



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**MARCH 5, 2001 AT 6:00 P.M.**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held March 5, 2001 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown  
Vice Mayor Robert D. Shimp  
Councilor Ronald Patronik  
Councilor Harriett Pruette  
City Attorney Christopher A. White  
City Manager Richard A. Linn  
City Clerk Lisa Volpe, CMC

Deputy City Clerk Karla Strait  
Assistant to the City Manager Terry Klein  
Director of Finance Steve Ramsey  
Assistant to the Building Official Piper Turner  
Public Works Director John Galen

Absent:  
Councilor James W. Crout

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m.

Harcon  
Change Order #1

Jim Miller with PBS&J explained that change order #1 from Harcon included six items.

The first item on the change order was for the sheet piling for the jack & bore under Third Street in the amount of \$82,882.11. Mr. Miller added that this cost was additional because it was required by the Florida Department of Transportation and it was not included in the original bid because the permit was not received until after all the bids were in.

Mr. Miller stated that PBS&J tried to intervene with the Florida Department of Transportation and they were told if the contractor could show that he complied with the Trench Safety Act that they would wave the requirement for the sheet piling. Harcon did comply with the Trench Safety Act but the same inspector convinced the District Engineer for Maintenance not to wave the sheet piling because he felt that it was a dangerous deep situation.

Mr. Miller explained the next item on the change order was \$17,883.50 for removing the same sheet piling. That amount included a credit of \$15,040.00 for the trench boxes he had originally planned to use, but was not allowed to use because he had to use the sheet piling.

Mr. Miller added that the other items on the change order were \$10,000 for hand excavation for electrical conduit that was not located by Jacksonville Beach Electric or the location service.

The next item on the change order was for labor and materials in the amount \$3,290.00 for telephone conduit that was not located by the phone company or the locating service and also required hand excavation.

Mr. Miller felt that the change order was legitimate based on the information and recommended approval of payment.

### **QUESTION & ANSWER SESSION**

#### Questions/Answers

Councilor Patronik asked Mr. Miller if sheet piling was required for trenches deeper than 10 feet. Mr. Miller responded that the Department of Transportation Utility Accommodation Guide stated that trenches must comply with the Florida Trench Safety Act and meet OSHA requirements and had absolutely no requirement for sheet piling.

Councilor Patronik asked if the contractor would have known about the sheet-piling requirement if the permit had been received sooner. Mr. Miller answered yes and added that because the permit was only good for a certain number of days we would also have taken a chance on having to renew the permit and the Florida Department of Transportation could have added other changes to it after the bids.

Vice Mayor Shimp requested that PBS&J get the permits earlier in the future so the projects could be bid on correctly. Vice Mayor Shimp questioned whether Harcon and the Florida Department of Transportation had ran into problems like this before.

For the Record Mr. Shimp acknowledged for the record that President of Harcon Mike Harvey shook his head no. Vice Mayor Shimp added on the record that he was surprised that small towns had no influence over state and county agencies.

President of Harcon Mike Harvey stated that he and Jim Miller worked almost four weeks trying to get the Florida Department of Transportation to reconsider the sheet piling requirements.

City Manager Linn asked Mr. Harvey how deep the wet well was and what technology was used. Mr. Harvey replied the wet well was 32 feet deep and the technology was a sheeting system. Mr. Linn asked if a change order would have been required if the trench box technology was used. Mr. Harvey answered that if he would have used trench boxes that he would not have had to charge for the sheeting. Mr. Linn asked if there were any cave ins at the wet well. Mr. Harvey answered no.

For the Record Councilor Patronik stated that based on Mr. Miller's explanation he agreed that the change order was justified because the contractor went on the best information available and it was an additional expenditure.

Councilor Pruette questioned Mr. Miller why the contractor was never told they would need the sheeting when the bid went out in May. Mr. Miller responded that the issue did not come up because the contractor did not know what he going to use until he got ready to do the jack and bore. Councilor Pruette asked if that was when he tried to get the state to change it the requirements. Mr. Harvey answered yes and added that he worked almost a solid month to have the requirement changed. Councilor Pruette asked how they knew which bidders bid sheeting and which ones did not? Mr. Miller stated he had no way of knowing which bids included sheet piling other than guessing.

Councilor Pruette felt that the contractor should negotiate with us for the amount of the change order and was concerned about future change orders and the citizens of Neptune Beach tax dollars.

Mr. Miller stated they made an honest effort with the Florida Department of Transportation negotiating with the contractor to get the amount change order down to what he thought was reasonable. Mr. Miller recommended that council approve the change order and added he would make sure that Mr. Linn, Mr. Galen, and himself would sit down with the Florida Department of Transportation well in advance of any future required permits.

Vice Mayor Shimp stated that the previous council had added a 20% contingency on the contract for change orders and that City Manger Linn had the authority to pay the change order without going through the council. Mr. Shimp requested moving the change order to the Regular City Council Meeting consent agenda that would follow this Workshop.

Adjournment

There being no further business, the meeting adjourned at 6:50p.m.

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Richard A. Brown, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_