



## Legislation Details (With Text)

<b>File #:</b>	21-2043	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Consent	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	6/1/2021	<b>In control:</b>		City Council Regular Meeting	
<b>On agenda:</b>	6/14/2021	<b>Final action:</b>			
<b>Title:</b>	Adoption of Capital Project Ordinance Amendment 2021-58 for Final Closeout Payment for an NCDOT Municipal Agreement for Irrigation and Landscaping Improvements on Owen Drive				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. CPOA 2021-58 (Owen Drive Median Municipal Agreement).pdf, 2. Owen Drive landscape Municipal Agreement #7354, 3. Owen Landscape Project map, 4. Owen Drive Landscape Resolution				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**TO:** Mayor and Members of City Council

**THRU:** Adam Lindsay, Assistant City Manager

**FROM:** Sheila Thomas-Ambat, PE, CCM, CFM, Public Services Director  
Lee Jernigan, PE, Assistant Public Services Director  
Tracey Broyles, Budget and Evaluation Director

**DATE:** June 14, 2021

**RE:**  
Adoption of Capital Project Ordinance Amendment 2021-58 for Final Closeout Payment for an NCDOT Municipal Agreement for Irrigation and Landscaping Improvements on Owen Drive

**COUNCIL DISTRICT(S):**  
2, 5

### Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate

### Executive Summary:

Council is asked to adopt Capital Project Ordinance Amendment (CPOA) 2021-58 to appropriate \$7,776 for a final payment to the North Carolina Department of Transportation (NCDOT) for irrigation and landscaping improvements on Owen Drive.

Council approved a Municipal Agreement (MA) for this project in August, 2017, and in February, 2019 the City received a final invoice from NCDOT for our cost share of the project. The Capital Project

Ordinance was subsequently closed out in Fiscal Year 2020.

The NCDOT has now determined during its closeout and audit process that the City was not properly invoiced for our cost share on this project and has submitted an amended final billing.

**Background:**

With the leadership of the City Council and the Gateway Committee, the City requested NCDOT to include landscaping and irrigation in conjunction with NCDOT's median project along Owen Drive between Eastern Boulevard and Walter Reed Road. Other examples of these efforts include the Ramsey Street, Glensford Drive and Grove Street/Eastern Blvd projects.

On November 18, 2016, Council adopted CPO 2017-20 for the estimated \$100,000 total project cost. The CPO was adopted in advance of receipt of the municipal agreement to allow for the City to contract with PWC to install the required water taps for the irrigation system during NCDOT's construction phase in order to avoid later damage to asphalt payment. Subsequently, on August 28, 2017, Council authorized the municipal agreement with NCDOT and adopted CPOA 2018-18 bringing the total project appropriation to \$101,905, to fund the installation of water taps (\$17,150) and to complete the projected irrigation and landscaping improvements by NCDOT (\$84,755).

On January 28, 2019, NCDOT confirmed the completion of the median improvement project along Owen Drive from Eastern Boulevard to Walter Reed Road with a final project reconciliation and invoice, and staff administratively closed out the Owen Drive project with total expenditures of \$75,767 on June 30, 2020. The remaining \$26,138 that was provided for the project from the General Fund was released for re-appropriation for other transportation projects.

During NCDOT's recent project closeout and audit, it was determined there were further irrigation components that were not originally invoiced to the City, and NCDOT has now invoiced the City for an additional \$7,776 to fund these components.

**Issues/Analysis:**

In accordance with the municipal agreement executed by City Council in 2017, the City will be required to provide these additional funds for the irrigation portion of the landscaping project. NCDOT will deduct the amount from the City's Powell Bill yearly allocation, should the City not provide these funds.

**Budget Impact:**

There is no budget impact to the General Fund budget as the additional appropriation can be funded from remaining funds from closed out municipal agreement projects.

**Options:**

- Adopt CPOA 2021-58 to provide the additional \$7,776 of required funding.
- Do not adopt CPOA 2021-58 and provide further direction to staff.

**Recommended Action:**

Staff recommends that Council move to adopt Capital Project Ordinance Amendment 2021-58 as presented.

**Attachments:**

- Capital Project Ordinance Amendment 2021-58
- Owen Drive Irrigation and Landscaping Municipal Agreement W-5514(I)
- Owen Drive Irrigation and Landscaping Resolution
- Owen Drive Landscape Project Map