

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040362

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Amendment No. 3 to DEP Agreement No. WAP037, Gator Slough Watershed Management Project, amending the completion date to July 30, 2007.

WHY ACTION IS NECESSARY: Board approval is required for agreements and amendments thereto.

WHAT ACTION ACCOMPLISHES: Provides additional time to complete project.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 1&4**

C8B

3. MEETING DATE:

04-06-2004

4. AGENDA:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE _____
- ORDINANCE _____
- ADMIN. CODE _____
- OTHER Agreements

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Public Works
- C. DIVISION Natural Resources
- BY: Roland E. Ottolini, P.E.

[Signature]

7. BACKGROUND:

On May 29, 2001, the Board of County Commissioners approved DEP Agreement No. WAP037 to provide enhancements to the Gator Slough Watershed with a total project cost of \$1,960,000. Amendment No. 1 to the agreement revised the project completion date to July 31, 2003, and was approved by the Board on September 4, 2001. Amendment No. 2 approved by the Board on April 15, 2003, increased the total project cost to \$2,460,000 and revised the scope of the project and completion date to July 31, 2003. DEP provides \$1,000,000 in grant funds with contributory funding from City of Cape Coral in the amount of \$660,000 and Lee County in the amount of \$800,000.

Amendment No. 3 extends the contract through July 30, 2007 required to accommodate permitting and acquisition for the final phase of the project. The amendment includes language noting the Governor's approval is required to certify forward (carry-over) monies from prior fiscal years.

No additional funding is required.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services <i>3/25/04</i>				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 3/24/04	<i>[Signature]</i> 3/24/04	N/A	<i>[Signature]</i> 3/24/04	<i>[Signature]</i> 3/24/04	<i>[Signature]</i> 3-25-04	<i>[Signature]</i> 3/25/04	<i>[Signature]</i> 3/25/04	<i>[Signature]</i> 3/25/04	<i>[Signature]</i> 3/24/04

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
 Date: *3/24/04*
 Time: *4:00 PM*
 Forwarded To:
CO. 1/25/04

RECEIVED BY
 COUNTY ADMIN: *[Signature]*
3/25/04
9:45 am
 COUNTY ADMIN
 FORWARDED TO: *[Signature]*
3/25/04
4pm

DEP AGREEMENT NO. WAP037
AMENDMENT NO. 3

THIS AGREEMENT as entered into on the 14th day of June, 2001, and amended on the 4th day of September, 2001, and on the 15th day of April, 2003, between the STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the LEE COUNTY BOARD OF COUNTY COMMISSIONERS (hereinafter referred to as the "Grantee" or "Recipient") is hereby amended.

WHEREAS, the Gator Slough Watershed Management Project has been absorbed into a regional storm water project that encompasses flows from approximately 80,000 acres more or less, which includes flows from Charlotte County; and,

WHEREAS, the permitting agencies have advised that they need to approve the plans for the entire project prior to permitting each individual project; and,

WHEREAS, extensive storm water modeling has been required by the jurisdictional agencies, which has taken considerable time to compile the necessary data; and,

WHEREAS, the Phase III work involves condemnation, property acquisition, utilities relocation, plans and specification preparation and obtaining the necessary local, state and federal permits; and,

WHEREAS, due to the above referenced delays experienced during the course of this project, the Grantee has requested and the Department has consented to a three year no cost time extension of the Agreement in order to complete the project as planned; and,

WHEREAS, the Grantee understands that certification forward of State Fiscal Years 2000-20001 and 2002-2003 funds supporting this Agreement beyond June 30th of each year is subject to the approval of the Governor's Office; and,

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

WHEREAS, the Grantee understands that if the Governor's Office does not approve the Department's request to certify the funds forward, the Grantee will not be eligible for reimbursement for the activities covered by the remaining unpaid State Fiscal Years 2000-2001 and 2002-2003 funds; and,

WHEREAS, other changes to the Agreement are necessary.

NOW, THEREFORE, the parties hereto agree as follows:

-- The title of the Agreement is hereby modified to read as follows:

STATE OF FLORIDA
WATER ADVISORY PANEL GRANT ASSISTANCE
PURSUANT TO LINE ITEM 1591G OF THE 2000-2001 APPROPRIATIONS ACT
AND PURSUANT TO LINE ITEM 1769 OF THE 2002-2003 APPROPRIATIONS ACT

-- Paragraph 2, is hereby revised to change the Agreement completion date from July 30, 2004 to July 30, 2007 and to include the following language as a separate subparagraph:

The Grantee understands and agrees that certification forward of the State Fiscal Years 2000-2001 and 2002-2003 funds supporting this Agreement beyond June 30th of each year is subject to the approval of the Governor's Office.

-- Paragraph 8, is hereby modified to read as follows:

This Agreement may be unilaterally canceled by the Department for refusal by the Grantee to allow public access to all documents, papers, letters, or other material made or received by the Grantee in conjunction with this Agreement, unless the records are exempt from Section 24(a) of Article I of the State Constitution and Section 119.07(1), Florida Statutes.

-- Attachment A-1, Revised Project Work Plan, Page 2 of 3 is hereby deleted in its entirety and replaced with Page 2 (Revised) of 3, attached hereto and made a part of this Agreement.

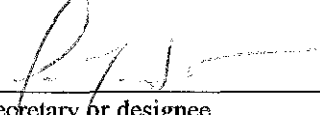
In all other respects, the Agreement of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

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

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

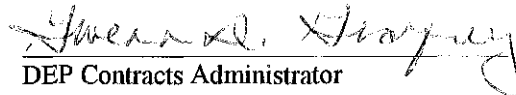
By: _____
Chairman*

By: 
Secretary or designee

Date: _____

Date: February 11, 2004

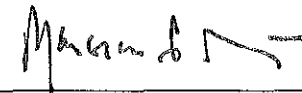

Gordon Romeis, DEP Grant Manager


DEP Contracts Administrator

APPROVED AS TO FORM:

APPROVED as to form and legality

County Attorney's Office



DEP Attorney

*For Agreements with governmental boards/commissions: If someone other than the Chairman signs this Amendment, a resolution, statement or other document authorizing that person to sign the Amendment on behalf of the Grantee must accompany the Amendment.

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

Specify Type	Letter/ Number	Description (include number of pages)
Attachment	A-1	Page 2 (Revised) of 3 (1 Page)

Funding Sources for the Grantee:

City of Cape Coral: \$660,000 for elements 1 through 4.

Lee County: \$800,000 for elements 5 and 6

DEP Grant Funding: \$1,000,000 for elements 2 through 6

ITEM	DEP FUNDING	MATCH FUNDING	ESTIMATED COST	ESTIMATED TIME FOR COMPLETION	
1		15,000	15,000	60 days	Modeling basins 1, 2, 3, 4, 6, 7, 8, 9 and 10
2	100,000	200,000	300,000	720 days	Design permitting and installation of transfer pump station and pipeline – basins 9 and 4, raise weir 14 and 19
3	100,000	245,000	345,000	720 days	Design permitting and construction of basin interconnection (basins 7 and 9), raise weir 13
4	100,000	200,000	300,000	720 days	Design permitting and construction of basin interconnection (basins 6 and 7), raise weir 11
5	200,000	400,000	600,000	720 days	Design permitting and construction – channel improvements – Phase II
6	500,000	400,000	900,000	2175 days	Design permitting and construction – channel improvements – Phase III
Total	1,000,000	1,460,000	2,460,000		

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