



## City of Pataskala *Legislative Report to Council*

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### Legislative Report

#### May 6, 2019 Council Meeting

#### Unfinished Business

##### A. Ordinances

##### ➤ ORDINANCE 2019-4336 – 2<sup>nd</sup> READING - SUPPLEMENTAL APPROPRIATION

A number of significant adjustments to the 2019 budget have been identified since Council approved it back in November 2018. The primary changes requested are related to the construction of road and road-related infrastructure. In the current iteration of the legislation, there are now six specific areas that require amendment, and are covered below. **We are respectfully requesting that Council hold the 2<sup>nd</sup> reading of the ordinance at the April 15<sup>th</sup> meeting, and we would anticipate that this legislation would go through all three (3) required Council readings. Items highlighted in bold reflect changes made since the first reading.**

- ~~Section 1: Police Information Technology – As discussed in more detail in Resolution 2019-029 above, a total of \$14,000 out of the \$46,500 appropriation approved by Council in 2018 for the purchase and installation of information technology lapsed as of December 31, 2018. In order to pay the remaining balance owed to the vendor, we are requesting an increase in approved appropriations from the Bond Improvements (302) fund of \$14,000. At Council's direction, this section has been eliminated from this ordinance and included in Ord. 2019-4339.~~
- ~~Section 2 1: Swimming Pool Chemicals, etc.~~ – The city is beginning the process of transitioning the operation of the municipal swimming pool from the PRA to the city. As part of that process, we will begin paying for the chemicals and other operating supplies necessary for the physical operation and maintenance of the pool. As this was not a part of the 2019 budget planning process, there are insufficient appropriations available to cover the materials. We are requesting an increase of \$15,000 to the Recreation Fund (206) budget to cover the required maintenance and operational supplies.
- ~~Section 3 2: Pataskala Safe Travel Plan~~ – The Public Service Director budgeted \$65,000 in 2018 for the PSTP, however, all bids on phase I of the project had to be rejected as they were more than 110% of the engineer's estimate. As a result, the 2018 budget for that portion of the project lapsed and, due to timing issues,

was not included in the 2019 budget. For both phases of the project (and including contingency funding), the project is now projected to cost approximately \$140,000. The 2019 budget included funding of \$40,000 for phase II of the project and based upon that, the project now has a projected funding deficit of \$100,000 to complete both phases. In total, we are requesting an increase of \$100,000 in the budget to cover the cost of constructing the infrastructure improvements. It is important to note that the funding for this item is proposed from the restricted funds in the State Route 310 TIF (306) fund.

- *Section-4 3: Oak Meadows* - The Public Service Director originally budgeted \$700,000 in 2019 for the construction of the Oak Meadows road and drainage improvements project. The additional work and materials required for the Pat Haven Drive reroute has driven the total project cost up, and it now appears that the project (including contingency funding) will cost approximately \$775,000. As a result, the project has a projected funding deficit of \$75,000 to complete the project. In total, we are requesting an increase of \$75,000 in the budget to cover the cost of constructing the infrastructure improvements.
  - *Section-5 4: 2019 Street Improvement Program (RAMP)* - Funding of \$650,000 for the 2019 Street Improvement Program (RAMP) project was included in the approved 2019 budget. Based upon the bids recently received along with the addition of the Old Maids Lane and Highland Court project alternates, the cost is now projected to be \$950,000. As a result, the project has a projected funding deficit of \$300,000. We are requesting an increase of \$300,000 in the budget to cover the cost of constructing the infrastructure improvements.
  - *Section-6 5: Street & Traffic Signal Electrical Service* – The city has recently taken ownership of a large number of street lights and traffic signals associated with the new subdivision developments. At the time the 2019 budget was developed, we were not aware of the significant overall increase in utility costs that we are experiencing. We are requesting an increase of \$22,000 in the budget to cover the expenses of operating these new traffic signals and street lights.
  - *Section-7 6: Glenbrooke Retention/Detention Pond* – Due to recent flooding issues, the Street Committee has recommended that the city maintain/improve the retention/detention pond along Monarch Drive in the Glenbrooke subdivision. This specific pond was not in the 2019 retention/detention pond maintenance program and would reflect a \$10,000 increase in funding to cover the addition. We are requesting an increase of \$10,000 in the budget to cover the costs of making the necessary improvements to stormwater management in the Glenbrooke subdivision.
- **ORDINANCE 2019-4338 – 2<sup>nd</sup> READING - AN ORDINANCE TO AMEND ORDINANCE 2014-4202 THE “MAYOR’S COURT COST FEE SCHEDULE” OF THE CITY OF PATASKALA**

The Mayor’s Court Fee Schedule was last updated in 2014. The Court Magistrate and Court Clerk have requested that the fee schedule be updated as shown on the Exhibit A attached to the ordinance. Some fees have been added, some increased, some decreased and some removed. Court Magistrate Kip Kelsey will attend the April 15<sup>th</sup>

Council meeting to answer any questions about the request to amend the fee schedule. I recommend approval of Ordinance 2019-4338.

## New Business

### A. Ordinances

#### ➤ ORDINANCE 2019-4335 – 1<sup>ST</sup> READING

The proposed amendment would align the time period permitted to demolish an unsafe structure with the existing demolition regulations (90 days). The Development Committee also requested that provisions be included to address emergency demolitions. The amendment allows Council to declare an emergency and have the unsafe structure demolished as expeditiously as possible. Chapter 1315 currently uses the terms “owner” and “landowner” interchangeably. The proposed amendment changes all references from “landowner” to “owner” to remain consistent.

#### ➤ Ordinance 2019-4339 – 1<sup>ST</sup> READING - Supplemental Appropriation

There are two items which have budget shortfalls that have been recently identified related to the Police station project. **We are respectfully requesting that Council hold the 1<sup>st</sup> reading of the ordinance at the May 6<sup>th</sup> meeting and waive the 2<sup>nd</sup> and 3<sup>rd</sup> required Council readings.**

- *Section 1: Police Information Technology* – As discussed in more detail in Resolution 2019-029, a total of \$14,000 out of the \$46,500 appropriation approved by Council in 2018 for the purchase and installation of information technology lapsed as of December 31, 2018. **In order to pay the remaining balance owed to the vendor, we are requesting an increase in approved appropriations from the Bond Improvements (302) fund of \$14,000.**
- *Section 2: Police Building Construction Funding* – In Resolution 2017-049, City Council authorized the City Administrator to enter into a contract with Robertson Construction for the construction of a new Police station building (“the project”) in an amount not to exceed the sum of \$4,574,910 which included: (1) \$4,253,200 for the construction contract with Robertson Construction; (2) \$115,000 for the cruiser shelter; (3) \$106,710 for ‘soft dollar’ expenses; and (4) \$100,000 for contingencies. ‘Soft dollar’ costs are those which were related to the project but were not included as a direct-pay item in the construction contract with Robertson Construction. These items were paid directly to the various vendors and included the purchase of furniture, information technology equipment purchases and installation, a builder’s risk insurance policy to protect the city’s financial interests in the project during construction, materials testing, and other miscellaneous small dollar items. Purchase order 2018-00405 was issued in March 2018 for the project in the amount of \$4,573,979, the amount reflecting the remaining budget in the line item at that time. During 2018, the PO was increased and decreased by the amount of any approved change orders through year-end, as well as reducing the balance (e.g. increasing available budget) to offset the issuance of new purchase orders related to the soft dollar costs. As

these additional costs were not a part of the 2019 budget planning process, there currently exists insufficient appropriations available to cover the outstanding balance on the project. As a result, a supplemental appropriation to the 2019 budget is required. Based upon my analysis, it appears that the final project budget (including soft dollar costs) will end up being \$4,673,973.56. This would result in the project being \$99,063.56 above the Council-approved budget for the project. The city has invoiced Horne & King a total of \$22,176.38 for the additional HVAC-related costs related to errors made by their HVAC subcontractor. Including this reimbursement in the calculations would result in a net budget variance of \$76,887.18. **We are requesting an increase of \$87,780 in the budget to cover the additional costs of the project, and which will be charged as follows: (1) \$51,000 to the Bond Improvements (302) fund; and (2) \$36,780 to the Police (208) fund. As we only issued \$4.6 million in debt for this project, there is insufficient funds/cash in the fund to cover all of the increased costs. That is the reason for the fund split in the appropriation request.**

➤ **ORDINANCE 2019-4340 – 1<sup>st</sup> READING - AN ORDINANCE TO AMEND SECTION 925.01 RULE8, RULE 9, RULE 11 AND RULE 15 OF THE CODIFIED ORDINANCES OF THE CITY OF PATASKALA**

The current wording of Section 925.01 of the Codified Ordinances needs to be updated to reflect the current operations of the Utility Department. The proposed changes affect only Rules 8, 9, 11 and 15 and the reasoning for each is as follows:

**RULE 8-** There is a section requiring that tenants in a multi resident facility with only one shut off pay an advance equal to the amount of a minimum bill. I recommend this be removed as we do not require, nor do we accept deposits for water bills regardless of the number of tenants. The bill is the responsibility of the property owner and, if delinquent, it will be turned off.

**RULE 9-** There is language describing the billing cycle as being quarterly. I recommend this be removed as we are on a monthly billing cycle.

There is also language describing the “shut off” fee as being \$25. This should be updated to the current amount of \$35 to be both accurate and match the language in Section 929.09 General Fee Schedule.

This rule is also where I recommend we add language that outlines the landlord policy used by the Utility Department. This language can be seen in the red-lined “Exhibit A” for the ordinance.

**RULE 11-** There is language describing the “shut off” fee as being \$25. This should be updated to the current amount of \$35 to be both accurate and match the language in Section 929.09 General Fee Schedule.

**RULE 15-** This rule is where I recommend we add language that outlines a \$1,000 fine that will be imposed on any contractor or other person (barring fire fighters or other first responders) who operate any city owned water valve or fire hydrant without proper authorization. This language can be seen in the red-lined “Exhibit A” for the ordinance. There is currently no penalty defined in the ordinances and it is only discussed during Pre-construction meetings with the developers.

I recommend approval of Ordinance 2019-4340.

## B. Resolutions

➤ **RESOLUTION 2019-030 - A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH C.S. ELECTRIC FOR THE UPGRADES TO THE OLD TOWN HALL ELECTRIC SYSTEM.**

As we continue to prepare the Old Town Hall for the Utilities Department and the Chamber of Commerce to move in, it has been determined necessary to make upgrades to the electric system. Approval of this resolution would authorize the City Administrator to enter into a time and materials agreement with C.S. Electric to complete the necessary upgrades. I recommend approval of this resolution due to the facts that C.S. Electric has completed improvements over the years to the electric system in Town Hall, which makes them familiar with what additional work needs to occur. Additionally, the not to exceed cost of \$75,000 is intentionally set high due to unforeseen nature of the work. The Old Town Hall is unique and it would prove difficult to create specs for this project that could be used to bid the project through traditional means. I recommend approval of 2019-030.

➤ **RESOLUTION 2019-032 - 'THEN & NOW' CERTIFICATION**

In early-2017, the city entered into an agreement with Robertson Construction for the construction of a new Police station. The 'not to exceed' amount for the project that was approved by Council was \$4,574,910. During 2018, a purchase order for the project was requested by the Administration and issued by Finance in the sum of \$4,253,200 (the bid/contract amount). As change orders were approved during 2018, adjustments to the PO were made to reflect the additional cost of the project (total cost of \$4,382,051). When the books for 2018 were closed for the year, the purchase order had a balance payable to Robertson Construction of \$686,813.76 which left the remaining final contract amount of \$87,778.72 unappropriated and unencumbered at year-end 2018. Since the funds were not additionally appropriated as a part of the 2019 budget process, we currently lack the budgetary authority necessary to make the final payments to Robertson. This is one of the two items included in the supplemental appropriation ordinance (Ord. 2019-4339) currently on Council's agenda. To provide a complete understanding of this issue, a comprehensive financial analysis of the Police station construction project has been prepared and which was previously distributed under separate cover.

As the construction project is wrapping up, we will be required to remit the outstanding amount and retainage to the contractor. In addition to the required increase in the budget to cover the costs, a 2019 purchase order for the payment must be issued which will be a 'Then & Now' certificate as the PO will be dated after the date of service. In addition, since the amount exceeds the \$3,000 Finance Director's authority limit, we are required to request Council authorization for the certification.

➤ **RESOLUTION 2019-034 – A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH MANKIND LLC TO COMPLETE REMODELING WORK AT THE OLD TOWN HALL.**

Approval of this resolution would authorize the City Administrator to enter into an agreement with Mankind LLC to complete remodeling work at the Old Town Hall in

preparation for the Chamber of Commerce and Utilities Department moving in. Mankind LLC is a local contractor based in Pataskala. Work to be completed includes removing the clerk desk in the main hallway, refinishing the hardwood floors (if they are able to be) in the main hallway, removal of a wall in the former interview rooms to create an office, and re-establishing the door from the main lobby into the office that the Chamber will rent. Additionally, various offices will be painted and new carpet will be installed. The approved 2019 budget includes \$200,000 for work to the Old Town Hall. Additional work, including electric system upgrades, new facility signage, and new office/conference room furniture will also be funded from the \$200,000. I recommend approval of Resolution 2019-034.

➤ **RESOLUTION 2019-035 – A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE BID OF, AND ENTER INTO A CONTRACT WITH, THE M. P. DORY COMPANY FOR CONSTRUCTION SERVICES FOR THE PATASKALA SAFE TRAVEL PLAN, PHASE I AND II PROJECT**

The bid opening for construction of the Pataskala Safe Travel Plan, Phase I and II project was held on Tuesday, April 9, 2019. Three bids were received, one from the Jess Howard Electric Company, one from the Axis Electric Company, and the third from the M. P. Dory Company. All bids were awardable, and all bids were below the Engineer's Estimate of \$129,100.00. The M. P. Dory Company's bid was the lowest and best bid, and it came in at a value of \$124,020.90.

Hull and Associates has reviewed the bid packages, found that all is in order with the bids, and provided a recommendation to move forward with award of contract to the M. P. Dory Company. This resolution will authorize the City Administrator to enter into contract with The M. P. Dory Company for construction of the Pataskala Safe Travel Plan, Phase I and II project. Approval of this resolution is recommended.

➤ **RESOLUTION 2019-036 – A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE BID OF, AND ENTER INTO A CONTRACT WITH, THE SHELLY COMPANY FOR CONSTRUCTION SERVICES FOR THE 2019 RAMP PROGRAM**

The bid opening for construction of the 2019 RAMP was held on Tuesday, April 9, 2019. Three bids were received, one from the Decker Construction Company, one from the Kokosing Construction Company, and the other from The Shelly Company. All bids were awardable, but only one was below the Engineer's Estimate of \$704,559.00. The Shelly Company's bid was lowest and best and came in at a value of \$659,793.44. GPD Group Inc. has reviewed the bid packages, found that all is in order with the bids, and provided a recommendation to move forward with award of contract to The Shelly Company.

Furthermore, the project included two alternate bid items: one for repair and chip seal of Old Maid's Lane, and the other for reconstruction of Highland Court. The Shelly Company bid these alternates at \$121,899.45 and \$125,220.35 respectively. Awarding these alternates, as well as the base bid, would bring the total project cost to \$906,913.24. This total can be absorbed by the Public Service Department budget from part of the savings from the 2018 budget, and as provided for in the current supplemental Ordinance that is currently on the Council agenda for a second reading.

This resolution will authorize the City Administrator to enter into contract with The Shelly Company for construction of the 2018 RAMP project. Approval of this resolution, including both of the bid alternates, is recommended.

➤ **RESOLUTION 2019-037 – A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT THE BID OF, AND ENTER INTO A CONTRACT WITH, THE ROCK RIVER COMPANY FOR CONSTRUCTION SERVICES FOR THE OAK MEADOW DRIVE IMPROVEMENTS PROJECT**

The bid opening for construction of the Oak Meadow Drive Improvements project was held on Tuesday, April 30, 2019. Two bids were received, one from the Decker Construction Company, and the other from The Rock River Construction Company. The Decker Construction Company's bid was not awardable, being well over 10% of the engineer's estimate of \$754,152.41. The Rock River Company's bid came in at \$804,149.86, and is awardable, at less than 10% over the engineer's estimate. Hull and Associates has reviewed the bid packages, found that all is in order with the bids, and provided a recommendation to move forward with award of contract to The Rock River Company.

Furthermore, the project included one bid alternate to install a concrete walk instead of the asphalt path called for in the base bid. The bid price for this alternate is an additional \$34,000, which would bring the total value of the project to \$838,149.86. As this total value would be well beyond what was planned, and is beyond the value that is included in the current supplemental, the alternate has not been included in the Resolution for approval. If Council would like to include this alternate, the Resolution would need to be amended accordingly.

This resolution will authorize the City Administrator to enter into contract with The Rock River Company for construction of the base bid scope of the Oak Meadow Drive Improvements project. Approval of this resolution is recommended.

➤ **RESOLUTION 2019-038 - A RESOLUTION TO ACCEPT AND CONFIRM INFRASTRUCTURE IMPROVEMENTS FOR THE BROADMOORE COMMONS, PHASE I DEVELOPMENT FOR PUBLIC MAINTENANCE AND OPERATION BY THE CITY OF PATASKALA**

Approval of this resolution will indicate formal acceptance of infrastructure improvements for the Broadmoore Commons, Phase I Development by The City of Pataskala. These improvements include utilities and roadway per plan and as platted for Broadmoore Boulevard, Old Bay Loop, Old Bay Drive, and Winterfield Drive.

Full-time third-party inspection was present throughout construction of this project to verify materials and installation on behalf of the City, and all testing was verified to be completed successfully in accordance with all applicable construction and material specifications.

Once all items were complete and verified, a site walk-through was conducted by the Public Service Director to review the project and generate a punch-list of outstanding items. Accordingly, a Certificate of Substantial Completion has been executed, and indicates a date of June 1, 2018 as the beginning of the 1-year maintenance period.

In accordance with City requirements for acceptance, as-built plans, a 1-year maintenance bond in the amount of 10% of the value of the public improvements, and an executed stormwater maintenance agreement have all been submitted to the City by the Developer.

As the work has been certified to be substantially complete, and all the necessary steps have been completed, it is recommended that Resolution 2019-038 be approved.

➤ **RESOLUTION 2019-039 – NATUREWORKS GRANT**

The parks department is planning to apply for the 2019 Nature Works Grant through the Ohio Department of Natural Resources. The grant will focus on improving William V Karr Park behind our police station and city hall. Yet to be determined and will be finalized May 7<sup>th</sup>, the grant will be written for improvements to the garden space, entrance into the park from the lot and signs for the park. The allocation for Licking County is \$40,665.