

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

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager

FROM: Carolyn Sheldon, Grants Administrator

VIA: Gary Bowman, General Services Director

DATE: July 15, 2009

SUBJECT: **Approve Modification Number One to the State of Florida Division of Emergency Management/FEMA grant, Contract Number 09HM-37-11-54-02-030, George/1st Street Pump Station Outfall**

Action statement:

This resolution will approve Modification Number One to reinstate and extend Contract Number 09HM-37-11-54-02-030 to January 25, 2010.

Background:

The City entered into a grant agreement with the State of Florida Division of Emergency Management/FEMA on February 18, 2009 for the design of a pump assisted stormwater system at George/1st Street, the hydraulics of the pre and post project, a cost to benefit analysis to demonstrate the mitigation effectiveness of the infrastructure and a set of community approved, state reviewed construction plans and bid documents. The design is Phase I of a two-phase grant. If Phase I is completed successfully and the cost to benefit analysis is good, the State will authorize Phase II. Phase II work will include the construction of a pump station well and outfall to accept stormwater flow and dispose of it. FEMA will fund 75% of the construction cost, which cannot be estimated until the design is complete.

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

Task Order 2-09 STM was approved by the City Commission on April 7, 2009 and issued to CH2M Hill on April 13, 2009 for the design of the pump assisted stormwater system. Task Order 2-09 STM is in an amount not to exceed \$311,821.

Purpose and Justification:

Modification Number One reinstates the agreement between the City and the State of Florida Division of Emergency Management/FEMA and extends the period of

agreement for six (6) months. CH2M Hill has provided the following schedule for project completion:

Milestones	Timelines
Kick off Meeting	May 25, 2009 Complete
Data Collection	May 11, 2009 - June 8, 2009 Complete
Hydrologic/Hydraulic Simulation	June 1, 2009 - June 29, 2009 Complete
Survey	June 15, 2009 - June 29, 2009 Complete
40% Design	July 6, 2009 – August 3, 2009
Draft Hydrologic Report	July 13, 2009 - July 20, 2009
Report Review Meeting	July 27 th , 2009
Final Report	August 3, 2009 - August 10, 2009
Pre- Permitting Meetings	July 13, 2009
40% Design Review Meeting	August 10, 2009
90% Design	August 17, 2009 – October 12, 2009
90% Design Meeting	October 12, 2009
100% Design Documents	October 19, 2009 - October 26, 2009
Submit Permitting	November 2, 2009 – January 25, 2010
Total Days	245 Days

Options:

- 1) The City may opt to not approve Modification Number One. The Phase I grant agreement would not be reinstated and grant funding of \$235,000 as well as Phase II funding (75% of construction) would be forfeited. The design for the George/1st Street pump assisted stormwater system would not be completed.
- 2) The City can approve Modification Number One allowing a six-month extension to complete Phase I and proceed to Phase II Construction as long as the previously mentioned cost to benefit analysis is acceptable.

Financial Impact:

Grant funding in the amount of \$235,000 with the City match of \$84,240 is available for the proposed design cost of \$311,821 for the pump assisted stormwater system. The City match is funded through budget line item # 402-3802-538-65-00.

Recommendation:

Staff recommends Option #2, the approval of Modification Number One allowing a six-month extension to complete Phase I Design of the pump assisted stormwater system.

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

This Modification is made and entered into by and between the State of Florida, Division of Emergency Management, (hereinafter "Division"), and the City of Key West (hereinafter "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 of \$235,000.00 to the Recipient; and

WHEREAS, the Division and the Recipient, desire to reinstate and extend the term of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree to reinstate and extend the terms as follows:

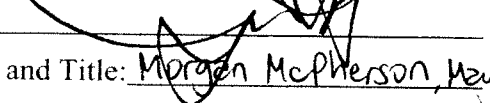
1. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin June 24, 2008, and shall end January 25, 2010, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

2. 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.
3. 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: 
Name and Title: Morgan McPherson, Mayor

Date: August 4, 2009

STATE OF FLORIDA:
DIVISION OF EMERGENCY MANAGEMENT

By: _____
Ruben Almaguer, Interim Director

Date: _____