RESOLUTION NO. 05-51

A RESOLUTION OF THE CITY OF MARCO ISLAND, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE .

WHEREAS, Florida Statutes provide for loans to local government agencies to finance the construction of water pollution control facilities; and

WHEREAS, Florida Administrative Code rules require authorization to apply for loans, to establish pledged revenues, to designate an authorized representative; to provide assurances of compliance with loan program requirements; and to enter into a loan agreement; and

WHEREAS, the State Revolving Fund loan priority list designates Project No. WW12071503P: Wastewater Treatment Improvements, as eligible for available funding; and

WHEREAS, the City of Marco Island, Florida, intends to enter into a loan agreement with the Department of Environmental Protection under the State Revolving Fund for project financing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARCO ISLAND, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing findings are incorporated herein by reference and made a part hereof.

SECTION 2. The City of Marco Island, Florida is authorized to apply for a loan to finance the Project.

SECTION 3. The revenues pledged for the repayment of the loan are the net water and sewer utility system revenues after payment of debt service on the City's Series 2003 Water and Sewer System Utility Revenue Bonds.

SECTION 4. The City Manager is hereby designated as the authorized representative to provide the assurances and commitments required by the loan application.

SECTION 5. The City Manager is hereby designated as the authorized representative to execute the loan agreement and subsequent amendments which will become a binding obligation in accordance with its terms when signed by both parties. The City Manager is authorized to represent the City in carrying out the City's responsibilities under the loan agreement. The City Manager or Finance Director is authorized to delegate responsibility to appropriate City staff to carry out technical, financial, and administrative activities associated with the loan agreement.

SECTION 6. The legal authority for borrowing moneys to construct this Project is, Chapter 166, Part II, Florida Statutes.

SECTION 7. CONFLICTS. All resolutions or part of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 8. SEVERABILITY. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other Section of part of this Resolution.

SECTION 9. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 1st day of August 2005.

ATTEST:

Laura A. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: Vickie Kelber

Vickie Kelber, Chairwoman

Approved as to Form:

Richard D. Yovanovich, City Attorney

City of Marco Island
SRF Wastewater Pre-Construction Loan
Request for Inclusion
Application & Agreement
Loan Coordination

Scope of Services

Task 1 Request for Inclusion (RFI) Preparation & Negotiation

The Consultant shall prepare an RFI in order to get the project on the FDEP Priority List. The City Staff/Engineer will provide the Consultant with information as required. An Authorized City Representative will sign the RFI and return it to the Consultant for transmittal to the FDEP.

Task 2 Loan Application

2.1 *Communication and Coordination with FDEP, City, and Engineer* – The Consultant shall coordinate communication with FDEP and City Staff/Engineers involved in Pre-Construction Loan funding. The Consultant will also provide response to questions/comments as necessary. The City Staff/Engineer will provide the Consultant with any required information as requested.

2.2 *Application Preparation* – The Consultant shall prepare an SRF Loan Application for Pre-Construction Loan funds in accordance with FDEP rules and regulations for the program. The Consultant shall secure all required information necessary for the Application from the City or its other Consultants.

2.3 *Application Review and Revision* – The Consultant shall provide a final draft of the Application to the City for review. Upon completion of the review, the Consultant shall identify information necessary to satisfy funding agency requirements and respond to any comments from own staff as appropriate. The Consultant shall provide drafts of all resolutions and/or certifications required from the City to process the Application.

2.4 *Application Submission and Response to FDEP Comments* – The Consultant shall prepare the final Application for submission to FDEP. The Consultant shall provide an appropriate transmittal letter. All required copies of the document shall be provided by the Consultant. The Consultant shall handle response to all questions and/or comments from FDEP with input from the City as necessary.

Task 3 SRF Loan Agreement

3.1 *Coordination with FDEP* – The Consultant shall communicate with FDEP regarding the proposed Pre-Construction Loan Agreement.

3.2 *Loan Agreement Review* - The Consultant shall review the draft Agreement and comment to the City on appropriateness and acceptability as relates to the Loan Application submitted and the City's intended project funding.

3.3 *Final Loan Agreement* – The Consultant shall coordinate the processing and execution of the Final Loan Agreement between FDEP and the City. The Consultant shall handle response to all questions and/or comments from FDEP with input from the City as necessary. The Consultant shall provide an appropriate transmittal letter.

Task 4 Pre-Construction Loan Coordination

4.1 *Preparation of Request for Allowances* – The Consultant shall prepare an initial Request for Allowances for Planning and Administrative Allowances upon execution of the SRF Loan Agreement. The Consultant shall provide for processing of the Request to FDEP. The Consultant shall prepare a Request for the balance of Planning and Administrative Allowances upon issuance of the environmental document by FDEP. The Consultant shall provide for processing of the Request to FDEP. The Consultant shall prepare the Request for Allowance for the Engineering Allowance as required upon approval to do so by FDEP.

4.2 *Coordinate Submission of Documents* – The Consultant shall submit any additional data and technical support from the City to FDEP.

4.3 *Technical Assistance* - Provide technical assistance to engineers and staff to facilitate completion of Pre-Construction Loan.

Proposal

Angie Brewer & Associates, L.C.
9104 58th Drive East
Bradenton, Florida 34202

Date:	5/6/2005
Project #	159-200-0102
Proposal	

Client **City of Marco Island**
William Harrison, Finance Director
50 Bald Eagle Drive
Marco Island, FL 34145

SRF Wastewater Planning Process
2005-2008 Projects

Project Planning Services	**Rate**	**Total**
FDEP Schedule Management	$27,490.00	$27,490.00
Wastewater Facilities Plan (WWFP)	$110,500.00	$110,500.00
Capital Financing Plan (CFP)	$54,715.00	$54,715.00
Public Meeting/Approvals	$19,755.00	$19,755.00
Environmental Clearance-Auth to Incur	$13,320.00	$13,320.00
Coordinate DEP Requirements	$9,220.00	$9,220.00
		$235,000.00

Total Proposal	**$235,000.00**

Note: These costs are included in the SRF pre-construction loan budget.

Angie R. Brewer

City of Marco Island
SRF WW Facilities & Capital Finance Planning
Scope of Services

Task 1 FDEP Schedule Management

Project Schedule – The Consultant shall prepare a schedule for completion of all planning work. The Consultant shall monitor progress of all activities and communicate status of work to the City on a monthly basis and attend meetings to coordinate the implementation of the schedule.

Task 2 Wastewater Facilities Plan (WWFP)

2.1 *Facilities Plan Design Coordination* – The Consultant shall coordinate with FDEP and City Staff to develop a WWFP Outline; coordinate with engineer to ensure completion of the technical portions of the plan, and coordinate the completion of all tasks.

2.2 *Planning Meetings/Follow-up* – The Consultant shall conduct meetings as necessary, with City Staff, engineers and agency personnel, to allow for review and discussion of data required for the planning document. The meetings will also cover the outline and schedule of work and preparation for the Public Meeting. Teleconferencing and electronic mail will be used when feasible to minimize the impact on staff time.

2.3 *Preparation of Draft WWFP* – The Consultant shall coordinate the preparation of a draft WWFP in accordance with FDEP requirements. The City or the Engineer shall provide all technical engineering information and data as required and the final document shall be signed and sealed by a professional engineer employed by or under contract to the City.

The Consultant shall prepare all non-technical sections of the document and address all financial issues of the planning document. The Consultant shall incorporate the provided technical information into appropriate sections of the Facilities Plan. Existing data will be used as available.

2.4 *Revision, Review and Approval of WWFP* – The Consultant shall revise and update the draft WWFP based upon comments received from the City. (This task does not include mass reproduction of the WWFP.)

Task 3 Capital Finance Plan (CFP)

3.1 *CFP Planning, Preparation and Follow-up* – The Consultant shall prepare a draft CFP, in accordance with FDEP requirements, for submission to the City for review and comment. The Consultant shall provide a list of required information needed to complete the CFP. The City shall provide required information as identified by Consultant.

3.2 *Revisions, Review and Approval of CFP* – The Consultant shall revise and update the draft CFP based upon comments received from the City. The Consultant shall secure the certification of the CFP from the Finance Director. Upon finalization of the CFP, it will be incorporated into and made a part of the WWFP.

Task 4 Public Meeting/Approvals

4.1 *Coordination of Public Meeting/Agenda* – The Consultant shall coordinate with the City to ensure proper scheduling and advertisement of the required Public Meeting. The City shall place the advertisement in a daily newspaper in accordance with local advertising requirements. The Consultant shall provide the draft advertisement to the City. The Consultant shall provide a detailed agenda for the Public Meeting addressing required issues.

4.2 *Preparation for and Attendance at Public Meeting* – The Consultant shall prepare appropriate information for the Public Meeting to ensure FDEP requirements are satisfied. The Consultant shall provide a draft resolution for the WWFP to be adopted by the Council following the Public Meeting. The Consultant shall participate in the presentation of information at the Public Meeting.

4.3 *Coordinate Public Meeting Requirements with FDEP* – The Consultant shall prepare the Public Participation documentation. The Consultant shall submit the Public Participation Documentation to the FDEP in order to secure appropriate approval.

Task 5 Updating/Production/Distribution of Planning Documents

The Consultant shall provide a total of 30 copies of the WWFP. FDEP requires 5 copies, and the State Clearinghouse requires 12 copies. ABA maintains a copy, one is sent to the Project File at the City, one is provided for the City Clerk and 10 copies will be transmitted to the City for its use in securing City approval of the document. The Consultant shall revise and update the WWFP and CFP based upon comments received from FDEP. The Consultant shall track the status of the WWFP with the State Clearinghouse and other reviewing agencies. The Consultant shall respond to questions and provide information to agencies to aid in the completion of the Clearinghouse review process; the Consultant will provide comments and approvals to FDEP. The City's engineer will provide required data.

Task 6 Environmental Clearance

The Consultant shall track the status of the Florida Finding of Significant Impact (FFNSI). The Consultant shall answer questions and provide information to FDEP as necessary to aid in the completion of the FFNSI. The Consultant shall respond to comments received during the advertising and comment period. The Consultant shall review the FFNSI/CEN draft. The Consultant shall request all additional data and technical support from the City and provide it to FDEP.

Task 7 Coordinate DEP Requirements

The Consultant shall coordinate submission of plans and specifications; permit information and site certification necessary to elevate the project to a fundable status. The City shall cause two copies of the complete Biddable Plans and Specifications to be provided to Consultant. The Consultant shall prepare the appropriate Site Certification documentation to secure approval. Upon approval of the FFNSI/CEN and all other readiness to proceed items, the Consultant will secure Authorization to Incur Costs.

Angie Brewer & Associates, L.C.
9104 58th Drive East
Bradenton, Florida 34202

Proposal

Date:	5/6/2005
Project #	159-200-0101
Proposal	

Client

City of Marco Island
William Harrison, Finance Director
50 Bald Eagle Drive
Marco Island, FL 34145

SRF Wastewater 2005-2008 Projects
RFI & Pre-Construction Loan
Application and Agreement

SRF WW Application & Agreement		**Rate**		**Total**
RFI Preparation - Negotiation	$	5,935.00	$	5,935.00
Loan Application	$	46,395.00	$	46,395.00
Loan Agreement	$	27,095.00	$	27,095.00
Pre-Construction Loan Coordination	$	20,575.00	$	20,575.00
			$	100,000.00

Total Proposal	**$**	**100,000.00**

Angie R. Brewer