

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

**Blue Sheet No. 20020458**

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Execute Amendment No. 1 to Agreement No. C-12103 with the South Florida Water Management District for Popash Creek Restoration. This amendment adds removal of vegetation and debris along Bayshore Creek to the scope of work. No additional funding is required.

**WHY ACTION IS NECESSARY:** Board approval required on all contracts and amendments thereto.

**WHAT ACTION ACCOMPLISHES:** Allows environmental restoration in contiguous waterway through use of same contract and funds.

**2. DEPARTMENTAL CATEGORY:**

**COMMISSION DISTRICT #:** 4      8 -- Natural Resources      **C8A**

**3. MEETING DATE:**

**05-14-2002**

**4. AGENDA:**

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

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

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

**6. REQUESTOR OF INFORMATION:**

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



**7. BACKGROUND:**

On September 25, 2001, the Board of County Commissioners approved Agreement No. C-12103 with the South Florida Water Management District for Popash Creek Restoration. Lee County and the South Florida Water Management District share in the desire to restore historic stormwater flows and provide enhanced flood protection in the North Fort Myers Watershed.

As the project progresses, it is apparent that the funding provided by the District exceeds the amount required for Popash Creek and staff requested the scope of work be amended to accommodate restoration of Bayshore Creek. The District agreed and has provided the necessary amendment to facilitate this request.

No additional funding is required.

Attachments: Two (2) original amendments (C-12103-A1).

**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>J. J. Jauder</i> 4.26.02	N/A			<i>[Signature]</i> 4/26/02	<i>[Signature]</i> 4/29/02	<i>[Signature]</i> 4/30	<i>[Signature]</i> 4/30	<i>[Signature]</i> 4.29.02	<i>J. J. Jauder</i> 4.26.02

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty  
Date: 4/26/02  
Time: 1000 AM  
Forwarded To:  
4/26/02 MW  
VLS PW

RECEIVED BY  
COUNTY ADMIN.  
4/29 900  
COUNTY ADMIN.  
FORWARDED TO:  
4/30 1000

**ORIGINAL**



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
AMENDMENT**

**C-12103-A1**

**AMENDMENT NO. 1**

**TO AGREEMENT NO. C-12103**

**BETWEEN THE**

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

**AND**

**LEE COUNTY**

This **AMENDMENT NO. 1**, entered into on \_\_\_\_\_, to that **AGREEMENT** dated October 11, 2001, between "the Parties," the South Florida Water Management District (**DISTRICT**), and Lee County (**COUNTY**).

**WITNESSETH THAT:**

WHEREAS, the **AGREEMENT** may be amended with the prior written approval of the parties; and

WHEREAS, the parties wish to amend the **AGREEMENT** in order to amend the Statement of Work and the Payment and Deliverable Schedule;

NOW THEREFORE, the **DISTRICT** and the **COUNTY**, in consideration of the mutual benefits flowing from each to the other, do hereby agree as follows:

1. This **AMENDMENT NO. 1** shall be at no additional cost to the **DISTRICT**.
2. The Statement of Work, attached as Exhibit "C" to the **AGREEMENT**, is hereby revised to add Bayshore Creek to the project as set forth in Exhibit "C1, attached hereto and made a part of the **AMENDMENT NO. 1**. Exhibit "C1" replaces Exhibit "C" in its entirety.
3. The Payment and Deliverable Schedule is also hereby revised in accordance with Exhibit "D1", attached hereto and made a part of this **AMENDMENT NO. 1**.
4. All other terms and conditions of the **AGREEMENT**, as amended, remain unchanged.



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT AMENDMENT

IN WITNESS WHEREOF, the parties or their duly authorized representatives hereby execute this **AMENDMENT NO. 1** on the date first written above.

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Frank Hayden, Procurement Director

SFWMD PROCUREMENT APPROVED

By: Patrick M. Ryan  
Date: 3/28/02 AKH  
4/1/02

## LEE COUNTY

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

Title: \_\_\_\_\_

## **EXHIBIT "C1"**

### **STATEMENT OF WORK Restoration of Popash Creek and Bayshore Creek**

#### **1.0 INTRODUCTION**

During the summer of 1995, much of Lee County (County) became inundated with floodwaters for extended periods of time. The northern part of the county evacuated some residents and a large number of livestock because of inundated fields that lasted for a period of approximately six (6) weeks. Following this event, in early October 1995 Hurricane Opal added an additional six (6) to seven (7) inch rainfall to this already saturated watershed.

Historical sheet flow is north to south. When the region's ground became saturated with summer rainfall, water traveled overland blending watersheds as the flow continued in a southerly direction. The historical development began at the Caloosahatchee River and then moved inland. Now as storm water conveys from the north Lee County line and part of Charlotte County the rivers and creeks have not been maintained so that water can be released at different locations along the route. The water continues to all flow south and stacks up in the north Fort Myers watershed area, resulting in the extensive flooded area with evacuations.

In 1991 and 1992 the Lee County Surface Water Management Master Plan recommended that these rivers and creeks be cleaned and snagged of fallen debris and exotic vegetation. These recommendations have not been completed. Compounding these recommendations lie with the ownership of the land adjacent and underlying the rivers and creeks. All the land necessary to perform maintenance is in private ownership. Because there has not been any maintenance of these rivers and creeks they have become grown over with grasses and exotic vegetation.

The County has initiated reconnection of the north Fort Myers watershed area to the Caloosahatchee River with the removal/ treatment of exotic vegetation and removal of debris in Owl Creek, Palm Creek, Popash Creek, Bayshore Creek, Chapel Branch and part of Daughtery Creek.

#### **2.0 SCOPE OF WORK**

This project shall involve the removal of exotic vegetation/debris along Popash Creek and Bayshore Creek from the Caloosahatchee River to the north Lee County line.

The County shall remove debris from the creeks, fallen trees, low hanging branches that restrict flow during higher flow periods and shall remove and treat vegetation from Popash Creek and Bayshore Creek. The County shall accomplish this task by utilizing mostly hand labor and some light machine equipment to haul out debris and vegetation.

The County shall be responsible for all site restoration and transportation of debris to appropriate disposal sites.

### **3.0 WORK BREAKDOWN STRUCTURE**

- Task 1        The District will work with the County to identify rights of access required and appropriate debris and vegetation to be removed or trimmed.
- Task 2        The County shall mobilize equipment and contractor sufficient to clean the creeks.
- All removed exotic vegetation shall be treated with appropriate herbicides to reduce opportunity for re-growth.
  - Vegetation may be mulched and utilized where appropriate.
- Task 3        The County shall clean Popash Creek and Bayshore Creek from the Caloosahatchee River to the north Lee County.
- Task 4        The County shall provide a certification of project completion.
- Task 5        The District's Project Manager will also perform a site inspection.

### **4.0 LOCATION OF THE PROJECT**

This project shall be performed on Popash Creek and Bayshore Creek from the Caloosahatchee River to the north Lee County line.

## **EXHIBIT "D1"**

### **PAYMENT AND DELIVERABLE SCHEDULE**

This project will have two deliverables: The first is a progress report provided by Lee County (County) to advise the District on the project including any problems encountered and applied remedies. The second deliverable to be provided by the County is written certification by the Project Manager authorized on behalf of Lee County to certify that this project is completed in accordance with Exhibit "C1" to this Amendment No. 1. All work shall be completed within one year from the date of Agreement execution.

Receipt of this deliverable by the South Florida Water Management District (District) shall be followed by a site visit by the District's Project Manager. Upon satisfactory review by the District's Project Manager, the County may invoice the District for the actual costs incurred up to the not-to-exceed amount of \$80,000.00. This invoice shall be accompanied by adequate supporting cost documentation as described in Article 3.2 of the Agreement, including copies of invoices paid by the County.