

RESOLUTION NO. 11-273

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MODIFICATION NUMBER THREE TO A SUBGRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN ORDER TO REINSTATE AND EXTEND THE TERM AND INCREASE FEDERAL FUNDING SHARE OF FEMA GRANT CONTRACT 09HM-37-11-54-02-30 (GEORGE/FIRST STREET PUMP STATION OUTFALL); PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached Modification Number Three to the Subgrant Agreement between the City and the State of Florida, Division of Emergency Management for FEMA Grant Contract 09HM-37-11-54-02-30 is approved.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 20 day of September, 2011.

Authenticated by the presiding officer and Clerk of the Commission on September 21, 2011.

Filed with the Clerk September 21, 2011.

ATTEST:


CHERYL SMITH, CITY CLERK


CRAIG CATES, MAYOR



OCT 13 2011

STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

October 4, 2011

Ms. Carolyn Sheldon
Grants Administrator
City of Key West
525 Angela Street
Key West, Florida 33040

**Re: FEMA Project 1609-110-R,
City of Key West, Monroe County, George and First Street Pump Station
and Outfall Project**

Dear Ms. Sheldon:

Enclosed is the executed contract modification number three (3) for the Hazard Mitigation Grant Program (DEM No. 09HM-37-11-54-02-030) between the City of Key West and the Division of Emergency Management. Upon completion of the work identified in the contract, a Request for Reimbursement form (Attachment D) should be completed and submitted to the Division for processing in accordance with Paragraphs (17) and (18) of the Agreement. Additional assistance is available regarding your Project on the Florida Division of Emergency Management Website: <http://www.floridadisaster.org/Mitigation/Hazard/index.htm>. Please reference the heading: "Grant Management Tools Listed Below" which contains sample documents that will provide guidance for completing requests for reimbursement, reporting requirements and supporting documents containing important points, and sub-grantee close-out checklist.

If you have any specific questions regarding the contract, or the Request for Reimbursement form, please call Mona Wood, at (850) 487-4910.

Respectfully,

A handwritten signature in black ink, appearing to read "ME Anderson", with a long horizontal line extending to the right.

Miles E. Anderson
Bureau Chief, Mitigation
State Hazard Mitigation Officer

MEA: myr

Enclosure

**MODIFICATION NUMBER THREE TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE CITY OF KEY WEST**

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management, ("the Division"), and the City of Key West ("the Recipient") to modify DEM Contract Number: 09HM-37-11-54-02-030, dated February 18, 2009 ("the Agreement").

WHEREAS, the Division and the Recipient have entered into the Agreement, pursuant to which the Division has provided a subgrant to Recipient under the Hazard Mitigation Grant Program of \$241,240.00; and

WHEREAS, the Division and the Recipient desire to reinstate the Agreement, extend the term of the Agreement and Modify the Scope of Work, Attachment A.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin June 24, 2008 and shall end November 30, 2011 unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. The Attachment A, Budget and Scope of Work, to the Agreement, is hereby deleted in its entirety, and the Revised Attachment A to the Modification, which is attached hereto and incorporated herein by reference, is substituted in its place and stead.
3. All provisions of the Agreement being modified and any attachments thereto in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective as of the date of the last execution of this Modification by both parties.
4. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this document as of the dates set out below.

RECIPIENT: CITY OF KEY WEST

By: Craig Cates
Name and Title: City Clerk
Date: 9/23/11

DIVISION OF EMERGENCY MANAGEMENT

By: [Signature]
Name and Title: Bryan W. Koon, Director
Date: 10/5/11

2nd Revised Attachment A Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the Recipient, the City of Key West, proposes to improve the existing storm-water system by installing a wet well to collect stormwater and move water to two 90 foot injection wells and piping to an outfall. The stormwater system is currently located at the intersection of George Street and First Street, Key West, Florida 33040 but, must be re-designed due to the outfall crossing a field through the proposed easement at the construction site of the Horace O'Bryant Middle School. The applicant is now required to develop a new route for the outfall pipeline. A Phase I study will be conducted to determine modifications needed to install a storm water pump station and outfall system. Phase I study will consist of an engineering study, design services and permitting. The completed study, design and construction project will prevent current chronic flooding for the area and reduce repetitive flood loss to properties.

The Phase I deliverables should:

- Have an engineer's plan that clearly shows the engineer's estimate of the pre and post-mitigation effects of the proposed project and the relationship of the damages to be mitigated (commensurate with the level of funding requested). This includes, but is not limited to, the existing and proposed hydrology and hydraulics for the level of event being mitigated.
- Demonstrate mitigation effectiveness, in part, by showing the physical location(s) and elevation(s) of the infrastructure/structures that is being damaged and the Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas on the same plan.
- Meet all required environmental laws and policies (see page 16-A, FEMA Letter dated June 24, 2008). All environmental permits and approvals/concurrences must be obtained. A public notice must be published to notify interested parties of the proposed activity. Notices must be published in a manner that anyone that may be affected or interested in this project has access to the posting. The comment period expired and all comments addressed prior to initiating any construction activities.
- Refine the cost estimate. A new BC Analysis will be performed using the revised information.
- Provide a set of Community Approved, State reviewed construction plans (sealed) for review and comment including milestones and timelines for completion of the final phase of the project and bid documents/award.
- Tribal consultation is required due to ground disturbing activities.
- Provide **two** copies of the requested documentation for review and approval by the state and FEMA.

Phase I of this project is approved with the condition that the above list of deliverables will be submitted, reviewed and approved prior to implementing Phase II. Phase II is defined as the construction phase for the proposed scope of work. No construction work may begin until Phase II is approved by FEMA. Failure to comply with this condition can result in the loss of all funding for this project.

This is FEMA project **1609-110-R**, funded under 1609-DR-FL.

The Period of Performance for this project ends on November 30, 2011.

Schedule of Work

Award RFP:	1 Month
Preliminary and Final Design:	6 Months
Permitting:	<u>6 Months</u>
Total Period of Performance:	13 Months

Budget

Line Item Budget*

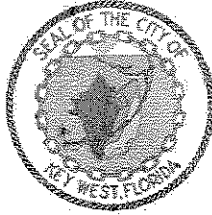
	Project Cost	Federal Share	Local Share
Subcontract for Phase I Design/Engineering Feasibility Study:	<u>\$312,000.00</u>	<u>\$234,000.00</u>	<u>\$78,000.00</u>
Sub-total:	<u>\$312,000.00</u>	<u>\$234,000.00</u>	<u>\$78,000.00</u>
<u>Administrative Cost:</u>	<u>\$ 0.00</u>	<u>\$ 7,240.00</u>	<u>\$ 0.00</u>
Total:	<u>\$312,000.00</u>	<u>\$241,240.00</u>	<u>\$78,000.00</u>

**Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

Funding Summary

Federal Share:	\$234,000.00 (75%)
<u>Local Share:</u>	<u>\$ 78,000.00 (25%)</u>
Total Project Cost:	\$,312000.00 (100%)

Recipient Administrative Allowance up to \$7,240.00.



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

MEMORANDUM

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
E. David Fernandez, Asst. City Manager – Operations

FROM: Jay Gewin, Utilities Manager

DATE: September 14, 2011

RE: **Approval and Authorization to Execute Modification Number Three to Contract No. 09HM-37-11-54-02-030 with the Florida Division of Emergency Management to Extend the Term of the George Street Stormwater Pump Assisted Outfall Project Phase I Agreement to November 30, 2011**

ACTION STATEMENT:

This resolution will approve Modification Number Three to extend the term of Phase I Agreement for the design of the George Street Stormwater Pump Assisted Outfall Project (Contract number 09HM-37-11-54-02-030) to November 30, 2011.

BACKGROUND:

The City entered into a grant agreement with the State of Florida Division of Emergency Management/FEMA on February 18, 2009 (Resolution 09-006) for the design of a pump assisted stormwater system at George St./1st Street.

The Phase I period of agreement began on June 24, 2008 and ended July 28, 2009. The agreement amount was \$235,000 (including \$7,240 in administrative costs) with a City match of \$84,240.

Modification Number One (Resolution 09-195, August 4, 2009) reinstated the agreement and extended the period of agreement to January 25, 2010.

CH2M Hill, the consultant designing the pump-assisted stormwater system (Task Order 2-09-STM, Resolution 09-082, April 7, 2009), completed the design on schedule and all deliverables were submitted to FDEM by the January 25, 2010 due date.

Key to the Caribbean – Average yearly temperature 77° F.

Modification Number Two (Resolution 11-213, July 19, 2011) reinstated the agreement and extended the period of agreement to August 30, 2011. In addition, Federal Funds were increased by \$6,240.00 for a total of \$234,000.00 in Federal Funds. The main purpose of Modification Number Two was to allow time to redesign the outfall piping that is necessary to accommodate design changes to the Horace O'Bryant Middle School project.

PURPOSE AND JUSTIFICATION

Additional time is needed to complete the redesign of the outfall piping for the George Street Stormwater Pump Assisted Outfall Project. The original route designed and permitted for the outfall pipeline on the project would cross a field through a proposed easement at Horace O'Bryant Middle School, and traverse between the Middle School and Key West Police Station before emptying into the stormwater retention pond at Jose Marti Blvd. However, this planned pipeline route was rendered unfeasible after site plan changes were implemented to the Horace O'Bryant Middle School construction project. The site plan changes included expanding the footprint of some buildings, such that there was no longer enough room to construct and maintain a pipeline at this location.

Along with Modification Number Three to extend the grant period of agreement to November 30, 2011, Task Order # 11-11-STM from CH2M Hill is also going before the City Commission for approval. Approval of the task order will allow CH2M Hill to perform the necessary work to complete the outfall piping redesign as well as permitting and bid phase services. In order to meet the new deadline of November 30, 2011, both the grant time extension and Task Order # 11-11-STM would need to be approved by the City Commission.

OPTIONS / ADVANTAGES / DISADVANTAGES:

1. The City Commission can approve and authorize the execution of Modification Number Three. This will allow the period of agreement to be extended so that the project can be re-designed. A re-design is necessary for the project to be completed.
2. The City Commission can reject Modification Number Three. With this option, the Phase I period of agreement will not be extended leaving no valid grant agreement in place for the time needed to redesign the project leaving the City unable to meet the deliverables on time as described in the "2nd Revised Attachment A" (included with Modification Number Three).

FINANCIAL IMPACT:

No financial impacts are associated with the time extension in Modification Number Three.

RECOMMENDATION:

Staff recommends that the City Commission select option 1, approving Modification Number Three to extend the Phase I period of agreement to November 30, 2011.

JG/cds

RESOLUTION NO. 09-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT/FEMA GRANT FUNDING IN THE AMOUNT OF \$227,760.00, WITH A CITY MATCH OF \$84,240.00 FROM THE STORM WATER UTILITY, TO DESIGN A PUMP ASSISTED STORM WATER OUTFALL SYSTEM TO REDUCE FLOODING IN THE UNITED/GEORGE STREET BASIN; AUTHORIZING A BUDGET TRANSFER OF \$63,990.00 FROM OPERATING CONTINGENCY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, funding is available to the City of Key West from the State of Florida in the amount of \$227,760.00 for storm water management, which requires a City contribution of \$84,240.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That a FEMA grant in the amount of \$227,760.00 is hereby approved.

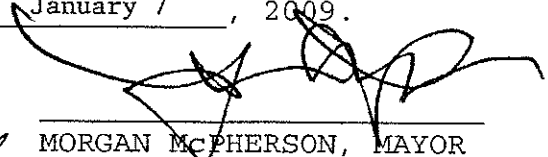
Section 2: That a budget transfer of \$63,990.00 from the operating contingency for this project is hereby approved.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 6th day of January, 2009.

Authenticated by the presiding officer and Clerk of the Commission on January 7, 2009.

Filed with the Clerk January 7, 2009.



MORGAN McPHERSON, MAYOR

ATTEST


CHERYL SMITH, CITY CLERK

RESOLUTION NO. 09-195

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MODIFICATION NUMBER ONE TO A SUBGRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN ORDER TO REINSTATE AND EXTEND FEMA GRANT CONTRACT 09HM-37-11-54-02-30 (GEORGE/FIRST STREET PUMP STATION OUTFALL) PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached Modification Number One to Subgrant Agreement between the City and the State of Florida, Division of Emergency management is approved.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4th day of August, 2009.

Authenticated by the presiding officer and Clerk of the Commission on August 5, 2009.

Filed with the Clerk August 5, 2009.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

RESOLUTION NO. 11-213

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING MODIFICATION NUMBER TWO TO A SUBGRANT AGREEMENT WITH FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN ORDER TO REINSTATE AND EXTEND THE TERM AND INCREASE FEDERAL FUNDING SHARE OF FEMA GRANT CONTRACT 09HM-37-11-54-02-30 (GEORGE/FIRST STREET PUMP STATION OUTFALL); PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

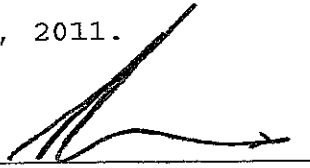
Section 1: That the attached Modification Number Two to the Subgrant Agreement between the City and the State of Florida, Division of Emergency Management for FEMA Grant Contract 09HM-37-11-54-02-30 is approved.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

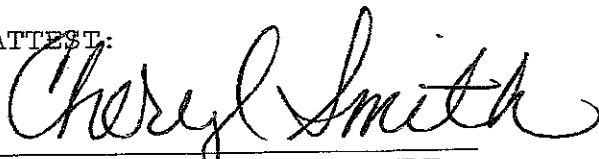
Passed and adopted by the City Commission at a meeting held this 19 day of July, 2011.

Authenticated by the presiding officer and Clerk of the Commission on July 20, 2011.

Filed with the Clerk July 20, 2011.


MARK ROSSI, VICE-MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK