

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: XI.3
Meeting Date: January 16, 2018**

TO: Mayor Sullivan and Members of the Board of Trustees
FROM: Paul Glasgow
DATE: January 11, 2018 (prepared for January 16, 2018 meeting)
ITEM: Resolution

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Design Concepts is requesting additional funding to cover project overruns that occurred during the development of the Deed Restricted Buy-out Property Land Use and Management Plan (DRBOP Plan).

- II. **RECOMMENDED ACTION / NEXT STEPS:** Trustees evaluate additional services and evaluate if they would like to provide additional funding.

- III. **FISCAL IMPACTS:** Up to \$12,400, to be determined.

- IV. **BACKGROUND INFORMATION:** In November 2016 Design Concept (Consultant) was contracted to help the Town develop a land use plan for the Deed Restricted Buy-out properties. The Consultant completed all requirements of the contracted scope and created a well received and unanimously adopted DROP Plan.

While completing the project the Consultant went above and beyond what was identified in the scope. They did so believing they would be able to efficiently produce the Plan within the project budget. When finalized the project did cost more than the budgeted amount.

In the end the project went over budget by approximately \$23,000. The overruns are associated with the development of the Northern Overflow, a FEMA requested improvement implemented during the the development of the Plan's land use concepts. This project changed the landscape upon which the plan was being developed. This change required additional contemplation not anticipated at the onset of the project.

While developing the Plan, the Consultant was directed by the public planning process to avoid considering any revenue generating uses on the DRBOP properties. Near the end of

the project it was determined that further consideration of revenue generating uses should be explored in more detail.

There was some confusion as to whether the Martin Parcel was to be examined as part of the planning process. The RFP and the contract language created confusion. Although RFP referred to planning for Martin Parcel one area:

“In addition to the 27 acquired properties included in the Town’s buy-out program, this plan would include one additional property (approximately 9 acres in size) which is currently outside of Town limits, but contiguous to Lyons’ Bohn Park.” Page 3

The RFPs introduction also referred to the project as totally within the city limits.

*“The Town of Lyons is inviting proposals from highly qualified teams with experience in: parks, recreation, trails, and open space planning; community engagement; fiscal-impact analysis; community development; urban design; and site planning to provide professional services in an effort to make recommendations for future use of the 28 residential properties along the St. Vrain River **within the Town of Lyons city limits** that have been/will be acquired by the Town as the result of being substantially damaged or destroyed by the 2013 flood. Page 1*

Maps in the RFP on page 25 and 26 did not indicate that the Martin Parcel was as part of the project.

Although Resolution 2016-94 adopting the contract referred to the Martin parcel, the scope only provided a vague reference to the geographic area to be studied.

One scope/budget amendment was requested and processed by the Town and sent to DOLA for consideration. This included a request for additional funding to cover the cost associated with the Northern Overflow. Although DOLA indicated that the budget would be approved, they denied the amendment. No other scope or budget amendments were processed.

In the end, the Consultant had hoped to accommodate all additional services within the proposed budget, but in the end could not. Once the consultant determined the project was over budget, Town staff worked with the Consultant to rapidly wrap-up the project.

V. LEGAL ISSUES: None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. SUMMARY AND ALTERNATIVES: The Board of Trustees has the following options

- (1) Authorize the Town to pay the additional requested amount \$12,400.
- (2) Authorize the Town to pay a portion of the requested amount.

(3) Deny payment of any portion of the requested amount.

- a. **PROPOSED MOTION:** "I MOVE TO PAY THE DESIGN CONCEPTS THE REQUESTED AMOUNT \$12,400, TO PROVIDE A FAIR SHARE THE DEED RESTRICTED BUYOUT PROPERTY LAND USE AND MANAGEMENT PLAN PROJECT OVERRUNS."

Attachments:

1. DC Add Services Letter
2. DC Add Service Matrix
3. DC Unbilled hours
4. RFP Lyons-Land Use Management Plan for Newly Acquired Lots
5. Signed Contract_DRBOP_Resolution