



AGENDA
REGULAR MEETING
of THE MARY ESTHER CITY COUNCIL
October 25, 2023 - 6:00 PM

195 Christobal Road – North, Mary Esther, FL 32569

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. SPRINGDALE NEIGHBORHOOD STORMWATER IMPROVEMENTS**
- 5. FY 2024 LEGISLATIVE APPROPRIATION REQUEST**
- 6. AWARD OF RFB 2023-01, MISTY WATER BOAT RAMP PIER**
- 7. COMMENTS**
- 8. ADJOURN**

******* PLEASE TURN OFF OR SILENCE ALL CELL PHONES *******

REMOTE MEETING ATTENDANCE

The virtual link to our meetings is posted in the calendar section of our website (www.cityofmaryesther.com) You may log into the meeting up to 10 minutes prior to the start time to ensure your connection is working properly.

All communications via the chat feature by online participants during city meetings are subject to Florida's public records laws and must be civil in public discourse whether written or spoken. Any private messages sent by online attendees during the meeting is strongly discouraged. Only messages sent to "All" or "Everyone" in the public forum will be addressed by the City Council or City staff during the meeting.

NOTES:

- 1) *Adjournment with continuation on the following day at 6:00 PM may be called if the meeting proceeds past 10 PM.*

- 2) *The City does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Mary Esther City Council with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286.0105*

- 3) *Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council is not allowed by law to endorse the religious beliefs or views of this or any other speaker.*

AGENDA ITEM

Agenda Item 4.1.

TO: Honorable Mayor and Members of the City Council

FROM: Jared Cobb, City Manager

DATE: October 25, 2023

SUBJECT: Task Order 2024-01, Springdale Neighborhood Stormwater Improvements

BACKGROUND:

This agenda item requests consideration of a task order with Jacobs Engineering to design improvements to the stormwater system in the Springdale Neighborhood. To provide context, a timeline of events is provided below:

- The City's first Wastewater Facilities Plan was completed in April 2019. A Water Facilities Plan was completed in March 2020. These documents provide long-term neighborhood plans to improve water and sewer infrastructure.
- On December 2, 2019, the City Council directed the City Engineer at the time to start the FDEP permitting process for Ray's Pond, which collects stormwater runoff from the Springdale and Scottsdale neighborhoods.
- On August 3, 2020, the City Council approved Task Order 2020-01 with Jacobs Engineering for Phase I of the Water and Sewer Rehabilitation Project, which included water, sewer, and street improvements in the Springdale Neighborhood.
- On December 6, 2021, the City Council approved a task order with Kimley-Horn to define the stormwater basin, draft construction plans, and proceed with FDEP permitting for Ray's Pond.
- On June 15, 2022, during the design process for Springdale Neighborhood Infrastructure, staff recommended bid alternates to repave all streets within the neighborhood; replace curbs and gutters; and install five (5) foot sidewalks on both sides of the street. Additionally, staff requested future infrastructure projects consider

stormwater improvements during project design.

- On November 17, 2022, the City Council awarded the Springdale Neighborhood Infrastructure project, with alternates, to Talcon Group LLC for an amount not-to-exceed \$4,562,643. Grants totaling \$1,024,000 were obtained to offset the costs of the project alternates, with a third grant of \$371,000 pending approval. Construction started in February 2023.
- On July 28, 2023, staff received the construction plans for Ray's Pond. The stormwater analysis determined the footprint of the pond is too small to handle existing stormwater flows. Additional stormwater improvements are required to reduce stormwater flows into Ray's Pond and meet current FDEP permit requirements.

DISCUSSION:

Over the last two (2) months, staff have worked with Kimley-Horn and Jacobs to determine if the required stormwater improvements could be completed at a later date without impacting the ongoing Springdale Neighborhood Infrastructure project. Both engineers concluded sidewalks should not be installed on the northern section of Mary Esther Drive, Pryor Drive, or Kohler Drive until stormwater improvements are completed.

Scott Jernigan, Jacobs Engineering, plans to attend the City Council meeting to discuss the proposed task order, stormwater improvements, and the impact on the ongoing Springdale Neighborhood Infrastructure project.

FINANCIAL IMPACT:

The FY 2024 Budget includes \$1,268,677 for the reconstruction of Ray's Pond and the ditch on the north side of the Scottsdale and Springdale neighborhoods. Of this amount, \$963,620 is grant funded, with \$463,620 from ARPA and \$500,000 from a Legislative Appropriation.

The additional stormwater improvements have an estimated cost of \$1,557,666. Jacobs will explore alternatives to reduce project costs; however, this amount may be funded by deferring sidewalks in the Azalea Neighborhood Infrastructure project (\$1,126,600) and reserves from the General Fund (\$431,066), which may be repaid with proceeds from the Sales Tax Fund. Other options include securing additional grants (staff applied for a \$250,000 Resilient Florida grant in September) and self-performing some of the ditch improvements along the north side of the Scottsdale and Springdale neighborhoods.

RECOMMENDATION:

Motion to approve Task Order 2024-01 with Jacobs Engineering for an amount not-to-exceed \$83,200.

ATTACHMENT(S):

1. Task Order 2024-01, Springdale Stormwater Improvements

TASK ORDER 2024– 01

THIS TASK ORDER IS ISSUED PURSUANT TO THE STANDARD MASTER AGREEMENT FOR PROFESSIONAL SERVICES DATED JUNE 24, 2020 (AGREEMENT), FOR THE CITY OF MARY ESTHER, FLORIDA, WHICH IS INCORPORATED HEREIN BY THIS REFERENCE, WITH RESPECT TO

Professional Engineering and Consulting Services for Springdale Park Stormwater Improvements Project

Article A. Purpose

The City of Mary Esther (City) is currently working on the rehabilitation of the water, sewer, and roadway infrastructure within the Springdale Park Neighborhood. The City is subsequently working on the rehabilitation of Ray's Pond and the connecting stormwater infrastructure within the neighborhood. The City has since identified the need to improve the stormwater drainage systems within the Springdale Park neighborhood. The purpose of Task Order 2024-01 is to authorize and direct Jacobs Engineering Group Inc. (Jacobs), to proceed with the professional engineering and consulting services to design and provide services during construction for the Springdale Park Stormwater Improvements Project.

The scope of work is described in Article B below.

Article B. Scope of Services

The scope of services provided with this task order is detailed below.

Task 1 – Stormwater Improvements Design and Permitting

The purpose of this task is to provide the design services for improving the stormwater drainage systems in the Springdale Park Neighborhood. Jacobs will evaluate the drainage basin and regulatory requirements for improving the stormwater systems within the neighborhood. The design is assumed herein to include infrastructure additions and or modifications along Kohler Rd and Mary Esther Drive.

Jacobs will also subcontract with a surveyor to provide horizontal and vertical location of the existing stormwater outfall(s) and ditch, manholes, and additional spot elevations where needed to further assist in the design. Following receipt of survey information, Jacobs will develop two design alternatives for review by the City. After review, Jacobs will incorporate any review comments into the design package based on the selected alternative and prepare a 90% design submittal that will include construction plans and specifications. Jacobs will also prepare and submit a General Permit through the Northwest Florida Water Management District (NFWFMD). The 90% design plans will be used in the permit submittal.

Following an internal QC and review of the 90% submittal by the City, Jacobs will incorporate comments from the City and NFWFMD to prepare a ready for construction submittal. It is anticipated that this Work will not be advertised for bid but will be executed through a change order with the Contractor currently working on the Springdale Water and Sewer Rehabilitation Project. Jacobs will coordinate with the Contractor and City to prepare and execute a change order to

incorporate the stormwater improvements. Additionally, Jacobs will assist the City in preparing and executing a change order with the same Contractor for incorporating the Ray's Pond rehabilitation work into the project. In the event the stormwater work in Springdale Park and the Ray's Pond project have to be bid, Jacobs will assist the city with the bid process.

Jacobs will conduct a design review meeting with the City after submission of the 90% design package. The review meeting will be attended by the Jacobs project manager and project engineer.

Deliverables

Under this subtask, Jacobs will deliver to City the following items:

- Design alternatives conceptual sketches
- 90% design package consisting of construction drawings and specifications. 2 hard copies and a PDF copy will be provided.
- Released for Construction submittal. 2 hard copies and a PDF copy will be provided.
- NFWFMD General Permit Application

Task 2- Services During Construction

Jacobs will provide engineering services during construction for the construction of the stormwater improvements outlined in Task 1 as well as the stormwater improvements for the Ray's Pond rehabilitation. Items under this task generally include:

- Preparation of Change Orders
- Submittal Review (5 submittals)
- Pay application review (10 pay applications)
- Response to requests for information (10 RFIs)
- Progress meetings (12 meetings)
- Preparation of as-built drawings

Site Visits

Jacobs will make visits to the site to attend the monthly construction progress meetings, as well as additional visits at key milestones during construction. The schedule of these site visits is anticipated to be such that it can maximize the purpose of the visit at key points during construction and on an "as-needed" basis. Each site visit will require approximately 4 hours, including travel, field observation and report development. Anticipated site visits include:

- (10) "As needed" visits
- Bi-weekly site visits based on a 10-month construction duration
- Substantial completion inspection
- Final completion walk-through

Final Inspection

Jacobs will review the work at the substantial completion and final completion stages. Jacobs will prepare one (1) punch list of items requiring completion or correction. Jacobs will make recommendations to City regarding acceptance of the work based on the results of the final inspection.

Assumptions and Specific Conditions

The following assumptions have been taken into consideration in the preparation of this Scope of Services and compensation. These assumptions are based on the project scope, which is to deliver to the City a completed set of construction documents, contract documents, plans, and specifications of sufficient detail to obtain a reasonably accurate price for services to construct the proposed improvements and for the Contractor selected to be able to construct the facility and to assist the City with the monitoring of the construction of the project, and to provide limited post-construction assistance.

Should deviations from these assumptions be required to deliver the services described in this Scope of Services, the scope of work and compensation shall be modified accordingly and approved by the City in writing prior to executing the changes to the Scope of Services.

- The City will pay for permit application fees.
- The project will qualify for an ERP Stormwater Retrofit General Permit and not require and ERP Individual Permit.
- The project will be executed with a Contractor through a Change Order and will not be competitively advertised and bid.

Article C.

Work will begin upon execution of this task order. A preliminary milestone schedule is shown below.

Table 1 – Preliminary Schedule

Milestone	Completion Time
Notice to Proceed	
Task 1 – Ray’s Pond Change Order Execution	4 weeks after authorization from City
Task 1 - 90% submittal	16 weeks after NTP
Task 1 – Ready for Construction Docs	4 weeks after permit approval
Task 2 – Services During Construction	12 months after change order execution

Article D. Compensation

As compensation for providing the services described in Article B. Scope of Services in this task order, the City shall pay Jacobs, in accordance with the Agreement, on a time and material basis with a not-to-exceed amount of \$83,200. The estimated breakdown of fees is shown in the table 1 below.

Table 1 – Engineering Fee

Milestone	Fee
Task 1 – Design and Permitting	\$39,400
Task 2 – Services During Construction	\$43,800
Total	\$83,200

Article E. Authorized Representative

The Authorized Representatives designated below are authorized to act with respect to Task Order 2024-01. Communications between the City and Jacobs shall be through the Authorized Representatives:

For the City of Mary Esther, Florida	For Jacobs
Name: Jared Cobb	Name: Kevin Waddell
Address: 195 Cristobal Road N, Mary Esther, FL 32569	Address: 25 W. Cedar Street, Suite 350 Pensacola, FL 32502
Telephone: (850) 243-3566	Telephone: (850) 941-7279

Article F. Authorization:

Task Order 2024-01 is effective as of _____, 2023	
Accepted for City by:	Accepted for Jacobs Engineering Group Inc by:
Name: Chris Stein	Name: Scott Jernigan, P.E.
Title: Mayor	Title: Pensacola Area Market Lead

AGENDA ITEM

Agenda Item 5.1.

TO: Honorable Mayor and Members of the City Council

FROM: Jared Cobb, City Manager

DATE: October 25, 2023

SUBJECT: Review and select projects for FY 2025 Legislative Appropriation Request submission

BACKGROUND:

The Florida Legislature accepts appropriation requests annually prior to the legislative session. Municipalities typically request funds for capital projects. This year's requests are due to the House of Representatives by November 1 and the Senate by November 14.

DISCUSSION:

Two projects have been identified for consideration:

- Northwest Stormwater Improvements - The City received a \$500,000 appropriation last year. Due to the required increase in scope by FDEP, staff recommends requesting an additional \$500,000 to support project completion.
- Azalea Park Neighborhood Sidewalks - Estimated cost of the project is \$1,126,600. Staff recommends requesting \$1,000,000.

FINANCIAL IMPACT:

The proposed appropriation projects are included in the FY 2024 Budget. If selected, they would help offset the unanticipated costs of the Springdale Neighborhood Stormwater Improvements (\$1,557,666).

RECOMMENDATION:

Motion to authorize the City Manager to submit a FY 2025 Local Funding Initiative Request to the Florida Senate and Florida House of Representatives for Northwest Stormwater Improvements for the amount of \$500,000, and sidewalks in the Azalea Park Neighborhood for the amount of \$1,000,000.

ATTACHMENT(S):

AGENDA ITEM

Agenda Item 6.1.

TO: Honorable Mayor and Members of the City Council

FROM: Jared Cobb, City Manager

DATE: October 25, 2023

SUBJECT: Review and Consideration of Bonding Requirements

BACKGROUND:

On Monday, October 2, the City Council awarded RFB 2023-01, Misty Water Boat Ramp Pier, to Complete Site Source of Mary Esther, Florida. Subsequently, staff notified the contractor of our contract requirements. While the bid documents specified bonding requirements, the contractor believed the project would be exempt due to Florida's Little Miller Act. They have requested the City consider accepting a certified check for the full amount of the project in lieu of performance and payment bonds, or the City increase the contract price by 3% to cover bonding costs.

Under Florida Statutes, Title XVIII, Chapter 255, §255.05, all projects valued at more than \$100,000 must have a performance bond and payment bond in place. Exceptions are made for projects valued at \$200,000 or less based on individual arrangements "at the discretion of the official or board awarding such contract."

DISCUSSION:

The goal of staff is to ensure the City is protected in the event the project is not completed to the standards outlined in the contract, abandoned, or the contract does not pay subcontractors or suppliers. Other municipalities contain provisions within their procurement guidelines to accept alternatives, such as a certified check. Our current procurement guidelines do not address alternatives and, if acceptable, would require Council action and likely agreement language from the City Attorney. Alternatively, the City Council could increase the contract amount by 3% from \$94,955.46 to \$97,804.13 to help the contractor cover bonding costs.

FINANCIAL IMPACT:

Options:

1. Certified Check - Cost limited to attorney fees to draft agreement language, which may be used for future projects.
2. Performance and Payment Bond - \$2,848.67 for bonding costs.
3. Award to Next Contractor - \$54,670.54 increase.

RECOMMENDATION:

The goal of staff is to ensure the City is protected in the event the project is not completed to the

standards outlined in the contract, abandoned, or the contract does not pay subcontractors or suppliers. The City Attorney is reviewing the alternative of accepting a certified check. Staff would recommend accepting a certified check as long as the City Attorney determines it will provide the same level of protection.

ATTACHMENT(S):