Approval of this amendment would result in a total contract (COF Contract No. 2015-0096) ceiling of \$237,295.00, which would be paid from the Stormwater Fund.

Staff anticipates the continued use of the General Ledger (GL) code 135-89410-43125 for project expenses.

### **Recommendation**

Staff recommends approval of Amendment No. 2 to COF Contract No. 2015-0096 with Civil & Environmental Consultants, Inc. in an amount not-to-exceed \$123,850.00.