

JUNE 7, 2005

The Regular Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

Douglas R. St. Cerny, Chairman
 Tammy Hall, Vice-Chairman
 Ray Judah
 John E. Albion
 Robert P. Janes

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor Dane Blakenship, of First Baptist Church of Cape Coral, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Commissioner Albion read and presented a Resolution proclaiming Tuesday, June 7, 2005 as National Hunger Awareness Day. Harry Chapin Food Bank Executive Director Hawley Botchford thanked the Board; noted that hunger not only exists, but continues to grow; and thanked everyone who assisted in helping to carry out the program. (#20050745-Commissioner Albion)

ANNOUNCEMENTS

Referring to the Agenda Revision Recap Sheet dated June 7, 2005, the Chairman announced that:

Three (3) Walk-On Items and one (1) Carry-over Items would be heard following the Administrative agenda.

9:30 A.M. AGENDA ITEM - Public Comment on Agenda Items Consent (C) and Administrative (A)

After noting that public comment for Administrative Agenda Item 14(a) would be taken at the time the item was addressed by the Board, the Chairman called for public comment; however, no one came forward.

The following are the Consent Agenda items that each Board member wished to have discussed:

Commissioner St. Cerny - None
 Commissioner Hall - None
 Commissioner Judah - 9(a)
 Commissioner Albion - 6(a), 11(b)
 Commissioner Janes - None

CONSENT AGENDA

1. COUNTY ADMINISTRATION

(a) **ACTION REQUESTED/PURPOSE:**

Authorize Chairman to sign a resolution that will allow for the execution of loan documents with SunTrust Bank, for long-term financing up to \$325,000.00, for the Charlie Road Municipal Service Benefit Unit (MSBU) project.

WHAT ACTION ACCOMPLISHES:

Allow the implementation of long term debt financing for the Charlie Road MSBU project without pledging the non-ad valorem debt capacity of the County.

MANAGEMENT RECOMMENDATION:

Approve authorization to provide private placement financing for the Charlie Road MSBU Project. (#20050579-Budget Services)

Commissioner Janes moved for approval, seconded by Commissioner Hall, called and carried.

RESOLUTION NO. 05-06-01

2. CONSTRUCTION AND DESIGN

No requests received.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

No requests received.

5. HUMAN SERVICES

No requests received.

6. INDEPENDENT

(a) ACTION REQUESTED/PURPOSE:

Approve [interlocal agreement](#), between the City of Bonita Springs and Lee County, to provide fixed route bus service in Bonita Springs. Funding will be received from the City of Bonita Springs in the amount of \$102,067.95.

WHAT ACTION ACCOMPLISHES:

The City of Bonita Springs and Lee County share the cost to provide bus service within the City limits of Bonita Springs. The City of Bonita Springs provides funding to LeeTran for this service in the amount of \$102,067.95. The service is offered free to the passengers.

MANAGEMENT RECOMMENDATION:

Recommend Approval of the interlocal agreement. ([#20050715](#)-Transit)

PULLED FOR DISCUSSION

Commissioner Albion cited concern that this contract was being carried out in opposition to the new standards set by the Board to avoid unfairness, and that indirect costs are not being considered in the interlocal agreement. Transit Financial Officer Susan Riley stated a new interlocal is entered into each fiscal year; and that a higher cost per hour has been included. Assistant County Manager Holly Schwartz explained the amount was agreed upon 6 to 7 months ago, and noted the agreement would expire September 2005. Commissioner Albion moved for approval, seconded by Commissioner Janes, called and carried.

7. PUBLIC SAFETY

No requests received.

8. SOLID WASTE-NATURAL RESOURCES

(a) ACTION REQUESTED/PURPOSE:

Execute [Amendment No.1](#) to the Memorandum of Understanding (MOU), between Lee County and the Florida Fish and Wildlife Conservation Commission (FWC), to extend the completion time for the Boating Access Facilities Inventory and Economic Assessment.

WHAT ACTION ACCOMPLISHES:

Extends the term of the original MOU from July 12, 2005 to January 12, 2006.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20050703](#)-Natural Resources)

Commissioner Janes moved for approval, seconded by Commissioner Hall, called and carried.

9. TRANSPORTATION

(a) ACTION REQUESTED/PURPOSE:

Approve authorizing Resolution and State of Florida Department of Transportation (FDOT) Highway [Landscaping Installation and Maintenance Agreement](#). Board approval is required for the execution of the Resolution and Agreement.

WHAT ACTION ACCOMPLISHES:

Adopt a Resolution authorizing the Chairman to execute the Resolution and Agreement; and allowing FDOT and Lee County to participate in the installation of landscaping and irrigation improvements within FDOT's jurisdiction, along the soon to be completed four lane widening project along Business 41, between Pine Island Road and Littleton Road.

MANAGEMENT RECOMMENDATION:

Recommend approval. ([#20050662](#)-Transportation)

PULLED FOR DISCUSSION

Commissioner Judah moved for approval, seconded by Commissioner Hall. Commissioner Judah questioned the expectations for other projects as part of the comprehensive landscaping of US 41. Division of Transportation Director Scott M. Gilbertson clarified it was part of the Business 41 project to be funded by left over CRA funds; and briefly noted the progress of the project. The motion was called and carried.

[RESOLUTION NO. 05-06-02](#)

10. UTILITIES

(a) **ACTION REQUESTED/PURPOSE:**

Approve award of Formal Quotation #Q-050032, Electric Motor Repair and Replacement Services for the Utilities Division, to the overall low quoter, Tampa Armature Works (TAW), who will serve as the primary vendor. The second low quoter, Rexel Mader Motor and Control, will serve as the secondary vendor. The initial term of this quote is for three years. Also, request authority to renew this quote for two additional one-year periods, at the same terms and conditions, if in the best interest of Lee County. Estimated annual expenditures are approximately \$300,000.00 on an annual basis. Funding will come from the individual department or division’s budget, who will be responsible for monitoring their individual expenditures.

WHAT ACTION ACCOMPLISHES:

Allows the Utilities Division to acquire motor repair and replacement services at a fair and competitive cost.

MANAGEMENT RECOMMENDATION:

Staff recommends approval by the Board. ([#20050729-Utilities](#))

Commissioner Janes moved for approval, seconded by Commissioner Hall, called and carried.

11. PARKS AND RECREATION

(a) **ACTION REQUESTED/PURPOSE:**

Approve the utilization of piggybacking from the City of Jacksonville, Formal Bid #SC-0549-03, for the Replacement of existing Playground Equipment for Rutenberg Park, from Playmore West Inc., in the amount of \$58,801.87, plus a not-to-exceed amount of \$10,000.00 to be utilized for either Option 1, 2 or 3, whichever is selected once playground is removed. This project was anticipated and funds are within the CIP project budget.

WHAT ACTION ACCOMPLISHES:

By allowing the department to piggyback onto the City of Jacksonville contract it will give the department the authority to make the purchase of the playground equipment to complete the replacement of existing playground equipment at Rutenberg Park.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20050704-Parks and Recreation](#))

Commissioner Janes moved for approval, seconded by Commissioner Hall, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Award B-05-15 Tice Community Pool and Filter Renovation, for Parks & Recreation, to the lowest responsive/responsible bidder meeting all bidding requirements, Aquamarine Swimming Pool Company, for a total not-to-exceed amount of \$244,000.00, with a final project completion time of 120 calendar days. This project was anticipated and funds are available within the CIP budget.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Contractor to furnish all labor, materials and equipment for proper resurfacing of the pool, and replacement of the pool deck. Also, installation of US Filters ES43-20-2 to horizontal tank and sand filter system, located at 4515 Glenwood Avenue, Fort Myers, Florida, while conforming to all Lee County and Health Department codes.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20050705-Parks and Recreation](#))

PULLED FOR DISCUSSION

Commissioner Albion raised concern that the company that was second in bidding did not file a local bidder preference form and was within in the 3% range; and asked if the award could go to the local bidder. After Public Parks and Recreation Director John Yarbrough stated that this contract came through the Public Works Contract Management office, County Attorney David M. Owen did not think it was a statutory issue and would look into it. Mr. Yarbrough stated the local company did not fill out the paperwork to take advantage of the local bidder preference. Commissioner Albion moved to defer Item 11(b) for one week, seconded by Commissioner Hall, called and carried.

(c) **ACTION REQUESTED/PURPOSE:**

Approve an [annual agreement](#), between Lee County and the Florida Department of Corrections Fort Myers Work Camp, for removal of invasive plant species from conservation lands in Lee, Collier, and Charlotte counties.

WHAT ACTION ACCOMPLISHES:

To meet the Department of Corrections (DOC) contractual requirements for providing work crews for invasive species control.

MANAGEMENT RECOMMENDATION:

Approve the agreement to allow DOC labor crews to work in invasive species control projects. ([#20050706](#)-Parks and Recreation)

Commissioner Janes moved for approval, seconded by Commissioner Hall, called and carried.

12. COUNTY ATTORNEY

No requests received.

13. HEARING EXAMINER

No requests received.

14. PORT AUTHORITY

No requests received.

15. CONSTITUTIONAL OFFICERS

(a) **ACTION REQUESTED/PURPOSE:**

Approve [disbursements](#).

WHAT ACTION ACCOMPLISHES:

Florida Statute Chapter 136.06(1) requires that all County disbursements be recorded in the Minutes of the Board. Compliance with the requirements of FS 136.06(1).

MANAGEMENT RECOMMENDATION:

Approve. ([#20050738](#)-Clerk of Courts)

ADMINISTRATIVE AGENDA

1. COUNTY ADMINISTRATION

No requests received.

2. CONSTRUCTION AND DESIGN

No requests received.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

No requests received.

5. HUMAN SERVICES

No requests received.

6. INDEPENDENT

No requests received.

7. PUBLIC SAFETY

No requests received.

8. SOLID WASTE-NATURAL RESOURCES

No requests received.

9. TRANSPORTATION

No requests received.

10. UTILITIES

No requests received.

11. PARKS AND RECREATION

(a) ACTION REQUESTED/PURPOSE:

Approve Bid Waiver # W-050475, to waive the formal quotation procedure; and allow the Department of Transportation (DOT) and Parks and Recreation to each purchase a Case Model 321D loader, at a cost of \$74,002.60 each, from Briggs Equipment, the exclusive/sole source dealer for the Case product line. The grand total cost for the two loaders is \$148,005.20.

WHAT ACTION ACCOMPLISHES:

Provides DOT and Parks with new and reliable machines, replacing asset numbers 030457 and 018937, which have met Fleet Management’s replacement criteria; see Attachment #4 contained in the Bluesheet backup material.

MANAGEMENT RECOMMENDATION:

Approve as stated. ([#20050679](#)-Parks and Recreation)

Commissioner Albion moved for approval, seconded by Commissioner Judah, called and carried.

12. COUNTY ATTORNEY

No requests received.

13. HEARING EXAMINER

No requests received.

CONVENE AS THE BOARD OF PORT COMMISSIONERS

14. PORT AUTHORITY

CONVENE AS BOARD OF PORT COMMISSIONERS

(a) ACTION REQUESTED/PURPOSE:

Request Board award PAB 05-09, Taxicab Concession Serving the Southwest Florida International Airport, to the highest, most responsive, responsible bidder, Yellow Cab Service Corporation of Florida, d/b/a Metro Cab. (Port Authority)

FOR ACTION TAKEN, SEE THE MINUTES OF THE PORT AUTHORITY

(b) ACTION REQUESTED/PURPOSE:

Request Board authorize execution of Supplemental Agreement No. 37 between the Lee County Port Authority and Hole Montes in the amount of \$1,308,500 to provide construction administration and support services for the RSW Runway 6-24 and Taxiway A Rehabilitation project. Funds are available in 413 001 54274 6510; LCPA Discretionary, pending FAA and Airline approval. (Port Authority)

FOR ACTION TAKEN, SEE THE MINUTES OF THE PORT AUTHORITY

(c) ACTION REQUESTED/PURPOSE:

Request Board 1) authorize execution of Supplemental Agreement NO. 103 between the Lee County Port Authority and Owen-Ames-Kimball Company in the amount of \$23,951,535 to provide construction related services for the RSW Runway 6-24 and Taxiway A Rehabilitation; and 2) approve

a Total Project Budget in the amount of \$29,919,150. Funds are available in account 413 001 54274 6540; LCPA Discretionary, pending FAA and Airline approval. (Port Authority)

FOR ACTION TAKEN, SEE THE MINUTES OF THE PORT AUTHORITY

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

15. CONSTITUTIONAL OFFICERS

No requests received.

WALK-ON ITEM NO. 1

5. HUMAN SERVICES

ACTION RESQUESTED/PURPOSE:

Enter into a revenue [contract](#), with the Florida Department of Children and Families, to partially fund the salary and operating expenses for the current Lee County Homeless Coalition Coordinator. Approve a budget amendment resolution in the amount of \$5,100.00

REASON FOR WALK ON:

Funds must be spent by June 30, 2005; and availability of funds is contingent on signing an agreement with the State. ([#20050783](#)-Human Services)

Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried.

[RESOLUTION NO. 05-06-03](#)

WALK-ON ITEM NO. 2

5. HUMAN SERVICES

ACTION RESQUESTED/PURPOSE:

Approve and sign the [grant renewal agreement](#), from the Department of Juvenile Justice, in the amount of \$57,194.00, for the Neighborhood Accountability Boards. Approve a budget amendment resolution in the amount of \$457,194.00. Continue a full-time grant funded Human Services Coordinator, in the Department of Human Services, to assist with the administration of the Neighborhood Accountability Board Program.

REASON FOR WALK ON:

Both grants end June 30, 2006 ([#20050784](#)-Human Services)

Commissioner Janes moved approval, seconded by Commissioner Albion, called and carried.

[RESOLUTION NO. 05-06-04](#)

WALK-ON ITEM NO. 3

5. HUMAN SERVICES

ACTION RESQUESTED/PURPOSE:

Accept a grant award; and sign the forthcoming [agreement from the Department of Juvenile Justice](#), to implement the Restitution Accountability Board program for Lee County. Approve a budget amendment resolution in amount of \$64,137.00. Establish a full-time grant funded Human Services Coordinator, in the Department of Human Services, to assist with the administration of the Restitution Accountability Board.

REASON FOR WALK ON:

Both grants end June 30, 2006. ([#20050785](#)-Human Services)

Commissioner Janes moved approval, seconded by Commissioner Hall, called and carried.

[RESOLUTION NO. 05-06-05](#)

CARRY OVER ITEM #1

12. COUNTY ATTORNEY

ACTION RESQUESTED/PURPOSE:

Authorize proposal for settlement in Lee County v. Whitehead, Case No. 04-1346-CA, Parcels 113,113A and 121.

REASON FOR CARRY-OVER:

Deferred for one week at the May 31, 2005 Board meeting. ([#20050702](#)-County Attorney)

Commissioner Judah moved approval, seconded by Commissioner Albion. After Commissioner Albion noted the appraisal was a bit dated and the price was reasonable, the motion was called and carried.

COMMISSIONER ITEMS

SPORTS RECOGNITION - Commissioner Albion commended the sports foundation, noting the US Open Swimming Championships put on by Swim Florida, the National Rugby Tournament, and the National Beach Volleyball Tournament; noted they were nationally recognized; and complemented Parks & Recreation employees, who made sure things went well.

FLOODING COMPLAINTS – After noting that new developments capture water within the developments, Commissioner Albion pointed out complaints of flooding when homes are built on higher elevations in older developments. He requested that staff come back with a memo to address this situation.

NALLE ROAD FLOOD STATUS - Commissioner Janes inquired if Nalle Road was flooding at this point. Public Works Director Jim Lavender said his department was monitoring it very closely, and at this point there was no flooding.

COUNTY HEALTH DEPARTMENT PUBLICATIONS - Commissioner Janes complemented Dr. Hartner and her staff for the great work on the comprehensive goal plan and the community report.

OFFSHORE DRILLING - Commissioner Janes expressed concern about a recent development on offshore drilling; noted a bill sponsored by Louisiana Senator Mary Landrieu would re-draw federal maps where Louisiana seaward boundaries would claim 3 million acres of submerged land off of north Florida; and stated the need to oppose this legislation. Commissioner Janes moved for approval, seconded by Commissioner Judah. Commissioner Janes stressed the importance of including Senator Nelson, as he has been very active in opposing this legislation. After Commissioner St. Cerny suggested a letter be drafted for Board signature, the motion was called and carried.

CAPE CORAL UPDATE - Commissioner Hall noted that she and County Manager Donald D. Stilwell had met with the Mayor of Cape Coral and the City Manager, and that the meeting covered the annexation issues; the collective goals for Veterans Parkway and Burnt Store Road; and the issue with Del Prado extension. She stated that further meetings would be held; and expressed confidence that future talks would be productive, as lines of communication are open.

COMMITTEE APPOINTMENTS

Commissioner Albion moved to reappoint Annette M. Popovich to the **HUMAN SERVICES COUNCIL**, seconded by Commissioner Janes, called and carried.

COUNTY MANAGER ITEMS

County Manager Donald D. Stilwell had nothing to offer.

COUNTY ATTORNEY ITEMS

County Attorney David M. Owen had nothing to offer.

The Chairman adjourned the meeting at 12:35 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)