



Legislation Text

File #: 19-1736, **Version:** 1

Resolution to Appropriate Funds and to Approve Amendment No. 1 to Professionals Services Agreement with Tetra Tech of Michigan, PC for Soil Borings, Testing, and Remediation at Leslie Science and Nature Center (\$431,000.00) **(8 Votes Required)**

The attached resolution is to appropriate \$431,000.00 and approve an amended Professional Services Agreement with Tetra Tech of Michigan, P.C. ("Tetra Tech"), for fieldwork, soil samples, laboratory testing, development of a remediation plan and remediation at Leslie Science and Nature Center ("LSNC"). A ten percent contingency is also requested.

While planning for a natural area playscape on LSNC property, a LSNC staff member came across papers indicating that chemicals from Dr. Leslie's laboratory were disposed of in a section of woods near the proposed playscape. Dr. Leslie was a chemist and the owner of the land prior to gifting it to the City and it becoming a park.

Once staff were made aware of the potential soil contamination, they reached out to Tetra Tech, a consultant currently used by the City on numerous projects. Tetra Tech was able to meet with the City and LSNC on Thursday, May 23rd and put a plan in place to quickly gain soil samples and perform testing for a variety of contaminants in order to determine appropriate next steps in the playground project. Time was of the essence as grants secured for the playground needed to be expended this year and because of the desire to protect public health. Draft results from testing were received on Thursday, June 20. On Sunday, June 23, the City received formal guidance from Tetra Tech indicating that the level of heavy metals, specifically arsenic and lead, at certain areas of LSNC were elevated and could pose a risk if soil were to be ingested.

An initial emergency PO, with Tetra Tech in the amount of \$16,000, was authorized by the City Administrator on May 29th pursuant to City Code, Chapter 14, Section 1:317(2). The additional testing and work on a remediation plan increased the contract value an additional \$88,000 (plus 10% contingency). Due to the public health concerns and the desire to begin remediation as soon as possible, such contract was entered into (and reported to Council on June 26, 2019) pursuant to City Code, Chapter 14, Section 1:317(2).

Subsequent to the above described work Tetra Tech and staff developed the final remediation plan for the site. That plan is based on a desire to return the property to the previously level of use, ensure the continued ability to grow programming and to instill a sense of confidence for the families, residents and visitors who choose to use the site in the future. The scope of work for the remediation is included in the amended Professional Service Agreement for Council's consideration.

The current appropriation requests brings the total amount designated to the project to \$535,000.00, expended over multiple contracts. Staff does not anticipate any additional appropriation will be necessary. The current request is conservative in nature and designed to addresses unforeseen issues. To assist in this effort the Staff requested and has been awarded Brownfield Revolving Loan assistance grant in the amount of \$250,000.00. Staff does anticipate making an additional request to

cover the full costs however, there is no assurance that will be awarded. The County has provided significant support to this project to date.

Budget/Fiscal Impact: The original \$16,000 was funded from the Park Maintenance and Capital Improvements Millage operating budget. A second appropriation of \$88,000.00 was approved by Council. The current request is for \$431,000.00 to complete the testing, plan development and remediation of the site. This amount requires appropriation from the General Fund balance. A ten percent contingency is also requested.

Prepared by: Colin Smith, Parks & Recreation Manager

Reviewed by: Derek Delacourt, Community Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The City received formal guidance from an industrial toxicologist indicating that the level of heavy metals, specifically arsenic and lead, at Leslie Science and Nature Center ("LSNC"), were elevated and could pose a public health risk if soil were to be ingested;

Whereas, Further testing and remediation is required to bring the site back to its excepted level of use;

Whereas, Tetra Tech of Michigan, PC ("Tetra Tech") has conducted the initial tests on site, developed the remediation and brownfield plans and is best equipped to continue work and remediation on the site;

Whereas, Tetra Tech complies with the requirements of the City's Living Wage and Non-Discrimination Ordinances;

Whereas, Funding is required from the General Fund balance to cover the costs of additional testing, development of a remediation plan, and remediation; and

Whereas, The original agreements with Tetra Tech were authorized per an Emergency Purchase Orders under Chapter 14, Section 1:317 and reported to City Council on June 26, 2019;

RESOLVED, That the City Council approves the attached Amendment No. 1 to the Professional Services Agreement with Tetra Tech for soil borings, testing, and remediation at the LSNC site;

RESOLVED, That the City Council approves an appropriation of funds from the FY20 General Fund balance in the amount \$431,000.00, to the FY20 Parks & Recreation Services expenditure budget;

RESOLVED, That the City Council approve the ten percent (10%) contingency to be appropriated from the FY20 General Fund balance in the amount of \$43,100.00, to the FY20 Parks & Recreation Services expenditure budget, subject to City Administrator approval;

RESOLVED, That the funds are available without regard to fiscal year;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said Amendment No. 1 after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take necessary administrative action to

implement this resolution, including approval of change orders that do not exceed the appropriated and contingency amounts.

Sponsored by: Mayor Taylor