



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

00-338

SYNOPSIS -

AGENDA:

JULY 24, 2000

To approve supplemental agreements for Construction Phase Services, Archeological Investigation and Data Recovery Services, and Electrical Transmission Line Easement for Martin Luther King, Jr. Parkway.

SUBJECT:

A. CONSTRUCTION PHASE SERVICES

MARTIN LUTHER
KING, JR.
PARKWAY
SUPPLEMENTAL
AGREEMENTS

Supplemental Agreement No. 3 will provide for Construction Phase Services in conjunction with the Martin Luther King, Jr. Parkway project from SW 2nd Street to SW 7th Street.

**B. ARCHEOLOGICAL INVESTIGATION AND DATA
RECOVERY SERVICES**

TYPE:

Supplemental Agreement No. 2 will provide for Archeological Investigation and Data Recovery Services in conjunction with the Martin Luther King, Jr. Parkway project from SW 2nd Street to SW 7th Street.

RESOLUTION
ORDINANCE
RECEIVE/FILE

C. ELECTRIC TRANSMISSION LINE EASEMENT

SUBMITTED BY:

FLOYD BENTZ, P.E.
CITY ENGINEER

This roll call authorizes the signing of the easements and collection of all fees associated with the Electric Transmission Line Easements between the City of Des Moines and MidAmerican Energy Company in the vicinity of Martin Luther King, Jr. Parkway project from SW 3rd Street to SW 16th Street.

FISCAL IMPACT -

The letter from Earth Tech, Inc., attached to the roll call outlines the funding status of the Martin Luther King, Jr. Parkway project.

Earth Tech, Inc., is the Engineering Consultant working on the Martin Luther King, Jr. Parkway project.

A. CONSTRUCTION PHASE SERVICES

Compensation to the consultant shall be for actual time on the project at the rates stipulated in the agreement not to exceed \$151,700.

Funding for this supplemental agreement is provided for in the approved 2000-2001 Capital Improvements Budget, Martin Luther King, Jr. Parkway - East/West Segment, Index Code 38343, Account 543060, Fund CP038, Organization ENG990000, Project/Grant STR039. State Revitalize Iowa's Sound Economy (RISE) Grant Funds and Local Tax Increment Financing (TIF) Funds will be utilized for this supplemental agreement.

B. ARCHEOLOGICAL INVESTIGATION AND DATA RECOVERY SERVICES

Compensation to the consultant shall be for actual time on the project at the rates stipulated in the agreement not to exceed \$195,200.

Funding for this supplemental agreement is provided for in the approved 2000-2001 Capital Improvements Budget, Martin Luther King, Jr. Parkway - East/West Segment, Index Code 38343, Account 543060, Fund CP038, Organization ENG990000, Project/Grant STR039. State Revitalize Iowa's Sound Economy (RISE) Grant Funds and Local Tax Increment Financing (TIF) Funds will be utilized for this supplemental agreement.

C. ELECTRIC TRANSMISSION LINE EASEMENT

MidAmerican Energy will reimburse the City of Des Moines \$414,878 for the utility line easement acquired from SW 3rd Street to SW 9th Street, on their behalf on properties owned or acquired by the City of Des Moines.

An additional reimbursement is anticipated from MidAmerican Energy Company when all the Electric Transmission Line Easements for the Martin Luther King, Jr. Parkway project from SW 9th Street to SW 16th Street are acquired.

Funding for obtaining these Electric Transmission Line Easements is provided for in the approved 2000-2001 Capital Improvements Budget, Martin Luther King, Jr. Parkway - East/West Segment, Index Code 38343, Account 543060, Fund CP038, Organization ENG990000, Project/Grant STR039. State Revitalize Iowa's Sound Economy (RISE) Grant Funds and Local Tax Increment Financing (TIF) Funds.

RECOMMENDATION -

A. CONSTRUCTION PHASE SERVICES

Approval.

B. ARCHEOLOGICAL INVESTIGATION DATA RECOVERY SERVICES

Approval.

C. ELECTRIC TRANSMISSION LINE EASEMENT

Approval.

BACKGROUND -

Bids were taken by the Iowa Department of Transportation for the construction of the Martin Luther King, Jr. Parkway project from SW 2nd Street to SW 7th Street. The low bidder was M. Peterson Construction, Merlin Peterson, President, 4000 Delaware Avenue, Des Moines, Iowa.

The construction contract being awarded as part of this agenda includes a Construction Phase Services Agreement to be entered into between the City of Des Moines and Earth Tech, Inc. Under this Agreement, Earth Tech, Inc., shall provide a construction manager, the preliminary survey control points and permanent right-of-way property pins, shop drawing review, and answer design interpretation questions, as well as other similar design related duties. The City of Des Moines Engineering Department shall provide a Resident Construction Engineer, Construction Inspection, all concrete and a compaction testing, as well as other similar construction related duties. Because of the proposed involvement of City Staff during the construction process, the Construction Phase Services contract being awarded to Earth Tech, Inc., is only 2.7% of the Total Construction Contract.

This Agenda includes the Archeological Investigation and Data Recovery services of Louis Berger & Associates, Inc., to meet the requirements of Section 106 of the National Historical Preservation Act. The total amount budgeted for the Archeological Investigation and Data Recovery services in conjunction with the Martin Luther

King, Jr. Parkway project is \$1,000,000. The total amount authorized to date, including this agreement, is \$453,300 plus an additional budgeted contingency amount of \$49,600.

This is the last Martin Luther King, Jr. Parkway project within the area designated as being an Archeological Sensitive Area. Therefore, if no significant archeological artifacts are discovered, this phase of construction should be completed below budget.

This agenda includes the authorization to sign the Electric Transmission Line Easement and collect all fees associated with these easements between MidAmerican Energy and the City of Des Moines. Due to conflicts between the location of MidAmerican Energy Company's large transmission lines and the proposed Martin Luther King, Jr. Parkway project, these lines had to be relocated. This agenda includes the fees and easements for relocation of the existing transmission lines between SW 3rd Street and SW 9th Street. Once additional easements and associated fees are negotiated for the transmission lines between SW 9th Street and SW 16th Street, they will be included in a future Council roll call agenda.

A. CONSTRUCTION PHASE SERVICES

On August 17, 1998, by Roll Call No. 98-2525, City Council approved a Professional Services Agreement with Earth Tech, Inc., Diane Creel, CEO, 100 W Broadway, Suite 5000, Long Beach, CA, formerly Rust Environment & Infrastructure, Inc., for construction Phase Services on Tuttle Street Paving from SW 5th Street to SW 9th Street in conjunction with the Martin Luther King, Jr. Parkway.

On May 24, 1999, by Roll Call No. 99-1636, Council approved Supplemental Agreement No. 1 which provides for construction Phase Services for the paving of 6th Avenue & SW 7th Street from Mulberry Street to Murphy Street in conjunction with the Martin Luther King, Jr. Parkway project.

On September 13, 1999, by Roll Call No. 99-2745, Council approved Supplemental Agreement No. 2 which provides for Construction Phase Services for the paving of Martin Luther King, Jr. Parkway at SW 7th Street.

Earth Tech, Inc., is the consultant that prepared the plans and specifications for the paving of Martin Luther King, Jr. Parkway project from SW 2nd Street to SW 7th Street. Therefore, it is the best qualified to provide Construction Phase Services.

B. ARCHEOLOGICAL INVESTIGATION AND DATA RECOVERY SERVICES

On May 18, 1998, by Roll Call No. 98-1633, the City Council approved a Professional Services Agreement for archeological data recovery services on SW 5th Street Paving and Storm Sewer from Tuttle Street to Elm Street in conjunction with the Martin Luther King, Jr. Parkway project.

On May 24, 1999, by Roll Call No. 99-1635, the City Council approved a Professional Services Agreement for Archeological Investigation and Data Recovery Services on 6th Avenue and SW 7th Street paving from Mulberry Street to Murphy Street in conjunction with the Martin Luther King, Jr. Parkway project.

Louis Berger & Associates Inc., is the consultant that provided Archeological Investigation and Data Recovery Services for the past two Martin Luther King, Jr. Parkway projects. Therefore, they are the best qualified to provide for Archeological Investigation and Data Recovery services on the underground work associated with the paving of Martin Luther King, Jr. Parkway project from SW 2nd Street to SW 7th Street.

The Budgeted Contingency Amount of \$90,200 from the original agreement for the recovery and preservation of any artifacts discovered during construction has not been used.

An additional Contingency Amount of \$49,600 has been budgeted for this current project. Therefore the Total Contingency Amount budgeted for the use of recovery and preservation of any artifacts discovered during paving of the Martin Luther King, Jr. Parkway project from SW 2nd Street to SW 7th Street is \$139,800.

C. ELECTRIC TRANSMISSION LINE EASEMENT

On May 17, 1999, by Roll Call No. 99-1483, Council authorized the City Manager to negotiate a Relocation Agreement with MidAmerican Energy Company for relocation of its transmission line along the alignment of the proposed Martin Luther King, Jr. Parkway from 2nd Avenue to 16th Street. The proposed agreement specifies that the City and MidAmerican Energy Company use their joint best efforts to procure such property rights as required to relocate these transmission lines. If the City is acquiring an entire parcel property for the highway project and a relocated transmission line right-of-way will be situated entirely within the parcel to be acquired by the City, the City will grant MidAmerican Energy Company a 60 feet wide

easement. If the City is acquiring a strip of property for the project, a partial acquisition of a larger parcel, the City will grant MidAmerican Energy Company an easement over the strip that it acquires. If MidAmerican Energy Company advises the City that it requires additional rights-of-way which abuts a strip of property that the City is acquiring for the highway project, the City shall use its best efforts to conduct all negotiations with the landowner on behalf of MidAmerican Energy Company for the acquisition of additional easements. If the relocated transmission lines are to be on property that is not being purchased in whole or in part by the City, MidAmerican Energy Company will negotiate and procure necessary rights-of-way without assistance of the City.

MidAmerican Energy Company agrees to pay to the City for each easement acquired, the Fair Market Value of the easements acquired by the City on behalf of MidAmerican Energy Company, or the just compensation actually paid, whichever is greater.

Actual costs to relocate these transmission lines will be paid by MidAmerican Energy Company except those portions of the 16th and Wabash substation which are presently located within a MidAmerican Energy Company owned utility easement, and not within a City or alley right-of-way, and which qualify for relocation benefits under applicable law and regulation. In this case, the City agrees to pay relocation benefits to MidAmerican Energy Company, which it is entitled to receive under applicable law and regulation, and is a project eligible expense.

On October 4, 1999, by Roll Call No. 99-3146, City Council authorized the execution of a Utility Relocation Agreement by and between the City of Des Moines and MidAmerican Energy Company to accommodate construction of the Martin Luther King, Jr. Parkway project.