

LEGISLATIVE FACT SHEET

DATE: 05/18/21

BT or RC No: _____
(Administration & City Council Bills)

SPONSOR: Public Works/Solid Waste Division
(Department/Division/Agency/Council Member)

Contact for all inquiries and presentations: Will Williams, Chief of Solid Waste

Provide Name: Will Williams, Chief of Solid Waste

Contact Number: 255-7512

Email Address: WillW@coj.net

PURPOSE: White Paper (Explain Why this legislation is necessary? Provide; Who, What, When, Where, How and the Impact.) Council Research will complete this form for Council introduced legislation and the Administration is responsible for all other legislation. (Minimum of 350 words - Maximum of 1 page.)

The purpose of this legislation is for council approval of a third amendment to Purchase Agreement between the City of Jacksonville and The Vestcor Family Foundation, Inc. to increase funding to the escrow account in the amount of \$270,392.80 for a new total not to exceed amount to the City of \$1,811,169.80. The additional funding is need for the City's portion of the removal, replacement and re-certification of the 2.0-foot clean soil cap in the island areas, storm-water facilities and soccer fields. Soils from the City's borrow pit were not suitable for use as a protective cap or as a drainage layer in green island areas, strom-water facilities and on the soccer fields. The soils do not have the permeability needed to function as designed. Standing water has been a persistant and long term issue and has prevented the establishment of the vegetative cover in those areas. Portions of the protective 2.0-foot certified clean soil cap were removed, replaced and re-certified so that it functions both as the 2.0-foot clean soil cap and as a drainage layer for on-site storm-water control.

APPROPRIATION: Total Amount Appropriated \$270,392.80 as follows:
 List the source **name** and provide Object and Subobject Numbers for each category listed below:

(Name of Fund as it will appear in title of legislation)

Name of Federal Funding Source(s)	From: _____	Amount: _____
	To: _____	Amount: _____
Name of State Funding Source(s):	From: _____	Amount: _____
	To: _____	Amount: _____
Name of City of Jacksonville Funding Source(s):	From: _____	Amount: _____
	To: PWCP353VP519-SW0017 01-06505	Amount: \$270,392.80
Name of In-Kind Contribution(s):	From: _____	Amount: _____
	To: _____	Amount: _____
Name & Number of Bond Account(s):	From: _____	Amount: _____
	To: _____	Amount: _____

PLAIN LANGUAGE OF APPROPRIATION / FINANCIAL IMPACT / OTHER:

Explain: Where are the funds coming from, going to, how will the funds be used? Does the funding require a match? Is the funding for a specific time frame? Will there be an ongoing maintenance? ... and staffing obligation? Per Chapters 122 & 106 regarding funding of anticipated post-construction operation costs.

(Minimum of 350 words - Maximum of 1 page.)

The funding for this appropriation will come from previously appropriated Environmental Cleanup project funds (35103.153119.565050.001406.00000000.00000.0000000)

ACTION ITEMS: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

Emergency? **Yes** **No**

Justification of Emergency: If yes, explanation must include detailed nature of emergency.

Federal or State Mandate? **Yes** **No**

Explanation: If yes, explanation must include detailed nature of mandate including Statute or Provision.

Work is required pursuant to the Consent Decree 3:08-cv-00257-HES-TEM

Fiscal Year Carryover?

CIP Amendment?

Attachment: If yes, attach appropriate CIP form(s). Include justification for mid-year amendment.

Contract / Agreement Approval?

Attachment & Explanation: If yes, attach the Contract / Agreement and name of Department (and contact name) that will provide oversight. Indicate if negotiations are on-going and with whom. Has OGC reviewed / drafted?

Proposed third amendment to Purchase Agreement between the City of Jacksonville and The Vestcor Family Foundation, Inc.

Related RC/BT?

Attachment: If yes, attach appropriate RC/BT form(s).

Waiver of Code?

Code Reference: If yes, identify code section(s) in box below and provide detailed explanation (including impacts) within white paper.

Code Exception?

Code Reference: If yes, identify code in box below and provide detailed explanation (including impacts) within white paper.

Related Enacted Ordinances?

Code Reference: If yes, identify related code section(s) and ordinance reference number in the box below and provide detailed explanation and any changes necessary within white paper.

Chapter 380, Part 1 and Chapter 386

ACTION ITEMS CONTINUED: Purpose / Check List. If "Yes" please provide detail by attaching justification, and code provisions for each.

ACTION ITEMS:

	Yes	No
Continuation of Grant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Explanation: How will the funds be used? Does the funding require a match? Is the funding for a specific time frame and/or multi-year? If multi-year, note year of grant? Are there long-term implications for the General Fund?

Surplus Property Certification?


Attachment: If yes, attach appropriate form(s).

Reporting Requirements?

Explanation: List agencies (including City Council / Auditor) to receive reports and frequency of reports, including when reports are due. Provide Department (include contact name and telephone number) responsible for generating

Division Chief: 
(signature)

Date: 5/18/21

Prepared By: 
(signature)

Date: 5/18/21

ADMINISTRATIVE TRANSMITTAL

To: MBRC, c/o Jasmine Jordan, Budget Office, St. James Suite 325

Thru: John Pappas, Director, Public Works Department

(Name, Job Title, Department)

Phone: 255-8748

E-mail: pappas@coj.net

From: Will Williams, Chief, Solid Waste

Initiating Department Representative (Name, Job Title, Department)

Phone: 255-7512

E-mail: WillW@coj.net

Primary Contact: Will Williams, Chief, Solid Waste

(Name, Job Title, Department)

Phone: 255-7512

E-mail: WillW@coj.net

CC: Leeann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

Phone: 255-5015

E-mail: leeannk@coj.net

COUNCIL MEMBER / INDEPENDENT AGENCY / CONSTITUTIONAL OFFICER TRANSMITTAL

To: Peggy Sidman, Office of General Counsel, St. James Suite 480

Phone: 255-5055

E-mail: psidman@coj.net

From:

Initiating Council Member / Independent Agency / Constitutional Officer

Phone: _____

E-mail: _____

Primary

Contact: (Name, Job Title, Department)

Phone: _____

E-mail: _____

CC: Leeann Krieg, Director of Intergovernmental Affairs, Office of the Mayor

Phone: 255-5015

E-mail: leeannk@coj.net

Legislation from Independent Agencies requires a resolution from the Independent Agency Board approving the legislation.

Independent Agency Action Item: Yes No

Boards Action / Resolution?

Attachment: If yes, attach appropriate documentation. If no, when is board action scheduled?

FACT SHEET IS REQUIRED BEFORE LEGISLATION IS INTRODUCED



ONE CITY. ONE JACKSONVILLE

City of Jacksonville, Florida

Lenny Curry, Mayor

Department of Public Works
Solid Waste Division
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Jacksonville, FL 32254
(904) 255-7500
www.coj.net

TO: Brian Hughes, Chief Administrative Officer,
Chairman Mayor's Budget Review Committee

THRU: John Pappas, P.E., Director, Department of Public Works

FROM: Jeffrey S. Foster, P.G., Solid Waste Environmental Engineering Manager
Will Williams, Chief, Solid Waste Division

DATE: July 14, 2021

SUBJECT: Amendment to Purchase Agreement between
The VESTCOR Family Foundations, Inc., and City of Jacksonville

The Solid Waste Division of Public Works respectfully requests MBRC approval to submit legislation authorizing execution of a third amendment to Purchase Agreement between the City of Jacksonville and The Vestcor Family Foundation, Inc. to increase the remediation funding amount specified in paragraph 3.B. of the Agreement by \$270,392.80 for a new not to exceed amount of \$1,811,169.80. The increased funding amount is warranted for work activities that were required to remove, replace, and re-certify portions of the on-site protective certified clean soil cap that were not functioning as designed. As a requirement of the Consent Decree with the U.S. EPA, the soil from the borrow pit that is used for backfilling is tested for contaminants prior to it being used as the final soil cap on ash remediation sites. However, the soils that came from the City's borrow pit did not have the required permeability for use as both the protective soil cap and as the drainage layer in the green "islands", the dry storm-water drainage facilities, and the soccer fields such that ponding water and poor drainage recovery after placement was a persistent and constant issue and the vegetative cover has not been established. Consequently, the material had to be replaced at an added expense. Negotiations with the Developer have resulted in an increased contribution by the City in the amount of \$270,392.80, as follows:

Dry Retention Ponds	\$201,456.25
Re-sodding/Seeding	\$88,642.45
Soccer Field	<u>\$145,145.00</u>
Total	\$435,173.70
COJ - 0.75	\$326,380.28
VESTCOR - 0.25	\$108,793.42
Remaining amount in escrow account	\$55,987.48
Additional Funding Needed	\$270,392.80

The Solid Waste Division hereby requests MBRC approval to request legislation authorizing the submittal of the amendment to City Council for approval.

WW:ld

Attachment

Additional Ash Remediation Work - Cost Breakdown

Part 1 - Stormwater Ponds

\$174,791.25	Island, excavation, dewatering, underdrains, remove/replace soil cap, sod
\$16,850.00	Engineer certification of soil cap repair to US EPA
\$27,625.00	Additional soil placement to achieve the required 2.0-foot clean soil cap
\$8,940.00	Engineer certification of additional soil cap repair to US EPA
<u>(\$26,750.00)</u>	Remove sod costs from this tabulation
\$201,456.25	

Part 2 - Sod and Seeding

\$26,750.00	Include sod costs from Part 1
\$51,209.00	Bold City Sod
\$9,600.00	Bold City Hydroseed
\$1,083.45	C. Henderson Seed
<u>\$88,642.45</u>	

Part 3 - Soccer Field

\$128,225.00	Soil cap removal and replacement on soccer field - 5,000 cy
<u>\$16,850.00</u>	Engineer certification of soil cap on soccer field
\$145,075.00	

Totals

\$435,173.70	COJ 75%	JCA 25%
Remaining Escrow Amount	\$326,380.28	\$108,793.43
	<u>(\$55,987.48)</u>	
	\$270,392.80	

Part I: Ponds

- The Jacksonville Classical Academy ("JXC") site (formerly the Forest Street Incinerator site) underwent ash remediation in accordance with a 2008 Consent Decree with the Environmental Protection Agency ("EPA").
- The remediation concept was to excavate and place 2' of certified clean soil in areas of the site where the soil would be exposed after development (landscape areas, stormwater ponds, soccer field, play areas, future gymnasium etc.).
- The remediation contractor was Entact and England Thims & Miller ("ETM") was the engineer of record.
- Remediation work commenced July 2019 and completed December 2019 (excluding the placement of all sod). Grading for the stormwater ponds was part of the remediation to insure proper cover.
- All soil, (except the soil used to build up the slab post remediation) came from Trail Ridge as certified clean fill.
- A Construction Completion Report was submitted to the City 12 20 19.
- Post remediation, and with school construction underway, the site was not draining as designed.
- Universal Engineering and Eisman and Russo (E&R) were engaged to evaluate current conditions and soil reports.
- Hydraulic conductivity testing indicated a kh value of 0.67 ft/day when 7.4+ ft/day had been predicted.
- A plan was developed to rework the ponds and parking lot islands removing and replacing the 2' of certified clean fill placed during remediation and replacing it with A-3 sand. Underdrains were also utilized.
- ETM was advised of the plan.
- Capps Land Mgt & Materials, LLC ("Capps") was engaged to complete the work at a cost of \$174,791.25. Their invoice is attached (Tab 4 Scopes 1-5).
- A detailed explanation of site issues and the Capps invoice is provided in a memo (Tab 5) from Marc Williams (Vestcor) and Tony Mahfoud (E&R) to Steve Diebenow.
- ETM advised that the pond rework required recertification to COJ.
- ETM was engaged for the recertification at a cost of \$16,850 (Tab 6) which required additional soil testing, surveys etc.
- During the recertification process, it was discovered that some areas where soil was removed and replaced were too low (received < 2' of cover).
- ETM was engaged for a 2nd attempt at recertification at a cost of \$8,940 (Tab 7).
- Capps was engaged for the placement of additional soils in the low areas for a cost of \$27,625. The invoice can be found in Tab 4 Scope 6 with supplemental memo explaining the invoice to Steve Diebenow Tab 8.
- Pond rework was completed 1-15-21 and recertification was obtained 1-25-21 (Tab 9).
- The total cost to rework the ponds (less sod) was \$201,456.25.

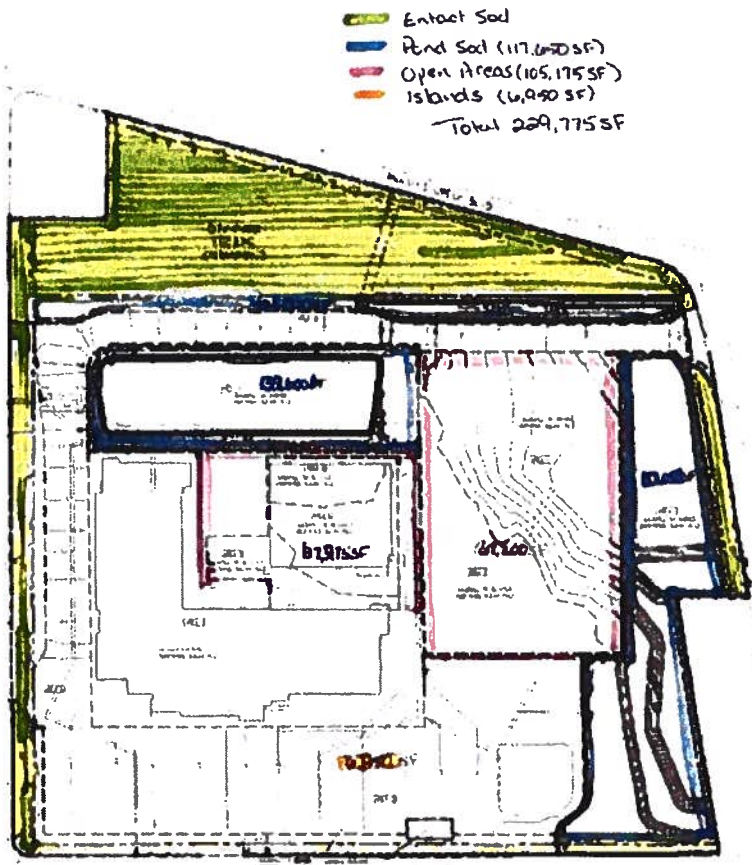
Part II: Sod & Seed

- Post remediation, the escrow account for site remediation had a balance of \$55,987.48.
- Per the 3rd bullet point above, remediation work was completed December 2019 except for the placement of all sod as the school was under construction until July 2020.
- Reworking the ponds required additional sod and seed.
- Per the chart below, we spent \$88,642.45 on sod and seed.
 - \$77,959 for 173,320 SF of sod
 - \$10,683.45 for 50,000+ SF of seed
- Invoices for sod and seed can be found:
 - Capps (Tab 4). Note specific item numbers on the invoice that tie to the chart below.
 - Bold City (Tab 10). Note specific invoice numbers that tie to the chart below.
 - C. Henderson (Tab 11).

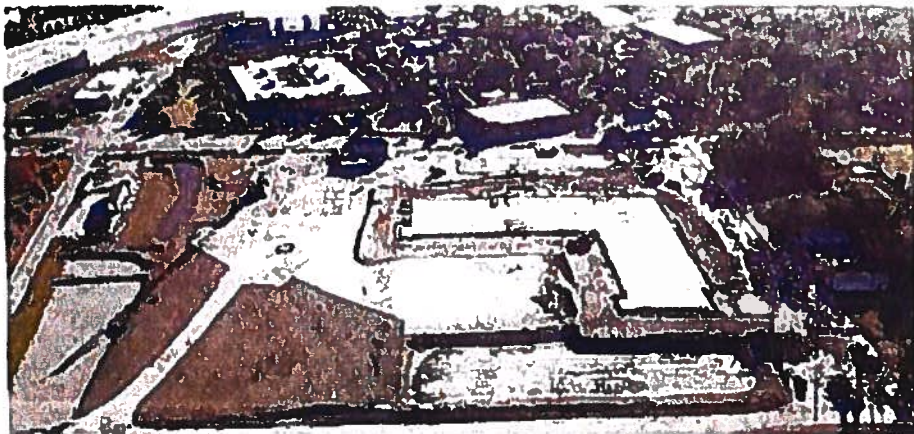
Vendor	Product	Cost	SF	Price/SF	Item	Invoice #	Date
Capps	Sod	11,000	36,000	0.31	3.7		5/30/20
	Sod	9,625	31,500	0.31	4.7		5/30/20
	Sod	6,125	15,750	0.39	6.5		1/22/21
Total Capps Sod		26,750	83,250				
Bold City	Sod	19,400	38,800	0.50		19416	6/30/20
	Sod	2,475	4,950	0.50		19421	7/20/20
	Sod	18,200	26,000	0.70		19422	7/20/20
	Sod	7,725	15,450	0.50		19439	8/19/20
	Sod	3,409	4,870	0.70		19439	8/19/20
Total Bold City Sod		51,209	90,070				
Total Sod		77,959	173,320	0.45			
Bold City	Hydroseed	9,600	50,000	0.24		19423	7/20/20
C. Henderson	Seed	1,083.45					1/19/21
Total Seed		10,683.45	50,000				
Total Sod/Seed		88,642.45	223,320				

- Invoices were submitted to ETM requesting the balance of the funds remaining in escrow (\$55,987.48) but paused because ETM desired to cap the site square footage eligible for reimbursement at 111,885 SF per chart and illustration below.

Area	SF
Blue (Ponds)	117,650
Pink (Soccer & Bermuda)	105,175
Orange (Islands)	6,950
Area Eligible for Sod	229,775
Less Prior Sod Reimbursement 12/19	-117,890
SF Eligible for Reimbursement (ETM)	111,885



- From photo below...it is agreed that we were reimbursed for 117,890 SF of sod in December 2019, however, we should not be held to a maximum square footage because we had to rework the ponds. It is our opinion that any funds remaining in the remediation escrow should be released.



- The total cost for sod and seed was \$88,642.45.

Part III: Soccer Field

- From the drone shot below, we continue to struggle with drainage and grass growth on the future soccer field.
- The area was filled with the same soil from Trail Ridge that was used for the ponds as part of site remediation.
- It too needs to be removed and replaced or the field will not be playable or become a muddy embarrassment for the school.
- The field is approximately 67,200 SF.
- The cost to export and import 5,000 CY of certified clean fill has been estimated by Capps at \$128,225 (Tab 12) .
- Estimated cost to reengage ETM for the soccer field (soil testing, survey, and another recertification has been estimated at \$16,850 (same amount as the engagement to rework the ponds).
- The total estimated cost for the soccer field is \$145,075.

