

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

August 20, 2007

**CALL TO PODIUM:**

**Erica Shingara, Environmental Services Director**

**RESPONSIBLE STAFF:**

**James D. Arnoult, Director of Public Work, Parks Maintenance and Engineering**  
**Erica Shingara, Environmental Services Director**

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

**Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for Stream Restoration Design Services (\$84,065)**

**SUPPORTING BACKGROUND:**

In 2002 the City completed a comprehensive stream assessment of the City's + 24 miles of streams that identified degraded streams that were candidates for restoration. Since that time, the City has pursued a goal of working with private and public partners to implement stream restoration projects.

Three of the candidate restoration sites identified in the 2002 stream assessment were selected for concept restoration designs. As illustrated in the attached exhibit, these three sites were selected because there is a need to remediate threatened infrastructure; there is adequate construction access; restoration is anticipated to be cost-effective; and restoration would result in significant ecological benefits.

In support of the City's stream restoration goal, Gaithersburg has been working with Montgomery County Department of Environmental Protection (DEP) and the US Army Corps of Engineers Baltimore District (the Corps) on a Great Seneca Creek and Muddy Branch Watershed Assessment and Restoration Feasibility Study that incorporates watershed planning and aquatic ecosystem restoration efforts. As part of this study, Montgomery County has a contract (2502050241-CD) with Rummel, Klepper & Kahl, LLP (RK&K) to develop concept stream restoration designs using natural channel design elements. RK&K specializes in stream analysis and restoration and also performs this work for the State Highway Administration.

In support of this multijurisdictional stream restoration initiative, staff is seeking stream restoration designs in keeping with Montgomery County's watershed planning methodology and has received the following cost estimates from RK&K for this work:

1) 1,930 linear feet of the Muddy Branch Trib. 1a: (by Edison Park Drive)	\$35,805
2) 1,125 linear feet of the upper Muddy Branch: (by West Deer Park/Rosemont)	\$24,465
3) 1,200 linear feet of Whetstone Run Trib. 3: (by Asbury Methodist Village)	\$23,795
<b>Total</b>	<b>\$84,065</b>

**DESIRED OUTCOME:**

**Vote on Resolution.**

# MAYOR & COUNCIL AGENDA COVER SHEET

Cover Sheet  
Continued, Page 2

The first two proposed stream restoration projects are primarily located on City property, and the restoration work will be paid for by the City partially by escrowed developer funds.

The third proposed project is located entirely on property owned by Asbury Methodist Village. As the attached memorandum dated August 14, 2007 indicates in detail, the majority of Olde Towne's runoff drains through this stream to Asbury's regional stormwater management facility. This offsite runoff has significantly contributed to the stream's degradation. Accordingly, staff believes it is appropriate to partner with Asbury on the restoration of this stream utilizing existing funds collected from Olde Towne development. Under the terms of a proposed agreement, the City will pay for the initial design and Asbury will implement the improvements utilizing both public and private funds.

Funds for this project are available in CIP 82-1, Stormwater Management.

Attachments:

Exhibit 1: Resolution

Exhibit 2: Stream restoration Project Map

Exhibit 3: Memorandum

**Resolution Request Form**

**REQUEST FORM FOR RESOLUTIONS PERTAINING  
TO EXPENDITURES FROM THE CITY BUDGET  
(CONTRACTS/PURCHASES, TRANSFER FUNDS)**

**(Please attach the Mayor and Council Agenda Cover Sheet to this Form. For contracts/purchases, the Cover Sheet MUST include a list of all bidders and bid amounts.)**

Requested by Erica Shingara Date of City Council Meeting: August 20, 2007

**AUTHORIZING**

Purchase  Award Contract  Transfer Funds  Negotiate / Execute a Contract

**BID INFORMATION:**

Advertisement Date: Not applicable  
Participating in Montgomery County Contract # 2502050241-CD  
Newspaper(s): Not applicable  
Bids Opened/Tabulated (date): Not applicable

**DESCRIPTION OF ITEM(S):**

(Be specific; include quantity, item name, model number, etc.)

Award a contract to not exceed \$84,065 to Rummel, Klepper & Kahl, LLP (RK&K) for stream restoration designs at the following stream segments:

1) 1,930 linear feet of the Muddy Branch Trib. 1a: (by Edison Park Drive)	\$35,805
2) 1,125 linear feet of the upper Muddy Branch: (by West Deer Park/Rosemont)	\$24,465
3) 1,200 linear feet of Whetstone Run Trib. 3: (by Asbury Methodist Village)	\$23,795
<hr/> Total	\$84,065

**CONTRACTED/PURCHASE FROM:**

Company Name: Rummel, Klepper & Kahl, LLP (RK&K)  
Street Address: 81 Mosher Street  
P. O. Box Number: N/A  
City/State/Zip: Baltimore, MD 21217

**CONTRACT/PURCHASE AMOUNT:** \$ 84,065

Check One: In the Estimated Amount of  Not to Exceed

**FUNDS TO BE EXPENDED FROM:** Operating Budget  Capital Improvements Budget

Account Number: CIP 82-1 Storm Water Management – 3312 - 598000  
(For Finance Department use only; not to be included in the Resolution)

**VERIFICATION OF AVAILABILITY OF FUNDS** Available  Not available

  
FinanceDept. 8/15/07  
Date

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO ENTER INTO A CONTRACT  
FOR STREAM RESTORATION DESIGN SERVICES

WHEREAS, the City has a stated Strategic Direction to implement recommendations from ongoing evaluations of natural resources and encourage protection and enhancement of the environment (streams, parks, stormwater management, and other CIP projects); and

WHEREAS, in 2002 the City completed *An Ecological Assessment of Streams in Gaithersburg, Maryland: 2001-2002*, which provides a comprehensive biological and physical assessment of City streams and identifies sites where restoration would be cost-effective and provide the greatest ecological benefits; and

WHEREAS, the City is partnering with Montgomery County Department of Environmental Protection (DEP) and the US Army Corps of Engineers Baltimore District (the Corps) on a Great Seneca Creek and Muddy Branch Watershed Assessment and Restoration Feasibility Study that incorporates watershed planning and aquatic ecosystem restoration; and

WHEREAS, the City desires to enter into a contract for stream restoration design services to restore degraded streams that is in keeping with Montgomery County's watershed planning methodology; and

WHEREAS, Section 57 of the City Charter provides that the City Council may permit negotiations of contracts without sealed bids for products and services, where in the opinion of the Council, the interests of the City would be best served by negotiated contracts; and

WHEREAS, the City wishes to participate in the Montgomery County Contract (2502050241-CD) for stream restoration design services:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Gaithersburg, that the City Manager be and he hereby is authorized to enter into a contract for stream restoration design services with Rummel, Klepper & Kahl, LLP (RK&K), 81 Mosher Street, Baltimore, Maryland 21217, in an amount not to exceed Eighty-Four Thousand and Sixty-Five Dollars (\$84,065); said funds to be expended from the Capital Improvements Program.

ADOPTED by the Mayor and City Council this 20<sup>th</sup> day of August, 2007.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

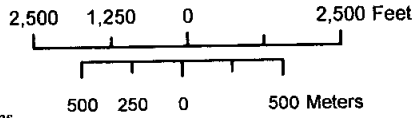
THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
in a public meeting assembled on the 20<sup>th</sup> day  
of August, 2007.

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David B. Humpton, City Manager

# Stream Restoration Projects

1 inch equals 3,118 feet



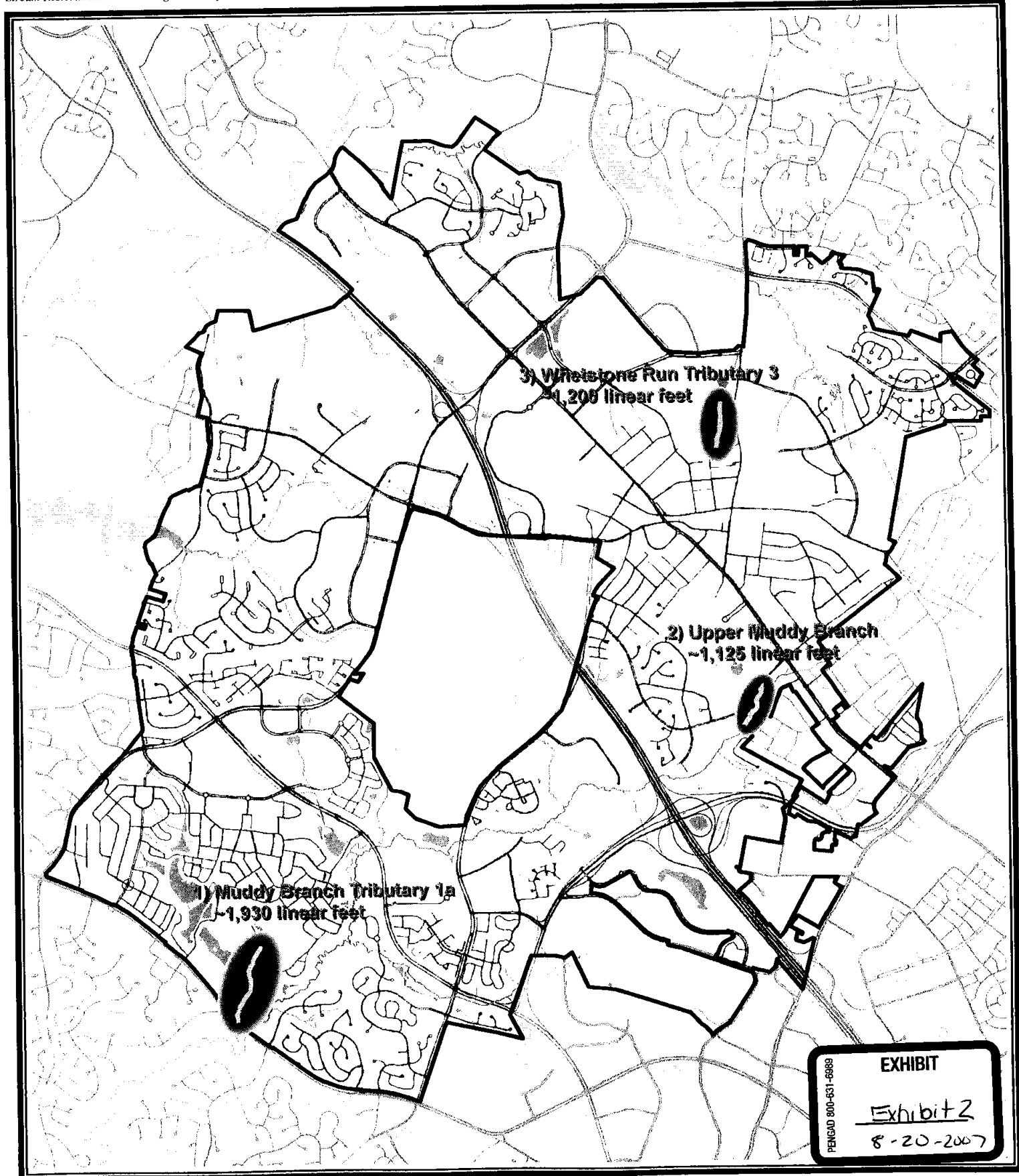
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Stream Restoration.mxd • 14-Aug-2007 • mps



MEMORANDUM TO: Mayor and City Council  
VIA: David B. Humpton, City Manager *DB*  
FROM: Erica Shingara, Environmental Services Director *E.S.*  
SUBJECT: Proposed Whetstone Run Stream Improvements at Asbury  
DATE: August 14, 2007

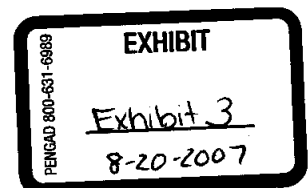
The resolution for stream restoration design services identifies three sites where the City is seeking to improve degraded stream conditions. One of these sites, Whetstone Run Tributary 3, contains approximately 1,200 linear feet of stream located on Asbury Methodist Village's property.

The majority of Olde Towne's development occurred prior to the adoption of state and local laws requiring stormwater management. As seen in the attached exhibit, untreated stormwater runoff from Olde Towne currently flows from a storm drain outfall by Park Avenue through a tributary of Whetstone Run that traverses Asbury Methodist Village's property and flows into the northern pond located by Odendhal Road. This offsite runoff has caused significant erosion and degradation to the stream located on Asbury's property. Several years ago, Asbury designed and built the northern pond which serves as a regional stormwater management structure treating Asbury's and a portion of Olde Towne's runoff. However, the stream reach between Olde Towne and the northern pond requires both emergency and long term restoration work. The City's 2002 Stream Assessment identified this area as a candidate restoration site and stormwater management inspections of Asbury's ponds indicated that the eroding stream is threatening the integrity of the dam of the southern pond.

While the City does not normally contribute to stream improvements on private property, staff believes it is appropriate in this case because the problems have been exacerbated by Olde Towne's runoff. In addition, Asbury has used private funds to design, construct, and maintain a regional stormwater management pond. As part of the approvals of the Park Station Apartment and The Summit projects in Olde Towne, the City collected developer funds with the intention of supporting downstream watershed improvements to Asbury's stream and regional stormwater management facility. The City collected a total of \$158,188 from Olde Towne SWM waiver fees (\$104,052 from Park Station and \$54,136 from The Summit). However, the stream restoration costs, in staff's estimate, will exceed the funds collected and will not only require private funds, but also public funds, such as grants. In addition, approvals for the project would be required from the Maryland Department of the Environment (MDE), which is a timely process.

During the review of Asbury Methodist Village- North Village (SP-07-0001), which proposes 43 duplex units by Odendhal Road, staff emphasized the importance and urgency of addressing the stream improvements. The concept/preliminary plan was approved by the Planning Commission on April 18, 2007 with the following conditions:

- 1) Applicant is to receive approval of environmental waivers by the Mayor and City Council prior to final site plan approval;
- 2) Applicant is to provide temporary stabilization of the stream channel parallel to the upstream dam prior to final occupancy of the first unit;
- 3) Applicant to work with the City to develop a concept plan for stabilization of the total stream within the Asbury property and phasing time table and agreement for its implementation prior to the release of bonds for this project.



In support of these conditions, staff met with the City Manager on June 5, 2007 to discuss a proposal for the City to partner with Asbury to assist in funding, designing, and seeking outside grants to support the following stream improvements, totaling approximately 1,200 feet (as seen on the attached exhibit):

- 1) Emergency stabilization of approximately 400 linear feet of stream parallel to Asbury's upstream pond dam and the dam itself; and
- 2) The development of a long term stream restoration plan to restore approximately 800 linear feet of Asbury's stream from the outfall from Park Avenue to the southern pond.

On July 19, 2007, staff met with Asbury Methodist Village to discuss the elements of a partnership. The proposed stream restoration partnership would commit the City to contributing the current funds collected (\$158,188) to design and construction, taking the lead in contracting the designs for both projects, and seeking grant funds to implement the stream restoration construction. Asbury will be involved in the design process and will be primarily responsible for implementing construction of the emergency stabilization and the long term stream stabilization. Since it is not certain if grants will be available at the time of construction, the City will need to work with Asbury to develop a cost share, phasing, and implementation agreement.

On July 23, 2007, the Mayor and Council approved an environmental waiver for Asbury's North Village (SP-07-001) which included the following condition:

- Pursuant to Section 33 of the *Environmental Standards for Development Regulation* and as part of the project's onsite mitigation plan, the applicant shall work with staff to design and construct approximately 400 linear feet of stream stabilization in the vicinity of the south pond (area designated as "Emergency Stabilization" in Exhibit 2c) prior to the release of bonds for this development. In addition, the applicant shall work with staff to develop an agreement that would implement a plan to restore approximately 800 linear feet of stream (area designated as "Stream Restoration" in Exhibit 2c). It is anticipated that this agreement would provide for the expenditure of \$158,000 of public funds (previously collected from other developers), and would require the City to seek grant funds from outside sources that would reduce the cost to both parties. In any event, the applicant's total stream improvement obligation under this development approval shall not exceed \$250,000;

The resolution for stream restoration design services is the first stage in this partnership that will result in the completion of urgent repairs and the creation of a long term solution to prevent further erosion of the southern pond's dam embankment, enhance the stream's water quality and aquatic habitat, and reduce the northern pond's rate of sedimentation that is diminishing its storage capacity.

If you have any questions, please contact me at 301-258-6310.

Attachments (1)

cc: James Arnoult  
Trudy Schwarz

# Asbury Methodist Village Proposed Stream Restoration Project ~ 1,200 Linear Feet

1 inch equals 242 feet  
100 50 0 100 Feet  
2512.5 0 25 Meters



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