

RESOLUTION NO 2024 - 082

CITY OF LAKE CITY, FLORIDA

A RESOLUTION OF THE CITY OF LAKE CITY, FLORIDA APPROVING AND ADOPTING THAT CERTAIN AMENDMENT TO AGREEMENT NO LPS0090 BETWEEN THE CITY AND THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO CONTINUE THE LAKE CITY RECHARGE WETLAND EXPANSION; REVISING THE SCOPE OF WORK OF SUCH EXPANSION TO INCLUDE PRECONSTRUCTION ACTIVITIES SUCH AS SURVEYS, ENVIRONMENTAL ASSESSMENTS, AND ENGINEERING FOR REIMBURSEMENT; MAKING CERTAIN FINDINGS OF FACT IN SUPPORT OF THE CITY APPROVING AND ADOPTING SAID AMENDMENT; RECOGNIZING THE AUTHORITY OF THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID AMENDMENT; DIRECTING THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID AMENDMENT; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 1, 2023 the City of Lake City (the "City") entered into Agreement No. LPS0090 between the City and the Florida Department of Environmental Protection (the "Agency") to continue the Lake City Recharge Wetland Expansion (the "Project"); and

WHEREAS, it is necessary to revise in the scope of work for the Project to include preconstruction activities such as surveys, environmental assessments, and engineering for reimbursement and also to extend the completion date of the Project by one year (the "Amendment"); and

WHEREAS, completing the Project by approving and adopting the Amendment is in the public interest and in the interests of the City; now, therefore,

BE IT RESOLVED by the City Council of the City of Lake City, Florida:

1. Approving and adopting and the Amendment is in the public or community interest and for public welfare; and
2. In furtherance thereof, the Amendment in the form of the Exhibit attached hereto should be and is approved and adopted by the City Council of the City of Lake City; and
3. The Mayor of the City of Lake City is the officer of the City duly designated by the City's Code of Ordinances to enforce such rules and regulations as are adopted by the City Council of the City of Lake City; and

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4. The Mayor of the City of Lake City is directed and authorized to execute on behalf of and bind the City to the terms of the Amendment; and
 5. All prior resolutions of the City Council of the City of Lake City in conflict with this resolution are hereby repealed to the extent of such conflict; and
 6. This resolution shall become effective and enforceable upon final passage by the City Council of the City of Lake City.

APPROVED AND ADOPTED, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lake City, Florida, at a regular meeting, this ____ day of August, 2024.

BY THE MAYOR OF THE CITY OF LAKE CITY,
FLORIDA

Stephen M. Witt, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL
OF THE CITY OF LAKE CITY, FLORIDA:

Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney

**AMENDMENT NO. 1
TO AGREEMENT NO. LPS0090
BETWEEN
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND
CITY OF LAKE CITY**

This Amendment to Agreement No. LPS0090 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and the City of Lake City (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for Lake City Recharge Wetland Expansion (Project), effective March 1, 2023; and,

WHEREAS, the Grantee has requested a revision in the scope of work for the Project; and,

WHEREAS, other changes to the Agreement are necessary; and,

WHEREAS, the parties have agreed to amend the Agreement as set forth herein.

NOW THEREFORE, the parties agree as follows:

1. The following is hereby added to Attachment 1 in Section 8:

State Funds Documentation. Pursuant to section 216.1366, F.S., if Contractor meets the definition of a non-profit organization under section 215.97(2)(m), F.S., Contractor must provide the Department with documentation that indicates the amount of state funds:

- i. Allocated to be used during the full term of the contract or agreement for remuneration to any member of the board of directors or an officer of Contractor.
- ii. Allocated under each payment by the public agency to be used for remuneration of any member of the board of directors or an officer of the Contractor.

The documentation must indicate the amounts and recipients of the remuneration. Such information must be posted on the State's contract tracking system and maintained pursuant to section 215.985, F.S., and must be posted on the Contractor's website, if Contractor maintains a website.

2. The following is hereby added to Attachment 1 in Section 8:

Rural Communities and Rural Areas of Opportunity. If Grantee is a county or municipality that qualifies as a "rural community" or "rural area of opportunity" (RAO) as defined in subsection 288.0656(2), F.S., such Grantee may request from the Department that all invoice payments (i.e., cost reimbursement) under this Agreement be directed to the relevant county or municipality or to the RAO itself. The Department will agree to Grantee's request if:

- i. Grantee demonstrates that it is a county or municipality that qualifies as a "rural community" or "rural area of opportunity" under subsection 288.0656(2), F.S.;
- ii. Grantee demonstrates current financial hardship using one (1) or more of the "economic distress" factors defined in subsection 288.0656(2)(c), F.S.;
- iii. Grantee's performance has been verified by the Department, which has determined that Grantee is eligible for cost reimbursement and that Grantee's performance has been completed in accordance with this Agreement's terms and conditions; and
- iv. Applicable federal and state law(s), rule(s) and regulation(s) allow for such payments.

This subsection may not be construed to alter or limit any other applicable provisions of federal or state law, rule, or regulation. A current list of Florida's designated RAOs can be accessed at the following web address:

<https://floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity>.

3. Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-1, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-1, Revised Grant Work Plan.
4. Exhibit A, Progress Report Form, is hereby deleted in its entirety and replaced with Exhibit A-1, attached hereto and made a part of the Agreement. All references in the Agreement to Exhibit A shall hereinafter refer to Exhibit A-1.
5. All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

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**EXHIBIT TO
RESOLUTION**

**NOT FOR
EXECUTION**

The parties agree to the terms and conditions of this Amendment and have duly authorized their respective representatives to sign it on the dates indicated below.

CITY OF LAKE CITY

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: EXHIBIT-NOT FOR EXECUTION
Authorized Signature

By: EXHIBIT-NOT FOR EXECUTION
Secretary or Designee

Stephen Witt, Mayor
Print Name and Title

Angela Knecht, Division Director
Print Name and Title

Date: _____

Date: _____

EXHIBIT-NOT FOR EXECUTION
Jillian Bates, DEP Grant Manager

EXHIBIT-NOT FOR EXECUTION
Nathan Jagoda, DEP QC Reviewer

List of attachments/exhibits included as part of this Amendment:

<u>Specify Type</u>	<u>Letter/ Number</u>	<u>Description</u>
Attachment	3-1	Revised Grant Work Plan
Exhibit	A-1	Progress Report Form

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**ATTACHMENT 3-1
REVISED GRANT WORK PLAN**

PROJECT TITLE: Lake City Recharge Wetland Expansion

PROJECT LOCATION: The Project will be located in the City of Lake City within Columbia County; Lat/Long (30.1208, -82.6934).

PROJECT BACKGROUND: In 2015/2016, the City of Lake City (Grantee) completed conversion of approximately 120 acres of wastewater spray field to recharge wetlands. The project was implemented to achieve partial compliance with the Santa Fe River Basin Management Action Plan (BMAP) that requires wastewater land application to achieve an annual average total nitrogen (TN) concentration of 3 mg/L prior to the land-applied water mixing with groundwater. The BMAP requirement for wastewater disposal was included to protect groundwater and springs from excess nitrate-nitrogen that has been shown to negatively impact the flora of spring runs.

The Grantee has determined that expanding the conversion of their remaining spray fields to recharge wetlands is the most cost-effective approach to meeting the BMAP requirements for the combined flows from the St. Margaret's and Kickligher wastewater treatment facilities. The current project will provide advanced water quality treatment for an additional 0.6 MGD of reclaimed water prior to infiltration with a net increase in recharge of approximately 0.225 MGD. This project is located within the Ichetucknee Priority Focus Area, where reduced nitrate concentrations will provide lower nutrient water to the spring and reduced evapotranspiration losses will benefit the spring through increased flows.

PROJECT DESCRIPTION: The Grantee will expand the existing recharge wetland through conversion at the Steedly spray field site to a groundwater recharge wetland with the addition of approximately 53 acres of treatment and recharge area. This conversion is being designed to reduce nitrogen in treated water and to increase recharge on the parcel.

TASKS: All documentation should be submitted electronically unless otherwise indicated, and should be submitted prior to the expiration of the grant agreement.

Task #1: Preconstruction Activities

Deliverables: The Grantee will complete the design of the Lake City Recharge Wetland Expansion and obtain all necessary permits for construction of the project. Activities necessary for design, such as surveys, geotechnical evaluations, and environmental assessments, are eligible under this task.

Documentation: The Grantee will submit a signed summary of activities completed for the period of work covered in the payment request, including the percentage of design complete and permitting status, using the format provided by the Department's Grant Manager. For the final documentation, the Grantee will also submit a copy of the design completed with the funding provided for this task, a list of all required permits identifying issue dates and issuing authorities, and copies of any surveys, assessments, or other documents funded under this task. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

Task #2: Bidding and Contractor Selection

Deliverables: The Grantee will prepare a bid package, publish a public notice, solicit bids, conduct pre-bid meetings, and respond to bid questions in accordance with the Grantee's procurement process, to select one or more qualified and licensed contractors to complete construction of the Lake City Recharge Wetland Expansion.

Documentation: The Grantee will submit: 1) the public notice of advertisement for the bid; 2) the bid package; and 3) a written notice of selected contractor(s).

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement following the conclusion of the task.

Task #3: Project Management

Deliverables: The Grantee will provide project management services related to Lake City Recharge Wetland Expansion, to include review of documents and forms, budget oversight, preparation and submittal of quarterly progress reports, processing of payment requests and related documentation, field engineering services, construction observation, site meetings with construction contractor(s) and design professionals, and overall project coordination and supervision.

Documentation: The Grantee will submit a signed summary of activities completed for the period of work covered in the payment request, using the format provided by the Department's Grant Manager. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

Task #4: Construction

Deliverables: The Grantee will construct the Lake City Recharge Wetland Expansion in accordance with the construction contract documents.

Documentation: The Grantee will submit a signed summary of activities completed for the period of work covered in the payment request, using the format provided by the Department's Grant Manager. Upon request by the Department's Grant Manager, the Grantee will provide additional supporting documentation relating to this task.

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement no more frequently than monthly.

Task #5: Study

Deliverables: The Grantee will complete a study to verify post-construction performance of the recharge wetland. Activities necessary to complete the study include:

- Collection and analysis of flow, water level, and water quality measurements to allow for optimization of treatment efficiency.
- Document performance of above to demonstrate that the project goals have been achieved.

Documentation: The Grantee will submit a performance verification report containing:

- As-built drawings of the wetland recharge
- Post-construction operational data

Performance Standard: The Department's Grant Manager will review the documentation to verify that the deliverables have been completed as described above. Upon review and written acceptance by the Department's Grant Manager, the Grantee may proceed with payment request submittal.

Payment Request Schedule: The Grantee may submit a payment request for cost reimbursement following the conclusion of the task.

PROJECT TIMELINE & BUDGET DETAIL: The tasks must be completed by the corresponding task end date. Cost reimbursable grant funding must not exceed the budget amounts as indicated below.

For any Task with a Budget Category of Contractual Services, the Grantee shall submit a copy of the executed subcontract to the Department prior to submitting any invoices for subcontracted work.

Task No.	Task Title	Budget Category	Grant Amount	Task Start Date	Task End Date
1	Preconstruction Activities	Contractual Services	\$490,000	07/01/2022	06/30/2025
2	Bidding and Contractor Selection	Contractual Services	\$20,000	07/01/2022	06/30/2025
3	Project Management	Contractual Services	\$330,000	07/01/2022	12/31/2028
4	Construction	Contractual Services	\$5,140,000	07/01/2022	12/31/2026
5	Study	Contractual Services	\$120,000	07/01/2022	12/31/2028
Total:			\$6,100,000		

**STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Exhibit A-1
Progress Report Form**

The current **Exhibit A, Progress Report Form** for this grant can be found on the Department's website at this link:

<https://floridadep.gov/wra/wra/documents/progress-report-form>

Please use the most current form found on the website, linked above, for each progress report submitted for this project.

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**NOT FOR
EXECUTION**