

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

Blue Sheet No. 20030712

1. REQUESTED MOTION:

ACTION REQUESTED: Request Board approval for an Interlocal Agreement between the County and the City of Cape Coral to address certain maintenance responsibilities that the City is providing for the County on County roads within the City limits and allows reimbursement to the City for those services.

WHY ACTION IS NECESSARY: Board approval is required for approval of Interlocal Agreements.

WHAT ACTION ACCOMPLISHES: Allows for reimbursement to the City of Cape Coral for provided mowing, landscape Services and street sweeping on portions of Del Prado Boulevard, Cape Coral Parkway and Hancock Bridge Parkway.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #1 & 4

C9E

3. MEETING DATE:

07-01-2003

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 Transportation
 - C. DIVISION
- BY: Scott M. Gilbertson

7. BACKGROUND:

The County currently has an Interlocal Agreement with the City of Cape Coral that allows reimbursement to the City for providing certain maintenance services, mowing, landscape maintenance and street sweeping, on County roads that are located within the City limits of Cape Coral. The reimbursement is an agreed amount per year based on what the County would spend to provide its core level of services for these services. These roads include portions of Del Prado Boulevard, Cape Coral Parkway and Hancock Bridge Parkway. The existing Interlocal was entered into on February 17, 1998 and is now expired. The amount of reimbursement is limited to a maximum of \$55,000 per year with an annual escalation clause.

Funds will be available as follows: PC5410117500.508150.

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 |
|--------------------------------------|------------------------------|----------------------|------------|-------------------------------------|----------------------|----------------|----------------|----------------|--------------------------------------|
| <i>6/14/03</i> <i>[Signature]</i> | <i>[Signature]</i> | NA | | <i>[Signature]</i> <i>Fraser</i> | OA | OM | Risk | GC | <i>[Signature]</i> <i>6-16-03</i> |
| | | | | | <i>RK 6/17</i> | <i>6/18/03</i> | <i>6/18/03</i> | <i>6-14-03</i> | |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *6/17/03*
Time: *1:15 PM*

RECEIVED BY
COUNTY ADMIN. *PM*
6/17/03
COUNTY ADMIN.
FORWARDED TO: *[Signature]*
6-19-03
3PM

Forwarded To:
Susett
6/17/03 3:29pm

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT, which replaces Intergovernmental Contract No. C980219 dated February 17, 1998, is made and entered into this _____ day of _____, 2003, by and between LEE COUNTY, a political subdivision and Charter County of the State of Florida, hereinafter referred to as County, and the CITY OF CAPE CORAL, an incorporated municipality of the State of Florida, hereinafter referred to as the City.

SECTION 1. PURPOSE, AUTHORITY AND SCOPE:

The County and City desire to enter into an Agreement regarding the procedures, rights, duties and obligations which apply to the maintenance of specified areas of the right-of-way of those portions of Cape Coral Parkway, Del Prado Boulevard and Hancock Bridge Parkway which were transferred under Florida Statutes Chapter 335 to the County. This Agreement defines the terms of maintenance responsibilities between the City and County.

SECTION 2. MAINTENANCE:

The City agrees to perform routine mowing of the median strips on Del Prado Boulevard from State Road 78 south to Cape Coral Parkway, on Cape Coral Parkway for first median east of Del Prado, and on Hancock Bridge Parkway from S.E. 24th Avenue West to Del Prado Boulevard. Medians that have been re-landscaped under the GreensCape Program will be maintained by the City through long-term continuous maintenance as unanimously approved by the Cape Coral City Council at a Council meeting held on February 24, 1997 as set forth in the Joint Interlocal Agreement C960420. The County agrees to pay a yearly maintenance fee to the City for providing the service of mowing and tree maintenance and street sweeping, on said roads. The amount of payment, as outlined herein, is based on the County's current core level of service as prescribed under the County's LeeScape program to provide for roadway beautification through a

treescapes plan. The City agrees to perform its maintenance to a level of service that is at least equivalent to the Countywide standards.

SECTION 3. MAINTENANCE COST AND BILLING:

The cost for the maintenance services performed by the City under this Contract for the County on these roads is established at a not to exceed amount of fifty five thousand dollars and no cents (\$55,000.00) for each twelve (12) month period. Further, these costs for the services provided will be increased at a rate equal to the June 30 Federal CPI Index, each year, beginning in the second year, June 2004. The City will invoice the County on October 1 and April 1 of each year. The County will transmit its payment to the City within ninety (90) calendar days after receipt of the invoice. The payment will cover the upcoming six-month period. Any cost increases will be based on renegotiations of this Agreement between representatives of the City and the County.

SECTION 4. LIMITATION ON OPERATION AND MAINTENANCE:

Operation and maintenance responsibility of the County for the aforementioned roads under its jurisdiction shall be limited to the roadbed and surface, curbs, sidewalks, culverts, drainage appurtenances, signs, and pavement striping.

SECTION 5. HOLD HARMLESS:

To the extent permitted by Florida law, the City agrees to indemnify and hold harmless the County, its officers and employees from liabilities, damages, losses and costs including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the City and persons employed or utilized by the City in the performance of this Interlocal Agreement.

SECTION 6. DURATION:

This Contract shall have a term of five (5) years unless modified, amended or terminated by mutual agreements of the parties or ruled invalid by a court of competent jurisdiction. Portions of this agreement may be cancelled or modified without affecting any other portions of this

agreement. This contract can be terminated by either party following a 90-day period after written notification.

This contract shall supersede any and all previous Interlocal Agreements and/or agreement for maintenance on the aforementioned transferred roads.

SECTION 7.

This contract shall be governed by the laws of the State of Florida.

IN WITNESS WHEREOF, the County has caused these presents to be signed in its name and behalf of its Chairman of the Lee County Board of County Commissioners and its seal to the hereunto affixed and attested by the Clerk of County Board thereunder duly authorized and to evidence its acceptance of the Contract, the City has caused these presents to be signed in its name and behalf of the Mayor and its official seal to be hereunto affixed and attested by its City Clerk, all as of the _____ day of _____, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

ATTEST:

CITY OF CAPE CORAL

By: Bonnie J. Vant
City Clerk

By: [Signature]
Mayor

APPROVED AS TO FORM

APPROVED AS TO FORM

By: _____
County Attorney

By: [Signature]
Assistant City Attorney

**AGENDA FOR THE REGULAR MEETING OF THE
CAPE CORAL CITY COUNCIL**

MONDAY, MAY 19, 2003

COUNCIL CHAMBERS

5:00 P.M.

1. Meeting called to order by Mayor Kempe
2. Invocation – First Church of Religious Science
3. Pledge of Allegiance to the Flag of the United States of America led by ALICIA DUNCAN, Gulf Elementary School
4. ROLL CALL: Mayor Kempe, Council Member Rosado, Stevens, Tate, Asfour, Boyd, Day and LePera
5. APPROVAL OF MINUTES: Regular Council Meeting, April 28, 2003, 5:00 PM
- **APPROVED WITH CORRECTION ON PAGE 271**
6. BUSINESS:
 - A. **CITIZENS INPUT TIME** – A maximum of 30 minutes is set for input of citizens on matters concerning City Government; 3 minutes per individual - **1 SPEAKER**
 - B. **PUBLIC COMMENT – CONSENT AGENDA** – A maximum of 15 minutes is set for input of citizens on matters concerning the Consent Agenda; 3 minutes per individual – **NO SPEAKERS**
 - C. **CONSENT AGENDA:** (attached) - **ALL ITEMS APPROVED**
 - (1) Items to be pulled for discussion by Council
 - (2) Motion to approve balance of items
 - (3) Consideration of items pulled for discussion
 - D. **PERSONNEL ACTIONS** – City Manager - **NONE**
 - E. **PETITIONS TO COUNCIL:** (10 minutes per request)
 - (1) Request to Waive Gazebo Restrictions for a Free Standing Structure Located within a Subdivision – Brian M. Haag - **WITHDRAWN**

CONSENT AGENDA

May 19, 2003

(1) Procurement Items:

- (a) Bid Award for the Purchase of a 55-Ton Capacity Gooseneck Trailer – Public Works, Dollar Value \$39,850.00, GLOBE TRAILERS AND TRANSPORT SYSTEMS, INC. - **APPROVED**
 - (b) GC043003-35 Coral Oaks Golf Course Pump Station – Parks and Recreation, Dollar Value: \$93,175.00, METRO PLUMBING SYSTEMS, INC. - **APPROVED**
 - (c) Additional Work at Eco Park Canoe/Kayak Shelters, Bid # PR091102-62, Dollar Value \$33,400.00, Parks and Recreation, KELLY BROTHERS, INC. - **APPROVED**
 - (d) Feasibility Study for a University/College(s) – Approval of SAC Ranking of Firms, Finance, Dollar Value: Approval of SAC Ranking, (1) HARPER PARTNERS, INC. and (2) SMRT/HEERY/KPMG - **APPROVED**
- (2) Revised Lee County Department of Transportation (LCDOT) Interlocal Agreement, Median Maintenance and Street Sweeping of County Roadways within the City Limits, Dollar Value: N/A - **APPROVED**
 - (3) Renewal Agreement for Stormwater Special Masters. The Stormwater Special Master is Required in Code of Ordinance Section 22-8, Dollar Value: The Approximate Cost of the Stormwater Special Masters is \$90.00 per hour. The Funds are Available in the City Clerk's Budget for Fiscal Year 2003 - **APPROVED**
 - (4) Approval of Contract for Purchase of Lots 8 and 9, Block 2974, Unit 42, Part 1, 1248 Kismet Parkway, West, Dollar Value: \$5,200.00 - **APPROVED**
 - (5) Approval of Contract for Purchase of Lots 33 and 34, Block 2974, Unit 42, Part 1, 1132 Kismet Parkway, West, Dollar Value: \$5,200.00 - **APPROVED**
 - (6) Police Department Renewal of G.R.E.A.T. Program Funding, Dollar Value: \$260,000.00 U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms - **APPROVED**
 - (7) Homeland Security Overtime Grant Application, Dollar Value: \$125,000.00 (\$100,000.00 U.S. Department of Justice COPS Office; \$25,000.00 LEFT Funds (Match)) - **APPROVED**
 - (8) Approval of Contract for Purchase of Lots 26 and 27, Block 2909, Unit 42, Part 1, 1209 NW 22nd Terrace, Dollar Value: \$5,700.00 - **APPROVED**
 - (9) Approval of Contract for Purchase of Lots 43 and 44, Block 2987, Unit 42, 1241 NW 21st Street, Dollar Value: \$5,200.00 - **APPROVED**

Bounce c/c
Original

CITY COUNCIL
COUNCIL AGENDA ITEM
May 19, 2003

TITLE: Revised Lee County Department of Transportation (LCDOT) Interlocal Agreement, Median Maintenance and Street Sweeping of County Roadways within the City Limits

SUMMARY: The revised Interlocal Agreement will replace a current Interlocal Agreement entered into on February 17, 1998, Contract Number C980219-417. The City will recognize a significant increase in funding based on the new Interlocal.

DOLLAR VALUE AND FUNDING SOURCE: N/A

RECOMMENDATION: The Revised LCDOT Interlocal Agreement has been reviewed by the City Attorney's office, and Public Works staff recommends approval.

APPROVALS:

CITY MANAGER

Tony Stewart 5-12-2003
Date

FOR REVIEW BY
CITY ATTORNEY

Deborah Stewart 5/9/03
Date

DEPARTMENT DIRECTOR

Chad [unclear] 5/1/2003
Date

DIVISION MANAGER

Jim Neff 5/3/03
Date

CP/SN:rt(\Cityhall\vol2\Rataylor\Council\consent agenda item summ interlocal median mnt & street sweeping 5-19-03.doc)

Attachments: Revised LCDOT Interlocal Agreement