

Memorandum

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Peter Krause, Director of Parks and Recreation

Date: September 8, 2009

Subject: Supplemental Agreement Number One with HNTB for creation of the Park and Trail Master Plan.

Council Action Requested:

The City Council is requested to approve Supplemental Agreement Number One with HNTB for creation of the Park and Trail Master Plan.

Background Information:

On February 16, 2009, staff presented a supplemental agreement with HNTB for a \$10,000 reduction in fee associated with the Burleson Park and Trail Master Plan. At that meeting, no action was taken due to a lack of Council motion. Since that time staff has presented a draft version of the plan to Council on March 2, 2009 to receive comments and subsequently supplied those concerns to HNTB who incorporated those changes into the plan. Council adopted the revised master plan on May 4, 2009.

The original contract included a specific time frame of 270 days for the plan to be completed (completion date of April 2007). Staff received the plan for a preliminary review in October 2008 well in excess of the contractual deadline. This delay has caused the City Council much difficulty in determining the best development path for the city's park and recreation system and hampered revisions to the Subdivision Regulations.

There are certainly many factors associated with HNTB's failure to meet the terms of the agreement including an extended community survey. Staff too owns a portion of the delay by not maintaining stricter oversight. But ultimately, the contract did contain an extension provision for the engineer to request additional time and HNTB failed to request such an extension.

From a staff perspective, the park plan (though extremely late) is a well prepared document and contains the necessary information for the city to prepare for the long term development of its citizen's parks. Staff has relied heavily on the plan for Fiscal Year 2010 and in the department's creation of the newly adopted 5 year plans.

To date HNTB has been paid \$64,620 of the contracted \$90,000.

Staff recommends the City Council authorize the City Manager to execute this supplemental agreement which lowers the amount of the contract from \$90,000 to \$80,000 in recognition of the delays in completing the project.

Board/Citizen Input:

N/A

Financial Considerations:

Funding for this contract is available in 001-5011-417-3205 and 354-6020-456-3205.

Attachments:

Revised Supplemental Agreement with HNTB

Staff Contact:

Peter Krause, Director of Park and Recreation

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Attachment (1)

Supplemental Agreement

This supplemental Agreement Number 1, to the ENGINEERING SERVICES CONTRACT DATED July 17, 2006 (the Agreement) between the City of Burleson (City) and HNTB Corporation (Engineer) is made effective upon the date executed by the parties.

1. Article II, Compensation to the Engineer, Section A of the Agreement is revised to read as follows:

A. City agrees to pay Engineer for all services outlined in Section III in accordance with the following:

1. Appraisal of Existing Resources	\$24,622
2. Community Needs Assessment	\$ 5,310
3. Correlation of Needs to Resources	\$12,098
4. Action Plan	\$10,350
5. Expenditure Analysis	\$ 6,104
6. Report Development	\$16,853
7. Reimbursables	\$ 4,663
TOTAL OF ALL SERVICES:	\$80,000

2. Article IV, Time for Completion, Section B of the Agreement is revised to read as follows:

B. The Engineer agrees that the Project will be completed within 36 months from the date of the signing of the contract. This time frame is exclusive of city review of the project. No extensions of time shall be granted unless a written request is submitted by the Engineer and such request is approved in writing by the City.

3. By executing this Supplemental Agreement, Engineer covenants that all sub-contractors retained by Engineer to perform any of the services contained in the Agreement have been paid in full.

4. All other terms of the Agreement not specifically addressed by this Supplemental Agreement remain unchanged. The parties agree the Agreement and this Supplemental Agreement embody the complete agreement of the parties, superseding all oral or written previous and contemporary agreements between the parties relating to matters herein; and cannot be modified without further written agreement of the parties.

City of Burleson
(City)

HNTB

(Engineer)

Curtis E. Hawk
City Manager

Date

Attest

Title

Date

Attest

