

City Council

July 9, 2024 Packet Addendum #1 From: <u>tamar krantz</u>
To: <u>City Council</u>

Subject: RTR roadway review -- potential conflict of interest

Date: Sunday, July 7, 2024 4:19:45 PM

Dear City Council Members,

Would you please take item E: "Award Contract For Development Review Of Civil Roadway Plans For Redtail Ridge Development" off of your consent agenda to allow further discussion?

I am concerned that the action to award a review contract to FHU involves too much influence from the applicant. The staff memo states, "Staff recommends award of the contract to FHU per the request of the developer for Redtail Ridge (see attachment #1) based on familiarity with the project." In attachment 1, Ryan Amos of Sterling Bay states, "Sterling Bay requests the city hire FHU per their proposal attached."

I appreciate that the staff memo explains that "FHU has previously worked for staff on Redtail Ridge and is familiar with the project" and I appreciate that the developer is willing to pay for the review. Still, this level of applicant involvement in their own review appears to be a conflict of interest.

Could you please take time to discuss precedents for this type of expedited review paid for by a developer?

Also, could you please request that the proposals from Kimley Horn, AECOM, and ICON be shared with you and with the public as part of the city council packet? This way, the public will have the opportunity to see what was included in the other proposals that might have been missed in FHUs proposal and visa-versa. If the developer is paying for an expedited review, the best proposal and not the cheapest should be considered.

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Thanks in advance for considering and discussing this!

I know this has been a busy time. Thanks for all you do!

Tamar Krantz Louisville From: Kurt Kowar
To: tamarkrantz

Cc: <u>City Council; Rob Zuccaro; Kathleen Kelly; Samma Fox</u>

Subject: Re: RTR roadway review -- potential conflict of interest

Date: Monday, July 8, 2024 9:33:42 AM

Attachments: Outlook-s2weh21k.png

Tamar,

Thank you for reaching out with your concerns.

City Staff have worked with FHU on a variety of projects and utilize them as an on-call 3rd Party review consultant to supplement our capabilities and expertise.

They have previously work with the City on matters such as Dillon Road Traffic Study, Campus Drive Realignment with Superior, and South Boulder Road Access Management.

FHU was selected by the City for this effort not by the Redtail Developer. FHU works for the City. FHU has previously reviewed and represented the City regarding the Redtail Traffic Study and various roadway topics and therefore is familiar with the project and the City's interests, including attending meetings with significant public meeting input on Redtail Ridge

The City Staff have reviewed and determined that FHU is the most qualified firm to supplement City Staff on this matter. The City Attorney has reviewed this matter and determined there is not a conflict of interest or legal issue concerning the agreement.

Ultimately, Public Works and Utilities staff approve any final set of plans and/or drawings that will result in the construction of Redtail Ridge.

Proposals can be made available through the City Clerks for review through records request.

If you have further concern, please feel free to reach out to me on my cell at 303-419-7445. I am happy to answer any additional concerns or questions related to this consent agenda item.

Thanks,

Kurt Kowar

Director

Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street Louisville, CO 80027



LouisvilleCO.gov

From: tamar krantz

Sent: Sunday, July 7, 2024 4:19:28 PM **To:** City Council < Council@louisvilleco.gov>

Subject: RTR roadway review -- potential conflict of interest

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Tamar Krantz Louisville

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From: Kurt Kowar
To: tamarkrantz

Cc: <u>City Council; Rob Zuccaro; Kathleen Kelly; Samma Fox; Cameron Fowlkes; Meredyth Muth</u>

Subject: Re: RTR roadway review -- potential conflict of interest

Date:Monday, July 8, 2024 2:23:45 PMAttachments:Outlook-s2weh21k.png

<u>Consultant summary.xlsx</u> <u>Kimlev-Horn - Redtail Design Review Proposal.pdf</u> <u>Louisville Redtail Review Support - ICON.pdf</u>

Redtail Ridge Proposal 20240515.pdf

Redtail Ridge Review Assistance Proposal 051724.pdf

Outlook-mmchrlc1.png

Tamar,

Thank you for reaching out by phone. I am following up with the information you requested and answers to your questions you posed:

- 1. Can you have a copy of the plan review proposals. Proposals attached.
- 2. Why is there such a price difference?

A: Different consultants estimate different amounts of time or have different hourly rates that results in pricing differences. FHU is very familiar with the City Staff and the Redtail Ridge Development therefore they are able to review with less effort than others.

3. Can staff meet with the public regularly to keep them apprised of Redtail activities?

A: No. The development review process has specific City Council milestones that provide for public input and feedback. The City does not meet with the general public on a regular basis for development review check ins or information updates.

The public records request process is the approved manner in which to submit questions and/or document requests.

4. When will a grading permit be issued for Redtail?

A: The Ball is in the developers court. They can apply any day. Staff estimates it is possible that grading could begin at Redtail in August. These timelines are just estimates at this point.

5. Will the City create a condition on the grading permit to not utilize Rodenticides?

A: The City relies on State requirements. The City has sent the request to not use Rodenticides to the developer but as we do not have this in our City adopted requirements it is not something we would regulate or place conditions upon for private property. This is from the Redtail developer:

"We've discussed to this with our environmental consultant. Who noted the rodenticides, as well as fumigants, were allowable through the state regulations (CDOA). Hope this helps.

The below is according to CSU extension and Referenced by Colorado Department of Agricultural (CDOA), several different types of pesticides can be used for prairie dog control in Colorado, including grain baits and products that generate poison gases (fumigants). All of these products are federally restricted use pesticides, except for the USDA gas cartridge. Colorado Parks and Wildlife defers to CDOA on what control methods are acceptable.

Rodenticides (Poison baits)

Rodenticide typically refers to Poison Grain Baits. Two types of poison grain baits can be used for prairie dog control in Colorado: zinc phosphide baits, and those containing an anticoagulant poison. All poison grain baits for prairie dog control are restricted use pesticides, due to the hazard to other species of animals. Many of the restrictions and limitations on use are necessary to prevent death or injury to non-target birds and mammals, including wildlife, pets, and livestock. These baits can only be used for prairie dogs on rangeland, rangeland and pasture, or rangeland and adjacent non-crop areas (depending on the specific product label). Licensed contractors know the regulations and apply these baits per label requirements.

Fumigants

Two types of fumigants can be used for prairie dog control in Colorado: those containing aluminum phosphide or the USDA gas cartridge. Aluminum phosphide products are classified as restricted use pesticides and gas cartridges are classified for general use. Fumigants are most effective when used in moist soils in early spring. They are generally less effective in dry soil.

Carbon monoxide (as a fumigant) is also an accepted control used for prairie dogs, either as a gas cartridge or some contractors pump the gas directly into burrows. The gas cartridge is the only pesticide for prairie dog control that is not a restricted use pesticide. Gas cartridges are ignited with a fuse and burn, producing smoke. Prairie dogs are killed primarily by the carbon monoxide produced. It can be used in open fields, non-crop areas, rangelands, reforested areas, lawns and golf courses.

More detail is available at https://extension.colostate.edu/topic-areas/natural-resources/managing-prairie-dogs-6-506/#:~:text=Poison%20Grain%20Baits,those%20containing%20an%20anticoagulant%20poison."

Thanks,

Kurt Kowar

Director Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street Louisville, CO 80027



LouisvilleCO.gov

From: Kurt Kowar <kurtk@Louisvilleco.gov>

Sent: Monday, July 8, 2024 9:33 AM

To: tamarkrantz@gmail.com <tamarkrantz@gmail.com>

Cc: City Council < Council@louisvilleco.gov>; Rob Zuccaro < rzuccaro@louisvilleco.gov>; Kathleen Kelly

<kathleen@kellypc.com>; Samma Fox <sfox@louisvilleco.gov>
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Director

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Tamar Krantz Louisville

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Louisville Plan Review - Redtail Ridge - Roadway and Drainage

Consultant	<u>Pric</u>	<u>:е</u>
Kimley Horn	\$	22,500.00
FHU	\$	24,945.00
ICON	\$	65,210.00
AECOM	\$	53,076.00



May 15, 2024

Cameron Fowlkes, PE, CFM City Engineer Public Works - Engineering 749 Main Street Louisville, CO 80027

Re: Letter Agreement for Professional Services for

Design Review for Redtail Ridge

Dear Mr. Fowlkes,

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "Consultant") is pleased to submit this scope and fee proposal to City of Louisville ("City" or "Client") for providing design review for the Redtail Development.

Scope of Services

Kimley-Horn will provide the services specifically set forth below.

Kimley-Horn will complete up to three (3) rounds of review of the Redtail Ridge Development plans prepared by the applicant using the City of Louisville Design Review Standards and Storm Drainage and Technical Criteria to review the onsite and offsite roadway, utility, stormwater and traffic light design. This review is anticipated to consist of the following review tasks:

- Task 1 First Review
 - Initial detailed review of each PDF in accordance with the Louisville Design Standards as well any other applicable standards (AASHTO, FHWA)
 - o Redlines within the PDF and a memo with larger issues address to the City.
 - o 2 meeting to discuss comments (virtual) assume 2 hours each
 - Our standards are dates in the 1990s and may not cover current best practices by AASHTO and FHWA
- Task 2 Second Review
 - Confirmation of completed comments from initial round (applicants are required to have responses to all comments)
 - o 1 meeting to discuss comments (virtual) assume 2 hours
 - Detailed review of any revised designs based on initial comments
- Task 3 Final Review
 - o Confirmation that all comments have been completed
 - o 1 meeting to discuss as needed (virtual) assume 2 hours



Schedule

We will provide our services as expeditiously as practicable with the goal of meeting the following schedule:

- Initial review Approximately three (3) weeks
- 2nd Review Approximately two (2) weeks
- Final review Approximately two (2) weeks

Additional Services

Any services not specifically provided for in the above scope will be billed as additional services and performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Reviews of disciplines or deliverables beyond those noted in the Scope of Services
- · Additional rounds of reviews
- Additional meetings

Information Provided By Client

We shall be entitled to rely on the completeness and accuracy of all information provided by the Client or the Client's consultants or representatives. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

- 1. Louisville Design Standards
- 2. Redtail Ridge Offsite Storm
- 3. Redtail Ridge Offsite Roadway
- 4. Redtail Ridge Offsite Drainage
- 5. Redtail Ridge Filing No. 1 Roadway Plan
- 6. Redtail Ridge Filing No. 1 Traffic Signal Plan
- 7. Redtail Ridge Filing No. 1 Rockcress Extension Plan
- 8. Louisville Storm Drainage and Technical Criteria

Fee and Expenses

Kimley-Horn will perform the services in Tasks 1 - 3 on a labor fee plus expense basis with the maximum labor fee shown below.

Task 1 First Review	\$10,000
Task 2 Second Review	\$7,000
Task 3 Final Review	\$4,500
Office Expenses	\$1,000
Maximum Labor Fee	\$22,500





Kimley-Horn will not exceed the total maximum labor fee shown without authorization from the Client. Individual task amounts are provided for budgeting purposes only. Kimley-Horn reserves the right to reallocate amounts among tasks as necessary.



Closure

We appreciate the opportunity to provide these services. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Signed:

Printed Name: Joel Price, P.E., LEED AP

Title: Project Manager



May 15, 2024

Cameron Fowlkes 749 Main Street Louisville, CO 80027

RE: Redtail Ridge Construction Documents Review

Dear Cameron:

Please find below the proposed scope and fee for Civil Engineering review services of the Redtail Ridge Construction Documents with various dates from March and April 2024, along with future revisions of these and any other associated documents. These services would provide the City of Louisville with assurance that the Roadway Designs and Drainage Calculations are accurate and reasonable, and meet all City criteria as well as other current criteria such as CDOT, AASHTO and FHWA. Our understanding of the timing is that this review should begin in early June and would be complete by about October 31, 2024. Please let me know if any assumptions above or within the document are incorrect, or if you have any questions or concerns about the scope, schedule, or fee.

Sincerely,

ICON Engineering, Inc.

Nexton Sity

Heather Seitz | Project Manager

hseitz@iconeng.com | 253-255-6490



PROJECT TASKS

1. Drainage Review

- a. Overall Project Coordination and Meetings this task allows time for ICON's project manager to attend up to two (2) two-hour long meetings in Phase 1, one (1) two-hour long meeting in Phase 2, and one (1) two-hour long meeting in Phase 3. This task also includes meeting minutes and any other written/electronic correspondence required between the City, subconsultants or other stakeholders.
- b. Criteria Evaluation the drainage review team will confirm preferred criteria to be used as the standard for the drainage review.
- c. Review Drainage Plan and Report/Backcheck Calculations (Phase 1) our project manager and support engineer will review various aspects of the Offsite Drainage Report, Offsite Storm Plan Set and the Final Drainage Report for Redtail Ridge referenced in the Offsite Drainage Report as they relate to roadway function and safety.
- d. Drainage Review (Phase 2) this phase will review revisions from Phase 1, as well as any items not seen in the first review.
- e. Drainage Review (Phase 3) the last phase will look at revisions from Phase 2 and ensure any remaining items are minor.
- f. Memo/Summary of Work For each phase, ICON will make redlines in either Bluebeam or Acrobat (as preferred by the City) and assemble a memorandum summarizing the civil engineering review, analysis of all drainage calculations, and major items needing attention.
- g. Quality Control Check all deliverables, including the summary memos and associated calculations will be reviewed by a Principal to ensure quality control of our products.

2. Roadway Review

- a. Roadway Meetings this allows time for the Project Managers and our subconsultant, Stolfus and Associates, to attend up to four meetings discussing Roadway design.
- b. Criteria Evaluation the roadway review team will discuss and confirm which criteria will be utilized at various points and for various aspects of the review.
- c. Review Roadway Plans/Backcheck Calculations (Phase 1) our project manager and support engineer will review the first submittals of the Offsite and Onsite Roadway Plan Sets and any associated calculations.
- d. Roadway Review (Phase 2) plans revised after Phase 1 will be reviewed for conformance with criteria, there may be new comments on previous items.
- e. Roadway Review (Phase 3) the plan revisions after Phase 2 will be reviewed, and only minor changes should be necessary at this stage.
- f. Traffic Count, Signal and Roundabout Review traffic experts, Stolfus, will review the Traffic Counts, Signal Plans, and functionality of the Roundabouts for conformance to applicable standards.
- g. Memo/Summary of Work as with the drainage review, ICON will provide pdf/redline comments and assemble a memorandum summarizing the civil engineering review and analysis of and roadway related calculations for each phase of review.



h. Quality Control Check-all deliverables, including comment summary memos and any associated calculations will be reviewed by ICON's Senior Management Staff to ensure quality control of our products.

ASSUMPTIONS

- 1. For both reviews, our team will focus on engineering aspects and overall functionality. The reviews may catch smaller items such as grammatical errors or labeling issues, but eliminating these is not our primary goal.
- 2. Our schedule anticipates a 4- to 6-week turnaround time between each phase. If this is significantly shorter or needs to be extended, we will have to assess the availability of our team members.
- 3. We do not anticipate any meetings with CDOT, or external agencies as part of this process. If the City wishes our team to attend these other stakeholder meetings, an adjustment to our fee may be necessary.
- 4. We are assuming that the following items (not previously included) are available for our review:
 - a. Final Drainage Report for Redtail Ridge
 - b. Traffic Count information and Signal Plan Information
 - c. All pertinent calculations
- 5. Review will be limited to final plan features. Only a cursory review of temporary access or other temporary facilities will be completed.
- 6. Water and Sewer information was presented on various plan sets. It is assumed that criteria for utilities other than storm will be reviewed directly by Louisville.

PROJECT: Redtail Ridge Drainage and Roadway Review

CLIENT: City of Louisville



	ICON Engineering, Inc.							Subconsultants				
PREPARED BY: HS	Managing	Project	Sr. Project	Sr. Project Design Accounting ICON Misc. ICON								
CHECKED BY: CJ	Principal II	Manager I	Engineer	Engineer III	Manager	Direct		Total		Total		Total
DATE: 2024-05-02	\$215	\$180	\$190	\$160	\$75	Costs		Services	Stolfus	Services		Services
DESCRIPTION	Hours	Hours	Hours	Hours	Hours				& Associates			
Task 1: Drainage Review								\$25,750		\$ 0	4	25,750
a. Overall Project Coordination and Meetings		16.0			2.0			\$3,030		\$0		\$3,030
b. Criteria evaluation		4.0						\$720				\$720
c. Review Drainage Plan and Report/Back Check Calculations (Phase 1)		10.0		48.0				\$9,480		\$0		\$9,480
d. Drainage Review (Phase 2)		8.0		30.0				\$6,240				\$6,240
e. Drainage Review (Phase 3)		6.0		12.0				\$3,000				\$3,000
f. Memo/summary of work		12.0		4.0		\$50		\$2,850		\$0		\$2,850
g. Quality Control Check	2.0							\$430		\$0		\$430
Task 2: Roadway Review								\$19,460		\$20,000	4	39,460
a. Roadway Meetings		2.0	6.0					\$1,500		\$0		\$1,500
b. Criteria Evaluation			4.0					\$760				\$760
c. Review Roadway Plans/Back Check Calculations (Phase 1)		4.0	8.0	32.0				\$7,360		\$0		\$7,360
d. Roadway Review (Phase 2)			6.0	18.0				\$4,020				\$4,020
e. Roadway Review (Phase 3)			4.0	6.0				\$1,720				\$1,720
f. Traffic Count, Signal and Roundabout Review								\$0	\$20,000	\$20,000		\$20,000
g. Memo/summary of work		6.0	10.0	4.0		\$50		\$3,670		\$0		\$3,670
h. Quality Control Check	2.0							\$430		\$0		\$430
Total Hours	4.0	68.0	38.0	154.0	2.0							
Total Fees	\$860	\$12,240	\$7,220	\$24,640	\$150	\$100		\$45,210	\$20,000	\$20,000		\$65,210



5690 DTC Boulevard, Suite 330W Greenwood Village, CO 80111 phone:303-221-2330 • fax: 303-221-2331 www.stolfusandassociates.com

May 13, 2024

Heather Seitz Associate Project Manager ICON Engineering, Inc. HSeitz@IconEng.com

RE: Proposal for Transportation Review Services - Redtail Ridge Filing 1

Dear Heather:

Please find below a proposed Scope of Services for Stolfus & Associates, Inc. (Stolfus) to provide review of construction plans and specifications prepared for Redtail Ridge Filing 1. As discussed with you, the review will focus on transportation project elements and be performed for the City of Louisville. It is our understanding that the services will be review only, and if additional information or analysis is required that it will be requested from, and provided by, the Applicant.

The scope of services includes three rounds of review. Each round of review will consist of redline comments on plans or specifications and written narrative comments for more significant issues. The applicant will provide written comment resolution at the conclusion of each round of review.

SCOPE OF SERVICES

The anticipated scope of services for this project include:

A. PROJECT MANAGEMENT & COORDINATION

Stolfus will attend a project kick-off meeting to discuss the project and any concerns that the city has with the application. As outlined in the request for proposal, Stolfus will attend three (3) additional virtual review meetings to discuss the findings of the review and resolve comments with the city and/or applicant. In addition, we will coordinate with the City and ICON as necessary throughout the duration of the review to resolve questions, identify concerns, and provide feedback.

At the project kick-off, Stolfus will provide an information request for materials to aid us in our review. This will include traffic impact studies, traffic signal warrant analyses, intersection capacity analysis, structure inspections, vehicle turning templates, roundabout geometry, and other supporting information. Some of this information may not currently be available.

B. TRANSPORTATION REVIEW

The focus of the transportation review will be to evaluate the proposed intersection improvements, including traffic signals, and roundabouts.

Existing traffic signals are old and likely do not meet current structural or display standards. In addition to a review of the signals against current standards and recommended practices, Stolfus will coordinate with the City's maintenance and signal operations staff to confirm the scope of the signal modifications.

The following traffic signal locations are included in the scope of services:

- 88th & campus (modification)
- 96 & Campus (new)
- NW Pkwy & Rockcress (modification)
- NW Pkwy & 96th (modification)
- Dillon & 96th (modification)



An independent review will be performed of the roundabouts and related design information. The following roundabouts are included in the review:

- Campus Drive at Sorrel Ave (hybrid roundabout)
- Sorrel Ave at Rockcress Dr (single lane roundabout)
- Campus Drive at Monarch High School (double roundabout)
- Campus Drive at Private Drive

C. DOCUMENTATION

Scope of work assumes the following documentation will be required:

1st Review:

- Document any comments resulting from 1st review (redline comments and narrative memo)
- Update comments based on discussion at the 1st virtual review meeting

2nd Review

- Document any unresolved comments from 1st review
- Review updated designs and provide additional comments as necessary (redline comments and narrative memo)
- Update comments based on discussion at the 2nd virtual review meeting

Final Review

- Document any unresolved comments from 2nd review
- Review updated designs and provide additional comments as necessary (redline comments and narrative memo)
- Update comments based on discussion at the 3rd virtual review meeting

SCHEDULE & FEE

Stolfus is prepared to initiate the work immediately upon receipt of notice-to-proceed and will perform the services in accordance with the review schedule identified by the City of Louisville and ICON. We will complete the services for a fee of \$20,000.

We appreciate the opportunity to work with the City of Louisville and ICON Engineering, Inc. and would be happy to answer any questions you have on this Scope of Services.

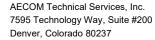
Sincerely,

STOLFUS & ASSOCIATES, INC.

Matthe J. Brown

Matthew J Brown, PE, PTOE

Traffic Safety, Systems & Operations Director





May 15, 2024

Cameron Fowlkes, PE, CFM Assistant City Engineer City of Louisville C 303.335.4609 cfowlkes@LouisvilleCO.gov

RE: Redtail Ridge Plan Review Proposal

Dear Cameron,

As Requested, AECOM has provided a scope and fee to support your team in reviewing The Redtail Ridge project as described below.

For performing these services, AECOM requests a Time and Materials, not to exceed fee in the amount of \$53,076. A detailed scope of work and fee estimate for these tasks is included for your review.

Thank you for the opportunity to support the City and your community.

If you have any questions or need additional information, please contact me at 303.694.2770.

Digitally signed by Dwyer, Charles Reason: Authorized Signatory Charles Dwyer@ReCOM.com Date: 2024.05.15 13:55:00 -06'00'

Sincerely,

AECOM Technical Services, Inc.

Charles Dwyer
AVP, Senior Operations Manager
Charles.Dwyer@aecom.com

Jim Whittlesey, P.E.
Civil Engineer and Project Manager
jim.whittlesey@aecom.com



Consultant's Scope of Work

The major tasks and deliverable are outlined below and identified in the attached email requested for services.

Task 1: Management and Meetings

AECOM will conduct coordination meetings between the City, consultants and project management meetings to facilitate the progress of the work. AECOM will provide progress reports with invoicing that will includes information on the progress of the reviews as well as the financial standing of the work. This scope estimates 4 hour per month for these services and the provided scope of work from the City includes an assumed 8 total hours of meeting time, assumed to include 2 AECOM staff members for all meetings. For the purposes of this scope and fee and monthly management estimating, is will be assumed the duration of the review cycle is 6 months.

Task 2: Plan and Report Review

Documents provided to AECOM include a total of 152 Plans Sheets plus 55 pages of drainage report to be review. It is assumed that the total review time will be approximately 1.5 hours per plan sheet page plus 24 hours of drainage report review. The total estimated review time is 252 hours for the project through completion an assumed 3 weeks +/- review duration for the first review, 2 weeks +/- duration for the second review and 2 weeks +/- duration for the final review. A total of 7 weeks of review time with multiple AECOM reviews working on the review concurrently is anticipated. See below for the assumed breakdown on staff review time.

Rate and Fee Tables:

Name Jim		Leela Marcus		Jason	Lucas	Elizabeth	Totals
wame	Whittlesey	Rajasekar	Kochis	Barker	Jacobson	Davis	
Role	PM	Senior Traffic Engineer	Senior Roadway Engineer	Project Engineer	Junior Engineer	Project support	
FY 24 Rate	\$210	\$250	\$210	\$167	\$106	\$142	
Task 1. Management and Meetings	6	4	4	4	4	24	46
Task 2. Plan and Report Review	6	24	96	52	50	0	252
Total Hours	12	28	100	56	54	24	298
Total Fee	\$4,620	\$7,000	\$21,000	\$10,688	\$6,360	\$3,408	\$53,076



This offer is made based the negotiations of mutually agreeable contract terms and conditions or using the existing terms and executing a contract modification. Reviews will be done based on required Louisville criteria and reviews will be performed to align with general conformance of City Standards. Formal approval of drawings will be from the City of Louisville.

Thank you for the opportunity to continue to support the City of Louisville. If you have any questions or need additional information, please contact me at 303.694.2770.

Sincerely,

AECOM Technical Services, Inc.

Sincerely,

AECOM Technical Services, Inc.

Digitally signed by Dwyer, Charles Reason: Authorized Signatory Charles Dwyer@AECOM.com Date: 2024.05.15 13:55:00 -06:00'

Charles Dwyer

AVP, Senior Operations Manager

Charles.Dwyer@aecom.com

Jim Whittlesey, P.E.
Civil Engineer and Project Manager
jim.whittlesey@aecom.com



May 17, 2024

Mr. Cameron Fowlkes, PE City Engineer City of Louisville 749 Main Street Louisville, CO 80027

RE: Proposal for Engineering Services – Redtail Ridge Review Assistance

Dear Mr. Fowlkes:

Thank you for your inquiry to assist the City of Louisville in reviewing construction plans and other documents that are being prepared for the Redtail Ridge multi-use development. As we understand it, you would like us to provide review of varying project submittals, including but not limited to: I) off-site roadway construction plans, 2) traffic signal plans, 3) on-site roundabout plans, and 4) bike lane striping plans at specific locations.

The goals of this effort are to conduct a thorough review and evaluation of roadway and traffic signal plans based on existing City of Louisville design criteria, and to provide you with our review comments. Following is a Scope of Work and Fee estimate to conduct this review.

I. SCOPE OF WORK

I.I Roadway/Roundabout Design Plan Review

FHU roadway design staff will review roadway construction plans as prepared by the developers civil engineer which is understood to be Harris-Kocher-Smith. These could include off-site plans for the Northwest Parkway and along 96th Street. We will also review construction plans related to the internal, on-site, roundabouts.

Our efforts will begin with a review of the City's roadway construction standards. We will concentrate on providing comments regarding technical accuracy, constructability and overall completeness. It is understood that the City of Louisville has already reviewed and provided comments regarding some plans and FHU's review will serve as an independent check on behalf of the City. Review of the roundabouts will include review of fastest path, sight distance, pedestrian crossings, turning templates and other key elements. A more detailed check of these components will be completed if CAD files are provided.

I.2 Traffic Design Plan Review

FHU traffic engineering staff will review traffic signal plans for intersections around the perimeter of the site. Plans will be checked to ensure that they are in conformance with the *Manual on Uniform Traffic Control Devices* (MUTCD) and City of Louisville standards. Specifically, the following will be checked:

- General notes
- Signal pole size, type, and standards
- Signal pole locations
- Signal pole footings
- Push button locations
- Signal head type, sizes, indications, placement, and alignment
- Signal phasing
- Signal conduits and pull boxes

- Controller cabinet type and locations
- Vehicle detection and preemption devices
- Traffic signal signing

Additionally, our Traffic Engineering staff will review the roadway signing and striping for the off-site improvements, including any bike lane design. Specifically, the following will be checked:

- General notes
- Sign panel designations and sizes
- Sign locations
- Pavement marking sizes, color, type, and material
- Pavement marking alignment and dimensions

I.3 Documentation

FHU's review will be summarized in redlined sets of plans, comment response matrices, and /or in a short memorandum summarizing the main comments, depending upon the character of the document (reports or plans). This scope of work does not include signing or sealing any plans or other contract documents.

I.4 Coordination/Project Management

We anticipate that it will be necessary to attend project coordination meetings with City staff, and that there will be several informal coordination virtual meeting or telephone calls. We have included 16 hours in our fee estimate distributed over several staff members for these varying coordination efforts.

Review Frequency

It's understood that there could be more than one submittal that will need to be reviewed. Our fee estimate includes a budget limit related to the current purchase order and reviews will be conducted based on the set budget until it is exhausted or a change order is processed.

II. FEE ESTIMATE

We propose to conduct this work on a time and materials basis. In such an agreement, we are compensated for our services at our standard hourly rates and direct expenses are reimbursed at 1.1 times cost. The following are our standard hourly billing rates for staff anticipated to work on this project:

Principal-in-Charge	\$295/hour
Associate	\$290/hour
Senior Engineer	\$235/hour
Engineer V	\$205/hour
Engineer II	\$135/hour
Engineer I	\$120/hour
Administration	\$160/hour

At these rates, we estimate that the above scope of work can be completed for a maximum budget of \$24,945; a fee estimate spreadsheet is attached. We will not exceed this amount without your prior approval. We will charge time towards the approved Purchase Order; please send an authorization to do so.

May 17, 2024 Mr. Cameron Fowlkes, PE Page 3

If you have any questions regarding this information, please correspond with me via email at rich.follmer@fhueng.com. Thank you again for allowing us to offer our services.

Respectfully,

FELSBURG HOLT & ULLEVIG

Richard R. Follmer, PE PTOE

Associate

Attachment



FEE PROPOSAL WORKSHEET - Redtail Ridge Review Assistance

			Senior	Engineer	Engineer	Engineer			Other	
	PIC	Associate	Engineer	V	II	I	Admin.	Labor	Direct	TOTAL
TASK	\$295	\$290	\$235	\$205	\$135	\$120	\$160	Cost	Costs	COST
1.1 Roadway/Roundabout Plan Review										
- Design Standard Review	2			8	8			\$1,640		\$1,640
- Plan Review and Redlines	2			24	24			\$4,920		\$4,920
- CAD file review	2			24	8			\$4,920		\$4,920
Sub-Total	6	0	0	56	40	0	0	\$11,480	\$0	\$11,480
1.2 Traffic Design Plan Review										
- Design Standard Review			1			2		\$475		\$475
- Signal Plan Review and Redlines	1	1	16					\$4,050		\$4,050
- Signing and Striping Plan Review and Redlines	1	1	4			4		\$1,710		\$1,710
Sub-Total	2	2	21	0	0	6	0	\$6,235	\$0	\$6,235
I.3 Documentation										
- Comment Response Matrix	2	2	2	2	1	1		\$1,580		\$1,580
- Memorandums	2	2	2	2			2	\$1,780		\$1,780
Sub-Total	4	4	4	4	1	1	2	\$3,360	\$0	\$3,360
1.4 Coordination/Project Management										
- Misacellaneous Coordination/Progress Meetings	4	4	4	4				\$2,920	\$50	\$2,970
- Invoice/Progress Report Preparation	2	2					2	\$900		\$900
Sub-Total	6	6	4	4	0	0	2	\$3,820	\$50	\$3,870
TOTALS	18	12	29	64	41	7	4	\$24,895	\$50	\$24,945

From: <u>tamar krantz</u>
To: <u>Kurt Kowar</u>

Cc: City Council; Rob Zuccaro; Kathleen Kelly; Samma Fox; Cameron Fowlkes; Meredyth Muth

Subject: Re: RTR roadway review -- potential conflict of interest

Date: Tuesday, July 9, 2024 3:27:18 PM

Attachments: Outlook-s2weh21k.pnq
Outlook-mmchrlc1.pnq

Kurt,

Thanks for taking the time to respond to my e-mail to the city council and to share your response with them.

I also appreciate you taking my phone call and sending a follow up email after our conversation.

I'm copying council as well so that this e-mail chain will become part of the council packet for tonight's meeting. In response to your points:

- (1) Thanks for the plan review proposals and for not making me wait to go through the public records request process. I think that it is useful for city council members to see the other proposals. The letter from the developer requesting FHU creates the appearance of a conflict of interest.
- (2) When I asked why the price difference, you said that the main reason that FHU was cheaper was because they are already familiar with the project and could get up to speed. Now that I can see the proposals, I see that FHU's is the only one that doesn't include review of the drainage plan. Is that a significant difference in scope?
- (3) Though you say you can't meet with the public outside of the development review milestones that provide public input, you were very friendly and helpful on the phone. I am very appreciative!

I also tried to explain my reason for asking for a meeting. During the RTR referendum election campaign, those opposed to the referendum promised a worse development if proponents of the referendum won. Spokespeople for the referendum campaign promised to serve as guardrails through the process to ensure a better development. I don't speak for anyone else right now, but it seemed preferable to talk with you than to involve large groups of people and initiate letter writing campaigns, especially when we don't have complete information.

The other two questions were an aside and are not necessarily relevant to tonight's city council meeting.

- (4) When you say that the developer can apply any day, does that mean that any day, you might receive the applicant's <u>overlot grading permit</u>? Does that mean that they have completed the Stamped Erosion Control Plans, SWMP Report and State Stormwater Permit (CDPHE) as mentioned on the permit? How long will it take between when they submit and when you review and get the city manager signature? Would you be willing to let me know when you receive the permit application? My reason for trying to follow this is to understand how and when prairie dogs will be moved or removed.
- (5) I appreciate that Cameron made the request to the developer not to use rodenticides. I am not fully in agreement that the city cannot make any request beyond what is strictly required by law. If you can't put the requirement in the permit, can you put it in the referral letter? I mentioned in our conversation that prairie dogs don't know where the private lots begin and the open space ends. If prairie dogs need to be exterminated, rodenticide is a terrible option. How can I (or others who know more than me) get involved in this process? Residents may be willing to pay for carbon monoxide or relocation to prevent rodenticides from affecting the ecosystem.

Overall, I still hope this can be moved to the regular agenda and that city council will take the time to consider the appearance of a conflict of interest. I hope they are interested in the difference between

proposals regarding drainage plan review. Acknowledging my lack of technical expertise, I still suggest using a consultant other than the one recommended by Sterling Bay.

Thanks so much,

Tamar

On Mon, Jul 8, 2024 at 2:23 PM Kurt Kowar < <u>kurtk@louisvilleco.gov</u>> wrote:

Thank you for reaching out by phone. I am following up with the information you requested and answers to your questions you posed:

- 1. Can you have a copy of the plan review proposals. Proposals attached.
- 2. Why is there such a price difference?
 - A: Different consultants estimate different amounts of time or have different hourly rates that results in pricing differences. FHU is very familiar with the City Staff and the Redtail Ridge Development therefore they are able to review with less effort than others.
- 3. Can staff meet with the public regularly to keep them apprised of Redtail activities?
 - A: No. The development review process has specific City Council milestones that provide for public input and feedback. The City does not meet with the general public on a regular basis for development review check ins or information updates.

The public records request process is the approved manner in which to submit questions and/or document requests.

- 4. When will a grading permit be issued for Redtail?
 - A: The Ball is in the developers court. They can apply any day. Staff estimates it is possible that grading could begin at Redtail in August. These timelines are just estimates at this point.
- 5. Will the City create a condition on the grading permit to not utilize Rodenticides?
- A: The City relies on State requirements. The City has sent the request to not use Rodenticides to the developer but as we do not have this in our City adopted requirements it is not something we would regulate or place conditions upon for private property. This is from the Redtail developer:

"We've discussed to this with our environmental consultant. Who noted the rodenticides, as well as fumigants, were allowable through the state regulations (CDOA). Hope this helps.

The below is according to CSU extension and Referenced by Colorado Department of Agricultural (CDOA), several different types of pesticides can be used for prairie dog control in Colorado,

including grain baits and products that generate poison gases (fumigants). All of these products are federally restricted use pesticides, except for the USDA gas cartridge. Colorado Parks and Wildlife defers to CDOA on what control methods are acceptable.

Rodenticides (Poison baits)

Rodenticide typically refers to Poison Grain Baits. Two types of poison grain baits can be used for prairie dog control in Colorado: zinc phosphide baits, and those containing an anticoagulant poison. All poison grain baits for prairie dog control are restricted use pesticides, due to the hazard to other species of animals. Many of the restrictions and limitations on use are necessary to prevent death or injury to non-target birds and mammals, including wildlife, pets, and livestock. These baits can only be used for prairie dogs on rangeland, rangeland and pasture, or rangeland and adjacent non-crop areas (depending on the specific product label). Licensed contractors know the regulations and apply these baits per label requirements.

Fumigants

Two types of fumigants can be used for prairie dog control in Colorado: those containing aluminum phosphide or the USDA gas cartridge. Aluminum phosphide products are classified as restricted use pesticides and gas cartridges are classified for general use. Fumigants are most effective when used in moist soils in early spring. They are generally less effective in dry soil.

Carbon monoxide (as a fumigant) is also an accepted control used for prairie dogs, either as a gas cartridge or some contractors pump the gas directly into burrows. The gas cartridge is the only pesticide for prairie dog control that is not a restricted use pesticide. Gas cartridges are ignited with a fuse and burn, producing smoke. Prairie dogs are killed primarily by the carbon monoxide produced. It can be used in open fields, non-crop areas, rangelands, reforested areas, lawns and golf courses.

More detail is available at https://extension.colostate.edu/topic-areas/natural-resources/managing-prairie-dogs-6-

506/#:~:text=Poison%20Grain%20Baits,those%20containing%20an%20anticoagulant%20poison."

Thanks,

Kurt Kowar

Director
Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street Louisville, CO 80027



LouisvilleCO.gov

From: Kurt Kowar < kurtk@Louisvilleco.gov>

Sent: Monday, July 8, 2024 9:33 AM

To: <u>tamarkrantz</u>

Cc: City Council < Council@louisvilleco.gov>; Rob Zuccaro < rzuccaro@louisvilleco.gov>; Kathleen Kelly

; Samma Fox <sfox@louisvilleco.gov>

Subject: Re: RTR roadway review -- potential conflict of interest

Tamar,

Thank you for reaching out with your concerns.

City Staff have worked with FHU on a variety of projects and utilize them as an on-call 3rd Party review consultant to supplement our capabilities and expertise.

They have previously work with the City on matters such as Dillon Road Traffic Study, Campus Drive Realignment with Superior, and South Boulder Road Access Management.

FHU was selected by the City for this effort not by the Redtail Developer. FHU works for the City. FHU has previously reviewed and represented the City regarding the Redtail Traffic Study and various roadway topics and therefore is familiar with the project and the City's interests, including attending meetings with significant public meeting input on Redtail Ridge

The City Staff have reviewed and determined that FHU is the most qualified firm to supplement City Staff on this matter. The City Attorney has reviewed this matter and determined there is not a conflict of interest or legal issue concerning the agreement.

Ultimately, Public Works and Utilities staff approve any final set of plans and/or drawings that will result in the construction of Redtail Ridge.

Proposals can be made available through the City Clerks for review through records request.

If you have further concern, please feel free to reach out to me on my cell at 303-419-7445. I am happy to answer any additional concerns or questions related to this consent agenda item.

Thanks,

Kurt Kowar

Director

Public Works & Utilities

kurtk@LouisvilleCO.gov

749 Main Street Louisville, CO 80027



LouisvilleCO.gov

From: tamar krantz

Sent: Sunday, July 7, 2024 4:19:28 PM **To:** City Council < Council@louisvilleco.gov>

Subject: RTR roadway review -- potential conflict of interest

Dear City Council Members,

Would you please take item E: "Award Contract For Development Review Of Civil Roadway Plans For Redtail Ridge Development" off of your consent agenda to allow further discussion?

I am concerned that the action to award a review contract to FHU involves too much influence from the applicant. The staff memo states, "Staff recommends award of the contract to FHU per the request of the developer for Redtail Ridge (see attachment #1) based on familiarity with the project." In attachment 1, Ryan Amos of Sterling Bay states, "Sterling Bay requests the city hire FHU per their proposal attached."

I appreciate that the staff memo explains that "FHU has previously worked for staff on Redtail Ridge and is familiar with the project" and I appreciate that the developer is willing to pay for the review. Still, this level of applicant involvement in their own review appears to be a conflict of interest.

Could you please take time to discuss precedents for this type of expedited review paid for by a developer?

Also, could you please request that the proposals from Kimley Horn, AECOM, and ICON be shared with you and with the public as part of the city council packet? This way, the public will have the opportunity to see what was included in the other proposals that might have been missed in FHUs proposal and visa-versa. If the developer is paying for an expedited review, the best proposal and not the cheapest should be considered.

I don't have enough information to say that the city should hire one of the contractors that was NOT recommended by the applicant. But, with the limited information in the packet, it appears that the city should not hire a contractor that was recommended by the applicant without discussion by the council.

Thanks in advance for considering and discussing this!

I know this has been a busy time. Thanks for all you do!

Tamar Krantz

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