

**CITY MANAGER  
MEMORANDUM**

**TO:** The Honorable Mayor Kelley and City Commissioners

**Through:** Joyce A. Shanahan, City Manager

**From:** John Noble, Deputy City Engineer

**DATE:** August 11, 2011

**SUBJECT:** Hazard Mitigation Grant Program (HMGP)  
FEMA Project Number 1561-166-R – Modification of Agreement (No. 3)

**Introduction:** This is a request for the City Commission to authorize modification #3 to reinstate the grant agreement, as if it had not expired, and extend the period of performance with the State of Florida, Division of Emergency Management (DEM) for the Hazard Mitigation Grant Program (HMGP) for the Hand Avenue and Laurel Creek Improvements Drainage Project.

**Background:** The HMGP is administered by FEMA and provides grants to state and local governments to implement long-term hazard mitigation measures after major disaster declarations. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures be implemented during the immediate recovery from disasters. Eligible projects are those that reduce or eliminate the losses from future disasters. Potential projects are selected by the State which must meet certain minimum criteria. The criteria is designed to ensure the most cost-effective and appropriate projects are selected for funding. These projects are required to be part of the overall mitigation strategy. HMGP funds became available following the disaster declarations for Hurricanes Charley, Frances and Jeanne in 2004.

**Discussion:** On October 21, 2008, with the approval of Resolution Number 2008-198, the City Commission authorized the execution of a grant agreement accepting FEMA's HMGP program for funding assistance for the Hand Avenue and Laurel Creek Drainage Improvements Project in the amount of \$934,011. Standard HMGP grants are normally a 75% FEMA/25% match grant. However, FEMA had limited available funds for the disaster declaration at the time the City submitted the HMGP application. The original grant was approved for only 39.11% of the estimated total project cost

The project consists of drainage improvements designed to reduce the flooding potential of properties and roadways within the drainage basin area. It will include the upsizing of existing stormwater pipes along Hand Avenue, raising of the road at Hand Avenue just west of the railroad tracks, and interconnection of the two existing ponds at Central Park with an overflow to Laurel Creek. This modification includes an increased scope of work and additional grant funding for the Central Park and Lake Park Circle lake interconnects recommended in the May 2009 stormwater flooding



**RESOLUTION NO. 2011-115**

A RESOLUTION AUTHORIZING THE EXECUTION OF A MODIFICATION (NUMBER THREE) TO SUBGRANT AGREEMENT BETWEEN THE DIVISION OF EMERGENCY MANAGEMENT AND THE CITY REGARDING THE HAZARD MITIGATION GRANT PROGRAM; AND SETTING FORTH AN EFFECTIVE DATE.

**WHEREAS**, the City and the State of Florida, Division of Emergency Management are parties to a Subgrant Agreement dated December 10, 2008 regarding the Hand Avenue and Laurel Creek drainage improvements project (“Project”), and

**WHEREAS**, the City and the State of Florida, Division of Emergency Management executed a Modification to Subgrant Agreement (Number One) dated January 9, 2011, and

**WHEREAS**, on July 19, 2011 by Resolution 2011-106, the City authorized the execution of a Modification to Subgrant Agreement (Number Two) with the State of Florida, Division of Emergency Management, and

**WHEREAS**, the December 10, 2008 Subgrant Agreement expired on July 28, 2011, and the parties desire to execute a Modification to Subgrant Agreement (Number Three) to the aforescribed Subgrant Agreement for the purpose of reinstating the aforementioned agreement for one year, until July 28, 2012, and

**WHEREAS**, the City Commission concurs with the foregoing recommendation and has determined that the same is in the best interest of the health, safety and welfare of the general public; now therefore

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
ORMOND BEACH, FLORIDA, THAT:**

**SECTION ONE.** The Mayor and the City Manager are hereby authorized and directed to execute a Modification to Subgrant Agreement (Number Three) between the City and the State of Florida, Division of Emergency Management, a copy of said modification being attached hereto and incorporated herein by reference.

**SECTION TWO.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND AUTHENTICATED this 16<sup>th</sup> day of August, 2011.**

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**ED KELLEY**  
Mayor

**ATTEST:**

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**JOSHUA FRUECHT**  
City Clerk



STATE OF FLORIDA

# DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT  
Governor

BRYAN W. KOON  
Director

July 13, 2011

Mr. John Noble  
Acting City Engineer  
City of Ormond Beach  
22 S. Beach Street  
Ormond, Florida 32174

**Re: HMGP DR-1561-166-R (State Project Number 1561-106) City of Ormond Beach, Hand Avenue & Laurel Creek Improvements, Drainage, Period of Performance Extension - Contract Modification Three**

Dear Mr. Noble:

Please print four copies of the attached, proposed modification agreement between the City of Ormond Beach and the Division of Emergency Management (DEM). The official representative, as listed below, will need to sign the signature page of each modification. All four (4) copies of the modification should then be sent to the Tallahassee address listed below for full execution no later than Thirty-five (35) days after receipt of this letter ***but no later than Friday, August 19, 2011***. One fully executed modification will be returned to the City for its files.

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 subgrantee close-out checklists.

**Official Representatives:**

County:	Chairman of the Board of Commissioners
City:	Mayor
Indian Tribe:	Chief or President
Water Management District:	Chairman
Non-Profit:	Chairman of the Board

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May 23, 2011  
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If there is an official that is not listed above who is authorized to sign the modifications for your organization, please provide a copy of the organization's resolution or charter that specifically identifies the person or position that is authorized to sign.

If you have questions regarding this modification or who is authorized to sign it, please call Velma Ellis at (407) 888-3782.

Respectfully,

A handwritten signature in blue ink, appearing to read "Miles E. Anderson".

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

MEA/ve

Enclosure: Contract Modification #Three

cc: Jason McCright, HMGP Planning Manager

Contract Number: 09HM-23-06-74-02-006

Project Number: 1561-166-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN  
THE DIVISION OF EMERGENCY MANAGEMENT AND  
CITY OF ORMOND BEACH**

This Modification Number Three is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and the City of Ormond Beach ("the Recipient") to modify DEM Contract Number: 09HM-23-06-74-02-006, dated December 10, 2008 ("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 Grants Program of \$3,033,850.00; and

WHEREAS, the Agreement expired on July 28, 2011; and

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

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 July 28, 2008, and shall end July 28, 2012, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

3. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
4. 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.
5. 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.
6. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

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

**RECIPIENT: CITY OF ORMOND BEACH**

**DIVISION OF EMERGENCY MANAGEMENT**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Name and Title: Bryan W. Koon, Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## **Attachment A (Revised)**

### **Budget and Scope of Work**

#### **Scope of Work**

As a Hazard Mitigation Grant Program project, the Recipient, the City of Ormond Beach, proposes to improve the drainage in Hand Avenue and Laurel Creek in Volusia County, Florida by constructing a drainage system capable of solving the flooding problem in the area. The local municipal or county department will inspect and certify installation according to the state local and federal laws and requirement. The project will consist of:

- Elevating Hand Avenue within the flood prone area adjacent to Thompson Creek South
- Replacing and upsizing the piping along Hand Avenue
- Interconnecting the Central Park lakes to provide additional stormwater storage
- Interconnecting the Central Park lake system to the Laurel Creek drainage system to provide a positive outlet for excess stormwater.
- Upgrade the control structure at Laurel Creek to a weir structure that will increase a capacity of the culverts under Hand Avenue and provide control of flood water
- Interconnection between ponds will be done via open channels

#### **Environmental Review Project Conditions:**

1. The Recipient must follow all applicable state, local and federal laws regulations and requirements, and obtain (before starting project work) and comply with all required permits and approvals.
2. Any change, addition or supplement to the approved Scope of Work that alters the project will require re-submission of the application to the Federal Emergency Management Agency for National Environmental Policy Act (NEPA) re-evaluation before starting project work.
3. If any historically or archaeologically material is discovered during ground-breaking activities associated with implementation of the project, work in that area shall cease immediately and the Recipient will contact the State Historic Preservation Officer (SHPO), FDEM and FEMA for further guidance.
4. Construction vehicles and equipment used for this project shall be maintained in good working order to minimize pollutant emissions.
5. Best management practices will be used during project work to minimize soil erosion, sediment migration and turbidity. The Recipient will need to prepare and implement a Storm Water Pollution Prevention Plan (SWPP). The Recipient must obtain a National Pollutant Discharge Elimination System (NPDES) stormwater permit (if necessary). Copies of the Notice of Intent (NOI), SWPP and Notice of Termination (NOT) should be provided at project close-out.
6. A public notice was published on June 8, 2008 in the New-Journal; however, the comment period did not end until June 23, 2008. If any comments were received a copy of the comments and resolutions will need to be provided at project close-out. If not, a statement indicating that no comments were received should be provided.
7. The Recipient must provide copies of updated St. Johns River Water Management District and US Army Corps of Engineers permits at project closeout. Failure to provide the updated permits may jeopardize funding.

This is FEMA project **1561-166-R**, funded under 1561-DR-FL.

The Period of Performance for this project will end on July 28, 2012.

**Schedule of Work**

State Contracting:	6 Months
Engineering/construction Plans:	5 Months
Bidding/Contracts:	3 Months
Construction:	12 Months
Final Inspection:	3 Months
Project Closeout:	3 Months
Potential Weather Delays:	4 Months
<b>Total Period of Performance:</b>	<b>36 Months</b>

**Budget**

**Line Item Budget\***

	<b>Project Cost</b>	<b>Federal Share</b>	<b>Local Share</b>
Materials:	\$1,340,809.00	\$1,005,607.00	\$335,202.00
Labor:	\$1,492,273.00	\$1,119,205.00	\$373,068.00
Engineering Fees, Surveys & Permits:	<u>\$1,140,868.00</u>	<u>\$ 855,651.00</u>	<u>\$285,217.00</u>
<b>Sub-Total:</b>	\$3,973,950.00	\$2,980,463.00	\$993,487.00
<u>Administrative Cost:</u>	<u>\$ 0.00</u>	<u>\$ 53,387.00</u>	<u>\$ 0.00</u>
<b>Total:</b>	\$3,973,950.00	\$3,033,850.00	\$993,487.00

*\* 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:	\$2,980,463.00 (75%)
Local Share:	<u>\$ 993,487.00</u> (25%)
<b>Total Project Cost:</b>	\$3,973,950.00 (100%)

Recipient Administrative Allowance up to \$53,387.00.