



## MEMORANDUM

To: John Baumgartner  
City Manager

From: James L. Doyle, Jr., Sr. Project Manager

Date: 11/28/2022

Re: DR2101B Oaks of Clear Creek Post Harvey Drainage Study

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Under cover of this memorandum please find the proposal from ARKK Engineers to provide professional services for the Oaks of Clear Creek Post Harvey Drainage Study – DR2101B for a combined total amount of **\$9,900**

Services to be performed include:

- Pedestrian survey of cultural services
- Drafting notice and coordination to include in the Environmental Review Record (ERR)

The proposal amount will need to be approved by the Executive Director level established in the City's procurement policy.

Per Monike Harris, funding will come from the following account(s):

DR2101B-PLAN DESIGN-DESIGN-CDBG-DR

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If this meets your approval, please indicate by signing and dating below and executing the professional services agreement documents.

Thank you.

DocuSigned by:

*Monike Harris*

Monike Harris, Financial Analyst

11/28/2022

Date

DocuSigned by:

*Ron Bavarian*

Ron Bavarian, Executive Director of Capital Projects  
Project Management

11/28/2022

Date

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
THE CITY OF LEAGUE CITY AND ARKK ENGINEERS**

§  
§  
§

This Second Amendment (“Amendment”) is entered into between the City of League City (“City”) and ARKK Engineers, LLC. (“Consultant”) on the date set forth below.

**RECITALS**

WHEREAS, the City and Consultant entered into an Agreement (“Agreement”) on or about May 11, 2022 whereby Consultant agreed to provide professional engineering services for the Oaks of Clear Creek Detention Pond Project (DR1902B), which its new project number is (DR2101B); and the Agreement is incorporated into this Amendment by reference; and

WHEREAS, the City and ARKK ENGINEERS, LLC wish to amend the Agreement to allow for additional engineering services as identified in the proposal dated November 14, 2022, which are hereby incorporated into this Amendment; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree to the following terms:

**TERMS**

1. The above-listed recitals are true and correct and hereby incorporated into this Amendment.
2. ARKK ENGINEERING, LLC authorized to proceed with the additional engineering services as identified in the proposal dated November 14, 2022 which is attached and incorporated as Exhibit A for an amount not to exceed \$9,900.
3. The below listed chart shows the summary of fees for this Project:

**Summary of Fees:**

Original Agreement:	\$423,020.00
First Amendment:	\$ 9,900.00

**Total Amended Contract Amount:   \$432,920.00**

4. Except as expressly provided in this Amendment, all other terms, conditions and provisions of the Agreement shall continue in full force and effect as provided therein.

Executed this \_\_\_\_\_ day of 11/30/2022, 2022. (date to be filled in by City Secretary)

**ARKK ENGINEERS, LLC - "Consultant"**

Madhu Kilambi  
Madhu Kilambi, PE – Senior Project Manager/Principal

**CITY OF LEAGUE CITY – "City"**

DocuSigned by:  
John Baumgartner  
John Baumgartner, City Manager

**Attest:**

DocuSigned by:  
Diana Stapp  
Diana Stapp, City Secretary

**Approved as to Form:**

DocuSigned by:  
Michelle L. Villarreal  
Office of the City Secretary

## **Exhibit A**

### **Scope of Services/Description of Products**

(7 number of pages, including this page)

ARKK Engineers, LLC, original scope is to provide engineering design and construction phase services associated with a proposed detention pond and other potential drainage improvements serving The Oaks of Clear Creek Subdivision. The allocated construction budget is up to approximately 3.8 million, depending on final scope of the proposed improvements. The purpose of the project is to reduce the occurrence of structure flooding in the subdivision to the degree that is feasible. Funding for the project will be from a combination of CDBG DR funds Hurricane Harvey relief) and City funds.

See attached letter/proposal.



November 14, 2022

Mr. James Doyle, M.Div., CPM  
Senior Project Manager  
Project Management  
City of League City  
300 W Walker St  
League City, Texas 77573

Re: Proposal for performing Cultural Resources Survey and Notices for Oaks of Clear Creek Detention Pond Improvements **(DR 2101B)**

Dear Mr. James:

As requested by the City, ARKK Engineers, LLC (ARKK) is pleased to submit this proposal for performing a cultural resources survey and providing notices as part of the ERR document and Texas Integrated Grant Reporting (TIGR) Portal of the above-referenced site for the above referenced project.

ARKK Engineers will utilize the services of Terracon Consultants, Inc. for performing the boundary survey work. The total fee for performing this work is **\$ 9,900** (cost plus 10%). Attached is the proposal from Terracon Consultants, Inc. outlining the scope of work and services.

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

Sincerely,

ARKK ENGINEERS, LLC.

A handwritten signature in blue ink that reads "Madhu Kilambi".

Madhu Kilambi, P.E.  
Sr. Project Manager/Principal



11555 Clay Road, Ste 100  
Houston, Texas 77043  
P (713) 690-8999  
F (713) 690-2055  
[Terracon.com](http://Terracon.com)

Madhu Kilambi

November 8, 2022

ARKK Engineers  
7322 Southwest Freeway, Suite 1040  
Houston, Texas 77074

RE: Cultural Resources Survey and Notices Proposal  
Oaks of Clear Creek Detention Pond Improvements Project  
League City, Galveston County, Texas  
Terracon Project No. P92227711

Dear Mr. Kilambi:

Terracon Consultants, Inc. (Terracon) appreciates the opportunity to submit this proposal to ARKK Engineers (client) for a cultural resources survey and providing notices as part of the ERR document and Texas Integrated Grant Reporting (TIGR) Portal of the above-referenced site. The scope items are listed below.

- Pedestrian survey of cultural resources
- Drafting notice and coordination to include in the Environmental Review Record (ERR)

## 1.0 PROJECT INFORMATION

We understand the site consists of approximately 23 acres of undeveloped City-owned land in League City, Galveston County, Texas, and that funding for the project may come from the Community Development Block Grant HUD program administered by the General Land Office. The Texas Historical Commission (THC) has not reviewed the cultural resources desktop for the project area; however, Terracon has developed this scope of work to comply with potential requirements related to the Antiquities Code of Texas (Texas Natural Resource Code, Title 9, Chapter 191) and Section 106 of the National Historic Preservation Act (NHPA), as appropriate.

## 2.0 SCOPE OF SERVICES

### 2.1 Task 1 – Cultural Resources Survey

Because the undertaking will occur on land owned or controlled by a political subdivision of the State of Texas, any surveys that are required will be conducted under an Antiquities Permit (Permit) authorized by the Antiquities Code of Texas, administered by the THC, which fulfills the SHPO responsibility for federally permitted or funded projects. The purpose of the survey would be to locate and identify sites that may be present within the project area. Sites may need to be evaluated for their eligibility for listing to the National Register of Historic Places (NRHP) and/or worthiness for being designated as State Antiquities Landmarks (SALs).

**Cultural Resources Survey and ERR Notices Proposal**  
**Oaks of Clear Creek Detention Pond Improvements Project ■ League City, Texas**  
**November 8, 2022 ■ Terracon Proposal No. P92227711**

Upon receipt of Notice to Proceed (NTP), Terracon will prepare a Permit application to conduct the work described herein. This application will outline the research design for this investigation and will describe the field methods to be used in the work. The application will need to be signed by authorized representatives of the landowner, of the project sponsor, and of the proposed Principal Investigator (Terracon employee). This task will cover the effort required to prepare this document and circulate it for signature, to mobilize and coordinate the fieldwork upon receipt of an authorized permit, and for the administrative requirements for conducting the work. Task 1 efforts will run throughout the life of the project.

Terracon understands that the overall project area consists of approximately 23 acres of land located in League City, Texas. The THC has not reviewed the cultural resources desktop for the project area. Terracon has developed this scope of work to comply with potential requirements related to the Antiquities Code of Texas (Texas Natural Resource Code, Title 9, Chapter 191) and Section 106 of the NHPA. For this project, current minimum survey standards required will be followed; for project areas less than 25 acres in size, two shovel tests should be excavated per acre. This translates to a minimum of 46 shovel tests. Qualified professional archeologists will carry out these efforts consistent with the current Standards for Professional Survey proposed by the Council of Texas Archeologists (CTA) and adopted by the THC. Additional shovel testing may be required to delineate archeological sites in the event that any are found. The current proposal estimates that no more than one site will be found during this survey and that 10 additional shovel tests will be required for full delineation. Accordingly, the overall level of effort for this survey will involve up to approximately 56 shovel tests; approximately 46 of these will be spaced evenly across the survey area and the remainder will be used to delineate sites, features, and other archeological materials or deposits. Shovel tests will avoid the previously disturbed areas, including Coleman Boylan Drive, the pipeline easement, and the existing structure near the northeast corner of the project area. While avoiding obvious disturbances, Terracon personnel will examine areas previously associated with standing structures that appear on early (ca. 1929) aerial imagery for associated remains.

The purpose of the survey will be to locate and identify sites that may be present within the project area. Sites found will be delineated within project area boundaries so that their horizontal extent is known, and so that their vertical extent is approximated to the degree feasible. Any artifacts recorded during this survey will be documented in the field and then returned to their original site-level location in zip-lock bags. The proposed survey is a no-collection effort, meaning that artifacts will be documented in the field and then returned to their original location. Field efforts will be recorded in the form of a field notebook and by use of standardized shovel testing forms. Field photography will record the general nature of the project area, specifically including terrain and other features that may affect or influence the presence or distribution of cultural resources. It is estimated that up to two (2) days of field time will be required to complete this work with a Principal Investigator and a field technician. Based on the results of our desktop assessment, mechanical trenching was not recommended and is not included in this proposal. A change order will be required in cases where the overseeing agencies require deep-reconnaissance, such as trenching or scraping.

Upon completion of the fieldwork described above, any observations that have been made, including about the nature or character of sites encountered or cultural deposits that are noted, will be summarized in a professional report that meets the current Standards for Archeological Reporting by the CTA and that have been adopted by the THC. Investigations conducted under Antiquities Permits are subject to curation requirements; Terracon will close the project out by submitting for curation associated notes, records, and report copies with a state-certified curation facility.



**Cultural Resources Survey and ERR Notices Proposal  
Oaks of Clear Creek Detention Pond Improvements Project ■ League City, Texas  
November 8, 2022 ■ Terracon Proposal No. P92227711**

## **2.2 Additional Phases of Investigation (If Warranted)**

In cases where insufficient data are available following the survey effort to make appropriate recommendations for a site's future treatment, additional investigations may be warranted. Typically, though not always, these additional phases of effort involve somewhat more intensive investigation of site(s) to obtain data necessary for making determinations of NRHP eligibility or SAL worthiness. Sites that are determined to be eligible for listing to the NRHP and/or being designated as SALs will frequently require a treatment plan that details how sites are to be avoided or protected during an undertaking, or that prescribes the investigative measures that will be followed to appropriately mitigate or offset the loss of information that will result from the undertaking. These phases will be undertaken only in consultation with the client and following coordination with the appropriate regulatory agency. Phases of effort subsequent to the initial survey investigation will be carried out under a separate budget and scope.

## **2.3 Task 2 – Draft Notice and coordination**

For the TIGR process and part of the ERR document, a notice will be drafted by Terracon and provided to the grant manager for publishing. Any comments provided by the Grant Manager will be addressed by Terracon. The Grant Manager will publish the notice on the City of League City CDBG-DR webpage, City Hall, and in the newspaper. A final copy of the notice, screenshots of the webpage, photos of the posting, and the newspaper affidavit will be provided by the Grant Manager to be included in the ERR.

## **3.0 SCHEDULE**

Task 1 services will be initiated within five business days upon receipt of authorization, per below, and written notice to proceed. Fieldwork will be initiated within 15 business days of Terracon's receipt of the Permit authorizing these investigations. The initial draft report described in Task 1 will be emailed to the client for review and/or approval within 15 business days of the completion of cultural resources fieldwork. Upon receipt of client comments, the report will be submitted to the THC for regulatory review. That agency typically takes up to 30 calendar days to review deliverables and issue their opinion regarding concurrence with our recommendations. However, understanding that the client is working with scheduling deadlines relating to project financing, Terracon will do its best to work with the THC to expedite the review of this report so that final conclusions can be available as soon as possible. Project close out including curation will be conducted on an expedient schedule following the review and acceptance by the THC of Terracon's draft report. Terracon will expedite this project at every opportunity.

The notices will be coordinated with Grant Manager and once a date is established for publishing and upon completion of the draft EA.

## **4.0 RELIANCE**

The reports will be prepared for the exclusive use and reliance of the client. Reliance by any other party is prohibited without the written authorization of the client and Terracon.

**Cultural Resources Survey and ERR Notices Proposal**  
**Oaks of Clear Creek Detention Pond Improvements Project ■ League City, Texas**  
**November 8, 2022 ■ Terracon Proposal No. P92227711**

If the client is aware of additional parties that will require reliance on the reports, the names, addresses, and relationship of these parties should be provided for Terracon approval prior to the time of authorization to proceed. Terracon may grant reliance on the reports to those approved parties upon receipt of a fully executed Reliance Agreement (available upon request) and receipt of information requested in the Reliance Agreement. If, in the future, the client and Terracon consent to reliance on the report by a third party, Terracon may grant reliance upon receipt of a fully executed Reliance Agreement, requested information and receipt of an additional minimum fee of \$500.00 per relying party.

Reliance on the reports by the client and all authorized parties will be subject to the terms, conditions, and limitations stated in the Agreement for Services, sections of this proposal incorporated therein, the Reliance Agreement, and reports. The limitation of liability defined in the Agreement for Services is the aggregate limit of Terracon's liability to the client and all relying parties.

## 5.0 SCOPE AND REPORT LIMITATIONS

The services described above will be performed in accordance with current, generally accepted professional practices in the local area. No warranties, express or implied, are intended or made.

The stated and inherent limitations of the Scope of Services proposed herein must be considered when the user formulates opinions as to potential regulatory requirements associated with development of the site.

Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees but shall not be responsible for the supervision or health and safety precautions for any third parties, including Client's contractors, subcontractors, or other parties present at the site. In addition, Consultant retains the right to stop work without penalty at any time Consultant believes it is in the best interests of Consultant's employees or subcontractors to do so in order to reduce the risk of exposure to the coronavirus. Client agrees it will respond quickly to all requests for information made by Consultant related to Consultant's pre-task planning and risk assessment processes. Client acknowledges its responsibility for notifying Consultant of any circumstances that present a risk of exposure to the coronavirus or individuals who have tested positive for COVID-19 or are self-quarantining due to exhibiting symptoms associated with the coronavirus.

## 6.0 COMPENSATION

The cost estimate below is submitted on a firm, fixed-price lump sum basis. The stated fees are valid only for ninety (90) days after the date of this proposal. The fee estimate is based on the assumptions and conditions provided at the time of this proposal. Additional services requested or approved by the client, such as consultation or other work that is not specifically included in the Scope of Services described in this proposal, will be performed on a time and materials basis for an additional fee based on a not-to-exceed budget.



**Cultural Resources Survey and ERR Notices Proposal**  
**Oaks of Clear Creek Detention Pond Improvements Project ■ League City, Texas**  
**November 8, 2022 ■ Terracon Proposal No. P92227711**

Scope of Services	Fee
Task 1 Cultural Resources Survey	\$8500
Task 2 – Notice and Coordination for ERR	\$500
<b>Total Fee</b>	<b>\$9,000</b>

## 7.0 AUTHORIZATION

These services may be authorized by acceptance of this proposal and execution of the attached Agreement for Services between the client and Terracon.

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. If you have any questions or comments regarding this proposal or require additional services, please give us a call.

Sincerely,  
**Terracon Consultants, Inc.**

Tanya Mitra  
 Senior Scientist

Jon C. Lohse, Manager  
 Environmental Planning Group

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
THE CITY OF LEAGUE CITY AND ARKK ENGINEERS**

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Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022. *(date to be filled in by City Secretary)*

**ARKK ENGINEERS, LLC - "Consultant"**

  
\_\_\_\_\_  
Madhu Kilambi, PE – Senior Project Manager/Principal

**CITY OF LEAGUE CITY – "City"**

\_\_\_\_\_  
John Baumgartner, City Manager

**Attest:**

\_\_\_\_\_  
Diana Stapp, City Secretary

**Approved as to Form:**

\_\_\_\_\_  
Office of the City Attorney

## **Exhibit A**

### **Scope of Services/Description of Products**

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November 14, 2022

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Senior Project Manager  
Project Management  
City of League City  
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League City, Texas 77573

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Sr. Project Manager/Principal



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Madhu Kilambi

November 8, 2022

ARKK Engineers  
7322 Southwest Freeway, Suite 1040  
Houston, Texas 77074

RE: Cultural Resources Survey and Notices Proposal  
Oaks of Clear Creek Detention Pond Improvements Project  
League City, Galveston County, Texas  
Terracon Project No. P92227711

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**Cultural Resources Survey and ERR Notices Proposal**  
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## **2.2 Additional Phases of Investigation (If Warranted)**

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The notices will be coordinated with Grant Manager and once a date is established for publishing and upon completion of the draft EA.

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**Cultural Resources Survey and ERR Notices Proposal**  
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## 5.0 SCOPE AND REPORT LIMITATIONS

The services described above will be performed in accordance with current, generally accepted professional practices in the local area. No warranties, express or implied, are intended or made.

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Client shall secure all necessary site related approvals, permits, licenses, and consents necessary to commence and complete the Services and will execute any necessary site access agreement. Consultant will be responsible for supervision and site safety measures for its own employees but shall not be responsible for the supervision or health and safety precautions for any third parties, including Client's contractors, subcontractors, or other parties present at the site. In addition, Consultant retains the right to stop work without penalty at any time Consultant believes it is in the best interests of Consultant's employees or subcontractors to do so in order to reduce the risk of exposure to the coronavirus. Client agrees it will respond quickly to all requests for information made by Consultant related to Consultant's pre-task planning and risk assessment processes. Client acknowledges its responsibility for notifying Consultant of any circumstances that present a risk of exposure to the coronavirus or individuals who have tested positive for COVID-19 or are self-quarantining due to exhibiting symptoms associated with the coronavirus.

## 6.0 COMPENSATION

The cost estimate below is submitted on a firm, fixed-price lump sum basis. The stated fees are valid only for ninety (90) days after the date of this proposal. The fee estimate is based on the assumptions and conditions provided at the time of this proposal. Additional services requested or approved by the client, such as consultation or other work that is not specifically included in the Scope of Services described in this proposal, will be performed on a time and materials basis for an additional fee based on a not-to-exceed budget.



**Cultural Resources Survey and ERR Notices Proposal**  
**Oaks of Clear Creek Detention Pond Improvements Project ■ League City, Texas**  
**November 8, 2022 ■ Terracon Proposal No. P92227711**

Scope of Services	Fee
Task 1 Cultural Resources Survey	\$8500
Task 2 – Notice and Coordination for ERR	\$500
<b>Total Fee</b>	<b>\$9,000</b>

## 7.0 AUTHORIZATION

These services may be authorized by acceptance of this proposal and execution of the attached Agreement for Services between the client and Terracon.

We appreciate the opportunity to provide this proposal and look forward to working with you on this project. If you have any questions or comments regarding this proposal or require additional services, please give us a call.

Sincerely,  
**Terracon Consultants, Inc.**

Tanya Mitra  
 Senior Scientist

Jon C. Lohse, Manager  
 Environmental Planning Group