

ORDINANCE NO. 24-005

AN ORDINANCE AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO A SECOND 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 in the amount of \$110,000.00 by Ordinance No. 23-145, passed on July 10, 2023; and

WHEREAS, this City Commission approved an amendment to the agreement with Strand Associates, Inc. of Cincinnati, Ohio, for Professional Design Services for field surveying for the Churchwell Park Recreation Improvements and MacArthur Park Roadway and Utility Improvements Project in the amount of \$15,250.00 by Ordinance No. 23-145, passed on July 10, 2023; and

WHEREAS, this Second Amendment to the Agreement with Strand Associates Inc. will provide for detailed design of all sanitary, storm, and water infrastructure 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 current cost of the Professional Design Services including the First Amendment was \$125,250.00 and this Second Amendment will increase the cost by \$1,104,200.00 for a total cost of \$1,229,450.00 and the additional cost will be paid with American Rescue Plan Act (ARPA) Stimulus Funds; and

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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 expedite a portion of the design and have the costs encumbered by the end of 2024 which is required by the American Rescue Plan Act (ARPA); and

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 a Second 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** One Million One Hundred Four Thousand Two Hundred and 00/100 Dollars (\$1,104,200.00) resulting in a total revised amount **not to exceed** One Million Two Hundred Twenty-Nine Thousand Four Hundred Fifty and 00/100 Dollars (\$1,229,450.00).

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

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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: January 8, 2024

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

This Second Amendment to the Agreement for Professional Design/Engineering Services (this "Agreement"), made as of _____, 2024, 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 "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
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 Engineer agree as follows:

The City acknowledges and asserts that the Engineer is an agent of the City and grants Engineer immunity in accordance with state statute 1533.181. The Engineer shall perform additional services included in Attachment 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 \$1,229,450 (an increase of \$1,104,200).

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.
("Engineer")

By: _____

CITY OF SANDUSKY

By: _____

John Orzech
City Manager

APPROVAL:

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

Stewart Hastings
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: _____, 2024

CITY OF SANDUSKY

By: _____
Michelle Reeder
Finance Director

Account Number

Amount

EXHIBIT "A"

Attachment A Second Amendment

Project Understanding

The project area includes Churchwell Park and the surrounding MacArthur Park neighborhood, which comprises North Forest Drive, East Forest Drive, West Forest Drive, South Forest Drive, Parkview Boulevard, Forest Drive, Clay Street, and Camp Street between West Perkins Avenue and Buchanan Street. The project also includes potential improvements on up to 50 privately-owned properties within this neighborhood.

Additional Scope of Services:

1. Perform a topographic survey including marked buried utilities and sanitary manhole and storm structure depths within the project area. The survey is anticipated to include underground utilities as marked by the Ohio Underground Protection Service. Within the right-of-way (ROW), the survey includes edge of street pavement, curbs, and aboveground existing features. Services also include attempting to locate residential water service meters and residential sanitary sewer lateral cleanouts and depths where feasible. Aboveground existing features such as trees up to six inches or greater in diameter, driveways, and patios will also be located on portions of the private properties. Private property owners will be notified via placement of a door hanger on their front doorknob, and the City shall send a letter on its letterhead to each property owner prior to entering their property to collect survey information. Collected survey data will supplement the survey data collected in the project area by Engineer in October 2023.
2. Communicate with Ohio Edison, AT&T, Buckeye Power, and Columbia Gas regarding the potential relocation of existing gas and electric utilities out of the existing park and rear yards and into the public road ROW.
3. Prepare preliminary schematic utility alignments for new water and sanitary sewers to be relocated into the road ROW.
4. Conduct a pavement condition assessment on North, East, South, and West Forest Drives; Parkview Boulevard; Forest Drive; and Clay Street to identify potential locations for full-depth pavement reconstruction or asphalt overlay.
5. Attend a meeting with the City to review preliminary schematic utility alignments and preliminary roadway condition assessment. Update the schematic utility alignments and roadway condition assessment in accordance with review comments from the City, as appropriate.
6. Provide 50 percent, 90 percent, and final design drawings and technical specifications for potential utility improvements that are anticipated to include:

For Owner Review

- a. Installation of approximately 4,000 feet of eight-inch water main in the road ROW on North, East, South, and West Forest Drives; Parkview Boulevard; Forest Drive; and Clay Street.
 - b. Relocation of up to 50 water service lines for buildings to a new eight-inch water main or to an existing water line on Camp Street.
 - c. Installation of fire hydrants within 300 feet of properties within the project area.
 - d. Installation of approximately 1,055 feet of ten-inch sanitary sewer in the road ROW on Camp Street including relocation of up to 26 sanitary laterals for the adjacent residential properties.
 - e. Installation of approximately 3,535 feet of eight-inch sanitary sewer in the road ROW on North, East, South, and West Forest Drives; Parkview Boulevard; Forest Drive; and Clay Street; including relocation of up to 87 sanitary laterals for the adjacent residential properties.
 - f. Rehabilitation or replacement in current location of approximately 525 feet of eight-inch sanitary sewer between South Forest Drive and Perkins Avenue including reconnection of up to 30 sanitary laterals to the adjacent residential properties.
 - g. Drawings will include residential property water and sewer service reconnections in plan view only at approximate locations. Design drawings will also include notes for service sizes, minimum bury depths, and minimum slopes. The City shall identify the specific locations where new services lines will connect to existing service lines. Abandon in place or remove existing buried infrastructure lines no longer in use.
7. Provide 50 percent, 90 percent, and final design drawings and technical specifications for potential road and sidewalk improvements that are anticipated to include:
- a. Installation of approximately 20,000 linear feet of sidewalks, including up to 14 curb ramps and pedestrian crosswalks.
 - b. Full-depth pavement reconstruction or asphalt overlay on North, East, South, and West Forest Drives; Parkview Boulevard; Forest Drive; and Clay Street.
 - c. Roadway and traffic accommodations for new proposed vehicular and pedestrian park entrances.
 - d. Construction traffic control and staging drawings in accordance with Ohio Department of Transportation standards.
8. Provide 50 percent, 90 percent and final design drawings and technical specifications for potential Churchwell Park Phase 1 improvements that were included in the preliminary concept plan for the park developed by Engineer in the previous planning phase of this project. The park is approximately two and one-half acres and is anticipated to include neighborhood park scale amenities such as a premanufactured playground and splashpad, walking trail, premanufactured shade structure, site lighting, landscaping and tree planting, and site furnishings. Provide power and lighting design for site amenities.

For Owner Review

Provide conduit design to accommodate City furnished security system components at up to 3 locations. Provide site grading design to provide positive drainage, and storm sewers may be incorporated to supplement drainage in key areas. Storm water best management practices will be designed in accordance with Ohio Environmental Protection Agency (OEPA) Construction General permit.

9. Prepare local and state building permits for Churchwell Park Phase 1 improvements.
10. Prepare up to three separate bid packages including design drawings, City's front end documents, technical specifications, and an opinion of probable construction cost. City's front end documents shall require that the contractor name Engineer as an additional insured and indemnified party in the same manner as the City. Bid packages and phasing will be based on City's availability of funding for various project elements.
11. Attend two meetings with the City to review the 50 percent and 90 percent design submittals for the overall design services. Attend up to three additional meetings with the City to review each separate bid package.
12. Prepare and submit to the OEPA up to three permits to install, water supply data sheet, and stormwater pollution prevention plan applications and submit to OEPA.
13. Prepare up to three permanent utility access easement descriptions and plats based on the last deed of record as obtained from the County Recorder's office for permanent easements.
14. Assist the City in communication with residents including preparation of exhibits and participation in one community/public meeting.
15. Assist the City with up to three funding applications including preparation of exhibits and opinions of probable construction cost.
16. Provide bidding services for up to three separate bid packages including:
 - a. Attendance at prebid meeting with potential bidders.
 - b. Prepare addenda and answer questions during bidding.
 - c. Attend bid opening, tabulate and analyze bid results, and assist the City in the award of the construction Contract.
 - d. Prepare two sets of Contract Documents for signature.
17. Provide construction-related services for up to three separate bid packages including:
 - a. Attendance at preconstruction conference.
 - b. Review of contractor shop drawing submittals and requests for information.

For Owner Review

The following services can be provided, if authorized by the City.

18. Provide 50 percent, 90 percent and final design drawings and technical specifications for potential Churchwell Park Phase 2 improvements. The improvements are anticipated to include a premanufactured restroom facility, parking lot, premanufactured shelter, sports court, plaza, site lighting, landscaping and tree planting, and site furnishings. Provide power and lighting design for site amenities. Provide conduit design to accommodate City furnished security system components at one location. Provide site grading design to provide positive drainage, and storm sewers may be incorporated to supplement drainage in key areas. Stormwater best management practices will be designed in accordance with OEPA Construction General permit.
19. Prepare local and state building permits for Churchwell Park Phase 2 improvements.
20. Prepare bid package for Churchwell Park Phase 2 improvements including design drawings, City's front end documents, technical specifications, and an opinion of probable construction cost. City's front end documents shall require that the contractor name Engineer as an additional insured and indemnified party in the same manner as the City. Bid packages and phasing will be based on City's availability of funding for various project elements.
21. Attend one meeting with City to review Churchwell Park Phase 2 bid package
22. For Churchwell Park Phase 2 improvements, prepare and submit to OEPA for one permit to install, water supply data sheet, and stormwater pollution prevention plan applications and submit to OEPA.
23. Provide bidding services for Churchwell Park Phase 2 including:
 - a. Attendance at prebid meeting with potential bidders.
 - b. Prepare addenda and answer questions during bidding.
 - c. Attend bid opening, tabulate and analyze bid results, and assist the City in the award of the construction Contract.
 - d. Prepare two sets of Contract Documents for signature.
24. Provide construction-related services for Churchwell Park Phase 2 including:
 - a. Attendance at preconstruction conference.
 - b. Review of contractor shop drawing submittals and requests for information.

Service Elements Not Included

The following services are not included in the Amendment. If such services are required, they will be provided through an amendment or through a separate agreement with City.

For Owner Review

1. Entry into existing residential structures or crawlspaces to obtain information on existing residential plumbing locations or configurations.
2. Construction contract administration, staking, and resident project representative services including punch list walkthrough.
3. Design of audio, communication, wi-fi, and security systems for Churchwell Park.
4. Distribution of Bidding Documents and Bidding services.
5. Geotechnical engineering information was completed and provided by another consultant in the previous planning phase of this project. Additional geotechnical engineering information is not anticipated.
6. Easement acquisition services including obtaining temporary right-of-entry documentation for construction work on private properties.

Additional Compensation

Additional Compensation: \$886,200.

Additional Compensation, If Authorized Services: \$218,000.

Schedule

Extend Schedule to December 31, 2026. Design completion is anticipated by June 30, 2025. The schedule for each phase may be adjusted by funding deadlines. Interim deadlines will be agreed to in writing with City at the start of each project phase.