

**CITY OF MARATHON, FLORIDA
RESOLUTION 2008-102**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AMENDMENT NO. 4 TO AGREEMENT NO. H5M01 WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF BEACHES AND COASTAL SYSTEMS TO EXTEND THE GRANT AGREEMENT IN THE AMOUNT OF \$295,782.00 FROM JULY 1, 2008 UNTIL JUNE 30, 2009; AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDE AN EFFECTIVE DATE

WHEREAS, the City of Marathon (the “City”) wishes to apply for Category G funding from the Federal Emergency Management Agency (“FEMA”) for beach repairs; and

WHEREAS, the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems has provide \$295,782.00 in grant funding to the City for sand replacement and to prepare a beach management plan for submission to FEMA; and

WHEREAS, the City has entered into Agreement No. H5M01 with the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems to set forth the terms and conditions of the grant funding; and

WHEREAS, the Florida Department of Environmental Protection, Bureau of Beaches desires to extend the end date of the agreement until June 30, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:


Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Manager is hereby authorized to enter into Amendment No. 4 to Agreement No. H5M01 between the Florida Department of Environmental Protection, Bureau of Beaches and Costal Systems that is attached as Exhibit “A: hereto. The City Manager and City Attorney are authorized to finalize the terms and conditions of the Agreement and The City Manager is authorized to execute said Agreement on Behalf of the City.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the city of Marathon, Florida, this 24th day of June, 2008.

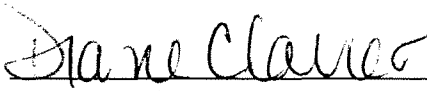
THE CITY OF MARATHON, FLORIDA



Edward P. Worthington, Mayor

AYES: Bull, Cinque, Tempest, Vasil, Worthington
NOES: None
ABSENT: None
ABSTAIN: None

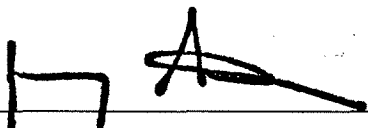
ATTEST:



Diane Clavier
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



City Attorney

EXHIBIT A

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY
FUNDING COMMITMENT LETTER

AMENDMENT No: 4
DEP AGREEMENT No: H5MO1
 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF BEACHES AND COASTAL SYSTEMS
 2004 HURRICANE RECOVERY PLAN BEACH EROSION CONTROL PROGRAM
 STATE OF FLORIDA
 AMENDMENT TO GRANT AGREEMENT FOR
 MARATHON BEACHES RESTORATION

THIS AGREEMENT as entered into on the 11th day of October, 2005, amended on the 25th day of May, 2006, amended on the 10th day of January, 2007, and on the 14th day of June, 2007, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") and the CITY OF MARATHON, a local government, (hereinafter referred to as the "LOCAL SPONSOR") is hereby amended as follows:

- Paragraphs 2, 6, and 18 are hereby revised to read as follows:
2. This Agreement shall begin on the last date executed and end on June 30, 2009. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor beginning on or after September 19, 2005, shall be eligible for cost sharing by the DEPARTMENT.
 6. The DEPARTMENT and the LOCAL SPONSOR agree that the estimated costs of the PROJECT are identified in Table 1 below:

Table 1: Estimated Project Costs

Task #	Eligible Project ITEM	Estimated Project Cost		
		State	Local	Total
1.0	Feasibility Study	\$20,000	\$2,000	\$22,000
1.1	Sombrero Beach Feasibility Study	\$118,636	\$13,404	\$132,040
2.0	Construction	\$157,092	\$17,455	\$174,547
TOTAL PROJECT COSTS		\$295,728	\$32,859	\$328,587

18. The LOCAL SPONSOR's Project Manager for all matters is Susie Thomas, Phone: 305/289-4103. The DEPARTMENT's Project Manager for all technical matters is Richard Noyes, Phone: 850/922-7865 and the DEPARTMENT's Grant Program Administrator for all administrative matters is Dena VanLandingham, Phone: 850/922-7711, or their successor(s). All matters shall be directed to the appropriate persons for action or disposition.
- All references to Attachment(s) A and E-1, respectively, are hereby deleted and replaced with references to Attachment(s) A-1 and E-2.
 - Attachment(s) A and E-1 are hereby deleted in their entirety.
 - Attachment(s) A-1 and E-2 as attached hereto are hereby added to the Agreement.

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IN WITNESS WHEREOF, the parties have caused these presents to be duly executed, the day and year last written below.

CITY OF MARATHON

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Clyde Burnett
Title: *City Manager

By: Michelle R. Smith
Secretary or designee

Date: 6/25/08

Date: 6/17/08

FEID No. 65-0984873

Dena Vanbongh
DEP Grant Program Administrator

APPROVED as to form and legality:

[Signature]
DEP Attorney

*If someone other than the City Manager signs this Agreement, a resolution, statement or other documentation authorizing that person to sign the Agreement on behalf of the County/City must accompany the agreement.

List of Attachments/Exhibits included as part of this Amendment:

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Project Work Plan (1 page)
Attachment	E-2	Request For Payment (3 pages)

ATTACHMENT A-1

PROJECT WORK PLAN

MARATHON BEACHES RESTORATION

The PROJECT consists of the development of a beach management plan and the placement of approximately 2,000 cubic yards of beach sand at both Sombrero and Coco Plum beaches. The life of the PROJECT is defined as ten (10) years commencing upon the completion date of the construction task under this PROJECT. The PROJECT shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable DEP permits and the eligible project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standard technical specifications contained in the Department's Regional Data Collection and Processing Plan and Geographic Information System Plan, unless otherwise specified in the approved Scope of Work for an eligible PROJECT item. These plans may be found at <http://www.dep.state.fl.us/beaches/>. Three (3) originals on all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

Task No: Eligible Project Item:

1.0 Feasibility Study

Conduct studies necessary to determine the feasibility and extent of improvements necessary to accomplish the goals of the PROJECT. Investigations shall include, but may not be limited to, the following: physical and environmental surveying; reconnaissance-level geotechnical services; coastal engineering analysis; economic studies; environmental analysis; real estate studies; and plan formulation.

1.1 Sombrero Beach Feasibility Study

Evaluate the coastal processes at Sombrero Beach identified in the Strategic Beach Management Plan to determine appropriate measures to reduce beach erosion and adjacent property impacts from sand migrating from the beach and adversely impacting adjacent property owners in accordance with FDEP guidelines for Feasibility Studies.

2.0 Construction

Work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the project area. Eligible costs may include mobilization, demobilization, construction observation or inspection services, beach fill, tilling and scarp removal, erosion control structures, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all permits issued by the Department

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ATTACHMENT E-2

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
HURRICANE RECOVERY PLAN GRANT PROGRAM

REQUEST FOR PAYMENT – PART I
PAYMENT SUMMARY

Name of Project: MARATHON BEACHES RESTORATION

Grantee: CITY OF MARATHON

DEP Contract Number: H5MO1

Billing Number: _____

Billing Period: _____

Billing Type: Interim Billing Final Billing

Costs Incurred This Payment Request:

Federal Share*	State Share	Local Share	Total
\$ _____ *if applicable	\$ _____	\$ _____	\$ _____
Cost Summary:			
State Funds Obligated	\$ _____	Local Funds Obligated	\$ _____
Less Advance Pay	\$ _____	Less Advance Pay	\$ _____
Less Previous Payment	\$ _____	Less Previous Credits	\$ _____
Less Previous Retained	\$ _____		
Less This Payment	\$ _____	Less This Credit	\$ _____
Less This Retainage (10%)	\$ _____	Local Funds Remaining	\$ _____
State Funds Remaining	\$ _____		

Certification: I certify that this billing is correct and is based upon actual obligations of record by the grantee; that payment from the State Government has not been received; that the work and/or services are in accordance with the Department of Environmental Protection, Bureau of Beaches and Coastal Systems approved Project Agreement including any amendments thereto; and that progress of the work and/or services are satisfactory and are consistent with the amount billed.

Name of Project Administrator

Signature of Project Administrator

Date

Name of Project Financial Officer

Signature of Project Financial Officer

Date

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
HURRICANE RECOVERY PLAN GRANT PROGRAM
REQUEST FOR PAYMENT – PART II**

REIMBURSEMENT DETAIL

Name of Project: _____					Billing#	Billing Period:	DEP CONTRACT NUMBER		Invoice Adjustments (To be completed by DEP: Reasons for changes noted below)		
Grantee: _____											
Item #	Date OF INVOICE	Invoice #	Amount Paid Vendor (1)	Eligible Project Item (2)	SOW/BID # (3)	Vendor Name	Check or Debit#	Total Amount Eligible for State Share (4)	Changes per BBCS Project Manager (5,6)	Changes per BBCS Accountant (5,6)	Approved Eligible Cost (5,6)
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
Totals for all items on page:											
Item #	Notes and invoice adjustment explanations per item # (5)										
Certification: I certify that the purchases noted above were used in accomplishing the project; and that invoices, check vouchers, copies of checks, and other purchasing documentation are maintained as required to support the cost reported above and are available for audit upon request.											
Name/Signature of Project Administrator						Date					
Name/Signature of Project Financial Officer						Date					
Form Instructions:											
(1) Grantee: enter exact amount of check or debit.											
(2) Grantee: enter the subtask ID# from the Eligible Project Item table of the DEP Grant.											
(3) Scopes of work and bids that have been approved for DEP cost share may be assigned a tracking identifier number. Grantee: Insert this tracking number when applicable.											
(4) Grantee: insert only the amount of vender payment that is assumed to be eligible for DEP cost share.											
(5) Grantee: DEP Project Managers and accountants will make necessary corrections or adjustments within the terms of the contract and in accordance with state rule.											
(6) DEP staff: Enter the total amount of line item increase or decrease: if the adjustment is a decrease, precede the amount with the "-" (minus) sign.											

**FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
HURRICANE RECOVERY PLAN GRANT PROGRAM**

**REQUEST FOR PAYMENT - PART III
PROJECT PROGRESS REPORT**

Name of Project: MARATHON BEACHES RESTORATION

Grantee: CITY OF MARATHON

DEP Contract Number: H5MO1

Report Period: _____

Status of Eligible Project Items: (Describe progress accomplished during report period, including statement(s) regarding percent of task completed to date. Describe any implementation problems encountered, if applicable.)

Task No:	Eligible Project Item:
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1.0	FEASIBILITY STUDY
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1.1	SOMBRERO BEACH FEASIBILITY STUDY
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2.0	CONSTRUCTION
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