

RESOLUTION NO. 23-197

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, RATIFYING AND APPROVING THE ATTACHED "AMENDMENT FOR EXTENSION OF PUBLIC TRANSPORTATION GRANT AGREEMENT" (PTGA) (TIME EXTENSION #2) FM 444447-1-94-01 AND 444447-1-94-02 BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND THE CITY OF KEY WEST FOR THE MALLORY T-PIER EXTENSION/IMPROVEMENTS PROJECT, TO EXTEND THE END DATE OF THE AGREEMENT TO JUNE 30, 2024; APPROVING ANY NECESSARY BUDGET ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolutions 19-129, 19-363, 21-119, and 22-032 the City Commission approved Public Transportation Grant Agreement(s) and Amendments to Agreement(s) to provide funding to assist the City with improving and extending the Mallory Square T-Pier Extension/Improvements, installing a new monopile to allow safe dockage, and other repairs and improvements; and

WHEREAS, approval of a time extension was issued on June 6, 2023, by the Florida Department of Transportation, requiring acceptance by the City prior to June 30, 2023 in order to extend the project through June 30, 2024; and

WHEREAS, in the best interests of the City, and pursuant to Section 2-797 of the code of ordinances, the City Manager acted without delay, and executed the time extension on behalf of the City, upon consent of the City Attorney, to ensure continued funding support for the Mallory T Pier project; and

WHEREAS, Section 2-797(2) of the City's Code of Ordinances requires the City Commission to ratify emergency procurements at its next scheduled meeting.

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

Section 1: That the attached "Amendment for Extension of Public Transportation Grant Agreement" (Financial Project Number 444447-1-94-01 and 444447-1-94-02, Contract G1767) for Mallory T-Pier (Seaport Investment Program) between FDOT and the City is hereby ratified and approved, to extend the Agreement end date to June 30, 2024.

Section 2: This Grant Amendment impacts the length of the project and not the funding. Project expenses, including matching funds, are budgeted in Infrastructure Surtax/Port

Operations/Infrastructure Account No. 101-4302-543-6300/Project Number IS43022003. Grant funding is budgeted in the Infrastructure Surtax/Revenue/Other State Grant account No. 101-0000-334-9000/Project Number IS43022003.

Section 3: That the City Manager is further authorized to execute any related documents to the Amendment for Extension of PTGA, upon advice and consent of the City Attorney.

Section 4: 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 13th day of July, 2023.

Authenticated by the Presiding Officer and Clerk of the Commission on 13th day of July, 2023.

Filed with the Clerk on July 13, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>

Commissioner Billy Wardlow

Yes

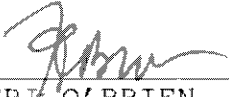
Commissioner Jimmy Weekley

Absent



TERI JOHNSTON, MAYOR

ATTEST:




KERI O'BRIEN, CITY CLERK



MEMORANDUM

Date: July 13, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress
City Manager 

From: Carolyn Sheldon
Senior Grants Administrator

Subject: **Ratifying Time Extension #2 to the Mallory Square T-Pier Extension / Improvements project grant agreement**

Introduction

The City Manager's Office requests the ratification of the attached "Amendment for Extension of Public Transportation Grant Agreement" Time Extension #2 for the Mallory Square T-Pier Extension / Improvements project FM 444447-1 / Contract Number G1767 with the Florida Department of Transportation (FDOT). This grant funding does not obligate the City to accept cruise ships. The funding is for improvements to the Mallory T-Pier that focus on safe dockage for ships conforming to the charter amendments found in Article I, Sections 1.09, 1.10, and 1.11 of the Code of Ordinances and limited per the submerged lands lease length of 664 feet.

Background

The Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation (FDOT) for the Mallory Square T-Pier Extension / Improvements project was entered into on May 21, 2019 with an expiration date of June 30, 2021 (Resolution 19-129, May 2019). Time Extension #1 to extend the grant agreement for an additional two years to June 30, 2023 was approved with Resolution 21-119, June 2021.

Ratification of the attached Amendment is being requested due to the timing of the current expiration date of June 30, 2023 of the funding and the next available City Commission meeting. FDOT required a signed Amendment prior to the expiration date to preserve the funding. The Amendment was reviewed for Legal Sufficiency by the City Attorney prior to City Manager signature.

FDOT approved an additional twelve (12) months for design. An upland interest issue is delaying the permitting phase due to uncertainty in the timeline to renew the submerged lands lease associated with the

T-Pier. The time to complete both the submerged lands lease process and the permitting phase is uncertain, but six to eight months is anticipated. An additional two to three months for design changes may be needed if the submerged lands lease area is reduced.

Project expenditures to date total \$290,516.89. \$194,699.93 of eligible expenditures to date has been reimbursed to the City at the 75% State / 25% City cost share. Based on the amount reimbursed to date, the project is at 8.5% completion (\$194,699.93 divided by the FDOT Amount of \$2,286,667)

The following is a summary of the FDOT funding allocation for this project:

Resolution	Document	Description	FDOT Amount	City Share	Total
19-129	Agreement	FY 19 Funds	\$425,000	\$141,667	\$ 566,667
19-363	Amendment 1	FY 20 Funds	\$989,832	\$329,944	\$1,319,776
21-119	Amendment 2	FY 21 Funds	\$521,835	\$173,945	\$ 695,780
22-032	Amendment 3	FY 22 Funds	\$350,000	\$116,667	\$ 466,667
TOTAL			\$2,286,667	\$762,223	\$3,048,890

Anticipated future allocations to the City of \$263,333 from FDOT with a City Share of \$87,777 will increase the total project cost to the estimated \$3,400,000. This increases FDOT's participation to \$2,550,000 (75%) and the City's Share to \$850,000 (25%).

Procurement

No cost time extension.

Recommendation

The City Manager's Office recommends the City Commission approve the ratification of the attached "Amendment for Extension of Public Transportation Grant Agreement" Time Extension #2 to the Mallory Square T-Pier Extension / Improvements project FM 444447-1 / Contract Number G1767 with the Florida Department of Transportation (FDOT).

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**AMENDMENT FOR EXTENSION OF PUBLIC TRANSPORTATION
 GRANT AGREEMENT**

Form 726-000-04
 STRATEGIC
 DEVELOPMENT
 OGC 02/19

DATE: June 06, 2023

TO: Mr. Steve McAlearney
 Port and Marine Services Director
 201 William St.,
 Key West, FL 33041

FROM: Ingrid Munoz
 District Aviation & Seaport Programs Administrator

SUBJECT: Extension of Time

CONTRACT NUMBER: G1767

AMENDMENT NUMBER: Time Extension #2

FINANCIAL MANAGEMENT NUMBER: 444447-1-94-01 & 444447-1-94-02

The Public Transportation Grant Agreement ("Agreement") between the Florida Department of Transportation ("Department") and Port of Key West ("Agency"), dated May 21, 2019, is scheduled to expire on the 30 day of June, 2023.

The Agency requests an Amendment of the Agreement, to extend the end date of the Agreement to: the 30 day of June, 2024, for additional time to complete the Project for the following reasons:\

- a) Permitting - Port of Key West is working through an upland interest issue with a local establishment, which is delaying the permitting phase due to uncertainty in timeline to renew submerged lands lease associated with the pier. However, significant progress has been made on this issue. The time to complete this phase and the formal permitting phase is uncertain, but 6-8 months is anticipated. If submerged lands lease area is reduced, minor design changes taking an additional 2-3 months may also be required.
- b) Construction - additional time will be considered to complete the construction phase upon the next expiration date of the PTGA based upon progress of the project and drawdown schedule attached.

The Department agrees to the requested extension of the Agreement. All of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment on 06/30/2023 | 8:16 AM EDT
 (to be completed by Department).

AGENCY
 City of Key West Port Operations
 By: [Signature]
 Name: Albert Childress
 Title: City Manager

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
 DocuSigned by:
Daniel Iglesias
 By: 6A23331EC58748A...
 Name: Daniel Iglesias, P.E.
 Title: Director of Transportation Development

Reviewed for Legal Sufficiency
PR 6-12-23
2-772
 Ronald J. Ramsingh, City Attorney

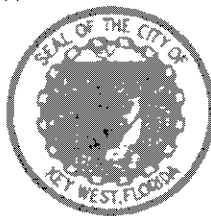
STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
 Legal Review:
 DocuSigned by:
Alicia Trujillo [Signature] for Alicia Trujillo
 5F67DB68F91A473...



THE CITY OF KEY WEST
Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

City Fiscal Year 10/1 - 9/30		FY 2023						FY 2024						FY 2025					
FDOT Fiscal Year 7/1 - 6/30				FY 2024						FY 2025				FY 2026					
FY 2023				FY 2024						FY 2025				FY 2026					
6/30/2023 Design xx%				7/31/2023 Design xx%	12/31/2023 Permitting Complete	12/31/2023 Design Complete	6/30/2024 Bid Process Complete	8/31/2024 NTP Issued	9/30/2024 City Submits First Construction Invoice					6/30/2025 Construction Complete	9/30/2025 Project Close Out				
				99% complete															

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.



THE CITY OF KEY WEST

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

Anticipated Draw Schedule:

6/30/2023	\$	2,000.00
7/31/2023	\$	6,000.00
8/31/2023	\$	6,000.00
9/30/2023	\$	10,000.00
10/31/2023	\$	10,000.00
11/30/2023	\$	10,000.00
12/31/2023	\$	10,000.00
1/31/2024	\$	5,000.00
2/28/2024	\$	5,000.00
3/31/2024	\$	5,000.00
4/30/2024	\$	1,000.00
5/31/2024	\$	1,000.00
6/30/2024	\$	1,000.00
	\$	72,000.00

Expenses

to 5/31/2023 \$ 194,699.93

Expenses

7/1/2024 -

6/30/2025 \$ 2,283,300.07

Total spent **\$ 2,550,000.00** (75% of \$3,400,000)

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 N.W. 111 Avenue
Miami, Florida 33172

JARED W. PERDUE, P.E.
SECRETARY

DELEGATION OF AUTHORITY

Date: June 21, 2023

To: Whom It May Concern

From: Alicia Trujillo, Esq., District Chief Counsel

I, ALICIA TRUJILLO, District Six Chief Counsel, do hereby delegate authority to MICHELLE GARRIDO, Senior Attorney, to attend Consultant Selections, Procurement Action Review and Approval Meetings, sign correspondence and execute documents requiring my signature anytime during my absence from the office.

This authority is effective immediately and will stay in effect until the earlier of July 15, 2023, or until modified or rescinded by me.

DocuSigned by:

Alicia Trujillo

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Alicia Trujillo
District 6, Chief Counsel

Dated: 06/21/2023 | 11:16 AM EDT

1.09 - Limit on number of persons disembarking from cruise ships.

The number of persons disembarking from cruise ships shall be limited to a total of not more than 1,500 persons per day at any and all public and privately owned or leased property located within the municipal boundary of the City of Key West.

(Referendum of 11-3-2020)

1.10 - Persons prohibited from disembarking from cruise ships with capacity of 1,300 or more.

Cruise ships with the capacity to carry 1,300 or more persons (passengers and crew) shall be prohibited from disembarking individuals at any and all public or privately owned or leased property located within the municipal boundary of the City of Key West.

(Referendum of 11-3-2020)

1.11 - Priority to cruise lines with best environmental and health records.

The City of Key West shall give preference and priority to cruise ships and cruise lines that have the best environmental record (the lowest number of environmental violations, penalties and fines) and best health record (the best scores and least number of violations in health inspections and reports issued by the Center for Disease Control Vessel Sanitation Program).

(Referendum of 11-3-2020)