

MAYOR
THOMAS F. SLATER

VICE MAYOR
ROBERT F. AUWAERTER

COUNCIL:
JESSE L. "SAM" CARROLL, JR.
BRIAN T. FOLEY
DEBORAH H. PENISTON



TOWN MANAGER
ROBERT H. STABE, JR.

TOWN CLERK
LAURA ALDRICH

TOWN ATTORNEY
CHESTER CLEM

**MINUTES
SPECIAL CALLED MEETING
OWBR CONSTRUCTION - FULL DEPTH RECLAMATION**

Friday, February 1, 2019

12:30 p.m.

6001 N. SR A1A, Indian River Shores, FL 32963

1. Call to Order

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

Mayor Slater called the meeting to order at 12:30 p.m. with Councilman Carroll giving the invocation, followed by the Pledge of Allegiance. The Town Clerk called the roll, with those present being ELECTED OFFICIALS Mayor **Slater**, Vice Mayor **Auwaerter**, Councilmember **Peniston**, Councilman **Carroll**, and Councilman **Foley**; STAFF Town Manager **Stabe**, Town Attorney **Clem**, Town Clerk **Aldrich**, Town Manager Executive Assistant **Fentress**, PSD Director **Rosell**; RESIDENTS Al **Kettell**, Barry **Wiksten**, and Bill **Driscoll** (The Shores); GUESTS Dylan **Reingold** (IRC County Attorney), Amy **Adams** (Canaveral Scientific, Inc.), Scott **McGuire** (Knight-McGuire); Mike **Korpar** and Sam **Nelson** (John's Island).

2. Old Winter Beach Road (OWBR) Construction - Change Order #10, Full Depth Reclamation 12:31 PM

Mr. Stabe thanked the Council for agreeing to have the special called meeting on such short notice. A number of items related to this construction were received late, including Change Order #10 from Mancil's Tractor Service, our contractor. Mr. Stabe called attention to the middle section of this change order referring to Full Depth Reclamation (**FDR**). As background information, the 1,000-foot section of OWBR from A1A to where the road begins to curve was originally planned, permitted and approved to be milled and resurfaced only. There was no need for it to be rebuilt like the rest of the roadway, as there was very little stormwater drainage work needed, just some swales. This was never considered a substantial portion of the project. Later, as the John's Island Reuse Water line was being installed by Mancil's, they exposed a bare edge of pavement and noticed that in some cases there was no base material beneath the asphalt. It was just compacted sand in some areas. Several weeks ago it was brought to Council's attention, and core samples were requested and approved. The results showed that there appears to be plenty of material under the center of the roadway, but in some places it ranged from as wide as 5' or as narrow as 1' off the road edge, and other areas had no subbase at all. Mayor Slater clarified that this issue existed before the water reuse line was installed, to which Mr. Stabe added that months prior to beginning the project, some deterioration started to show, primarily due to dump trucks with fill being brought in for River Club. The Town was notified by the County that the prior approval and permitted milling and resurfacing was no longer going to be approved; only a full depth reclamation would suffice. We reached out to Mancil's to determine the cost of the full depth reclamation.

The initial change order did not include the emulsion injection, which the County later informed us was a requirement. Mancil's then provided us with Change Order #10 at the cost of just under \$110,000 plus mobilization, survey and maintenance of traffic, for a total of \$130,482.62. This was brought to the County's attention and we have had several different meetings with regarding this issue. Mr. Szyrka

This is a Public Meeting. The Town of Indian River Shores does not transcribe verbatim minutes. Should any interested party seek to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

informed Mr. Stabe that he had several different vendors that he works with who do this type of work and could do a cost comparison. Mr. Stabe presented a quote from Timothy Rose Construction Inc., the FDR with emulsion quoted price was just under \$51,000. Councilman Auwaerter asked if the invoice's date of December 20, 2018 was predictive of the fact that we might have to do it? Mr. Stabe explained that this quote was sent to the County first and was not sent to the Town at that time. Mr. Stabe also clarified that this quote was obtained from Tim Rose Construction, and that the quote was adapted from a previously completed two-mile roadway that had similar material deficiencies to OWBR. He called their attention to the quote stating that it is subject to final mix design quantity for cement and emulsion. This is a relatively new process that involves a lot of laboratory testing to determine the mix design to determine what will best solidify the base underneath. There could be a \$10,000 difference either way from the \$50,891 depending on the required cement/emulsion mix that the laboratory finds.

Mayor Slater said the Mancil quote of nearly \$150,000 versus \$50,000 is significantly different. Mr. Stabe said one important aspect for comparison is that Mancil's quote guarantees to meet our current DEP and FDEM deadlines. They are willing to rapidly mobilize by Monday or Tuesday in order to do so, which is most likely reflected in the quoted price. Mayor Slater asked if we know when Timothy Rose could begin the work, and Mr. Stabe responded that we do not. The mix design takes 10-14 days to complete, which is one schedule delay. Mr. Stabe also mentioned that Mr. Mancil has agreed to bring Mr. Rose on as a subcontractor if Timothy Rose Construction can complete items 2-6, but we don't know how quickly Mr. Rose could be available. Councilmember Peniston questioned if this would increase Mancil's cost of \$110,000 by another \$10,000-30,000? It is nearly triple the cost of Timothy Rose Construction's individual quote. Mr. Stabe agreed. The 10-14 day mix determination process was noted by Amy Adams as completed by Mancil's subcontractor as of yesterday.

Mayor Slater asked why the "drill and fill" is required for this last 900 or 1,000 feet of the road, when it wasn't required for the remainder? Mr. Reingold, attorney for Indian River County, said the road is crumbling, and they are recommending that it be done properly to resolve this. This is a huge amount of money, and the County and the Town are working hard to try to get a better price.

Mayor Slater said that since the quote from Timothy Rose of \$50,000 is almost the same amount of money as a standard mill and resurface, it is almost a moot point as to whether they can get it done on time. Mrs. Adams said Mr. Rose can't guarantee that it will be done in February or even March, so we have a situation where we have a second lift waiting, a contractor (Mancil's) ready to move on, and we would have to apply for grant extensions for DEP and FDEM and risk losing \$150,000 in grant funds.

Vice Mayor Auwaerter had determined from information from the Treasurer that there is roughly \$200,000 - \$250,000 in our Road and Bridge Fund. The County, according to Attorney Reingold's understanding, is willing to split Mr. Rose's cost of \$50,891, so that would only be roughly \$25,000 - \$26,000.

Mr. Stabe mentioned that there may be another option that has not yet been discussed. He spoke with our engineer of record, David Knight, who appreciates the fact that the County is willing to help. Meeting the deadline for the substantial walkthrough is a concern. *Mr. Knight suggested that we could just do what was permitted and approved (mill and resurface), with some additional costs for adding the base materials along the road edge, and wherever they find that there is no base, and then put down the two 1 1/2" lifts.* According to research provided by Amy Adams, there is not a huge advantage in completing a full depth reclamation as opposed to milling and resurfacing with additional base.

The \$30,000 is a lot less than the other figures, Mayor Slater noted, and Mr. Stabe added they have made great headway with County being very cooperative, but the time frame is the concern.

Mr. Clem agreed, the grants make the timeliness more critical. Vice Mayor Auwaerter asked if the County could stop us from using the road if the Town proceeded without fulfilling all of the County's requirements? Mr. Clem stated to the best of his knowledge, no. Councilmember Peniston asked about the Town's exposure if we were to go with the Mancil's contract for around \$150,000, which Mr. Stabe said is 100%, as the County told him that they would not absorb the cost. In concept, Councilman Foley said, the County agreed to split costs of about \$50,000 (the Timothy Rose quote), which now has a \$75,000 implication as opposed to a \$26,000 for the County.

Mayor Slater asked about getting a 45-day extension on the grant, as we want to ensure that the road is done right the first time? Amy Adams stated that the engineer of record recommends Change Order #8, which calls for beefing up the original mill and resurface, noting that the County has always stated that they will go forward with what the engineer of record recommends. Mr. Clem commented that the County Engineering

Department has not agreed on that in this case. Mrs. Adams asked if Mr. Rose is willing to pay the \$123,000 that we stand to lose in grant money if he does not meet the deadline? Discussion about using Mr. Rose for the project led Amy Adams to state that Mancil's cannot guarantee their work underneath Timothy Rose Construction's paving. Mr. Stabe said that he confirmed with Mr. Mancil that if the Town allowed him to put Mr. Rose under him as a subcontractor, he would then warranty his work.

Vice Mayor Auwaerter asked Mrs. Adams what happens if the State does not allow the grant extension? She replied that we can ask for Senator Mayfield's help again.

Councilman Foley asked if there are any additional costs associated with the 45-60 day extension, such as penalty clauses with Mancil's? Mrs. Adams said a contract amendment would be required to move the end of contract date, as they have to pay a \$1,532 fine for every day they go past contract date. Mr. Clem asked if we have any assurance from Mancil's that they would be willing to extend the contract without further payment? Mrs. Adams stated yes, so long as we amend the end of contract date.

Councilman Carroll stated that when he spoke with Mrs. Adams earlier this morning, she discouraged the idea of asking for an extension because FDEM was very reluctant, as the Town has already received two extensions. Councilman Carroll said the County agreed with paying 50% not expecting a number of \$150,000.

Councilmember Peniston discussed an extension, which Mrs. Adams explained the DEP contract would not have a problem with an extension, but the FDEM grant is dealing with FEMA funds, and the Federal funds have been carried over almost a year already.

Mayor Slater said with this disagreement on the proper construction of the road, we should follow the proper course as requested by the County.

Councilman Foley expressed concern about the extension and savings on one quote on the Change Order that may end up costing us even more, especially if mobilization fees are charged. Mayor Slater stated that Mr. Rose would probably cooperate with Mancil's.

Mrs. Adams and Mr. Clem discussed whether or not they needed three quotes to be presented to both agencies, which Mr. Clem said unless the grant has different methodology, we are on track for Mancil's to continue and to hire Tim Rose as a subcontractor without going back out for bids.

A motion to go forward with the proposal for Timothy Rose Construction to be brought on with Mancil's at the price and under the conditions stated was made by Councilmember Peniston, seconded by Councilman Carroll and **passed unanimously**.

Councilmember Peniston made a **motion to approach DEP and FDEM for a 60-day extension from February 1, 2019 to enable completion of the project**, which was seconded by Councilman Foley. Discussion ensued as to the length of the requested extension.

Councilmember Peniston **made a motion to amend contract completion until the end of June**, which was seconded by Councilman Foley, and **passed 5-0**. The Mayor encouraged Mr. Reingold and Knight McGuire to work closely with the Town on this.

Another **motion to extend Mancil's contract to 45 days to March 15** was made by Councilman Foley and was seconded by Councilman Carroll and **passed unanimously**.

3. **Audience Questions** (1:35)

Al Kettell, The Shores, asked if there was any idea when the project will be completed, and what does the Town lose if it is not extended? Mr. Stabe said the final paving process is supposed to begin Monday, but how quickly we can get Mr. Rose is the question now. The Town could potentially lose \$152,000 in funding.

Mr. Driscoll asked about starting their landscaping April 1, and was told it was fine.

4. **Adjournment** 1:39 PM

Respectfully submitted,

Approved by Town Council at the February 28, 2019 Meeting.

/s

Laura Aldrich, MMC
Town Clerk