

1. REQUESTED MOTION:

ACTION REQUESTED: Execute Amendment No. 3 to the Florida Department of Environmental Protection (DEP) agreement 99LE1 which stipulates the reimbursement criteria from the State for work conducted on the Lee County Shore Protection Project. No additional funding is required.

WHY ACTION IS NECESSARY: The current contract with the DEP expired on August 1, 2004.

WHAT ACTION ACCOMPLISHES: Executing Amendment No. 3 extends the contract period to August 1, 2005 to allow for reimbursement of design, permitting and construction of the Gasparilla Island Erosion Control project, the Estero Island (North and South) Restoration project, and the Lovers Key Restoration project. Board approval is required for all amendments to this agreement.

2. DEPARTMENTAL CATEGORY: 08
COMMISSION DISTRICT #: 1 & 3

C8C

3. MEETING DATE:

08-24-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER Agreement

6. REQUESTOR OF INFORMATION:

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

[Signature]

7. BACKGROUND: On January 11, 2000 the Board executed DEP Project Agreement 99LE1 to provide design phase funding for beach nourishment projects on Gasparilla Island, Estero Island, and Lovers Key. Amendment 1 was executed on July 24, 2001 to increase the project scope for Estero and Gasparilla Island and provide additional grant funding from DEP up to \$8179,220 for completion of project construction and monitoring.

Amendment 2 was executed on November 4, 2003 to extend the contract period to August 1, 2004 and reallocate previous funds to represent current estimates of project costs.

Federal construction dollars shown in the Amendment calculations are based on eligibility and authorization provided in Section 309 of the Water Resources Development Act of 2000. All of the federal funds have not been budgeted yet. To date only 4 million of the \$9,858,759 has been appropriated. The County and U.S. Army Corps of Engineers (USACE) are currently negotiating a Project Cooperation Agreement detailing the reimbursement criteria for federal costs incurred on the Lee County Shore Protection Project, Gasparilla and Estero Island segments.

No additional funding is required. Budget adjustments will be made as part of the CIP carry-over process.

Attachments: DEP Project Agreement 99LE1; Amendment 3 (3 Originals)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i> 8-10-04	<i>[Signature]</i> 8/10/04	<i>[Signature]</i> 8/10/04	<i>[Signature]</i> 8/10/04	<i>[Signature]</i> 8/10/04	<i>[Signature]</i> 8/11/04	<i>[Signature]</i> 8/12/04	<i>[Signature]</i> 8/10/04	<i>[Signature]</i> 8/11/04	<i>[Signature]</i> 8-10-04

10. COMMISSION ACTION:

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

Rec. by CoAtty
Date: 8/11/04
Time: 9:25
Forwarded To:
[Signature]

RECEIVED BY
COUNTY ADMIN.
8/11/04
11. US am sec
COUNTY ADMIN
FORWARDED TO:
8/12/04
[Signature]

AMENDMENT No: 3
DEP AGREEMENT No: 99LE1
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF BEACHES AND WETLAND RESOURCES
BEACH EROSION CONTROL PROGRAM
STATE OF FLORIDA
AMENDMENT TO GRANT AGREEMENT FOR
Lee County Shore Protection Project

THIS AGREEMENT as entered into on the 14th day of January, 2000, and amended on the 5th day of August, 2001 and on the 11th day of November, 2003, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "DEPARTMENT") whose address is 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000 and the BOARD OF COUNTY COMMISSIONERS LEE COUNTY, whose address is 1500 Monroe Street, Ft. Myers, Florida 33902, a local government (hereinafter referred to as the "LOCAL SPONSOR") is hereby amended as follows:

- Paragraphs 2 and 17 are hereby revised to read as follows:
2. This Agreement shall begin on January 14, 2000 and end on August 1, 2005. Pursuant to Section 161.101 (18), Florida Statutes, work conducted on this PROJECT by the LOCAL SPONSOR or its subcontractor beginning on or after July 1, 1998, shall be eligible for cost sharing by the DEPARTMENT.
 17. The LOCAL SPONSOR's Project Manager for all matters is Robert Neal, Phone: 239/479-8566. The DEPARTMENT's Project Manager for all technical matters is Becky Roland, Phone: 850/487-1262, ext. 170 and the DEPARTMENT's Grant Program Administrator for all administrative matters is C. Tony Tucker, Phone: 850/487-1262, extension 192, or their successor(s). All matters shall be directed to the appropriate persons for action or disposition.

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

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

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: _____
Title: *Commission Chair

By: G. R. [Signature]
Secretary or designee

Date: _____

Date: August 4, 2004

FEID No. 59-60000702

C. J. [Signature]
DEP Grant Program Administrator

APPROVED as to form and legality:

[Signature]
DEP Attorney

*If someone other than the Commission Chair, 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.