

ORDINANCE NO. 23-194

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL DESIGN SERVICES WITH STRAND ASSOCIATES, INC. OF CINCINNATI, OHIO, FOR THE CHURCHWELL PARK RECREATION IMPROVEMENTS AND MACARTHUR PARK ROADWAY AND UTILITY IMPROVEMENTS PROJECT; AND DECLARING THAT THIS ORDINANCE SHALL TAKE IMMEDIATE EFFECT IN ACCORDANCE WITH SECTION 14 OF THE CITY CHARTER.

WHEREAS, this City Commission approved a Memorandum of Understanding (MOU) with the Erie County Board of Health for the reimbursement of costs for the design and revitalization of Churchwell Park as part of the South Side Plan by Ordinance No. 23-048, passed on February 27, 2023; and

WHEREAS, this City Commission approved and adopted the South Side Plan by Ordinance No. 23-106, passed on May 8, 2023; and

WHEREAS, one of the focal points of the South Side Plan was improvements of recreation and utility infrastructure within the MacArthur Park neighborhood, which is bounded by North Forest Drive, East Forest Drive, South Forest Drive and West Forest Drive, including Parkview Boulevard and Forest Drive, and the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project is the first project to commence from the Plan; and

WHEREAS, subsequent to a Request for Qualifications (RFQ) process, this City Commission approved an agreement with Strand Associates, Inc. of Cincinnati, Ohio, for Professional Design Services for the preliminary design phase for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project by Ordinance No. 23-145, passed on July 10, 2023; and

WHEREAS, Strand Associates Inc. will be providing professional surveying services for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project and is more fully described in the Scope of Services, which is attached to this Ordinance and marked Exhibit "A" and specifically incorporated herein; and

WHEREAS, the original cost of the Professional Design Services was \$110,000.00 and with the additional cost for surveying services provided in this Amendment in the amount of \$15,250.00, the total revised cost is \$125,250.00 and will initially be paid with Capital Funds and then reimbursed from the Erie County Board of Health through the Ohio Department of Health's Ohio Healthy Improvement Zones Grant program; and

WHEREAS, this Ordinance should be passed as an emergency measure under suspension of the rules in accordance with Section 14 of the City Charter in order to proceed with services and complete the surveying services so the invoice can be submitted to the Erie County Health Department for reimbursement by the end of year pursuant to the Memorandum of Understanding; and

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WHEREAS, in that it is deemed necessary in order to provide for the immediate preservation of the public peace, property, health, and safety of the City of Sandusky, Ohio, and its citizens, and to provide for the efficient daily operation of the Municipal Departments, including the Department of Public Works, of the City of Sandusky, Ohio, the City Commission of the City of Sandusky, Ohio finds that an emergency exists regarding the aforesaid, and that it is advisable that this **Ordinance** be declared an emergency measure which will take immediate effect in accordance with Section 14 of the City Charter upon its adoption; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO, THAT:

Section 1. The City Manager is authorized and directed to enter into an Amendment to the Agreement with Strand Associates, Inc., of Cincinnati, Ohio, for professional surveying services for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project, substantially in the same form as attached to this Ordinance, marked Exhibit "1", and specifically incorporated as if fully rewritten herein, together with any revisions or additions as are approved by the Law Director as not being substantially adverse to the City and consistent with carrying out the terms of this Ordinance, at an amount **not to exceed** Fifteen Thousand Two Hundred Fifty and 00/100 Dollars (\$15,250.00) resulting in a total revised amount **not to exceed** One Hundred Twenty-Five Thousand Two Hundred Fifty and 00/100 Dollars (\$125,250.00).

Section 2. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. This City Commission finds and determines that all formal actions of this City Commission concerning and relating to the passage of this Ordinance were taken in an open meeting of this City Commission and that all deliberations of this City Commission and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4. That for the reasons set forth in the preamble hereto, this Ordinance is hereby declared to be an emergency measure which shall take immediate effect in accordance with Section 14 of the City Charter after its adoption and due authentication by the President and the Clerk of the City Commission of the City of Sandusky, Ohio.



RICHARD R. BRADY
PRESIDENT OF THE CITY COMMISSION



ATTEST:

CATHLEEN A. MYERS
CLERK OF THE CITY COMMISSION

Passed: September 25, 2023

**FIRST AMENDMENT TO THE AGREEMENT
FOR
PROFESSIONAL SERVICES**

This First Amendment to the Agreement for Professional Design Services (this "Agreement"), made as of _____, 2023, by and between the City of Sandusky (the "City"), whose contact person shall be the Director of Public Works designated below or successor (the "City Engineer"), and Strand Associates, Inc. (the "Architect/Engineer"), whose contact person and address are set forth below.

WHEREAS, the City is operating under its Charter, ordinances and regulations and it is the intention of the City, in the exercise of its powers, to obtain professional design/engineering services for the following project (the "Project"):

Project Name:	Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements
City Engineer: Address:	Aaron Klein, P.E. Department of Public Works City of Sandusky 240 Columbus Ave Sandusky, Ohio 44870
Architect/Engineer: Contact: Address:	Strand Associates, Inc. Kelly Kuhbander, P.E., LEED AP 615 Elsinore Place, Suite 320 Cincinnati, Ohio 45202

NOW, THEREFORE, in consideration of the mutual promises contained in the Professional Design/Engineering Services Agreement executed on July 27, 2023, the City and the Architect/Engineer agree as follows:

The Architect/Engineer shall perform additional tasks included in Exhibit "A" as described therein, in accordance with the Professional Services Amendment executed on _____, between the City and Strand Associates, Inc. for a revised fee not to exceed \$125,250.00.

Signature Page to Follow

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

Strand Associates, Inc.
("Architect/Engineer")

By: _____

CITY OF SANDUSKY

By: _____

John Orzech
City Manager

APPROVAL:

The legal form and correctness of the within instrument is hereby approved.

Justin Harris
Interim Law Director

CERTIFICATE OF FUNDS

In the matter of: **Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements**

IT IS HEREBY CERTIFIED that the moneys required to meet the obligations of the City of Sandusky under the foregoing Agreement have been lawfully appropriated for such purposes and are in the treasury of the City of Sandusky or are in the process of collection to the appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code (ORC).

Dated: _____, 2023

CITY OF SANDUSKY

By: _____
Michelle Reeder
Finance Director

Account Number

Amount

EXHIBIT "A"

Exhibit "A"

Additional Services: Perform topographic survey to collect information within the project area including Churchwell Park and the streets surrounding the park, including North Forest, West Forest, East Forest and South Forest Drives, and Parkview Blvd. Information to be collected includes marked buried infrastructure, sanitary manhole and storm structure depths, edge of pavement, curb lines, and above ground amenities and infrastructure in the park. Correspond with utility marking company to locate underground utilities prior to topographic survey.

Additional Compensation: \$15,250