



MULBERRY CITY COMMISSION MEETING

REGULAR MEETING

September 17, 2019 6:00 PM

Mulberry City Hall

AGENDA

- 1. CALL TO ORDER**
- 2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF MINUTES OF THE TENTATIVE BUDGET HEARING ON SEPTEMBER 10, 2019 AND THE REGULAR MEETING ON SEPTEMBER 10, 2019**
- 5. EMPLOYEE OF THE QUARTER**
- 6. PUBLIC WORKS & UTILITIES REPORT**
- 7. NEW BUSINESS**

- i. Pennoni-Addendum No. 2 to Sanitary Sewer Rehabilitation Phase I Contract for Professional Services**

- 8. UNFINISHED BUSINESS**
- 9. COMMUNICATIONS FROM CITIZENS:**

Public comments/communications from citizens are limited to 5 (five) minutes. Anyone wishing to address the Commission should sign in upon entering at the beginning of the meeting. When you are called to speak, please go to the podium and state your name and address for the record prior to addressing the Commission.

***CITY COMMISSION COMMENTS:**

***CITY MANAGER COMMENTS:**

***CITY ATTORNEY COMMENTS:**

***CITY CLERK COMMENTS:**

*** ADJOURNMENT:**

Each of the meetings/events scheduled may constitute a public meeting at which two or more City Commissioners may attend



MULBERRY CITY COMMISSION MEETING

TENTATIVE BUDGET HEARING

September 10, 2019 5:30 PM

Mulberry City Hall

MINUTES

1. CALL TO ORDER

Honorable Mayor Hatch called the meeting to order.

2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE

Waived until regular meeting

3. ROLL CALL

Present: Commissioner McAteer, Commissioner McClintock, Commissioner Smith, Mayor Hatch, Attorney Crawford, City Manager Johnson, Finance Director John Wasmund and City Clerk, Sharon Lauther.

4. NEW BUSINESS

- i. **RESOLUTION NO. RES-2019-10 A RESOLUTION OF THE CITY OF MULBERRY OF POLK COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Smith made the motion to accept RES-2019-10 as read, seconded by Commissioner McAteer. All voted yes. Motion carried unanimously.

- ii. **RESOLUTION NO. RES-2019-11 A RESOLUTION OF THE CITY OF MULBERRY OF POLK COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2019-2020; PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner McClintock made the motion to accept RES-2019-11 as read, seconded by Commissioner McAteer. All voted yes. Motion carried unanimously.

5. UNFINISHED BUSINESS

None.



6. COMMUNICATIONS FROM CITIZENS:

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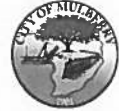
None

*** ADJOURNMENT:**

Approved _____
Honorable George H Hatch

Attest: _____
Sharon Lauther, City Clerk CMC

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MULBERRY CITY COMMISSION MEETING

REGULAR MEETING

September 10, 2019 6:00 PM

Mulberry City Hall

AGENDA

1. CALL TO ORDER

Honorable Mayor Hatch called the meeting to order

2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE

Vice-Mayor/Commissioner Collins Smith gave the invocation followed by the Pledge of Allegiance.

3. ROLL CALL

Present: Commissioners McAteer, McClintock and Smith. Mayor Hatch, Attorney Crawford, City Manager Johnson and City Clerk Sharon Lauther.

Department Heads Present: John Wright, Ron Borchers, and Cheri Schisler

Absent: Chelsea Young and Louis Holstein.

4. APPROVAL OF MINUTES OF THE BUDGET WORKSHOP ON AUGUST 6, 2019 AND THE REGULAR MEETING ON AUGUST 6, 2019

Commissioner McAteer made the motion to accept the workshop and meeting minutes as presented, seconded by Commissioner Smith. All voted yes, motion passed unanimously.

5. DEPARTMENT DIRECTORS REPORT

Cheri Schisler, Library Director gave a report of all of the various programs being offered for the month.

6. COMMUNITY REPORTS

Diana Simmons, Director of the Mulberry Chamber of Commerce gave an overview of the various activities being held during the month.

7. NEW BUSINESS

None.



8. UNFINISHED BUSINESS

PRESENTATION TO JIM SPLAINE

Honorable Mayor Hatch presented Jim Splaine a with a plaque in recognition of his years of service to the Commission and to the Community. Mr. Splaine stated he was honored to be part of a proactive Commission. Flo Splaine (spouse) stated that she is proud to be a resident of Mulberry and thanked everyone for the support and well wishes that have been received on Jim's retirement from the Commission.

9. COMMUNICATIONS FROM CITIZENS:

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None.

***CITY COMMISSION COMMENTS:**

Commissioner McAteer- wished Jim Splaine well

Commissioner McClintock- wished Jim Splaine well. Commissioner McClintock expressed concern about having two seats vacant on the Commission. Discussion took place.

Commissioner Smith- Commissioner Smith stated that the Commission has run with vacancies in the past and felt they could do it again until Election time.

At this time, Mayor Hatch invited Julie Taylor, President of the Mulberry Concerned Citizens, Inc. to give her report. Julie Taylor present Jim Splaine with another token of appreciation. Ms. Taylor gave a review of all of the positive things happening in the City.

Mayor Hatch- Mr. Hatch read a thank you letter received from Mulberry Booster Club for the donation received towards the 2019 Panther Yearbook. Mr. Hatch expressed concern about the increase in reported drug traffic on NW 9th that is occurring between 2 and 2 in the morning. Mayor Hatch commended the staff involved in the budget process and all of the preparation done to have a balanced budget. Mayor Hatch thanked Bill from the Press for the great press coverage.

***CITY MANAGER COMMENTS:**

City Manager Johnson distributed his report and reviewed the various projects that were being worked on or had been completed.



***CITY ATTORNEY COMMENTS:**

Attorney Crawford reviewed the pending legal matters with the City. Attorney Crawford spoke about the donation that is being made by the Boys N Girls Club. Attorney Crawford stated that he would have a contract in place in the very near future. Commissioner Smith made the motion to have the City Manager or Mayor execute the contract once the attorney completed it, seconded by Commissioner McClintock. All voted yes. Motion passed unanimously.

***CITY CLERK COMMENTS:**

City Clerk Lauther reminded the Commission of the Ridge League Dinner that was being hosted by the City of Haines City. City Clerk Lauther also invited the Commissioners and Mayor to the Clerk's monthly Polk County Luncheon since Mulberry was the host City.

*** ADJOURNMENT:**

Approved: _____
Honorable Mayor George H. Hatch

Attest: _____
Sharon Lauther, City Clerk CMC

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Employee of the Quarter

Presented to

Sarah French

We would like to recognize Sarah French, as the City of Mulberry's Employee of the Quarter

(July 2019-Sept 2019).

Since her returning to us from her "the grass is greener elsewhere" time, she has applied herself to the fullest. She has taken over story time and is revamping it for the coming year. She had started a middle school book club and also helps with our homeschool programming. She is always willing to do whatever is needed to make us the best library around! Her fun and positive personality is always a blessing.

Rick Johnson, City Manager

Date

July 2, 2019

Project No. MULB1704

Mr. Richard Johnson, City Manager
City of Mulberry
Post Office Box 707
Mulberry, Florida 33860

**RE: SUPPLEMENTAL AGREEMENT 17-01 – ADDENDUM NO. 2
SANITARY SEWER IMPROVEMENTS PHASE 1 CONSTRUCTION TECHNICAL SERVICES – ADDITIONAL
SERIVCES NO. 2**

Dear Mr. Johnson:

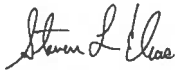
In accordance with our recent discussions, we are submitting this Addendum No. 2 to the Supplemental Agreement to provide the City with engineering consulting services for the referenced Project. This Addendum describes our scope of services to perform additional out-of-scope technical services during construction.

Upon review and approval, please sign and return one (1) executed copy of this Addendum to our office.

Please call us if you have any questions. We sincerely appreciate the opportunity to serve the City of Mulberry on this important Project.

Sincerely,

PENNONI



Steven L. Elias, P.E.
Municipal Division Manager



Roger L. Homann
Project Manager

AUTHORIZATION TO PERFORM ENGINEERING SERVICES

City of Mulberry

Supplemental Agreement 17-01

Addendum No. 2

Sanitary Sewer Improvements Phase 1 Construction Technical Services – Additional Services No. 2

1.0 BACKGROUND INFORMATION: Pennoni is currently under contract to provide professional engineering services to perform bidding and construction technical services for this Project. Pennoni's services include serving as the City's engineering representative for the Project, providing customary professional civil engineering and consulting services. To date, Pennoni has: 1) issued construction documents; 2) responded to questions; 3) held pre-construction and construction progress meetings; 4) provided shop drawing and pay application review; 5) assisted City with SRF grant/loan disbursement, American Iron and Steel requirements, Davis-Bacon provisions, and FDEP SRF site inspections; 6) provided construction observation and engineering support; 7) prepared reduction in scope of work deductive Contractor (Hinterland Group, Inc., Hinterland) change order; 8) assisted the City with negotiations to close out the Project with Hinterland; and 9) Assisted the City in contracting with a second contractor (Harris-McBurney Company, HMC) to complete the NE 1st Avenue sewer replacement work.

Due to defective work, the City has issued Hinterland a Notice of Owner's Intent to Correct Defective Work (effectively, a notice to stop work) for the sewer replacement work scope on NE 1st Avenue. The City also made the decision to enter into a contract with another contractor (Harris-McBurney Company) to properly complete the sewer replacement scope on NE 1st Avenue.

Due to contractor actions, Pennoni has been required to provide services above and beyond normal and standard practice, exceeding the originally budgeted and scoped level of service to help protect the City's interests. Pennoni's original Supplemental Agreement 17-01 limited our services to the Construction Contract time period, which is stated in the Notice to Proceed to end on March 23, 2019 (Final Completion Date). Hinterland has exceeded this Final Completion Date and has not achieved either Substantial Completion or Final Completion status.

Pennoni has contacted FDEP SRF staff to discuss the Project circumstances and to evaluate funding options for the services described herein. The resulting plan is to submit this signed Addendum/Change Order as part of the City's current SRF grant/loan funding package.

2.0 SUMMARY OF PENNONI'S SUPPLEMENTAL SERVICES: Pennoni has performed or will perform the following out-of-scope services in addition to the services described in previous Addendum No. 1 related to the extraordinary Project circumstances:

- Additional project management and construction observation as a result of Hinterland's failure to meet their contracted substantial and final completion dates
- Multiple additional discussions and meetings to discuss problems with the City and City Attorney
- Coordination and meetings with a second outside contractor (HMC) to consult about the direction of the Project on NE 1st Avenue
- Management/oversight of Hinterland's construction problems and delays
- Continued management of Hinterland's unsuitable soils claims

- Analysis of remaining Contractor work scope to assess Hinterland's ability to successfully perform and consideration of future Project scope revisions to minimize City's risks
- Extensive review of Hinterland's CCTV submittals for CIPP pipe lining work (four sets of CCTV submittals and three sets of other CIPP pipe lining work submittals reviewed)
- Extensive review of Hinterland's defective CIPP work including conference call with Hinterland's CIPP engineer
- Site observation of Hinterland's unsuccessful attempt to correct NE 1st Avenue sewer replacement work (five weeks)
- Extensive review of Hinterland's submitted CCTV videos for NE 1st Avenue
- Re-marking of asphalt areas to be paved by Hinterland (some areas marked three times)
- Multiple site visits to inspect Hinterland's asphalt paving claims, which were proven to be in error
- Review of Hinterland's paving subcontractor's (AAA Top-Quality Asphalt) invoices to compare to asphalt quantities claimed on pay applications by Hinterland (Hinterland's claimed quantities were significantly higher)
- Additional site visits to verify manhole rehabilitation work
- Additional effort (both office and field) to confirm manhole rehabilitation coatings were being applied properly including multiple correspondences and a site visit with the coating supplier
- Multiple reviews of Hinterland's Pay Applications, which contained significant errors:
 - Pay Application No. 4 included originally submitted version and five subsequent revisions
 - Pay Application No. 5 included originally submitted version and three subsequent revisions
 - Pay Application No. 6 included originally submitted version and three subsequent revisions (still under review)
- Review of HMC's quote to complete NE 1st Avenue sewer replacement work
- Multiple correspondences with FDEP SRF staff to confirm that assigning the NE 1st Avenue sewer replacement to another contractor on an emergency basis (public exigency) will be allowed under FDEP SRF rules
- Additional FDEP SRF coordination
- Preparation of stand-alone contract documents (Construction Plans and Project Manual) to HMC for the NE 1st Avenue sewer replacement work
- Preparation of the HMC contract documents and assistance to the City in executing the contract documents following review by the City Attorney
- Field observation and documentation of HMC's sewer replacement work on NE 1st Avenue
- Davis Bacon compliance for HMC's work and remainder of Hinterland's work
- Project closeout tasks, both with Hinterland and HMC
- Preparation of additional FDEP SRF disbursement requests
- Preparation of documentation and reports for the City and others to document the matters noted herein

3.0 PENNONI'S COMPENSATION: Pennoni's additional lump sum fee for providing the out-of-scope services described in Section 2.0 is \$60,000.

4.0 OTHER MATTERS: Except as provided for herein, the terms and conditions of Supplemental Agreement 17-01 between the City and Pennoni shall apply.

AUTHORIZATION TO PERFORM ENGINEERING SERVICES

SUPPLEMENTAL AGREEMENT 17-01

ADDENDUM NO. 2

for

Sanitary Sewer Improvements Phase 1 Construction Technical Services – Additional Services No. 2

PENNONI



07/02/19

Beth Evans, Office Director

(Date)

CITY OF MULBERRY

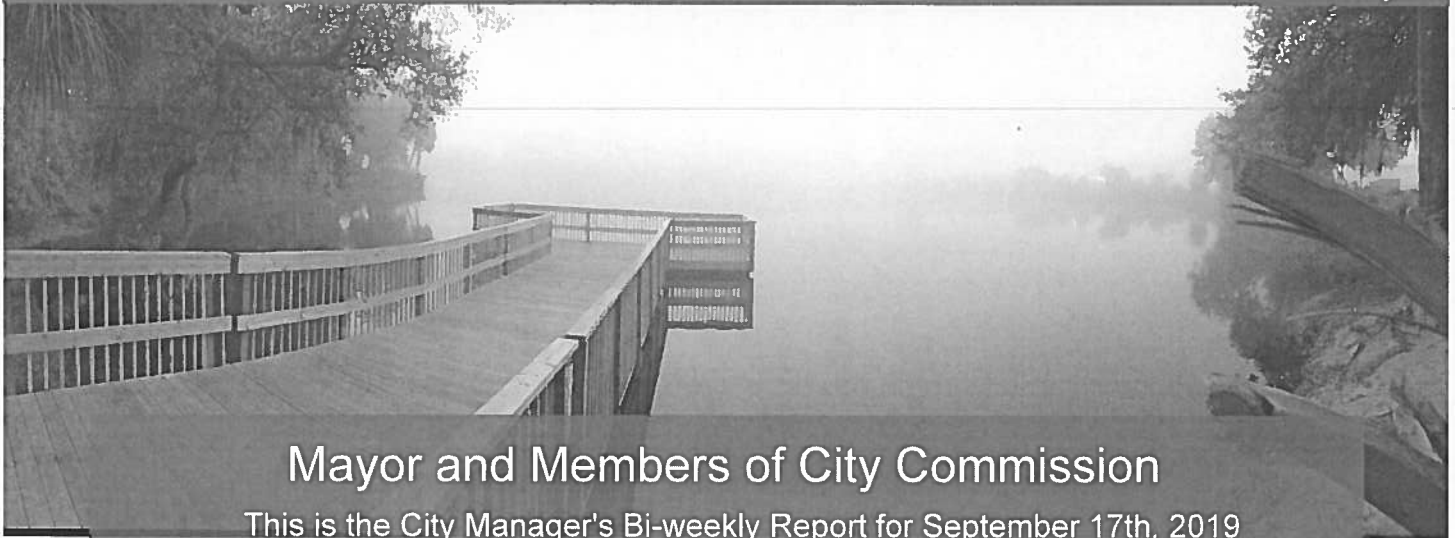
George Hatch, Mayor

(Date)

CITY MANAGER'S Bi-weekly Report

September 17th,
2019

"More to Mulberry"



Mayor and Members of City Commission

This is the City Manager's Bi-weekly Report for September 17th, 2019

City Manager

- Landstar- requesting \$24k in funding from Landstar to pay for WWTF expansion study.
- Gem Theatre Renovation- Bathroom renovations are near completion. Electrical and AC contractors are nearing Phase 1 completion of work.
- New City Hall- Detailed conceptual plans are in process of being presented. Rough draft conceptual layout plans are in my office, anyone is welcome to stop by for a copy. We are holding a major financial commitment until Landstar pulls the trigger.
- NW 8th Boat Ramp- Plans have been cleared through SWFMD and construction should commence within the next several weeks.
- Library Expansion- Cabinets, flooring and lighting have been selected during meetings with Cheri, Home Depot, and the contractor.



Road Paving Improvements

Paving has been mostly completed for this fiscal year in the city. Another phase is planned for after the 10/1 start of FY 19-20, but likely not until January.



CITY OF
MULBERRY

*Thank
you!*

Giant shout out and Thank You to James "Jim" Splaine for serving as a City Commissioner for over 18 years. We appreciate everything he has done for Mulberry!