



## Legislation Details (With Text)

**File #:** O-144-21      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Approved  
**File created:** 2/23/2021      **In control:** Public Service Department  
**On agenda:** 3/16/2021      **Final action:** 3/16/2021  
**Title:** Authorizing the expenditure of \$31,656.22 from the Street Construction Maintenance and Repair Fund for the Point Place and Swan Creek Levee Certifications; authorizing the Mayor to enter into a supplemental agreement with Fishbeck, Thompson, Carr & Huber, Inc. for the completion of the certification of the Levees; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Bullet Points, 2. Audio: Agenda Review March 9, 2021

Date	Ver.	Action By	Action	Result
3/16/2021	1	City Council		
3/16/2021	1	City Council		
3/16/2021	1	City Council		

DPS 2021 SBH Levee Fishbeck \$31,656.22

Streets, Bridges & Harbor

Jeremy Mikolajczyk (x1537) Paul Rasmusson (x7868)

**Authorizing the expenditure of \$31,656.22 from the Street Construction Maintenance and Repair Fund for the Point Place and Swan Creek Levee Certifications; authorizing the Mayor to enter into a supplemental agreement with Fishbeck, Thompson, Carr & Huber, Inc. for the completion of the certification of the Levees; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

The United States Army Corps of Engineers (USACE) completed the installation of the Point Place Flood Control Levee System in the mid 1980's, and the Glencove (Swan Creek) System in the early 1990's. The operation and maintenance of both levee systems were then turned over to the City of Toledo. Following the Hurricane Katrina and Rita disasters, the Federal Emergency Management Association (FEMA) and USACE joined forces to tighten the maintenance, inspection, and freeboard requirements of the country's levee systems, and introduced new certification requirements. In 2011, after formal bid, Fishbeck, Thompson, Carr & Huber, Inc. (Fishbeck) was awarded a contract to perform the necessary survey, geotechnical sampling and reporting to FEMA for the certification of both levee systems. Those certification packages were delivered to FEMA in 2012 for their review. In February 2017, FEMA responded to the submission with numerous comments requiring additional testing and reporting. The City of Toledo entered into a supplemental agreement with Fishbeck to perform the necessary testing, reporting, and production of updated certification packages. After several revisions and resubmissions, FEMA finally granted certification to both levee systems in December of 2020. This legislation allows the expenditure of additional funds, which combined with the remaining funds in Ordinance 262-18 will allow the City of Toledo to enter into a supplemental agreement with Fishbeck for the outstanding balance of \$44,294.10.

The fiscal impact of this Ordinance is as follows:

- The amount of funds requested: \$31,656.22
- The expenditure budget line item: 2014-23100-2431001STDSTD
- New revenue generated (operational revenue, grants, if any): none
- Revenue budget line item (if any): none
- Are funds budgeted in the current fiscal year (yes/no)? : yes
- Is this a capital project (yes/no)? no
- If yes, is it new or existing (new/existing)? repair existing
- What section of the City's Strategic Plan does this support:
  - o Excellence in Basic Services (yes/no) yes
  - o Quality Community Investment (Livable City, Development) (yes/no) yes
  - o Workplace Culture & Customer Service (yes/no) no
  - o Environment (yes/no) no

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the sum of \$31,656.22 is authorized for expenditure from the Street Construction Maintenance and Repair Fund Account Code 2014-23100-2431001STDSTD, for Point Place and Swan Creek Levee Certification.

SECTION 2. That the Mayor is authorized to enter into a supplemental agreement with Fishbeck, Thompson, Carr & Huber, Inc. as deemed necessary by the Commissioner of the Division of Streets, Bridges & Harbor upon such terms and conditions acceptable to the Director of Public Service and the Director of Law.

SECTION 3. That the Finance Director is authorized to draw his warrant or warrants against the account code identified in Section 1 in an amount not to exceed \$31,656.22 in payment of the obligations authorized above upon presentation of the proper voucher or vouchers.

SECTION 4. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the preservation of the public peace, health, safety and property and for the further reason that this Ordinance must be immediately effective in order to complete payment to Fishbeck for their work in completion of the certification of the levee systems.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

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

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council