

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:

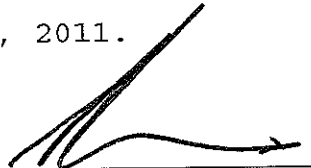
Section 1: That the attached Modification Number Two to the Subgrant Agreement between the City and the State of Florida, Division of Emergency Management for FEMA Grant Contract 09HM-37-11-54-02-30 is approved.

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.

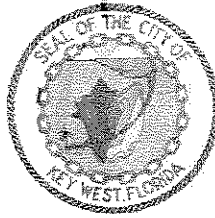
Authenticated by the presiding officer and Clerk of the Commission on July 20, 2011.

Filed with the Clerk July 20, 2011.


MARK ROSSI, VICE-MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



THE CITY OF KEY WEST

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

EXECUTIVE SUMMARY

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

FROM: Jay Gewin, Utilities Manager

DATE: June 29, 2011

RE: **Approval and Authorization to execute Modification Number Two to Contract No. 09HM-37-11-54-02-030 with the Florida Division of Emergency Management to reinstate and extend the term of the George Street Stormwater Pump Assisted Outfall Project Phase I Agreement to August 30, 2011 and to increase Federal Funds by \$6,240.00 for a total of \$234,000.00 in Federal Funds**

ACTION STATEMENT:

This resolution will approve Modification Number Two to reinstate and 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 August 30, 2011 and increase Federal Funds by \$6,240 (Federal Share will increase from 73% to 75%, Local Share will decrease from 27% to 25%).

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/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.

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

M E M O R A N D U M

CH2M Hill, the consultant tasked for 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.

PURPOSE AND JUSTIFICATION

The design of this project coincided with the construction of the new Horace O'Bryant Middle School. Despite coordination between the City and school district and subsequent to the submittal of the deliverables, changes in the school's design affected the design of the George Street Outfall project.

City Staff is requesting approval of Modification Number Two so that the agreement can once again be reinstated and an extension to August 30, 2011 approved. The time extension will allow the City to redesign the outfall piping that is necessary to accommodate design changes to the Horace O'Bryant Middle School project.

OPTIONS / ADVANTAGES / DISADVANTAGES:

1. The City Commission can approve and authorize the execution of Modification Number Two. This will allow the period of agreement to be extended so that the project can be redesigned and will also allow the Federal Funds to be increased by \$6,240 for a total amount of \$234,000 in Federal Funds.
2. The City Commission can reject Modification Number Two. 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.

FINANCIAL IMPACT:

With Modification Number Two approved, Federal Funds will increase by \$6,240 for a total amount of \$234,000 in Federal Funds. This increase has the following effect:

	BEFORE Modification Two	AFTER Modification Two	Increase / (Decrease) In Funding	% Funding BEFORE Mod 2	% Funding AFTER Mod 2
Federal Share	\$ 227,760	\$ 234,000	\$ 6,240	73%	75%
Local Share	\$ 84,240	\$ 78,000	(\$ 6,240)	27%	25%
Total	\$ 312,000	\$ 312,000	\$ 0	100%	100%

In addition, up to \$7,240 in administrative costs above the \$234,000 is available for reimbursement of eligible City administrative fees.

All other Phase I costs that exceed the remaining funding will be the responsibility of the stormwater utility fund 402-3802-538-65-00.

RECOMMENDATION:

Staff recommends that the City Commission select option 1, approving Modification Number Two to extend the Phase I period of agreement to August 30, 2011 and increase Federal Funds by \$6,240.

JG/cds



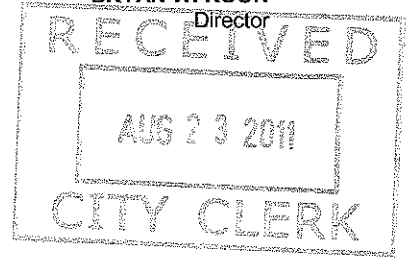
STATE OF FLORIDA

DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT
Governor

BRYAN W. KOON
Director

August 17, 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 two (2) 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,

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

MEA: myr

Enclosure

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

This Modification Number Two 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 Agreement expired on January 25, 2010; and

WHEREAS, the Division and the Recipient desire to reinstate the Agreement, extend the terms of the Agreement, and to increase the funding by \$6,240.00 of Federal Funds, and

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

1. The Agreement is hereby reinstated as though it had never expired.
2. Paragraph 3 of the Agreement is hereby amended to read as follows:


This Agreement shall begin June 24, 2008; the official Period of Performance ended January 25, 2010 (as stated in the FEMA approval letter); however, this modification provides an administrative extension to reinstate the Agreement and extend the period of performance until August 30, 2011, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

3. The Agreement is amended to increase the maximum amount payable under the Agreement to Two Hundred Forty One Thousand Two Hundred Forty and No/100 Dollars (\$241,240.00).
4. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in the Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
5. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
6. 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 Modification as of the dates set out below.

RECIPIENT: CITY OF KEY WEST

DIVISION OF EMERGENCY MANAGEMENT

By: _____ 

By: _____ 

Name and Title: Mark Rossi, Vice Mayor

Name and Title: Bryan W. Koon, Director

Date: July 19, 2011

Date: 8/17/11

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 a 90 foot injection wells and piping to an outfall. The stormwater system is located at the intersection of George Street and First Street, Key West, Florida 33040. 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.
- 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 official Period of Performance for this project ended on January 25, 2010, however an administrative Period of Performance ends on August 30, 2011.

Schedule of Work

Award RFP:	1 Month
Preliminary and Final Design:	6 Months
<u>Permitting:</u>	<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.

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.

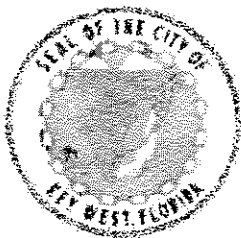
Passed and adopted by the City Commission at a meeting held this 6th day of January, 2009.

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

Filed with the Clerk January 7, 2009.

Cheryl Smith
ATTEST
CHERYL SMITH, CITY CLERK


MORGAN McPHERSON, MAYOR



GENERAL SERVICES DEPARTMENT MEMORANDUM

EXECUTIVE SUMMARY

TO: Jim Scholl , City Manager

FROM: Annalise Mannix, P.E. Manager of Engineering Services and Environmental Programs

VIA: David Fernandez, Assistant City Manager
Gary Bowman, General Services Director

DATE: December 8, 2008

RE: State of Florida Division of Emergency Management/FEMA Grant Funding for the George/1st Street Pump Station Drainage Phase 1 (Design)

ACTION STATEMENT: Resolution authorizing the execution of a State of Florida Division of Emergency Management grant for \$227,760.00 with a city match of \$84,240 from the Stormwater Utility to design a pump assisted storm water outfall system to reduce flooding in the United/George Street drainage basin. Authorizing a FY 09 budget transfer for \$63,990 from Stormwater Operating Contingency account number 402 3802 535.98.

STRATIGIC PLAN INITIATIVE

The maintenance and improvement of our stormwater system is essential in protecting our nearshore water quality which is a key goal in the City's strategic and Business Plan.

BACKGROUND:

Mitigation is one of the cornerstones of emergency management. Its goal is to lessen the impact that disasters have on people's lives and property. Authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Hazard Mitigation Grant Program (HMGP) is administered by the Federal Emergency Management Agency (FEMA) and the Florida Division of Emergency Management (DEM). The City has been awarded an HMGP grant for this project.

Flooding due to large rains has caused disruption of vehicular travel on United Street for years. Flooding impacts numerous homes and has required, in the past, barricade placement during flood events taking critical staff away from stormwater duties. The City Stormwater Utility applied for Hurricane Wilma HMGP funds in 2005 to implement a project to reduce the rain related flooding. The Stormwater Utility's grant application ranked high enough to be funded due to the social and economic affects the project will have.

PURPOSE & JUSTIFICATION:

FEMA has approved the application in two phases. Phase I is the design of the stormwater system, the hydraulics of the pre and post project, a cost to benefit analysis to demonstrate the mitigation effectiveness of the infrastructure a set of community approved, and state reviewed construction plans and bid documents.

If Phase I is completed successfully and the cost to benefit analysis is good the state will authorize the construction project. Phase II work will include a pump station well and outfall to accept stormwater flow and dispose of it.

The DCA has supplied the Utility an initial contract to perform the design work in Phase I. The design phase grant is for \$227,760.00. The Stormwater Utility match is 25%, or \$84,240 for a total project of \$312,000. A fee is provided to the city for sub-grantee administration of the grant (\$7,240). The time frame for the design work is 13 months.

The Utility seeks grant funding to match City funding to leverage many projects that the City not afford alone. This grant is one of many the Utility has received in an effort to reduce the financial burden our citizens.

OPTIONS:

Accept the grant and obtain a design to reduce flooding on United Street and surrounding areas.

Fund a design to reduce flooding on United Street with only City of Key West funding.

Do not attempt this design to reduce flooding in the United Street Area.

FINANCIAL IMPACT:

The total project cost for this design program will be \$312,000. Under the FEMA/Division of Emergency Management grant program the City will be required to supply a 25% (\$84,240) match which is currently in the utility budget. The match for this project will be funded through budget line item # 402-3802-535-65-00. The match require a FY 09 budget transfer for \$63,990 from Stormwater Operating Contingency account number 402 3802 535.98.

Due to the expense of this project the city cannot afford to move forward wit this project with out this FEMA HMGP funding.

RECOMMENDATION:

Execute this contract.