

Agenda Memorandum

To: Honorable Mayor and City Council Members
From: Bryan Cobb, City Manager
Date: February 1, 2021
Subject: **Resolution No. 4029-21**, Panther Street Ditch Piping Phase 2 Construction

Procedure: Consent Agenda

Introduction: This is a request for City Council to approve a Work Order with Affordable Development, a division of Driveways, Inc. (Affordable Development) in the amount of \$199,984.20 for construction of the Panther Street Ditch Piping Phase 2.

Discussion: On November 17, 2014, City Council approved a Work Order to England-Thims & Miller, Inc. (ETM) to perform a drainage investigation to assist the City in identifying the cause of property saturation and localized flooding. The investigation identified the need for stormwater improvements to include the installation of an underdrain system within the Garden Grove subdivision, which is now complete, and the installation of a closed-pipe draining system along Panther Street to replace the current open ditch.

Piping the Panther Street ditch will serve two (2) subdivisions and three (3) freestanding homes which approximates 215 homes. The ditch has historically been a maintenance burden for Public Works and surrounded by public complaint. The open ditch is poorly graded with culverts that do not function efficiently and is a safety concern.

On November 18, 2019, City Council approved a Work Order in the amount of \$156,526.55 with Affordable Development for construction of the Panther Street Ditch Piping Project, Phase 1. Phase 1, located between Carissa Lane and Country Charm Circle involved installation of 82 feet (24" x 45" elliptical), 252 feet (30" diameter) of stormwater pipes, and four (4) stormwater structures. Phase 1 is now substantially complete.

A Work Order for construction of Phase 2 in the amount of \$199,984.20 is provided in Exhibit 1 of Resolution No. 4029-21. Phase 2 involves the installation of 87 feet (30" diameter), 240 feet (24" diameter), and 166 feet (18" diameter) of stormwater pipes and four (4) stormwater structures located from the west side of Country Charm Circle to the 15-foot Utility Easement along Panther Street.

On July 18, 2016, City Council approved a piggyback agreement with Affordable Development under Resolution No. 3237-16, utilizing Seminole County agreement CC-9184-13/RTB. A copy of the piggyback agreement and Seminole County agreement are provided in Attachment 1. The initial contract terms with Seminole County expired March 25, 2019. A copy of the most recent renewal, which extends the original agreement to March 24, 2021, is provided in Attachment 2.

As the Seminole County agreement expires March 24, 2021, and the terms of the work order are for completion within 180 days after the execution of the work order, Staff sought a City Attorney opinion on whether the terms of the contract would still hold. The City Attorney opined that as long as the new work order is executed and effective prior to the expiration date of the underlying Seminole County contract, the piggyback is valid. A copy of the City Attorney's opinion is provided in Attachment 3.

Staff recommends utilizing the current piggyback agreement for the Phase 2 construction. Affordable Development's performance on Phase 1, and on other City utility projects, has been exemplary. It is in the City's best interest for the purposes of continuity, timeliness and pricing, to utilize the same contractor for the next phase of an existing construction project.

Budget Impact: The FY2020-21 Adopted Budget includes adequate funding in the Stormwater Fund 410 for Phase 2 Construction.

Strategic Impact: Maintain and enhance stormwater management.

Recommendation: It is recommended that City Council adopt Resolution No. 4029-21.

Attachment(s):

1. Affordable Development Piggyback Agreement
2. Affordable Development Contract Renewal
3. Attorney Opinion

Prepared by: Susan Sheikh, Operational Resources Manager