



# Pinellas County

## Legislation Details (With Text)

**File #:** 18-1588A      **Version:** 1

**Type:** Contract/Agreement      **Status:** Passed

**File created:** 9/25/2018      **In control:** Public Works

**On agenda:** 11/20/2018      **Final action:** 11/20/2018

**Title:** Cooperative Funding Agreement between the Southwest Florida Water Management District, the City of Clearwater, and the County for Lower Spring Branch Conveyance improvements.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. FE Agreement wSWFWMD-Lower Spring Branch Conveyance Imp, 2. Cooperative Funding Agreement including Exhibit A and B, 3. County Resolution 06-70.pdf, 4. Email from SWFWMD re Indemnification.pdf, 5. Project Location Map

Date	Ver.	Action By	Action	Result
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### **Subject:**

Cooperative Funding Agreement between the Southwest Florida Water Management District, the City of Clearwater, and the County for Lower Spring Branch Conveyance improvements.

### **Recommended Action:**

Approval of the Cooperative Funding Agreement between the Southwest Florida Water Management District, the City of Clearwater, and the County for Lower Spring Branch Conveyance improvements. PID No. 001018A; Authorize the Chairman to sign and the Clerk of the Court to attest.

### **Strategic Plan:**

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other natural resources

Foster Continual Economic Growth and Vitality

4.4 Invest in infrastructure to meet current and future needs

Deliver First Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach

5.2 Be responsible stewards of the public's resources

### **Summary:**

The construction of all projects identified in this Southwest Florida Water Management District (SWFWMD) agreement will reduce structure and street flooding during the one hundred (100) year, twenty four (24) hour storm event, providing flood relief for approximately eleven (11) homes, by constructing conveyance improvements along the Lower Spring Branch of Stevenson Creek. The project sites are located within the limits of the City of Clearwater (City), as well as in the unincorporated County. Anticipated total project costs, to be shared by the three (3) parties, is \$3,320,000.

The City's portion of project activities includes design, permitting, construction, and associated costs for conveyance improvements to Douglas Avenue, Springtime Avenue, and Overbrook Avenue crossings. In addition to the SWFWMD contribution of \$1,160,000 to the City for these three project locations, the County will reimburse the City for twenty five percent (25%) of construction costs, plus the cost for Construction Engineering Inspection services, of the Douglas Avenue crossing not to exceed \$270,000. Douglas Avenue is a County road, and part of the contributing watershed for the Lower Spring Branch Conveyance Improvements.

In addition to the funding described above, SWFWMD is providing 50%, or up to \$500,000, of the cost of constructing conveyance improvements toward the County's Sunset Point Road at Betty Lane intersection improvement (creek crossing) project. The Sunset Point Road at Betty Lane crossing is included in the Lower Spring Branch Study and is part of the watershed.

As costs were expected to be incurred for the Sunset Point Road at Betty Lane intersection improvement prior to October 1, 2018, the Agreement date is effective October 1, 2017, with an end date of September 1, 2021, on a reimbursement basis.

**Background Information:**

The County will, apart from the Agreement and prior to project implementation, design the stormwater improvement best management practices for the Sunset Point Road crossing and secure necessary rights-of-way and easements for construction.

The County will provide SWFWMD with an operation and maintenance plan for its portion of the project that ensures measureable benefits will be maintained. Furthermore, every two (2) years following completion of the project, the County shall generate a report describing the operations and maintenance activities that took place during the reporting period which certifies that measureable benefits set forth in the project plan have been maintained. The County obligation to generate the reports will continue until expiration of the twenty (20) year operation and maintenance period.

Additionally, paragraph 11 of the agreement requires the County to indemnify SWFWMD. County Resolution No. 06-70 prohibits the County from indemnifying others in most situations. The County has requested that SWFWMD modify or remove their indemnification terms to be in accordance with County Resolution No. 06-70; SWFWMD has declined to modify their standard boilerplate terms. County staff and the County Attorney's Office agree that SWFWMD's indemnification terms are within an acceptable level of risk for this project.

**Fiscal Impact:**

Distribution of SWFWMD funding:

DESCRIPTION	SWFWMD	COUNTY	CITY	TOTAL
Design/Permitting	\$122,500	N/A	\$122,500	\$245,000
Construction + Associated Costs:				
Douglas Ave. Crossing*, Springtime Crossing, and Overbrook Crossing	\$1,037,500	(See notation below)	\$1,037,500	\$2,075,000
Sunset Point Rd. Crossing	\$500,000	\$500,000	N/A	\$1,000,000

Total	\$1,660,000	\$500,000	\$1,160,000	\$3,320,000
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\*The County will reimburse the City for an amount up to \$270,000 for construction costs associated with the Douglas Avenue Crossing. The County's portion of funding for the Douglas Avenue Crossing construction work is provided through the Local Option Infrastructure Sales Surtax (Penny for Pinellas), Storm Sewer Rehab Projects program allocation, County PID No. 000207A.

The Sunset Point Road Crossing costs are included in the approved FY19-24 Capital Improvement Plan (CIP) as part of the Betty Lane at Sunset Point Road Intersection project (PID 001018A) with County funds derived from the Penny for Pinellas. The SWFWMD funding up to \$500,000 is partially included in the FY19-24 CIP.

**Staff Member Responsible:**

Addie Javed, Director, Public Works

**Partners:**

SWFWMD

City of Clearwater

**Attachments:**

Cooperative Funding Agreement

Project Location Map

Email from SWFWMD

County Resolution No. 06-70