

RESOLUTION NO. 16-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED "AMENDMENT NO. 1 TO STATE FINANCIAL ASSISTANCE AGREEMENT - CITY OF KEY WEST DEP AGREEMENT NO. LP44030" BETWEEN THE CITY AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO APPROVE A TIME EXTENSION TO SEPTEMBER 30, 2017 FOR REIMBURSEMENT FUNDING OF FLORIDA KEYS WASTEWATER IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in Resolution 13-067, the City of Key West entered into an interlocal agreement with Monroe County, Key Colony Beach, Marathon, The Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District and Islamorada for state wastewater funding distribution; and

WHEREAS, in Resolution 13-235 the agreement was amended; and

WHEREAS, in Resolution no. 15-080 the City approved DEP Agreement No. LP44030 for funding to assist in wastewater improvements; and

WHEREAS, City staff recommends a time extension of the grant period to complete the scope of work of the grant, and the Grantor has agreed to grant a time extension;

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

Section 1: That the attached Amendment No. 1 to State Financial Assistance Agreement DEP Agreement No. LP44030 between the City and the State of Florida Department of Environmental Protection is hereby approved.

Section 2: That the City Manager is hereby authorized to execute Amendment No. 1 to State Financial Assistance Agreement DEP Agreement No. LP44030 on behalf of the City of Key West.

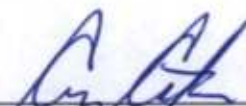
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this 3rd day of May, 2016.

Authenticated by the Presiding Officer and Clerk of the
Commission on 4th day of May, 2016.

Filed with the Clerk on May 4, 2016.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

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

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
Sarah Spurlock, Assistant City Manager
Greg Veliz, Assistant City Manager

CC: John Paul Castro, Utilities Director

FROM: Carolyn Sheldon, Senior Grants Administrator

DATE: April 12, 2016

RE: **Approval and authorization to execute the attached Amendment No. 1 to State Financial Assistance Agreement (DEP Agreement No. LP44030) between the State of Florida Department of Environmental Protection and the City of Key West to extend the grant period to September 30, 2017.**

ACTION STATEMENT:

This resolution will approve and authorize the execution of the attached Amendment No. 1 to State Financial Assistance Agreement (DEP Agreement No. LP44030) between the State of Florida Department of Environmental Protection and the City of Key West to extend the grant period to September 30, 2017.

BACKGROUND:

The City Commission approved DEP Agreement No. LP44030 (Resolution 15-080, March 3, 2015) in an amount not to exceed \$3,000,000.00 to assist with the construction of Variable Frequency Drive (VFD) upgrades to Pump Stations A, B, C, D, & DA as well as concrete repairs to the Richard P. Heyman Environmental Pollution Control Facility and to the Fleming Key Bridge.

The grant funding is generated by the issuance of Everglades restoration bonds and is administered by the Florida Communities Trust (the "Mayfield Grant Funds"). The distribution of the grant funding is detailed in an interlocal agreement between the City of Key West, Monroe County, the City of Key Colony Beach, the City of Marathon, the Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District and Islamorada Village of Islands for state wastewater funding distribution (Resolution 13-067, March 5, 2013 and amended with Resolution 13-235, September 17, 2013).

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

MEMORANDUM

PURPOSE AND JUSTIFICATION:

Additional time is needed to complete the scope of work of the grant in Attachment A-1 (see attached).

FINANCIAL IMPACT:

Amendment No. 1 extends the grant period at no cost to the City.

RECOMMENDATION:

Staff recommends that the City Commission approve and authorize the execution of the attached Amendment No. 1 to State Financial Assistance Agreement (DEP Agreement No. LP44030) between the State of Florida Department of Environmental Protection and the City of Key West to extend the grant period to September 30, 2017.

**STATE FINANCIAL ASSISTANCE AGREEMENT
DEP AGREEMENT NO. LP44030
CITY OF KEY WEST
AMENDMENT NO. 1**

THIS AGREEMENT as entered into on the 16TH day of March, 2015, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the CITY OF KEY WEST (hereinafter referred to as the "Grantee") is hereby amended. Collectively, the Department and the Grantee shall be referred to as "Parties" or individually as a "Party".

WHEREAS, the Grantee has requested an end date that extends beyond the current authorized funding period.

NOW, THEREFORE, the parties hereto agree as follows:

1. Sections 2. and 3A. of the Agreement are hereby revised to change the completion date of the Agreement from September 30, 2016, to September 30, 2017.
2. Section 3B. of the Agreement is hereby revised to change the final Disbursement Request Package submittal date from September 30, 2016, to September 30, 2017.
3. **Attachment A**, Project Work Plan, is hereby deleted in its entirety and replaced with **Attachment A-1**, Revised Project Work Plan, attached hereto and made a part of the Agreement. All references in the Agreement to **Attachment A** shall hereinafter refer to **Attachment A-1**, Revised Project Work Plan.


REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

This Amendment 1 to State Financial Assistance Agreement LP44030 shall be executed in two or more counterparts, either of which shall be regarded as an original and all of which constitute but one and the same instrument.

IN WITNESS WHEREOF, the Department has caused this amendment to the State Financial Assistance Agreement LP44030 to be executed on its behalf by the Secretary or Designee of the Department and the Grantee has caused this amendment to be executed on its behalf by its Authorized Representative. The effective date of this amendment shall be as set forth below by the Department.

CITY OF KEY WEST

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

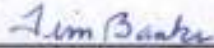
By: 
City Manager

By: 
Secretary or Designee

Date: 06 MAY 2016

Date: 5-18-16

FEID No.: 59-6000346


Tim Banks, DEP Grant Manager


DEP QC Reviewer

List of attachments/exhibits included as part of this Agreement:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Revised Project Work Plan (2 Pages)

**ATTACHMENT A-1
PROJECT WORK PLAN
CITY OF KEY WEST
LP44030**

Project Title: Florida Keys Wastewater Improvements – City of Key West

Project Location: Key West, Monroe County, Florida

- Pump Station A – 203 Amelia Street
- Pump Station B – 631 Greene Street
- Pump Station C – 699 Palm Avenue
- Pump Station D – 1329 Seminary Street
- Pump Station DA – 1391 Atlantic Boulevard
- City of Key West Wastewater Treatment Plant (Richard A. Heyman Environmental Pollution Control Facility) - Trumbo Point Annex, Fleming Key
- Fleming Key Bridge – Trumbo Point Annex, Fleming Key

Project Background: The project consists of two parts, as follow:

1. Variable Frequency Drive (VFD) Upgrades – The Grantee will add Variable Frequency Drives to the drive units at Pump Stations A, B, C, D and DA, which will allow the pumps to operate more efficiently, minimize the number of start and stops, and decrease damage to the impellers and motors caused by cavitation and excessive vibration. The additions of VFDs will allow the pumps to operate when the flows to the pump stations are minimal by operating at a lower speed. Also, during storms events the pumps will be able to operate at the maximum speed to accommodate higher flows. With the addition of the VFDs, the pumps will operate towards the mid-levels, where the pumps are most efficient.
2. Concrete Repairs -The Grantee will perform concrete repairs to its wastewater treatment plant (WWTP), locally known as the Richard A. Heyman Environmental Pollution Control Facility, and to the Fleming Key Bridge, which is used to access the wastewater treatment plant.
 - a. WWTP Concrete Repairs: A preliminary field inspection of the entire facility was conducted in 2010 to identify areas where the concrete had failed and/or was failing and identified areas that needed concrete repairs to prolong the life of the facility. Since 2010, additional areas within the WWTP have begun to fail. One area was severe enough to require closure due to the potential for overhead injuries from falling concrete.
 - b. Fleming Key Bridge Concrete Repairs: A preliminary design memorandum was prepared in 2012, which determined that one of the fifteen piles is in serious condition and needs to be repaired. This pile was struck by a boat in the mid-1990s and sustained structural damage. The memorandum also determined that three of the seven pile caps will need some minor repairs to extend the service life of these pile caps.

The Grantee is requesting an extension for the project due to delays with obtaining parts and the manufacturing necessary to complete pump station VFD upgrades.

Project Description:

Task 1: Variable Frequency Drive (VFD) Upgrades

The Grantee will construction and install an electrical building at each of the 5 pump station sites to contain the electrical controls for the VFDs, for the upgrades of the remote telemetry units (RTU), currently in use, and for the telemetry control units (TCU) for each pump station.

- **Budget Information:** Contractual--\$2,022,768 (DEP Funding in the amount of \$1,367,414)
- **Deliverable:** Copy of construction contracts (including bid tabulation), contractor's schedule of values, pay applications, pictures of the completed work.
- **Timeline for Completion:** September 30, 2017
- **Performance Standard:** The DEP Grant Manager will review the deliverables to ensure they were approved in scope and acceptable.

Task 2: Concrete Repairs – WWTP and Fleming Key Bridge

The Grantee will perform concrete repairs to areas at the WWTP and Fleming Key Bridge, identified in the contract documents. Areas to be repaired will be categorized by severity using a 1, 2, and 3 grading scale. Category 1 repairs will be the most severely deteriorated areas representing spalling greater than ½ inch in depth, visible rebar and/ or possible structural integrity issues. Category 2 represents areas with spalling less than ½ inch deep and may or may not have exposed rebar but will not have structural integrity implications. Category 3 areas will consist of minor cracking and will mainly consist of cosmetic type repairs.

- **Budget Information:** Contractual -\$1,800,000 (DEP Funding in the amount of \$1,632,586)
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- **Deliverable:** Copy of construction contracts (including bid tabulation), contractor's schedule of values, pay applications, pictures of the completed work.
- **Timeline for Completion:** September 30, 2017
- **Performance Standard:** The DEP Grant Manager will review the deliverables to ensure They were approved in scope and acceptable.

Total Budget by Task:

Tasks	DEP Funding	Local Funds and Source	
		Local Funds	Source of Funds
1 Construction - VFD Upgrades	\$1,367,414	\$655,354	City
2 Construction –Concrete Repairs	\$1,632,586	\$167,414	City
Total:	\$3,000,000	\$882,768	
Project Total:		\$3,882,768	

The FY2014-15 GAA did not require a match for these projects