

JUNE 7, 2011

The [Regular Meeting](#) of the [Board of Lee County Commissioners](#) was held on this date with the following Commissioners present:

- Frank B. Mann, Chairman
- John Manning, Vice Chairman
- Ray Judah
- Tammara Hall
- A. Brian Bigelow

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor Rob Sparrow, Word of Life Church, followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS

Referring to the [Agenda Recap Sheet](#) dated June 7, 2011, the Chairman announced that:

For Consent Agenda Item 7(a), under the Requested Motion section, change the first few words from “Adopt a resolution accepting” to read “Authorize acceptance of”.

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

Consent Agenda Item 7(b) (Transit) should be moved to the Administrative Agenda.

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

Clarification of Board’s Intent for Solid Waste Ordinance adopted on May 31, 2011 would be addressed during the County Attorney Items.

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

No one from the general public came forward to offer comments.

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

- Commissioner Mann - None
- Commissioner Manning - None
- Commissioner Judah – 7(a)
- Commissioner Hall – 8(a)
- Commissioner Bigelow – 1(c), 1(d), 7(d), 8(a), 13(c)

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Approve the Public Official Faithful Performance Bonds as required by state statute.
(#20110416-COUNTY MANAGER)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Assures compliance with the provisions of F.S. 137.05 and Lee County Ordinance number 00-25 (copy attached).

MANAGEMENT RECOMMENDATION:

Approval.

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

B) ACTION REQUESTED/PURPOSE:

Authorize Sports Development fixed and estimated expenditures at \$183,500.00 for North American Roller Hockey Championship (NARCh) Finals:
*\$75,000.00 NARCh - host fee

- *\$80,000.00 Germain - facility rental
- *\$10,000.00 Germain - NARCh staff dining
- *\$18,500.00 Security (currently being negotiated)

(#20110439-SPORTS DEVELOPMENT)

FUNDING SOURCE:

Sports Development FY 10/11 operating budget.

WHAT ACTION ACCOMPLISHES:

Approve expenditures for NARCh related expenses.

MANAGEMENT RECOMMENDATION:

Recommend Approval.

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

C) ACTION REQUESTED/PURPOSE:

Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-11-04 Annual Financial Audit, in the below listed ranking, and authorize contract negotiations to commence with the number one ranked firm:

- (1) Cherry Bekaert & Holland LLP & Tuscan & Co PA
- (2) LarsonAllen LLP
- (3) McGladrey & Pullen LLP
- (4) Carr Riggs & Ingram LLC
- (5) KPMG LLP and
- (6) Ernst & Young LLP

(#20110443-COUNTY MANAGER)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Consultant will provide professional financial auditing services for the Lee County Board of County Commissioners and the Constitutional Officers (Sheriff, Tax Collector, Supervisor of Elections, Property Appraiser and Clerk to the Board).

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow noted that Consent Agenda Items 1(c), 1(d), 7(d) and 13(a) could be addressed collectively. He noted that all four items were a product of the selection process, and expressed his long-standing disagreement with the makeup of the Selection Committee. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried with Commissioner Bigelow voting nay. Commissioner Bigelow offered to provide a white paper for discussion of an alternative process for the selection committees at an M&P meeting.

D) ACTION REQUESTED/PURPOSE:

Award RFP-11-04 Agent/Broker for Property and Casualty Insurance to the Proposer whose proposal was evaluated by the Proposal Evaluation Committee as being in the best interest of Lee County, to [Risk Management Associates, Inc. dba Public Risk Insurance Agency](#) for a not-to-exceed annual expenditure of \$150,000.00 for FY 11-12, with a contract period beginning June, 2011, for the purpose of marketing Lee County insurance services renewal, which will become effective October 1, 2011, with subsequent renewals (annually October 1 - September 30) for a possible contract period of five (5) years. Also, authorize Chair to execute Service Provider Agreement on behalf of the Board upon receipt. (#20110447-BUDGET SERVICES)

FUNDING SOURCE:

Fund: General Liability Self-Insurance; Program: Property & Casualty; Project: Professional Services (Insurance).

WHAT ACTION ACCOMPLISHES:

Provides Lee County with an Insurance Agent/Broker for Property and Casualty Insurance.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow noted that Consent Agenda Items 1(c), 1(d), 7(d) and 13(a) could be addressed collectively. He noted that all four items were a product of the selection process, and expressed his long-standing disagreement with the makeup of the Selection Committee. Commissioner Hall moved approval, seconded by Commissioner

Manning, called and carried with Commissioner Bigelow voting nay. Commissioner Bigelow offered to provide a white paper for discussion of an alternative process for the selection committees at an M&P meeting.

E) **ACTION REQUESTED/PURPOSE:**

A) Approve a [Contract](#) between the Lee County Board of County Commissioners and the Lee County School Board for the Driver's Education Summer Program, and authorize the release of \$89,737.46 from the funds collected through Lee County Ordinance #02-28 Dori Slosberg Driver Safety Education Act.

B) Also, authorize Chair to execute contract on behalf of the Board.

(#20110449-BUDGET SERVICES)

FUNDING SOURCE:

Fund: Driver's Education Trust; Program: Driver's Ed Fee-Lee P; Project: School Board of Lee County for the Driver's Education Program.

WHAT ACTION ACCOMPLISHES:

Provides approval for the release of funds collected for use of the Drivers Education Summer Program with the Lee County School Board.

MANAGEMENT RECOMMENDATION:

Approve.

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

2. COMMUNITY DEVELOPMENT

No requests received.

3. CONSTRUCTION AND DESIGN

No requests received.

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS

A) **ACTION REQUESTED/PURPOSE:**

A) Approve [Purchase Agreement with New Image Ministries, Inc.](#), for acquisition of Parcel 212, a 1,728 square feet (SF) Fee Simple interest, Parcel 212 PE a 2,982 square feet [Slope Easement](#) interest, and Parcel 212 TCE1 and Parcel 212 TCE2, two [Temporary Construction Easements](#) totaling 612 square feet, STRAP No. 05-45-27-00-00010.0070, in the amount of \$14,100.00, located at 29 Homestead Road, Lehigh Acres, Florida 33936, for the Homestead Road Widening Project No. 5063.

B) Authorize the Chairman on behalf of the Board to execute the Purchase Agreement;

C) Also, authorize the payment of costs to close in the approximate amount of \$500.00.

D) Further, authorize County Lands Staff to execute and accept all documentation necessary to complete this transaction. (#20110415-COUNTY LANDS)

FUNDING SOURCE:

Fund: Road Impact Fees - Central District; Program: Capital Projects; Project: Homestead Road Widening Project No. 5063.

WHAT ACTION ACCOMPLISHES:

Acquires the necessary property from Parcel 212 for the widening project.

MANAGEMENT RECOMMENDATION:

Approve.

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

6. HUMAN SERVICES

A) **ACTION REQUESTED/PURPOSE:**

Approve contract modification to extend the term of the current sub recipient grant [Contract #3049](#), between Lee County and The Heights Foundation, Inc., to allow agency to continue fundraising and complete construction on the Cultural Arts Center in Harlem Heights. This is the fifth contract term extension request, however agency is close to achieving their capital campaign goal (see letter contained in the backup material to this

item) so that construction can be resumed and Center finished.

(#20110411-HUMAN SERVICES)

FUNDING SOURCE:

US Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG).

WHAT ACTION ACCOMPLISHES:

The Heights Foundation has requested a term extension to the current Community Development Block Grant Contract. The amendment will provide additional time for the agency to acquire the final contributions/funds necessary to complete construction on the project.

MANAGEMENT RECOMMENDATION:

Approval.

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

7. INDEPENDENT

A) ACTION REQUESTED/PURPOSE:

~~Adopt a resolution accepting~~ **Authorize acceptance** of several specific donations in the total amount of \$1,682.00 as follows: \$425.00 from the Friends of Lakes Regional Library, and \$50.00 from Frederick Scheidig, for materials, both in memory of Helen Simons; \$657.00 from the Friends of the Cape Coral Library for the installation of white frost window film for the conference room and two staff offices; \$500.00 from the Cape Coral Kiwanis Foundation for the children's summer reading program; and \$50.00 from Brian, Linda, Patrick Alan and Kyle Heery in honor of Edna and Gordon Heery for materials for South County Regional Library; and Adopt a budget amendment resolution to recognize the donations and allow expenditure in accordance with the donation specifications.

(#20110390-LIBRARY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Authorizes acceptance and expenditure of funds pursuant to donors' requests.

MANAGEMENT RECOMMENDATION:

Approval.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: For Consent Agenda Item 7(a), under the Requested Motion section, change the first few words from "Adopt a resolution accepting" to read "Authorize acceptance of". Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

PULLED FOR DISCUSSION

Commissioner Judah moved approval, seconded by Commissioner Manning. Commissioner Judah expressed thanks for the donations. The motion was called and carried.

[RESOLUTION NO. 11-06-01](#)

B) ACTION REQUESTED/PURPOSE:

Board adopt the recommendations of the Transit Task Force Phase I Short Term recommendations, and direct staff to begin the process to implement revenue-neutral service reductions based on efficiency models along with strategic modifications and additions to service to be effective in FY11/12. (#20110436-TRANSIT)

FUNDING SOURCE:

No additional funds required.

WHAT ACTION ACCOMPLISHES:

Implements the recommendations of the Transit Task Force which call for implementing revenue-neutral service reductions based on efficiency models along with strategic modifications and additions to service.

MANAGEMENT RECOMMENDATION:

Adopt the recommendations of the Transit Task Force.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 7(b) should be moved to the Administrative Agenda. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried. See that item for action taken.

C) ACTION REQUESTED/PURPOSE:

(A) Approve award of Formal Quotation No. Q-110211 Welding and Fabrication Services for Fleet Management and Solid Waste, to the vendors meeting all specification requirements, M & M Machine and Southern Machine & Steel, Inc., (both local vendors) as listed on the Lee County Tabulation Sheet contained in the backup material to this item.

(B) The initial term of this quote is one year; also request authority to renew this quote for four additional one year periods, at the same terms and conditions, if in the best interest of Lee County; and to exercise the service rate change clause as per the specifications on an as-needed basis.

(C) Funding will come from the individual department or division's budget that will be responsible for monitoring their individual expenditures. The estimated collective expenditures for these services annually will be approximately \$230,000.00.

(#20110446-FLEET MANAGEMENT)

FUNDING SOURCE:

Fleet Management-Vehicle and Equipment Maintenance; Solid Waste Ops-Disposal Facilities.

WHAT ACTION ACCOMPLISHES:

Allows Fleet and Solid Waste to maintain their vehicles and equipment in safe and sound working condition.

MANAGEMENT RECOMMENDATION:

Approve.

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

D) ACTION REQUESTED/PURPOSE:

A) Concur with the selection of Consultants by the Competitive Negotiations Committee for CN-11-08 Real Estate Appraisal Services, and authorize staff to negotiate hourly rates and independent costs with the below listed ten (10) selected firms for a contract period of two (2) years with the option of renewal for two (2) additional 12-month periods. Also, authorize Chair to execute agreements upon final negotiations.

1. [Advanced Evaluation Services](#)
2. [Armalavage & Associates, Inc.](#)
3. [Carlson, Norris & Associates, Inc.](#)
4. [Diversified Appraisal, Inc.](#)
5. [Hanson Real Estate Advisors, Inc.](#)
6. [Maxwell & Hendry Valuation Services, Inc.](#)
7. [RKL Appraisal and Consulting, PLC](#)
8. [Stewart & Company, Inc.](#)
9. [T.A. Tippet, Inc.](#)
10. [Wilcox Appraisal Services, Inc.](#)

(#20110448-PROCUREMENT MANAGEMENT)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Provides Lee County with several Consultants on contract to provide any and all real estate appraisal services for rights-of-way, commercial properties, residential properties, environmentally sensitive land and vacant land/acreage.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow noted that Consent Agenda Items 1(c), 1(d), 7(d) and 13(a) could be addressed collectively. He noted that all four items were a product of the selection process, and expressed his long-standing disagreement with the makeup of the Selection Committee. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried with Commissioner Bigelow voting nay. Commissioner Bigelow offered to provide a white paper for discussion of an alternative process for the selection committees at an M&P meeting.

8. NATURAL RESOURCES/SOLID WASTE

A) ACTION REQUESTED/PURPOSE:

A) Concur with the ranking by the Competitive Negotiations Committee for CN-11-06 Bonita Beach Nourishment Design and Permitting in the below listed order, and authorize negotiations with the number one ranked firm.

- 1) Coastal Technology Corporation (non-local firm)
- 2) Coastal Engineering Consultants, Inc. (non-local firm)
- 3) Humiston & Moore Engineers (local firm)

(#20110414-NATURAL RESOURCES)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

To provide services required to complete the design and permitting of the Bonita Beach Nourishment project.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow stated that he could not support the item based on his long-standing disagreement with the makeup of the Selection Committee, and requested that predetermined criteria be established. Natural Resources Department Director Roland Ottolini responded to Board inquiry throughout the discussion. Commissioner Hall moved to rank Humiston & Moore Engineers as the number one firm (a local firm). After noting that he too preferred a local firm, Commissioner Judah cited the selection process already in place. The motion failed due to the lack of a second. Commissioner Manning moved approval, seconded by Commissioner Judah. The Chairman noted consensus that the selection process be scheduled at a Management & Planning meeting. The motion was called and carried with Commissioners Hall and Bigelow voting nay.

9. PARKS AND RECREATION

A) **ACTION REQUESTED/PURPOSE:**

A) Approve [Supplemental Task Authorization \(STA\) No.2 to Contract No. 5277](#), under CN-10-07 County-wide Environmental Contract (Permitting, Mitigation, and Monitoring) to Kevin L. Erwin Consulting Ecologist, Inc. (a local contractor), in the not-to-exceed amount of \$14,887.00 for the project known as Prairie Pines Preserve, with a project completion time of 365 calendar days.

B) Also, authorize Chair to execute STA on behalf of the Board.

(#20110455-PARKS AND RECREATION)

FUNDING SOURCE:

Fund – Parks & Recreation Operations-Conservation 20/20 FCT-Capital Improvement Environmentally Sensitive Land Management- Other Professional Services-Prairie Pines.

WHAT ACTION ACCOMPLISHES:

Allows the Consultant to continue to coordinate and oversee the maintenance and monitoring of the Prairie Pines Preserve mitigation wetland and also provides for the sub-consultant to conduct the exotic and nuisance vegetation treatments for 2011.

MANAGEMENT RECOMMENDATION:

Approve.

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

10. PUBLIC SAFETY

A) **ACTION REQUESTED/PURPOSE:**

Authorize Chairman to approve a [Certificate of Public Convenience and Necessity \(COPCN\) to AMBITRANS Medical Transport, Inc.](#), a private for profit ambulance transport provider to conduct Advance Life Support (ALS) and or Basic Life Support (BLS) transport service for out-of-county inter-facility transports; inter-facility transport in-county involving psychiatric patients and Veterans Administration inter-facility transports. (#20110434-PUBLIC SAFETY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Grants renewal of the COPCN for AMBITRANS to provide ALS and or BLS service in accordance with State law and provisions contained in Lee County Ordinance 08-16.

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

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

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION**A) ACTION REQUESTED/PURPOSE:**

Accept for county maintenance 130 feet of the Brookfield Street right-of-way, lying east of the east boundary of the Alvin South canal located in Section 30, Township 44, Range 26. ([#20110427](#)-TRANSPORTATION)

FUNDING SOURCE:

No funding required.

WHAT ACTION ACCOMPLISHES:

Documents the Board's formal acceptance for maintenance of 130 feet of Brookfield Street right-of-way located in Section 30, Township 44, Range 26, lying east of the east boundary of the Alvin South canal; acknowledge compliance with AC 11-7, including submittal of deed for the right-of-way, record drawings and surveys, engineer's letter of substantial compliance, certificate of compliance, engineer's documentation of final construction costs; provides formal notice to the public that the Department of Transportation is responsible for maintenance of the right-of-way.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

Approve resolution authorizing the Chair to execute the Highway Landscaping [Maintenance and Installation Agreement Amendment](#) with the Florida Department of Transportation for SR 78 from east of Slater Road to west of I-75. ([#20110441](#)-TRANSPORTATION)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Reduces the funding participation from FDOT.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-06-02](#)

13. UTILITIES**A) ACTION REQUESTED/PURPOSE:**

[Reclaim Agreement Termination](#): Authorize the Chairman, on behalf of the Board, to execute and approve recording of the "Termination and Vacation of Agreement for the Delivery and Use of Reclaimed Water." ([#20110405](#)-UTILITIES)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Terminates and vacates the Agreement for the Delivery and Use of Reclaimed Effluent Water, as amended. Satisfies paragraph 8 of the Special Conditions for the purchase and sale of property between Lee County and High Point Land Improvement, Corp. (HLIC) for the Conservation Lands Program Project 8800, parcel 389.

MANAGEMENT RECOMMENDATION:

Approval.

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

B) ACTION REQUESTED/PURPOSE:

(A) Approve Supplemental [Task Authorization \(STA\) No. 3 to Contract No. 5388](#), to Johnson Engineering, Inc., (a local consultant), under CN-10-13 Miscellaneous Utility Engineering Design and/or Inspection Services, for the project known as Corkscrew WTP Wellfield Hydraulic Modeling, Operating Plan and Water Quality Evaluation in the not to

exceed amount of \$139,663.00.

(B) Also, authorize Chair to execute STA on behalf of the Board.

(#20110420-UTILITIES)

FUNDING SOURCE:

Fund: Utilities Rehabilitation & Replacements; Program: Capital Projects; Project: Well Redevelopment Upgrade & Rebuild.

WHAT ACTION ACCOMPLISHES:

Authorizes use of consult to develop a hydraulic model and evaluate raw water quality of the recently expanded Corkscrew Water Treatment Plan wellfield and raw water main piping.

MANAGEMENT RECOMMENDATION:

Approve.

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

C) ACTION REQUESTED/PURPOSE:

A) Concur with the selection by the Qualification Selection Committee for RFQ-11-03 Production Well & Monitoring Well Construction, Modification, Repair, Rehabilitation, Plugging Abandonment and Geophysical Logging.

B) Also, authorize staff to negotiate on a project-by-project basis with the following five (5) Contractors with an anticipated annual expenditure in the amount of \$1,750,000.00, for a contract period of one (1) year with the option of renewal for two (2) additional 12-month periods.

C) Authorize Chair to execute Agreements on behalf of the Board upon receipt.

1. [A.C. Schultes of Florida Inc.](#)
2. [All Webbs Enterprises Inc.](#)
3. [Diversified Drilling Corporation](#)
4. [Layne Christensen Company](#)
5. [Youngquist Brothers Inc.](#)

(#20110419-UTILITIES)

FUNDING SOURCE:

Fund: Utilities Operating, Utilities Capital Improvements & Utilities Rehabilitation & Replacements; Program: Water & Wastewater Treatment Plants & Capital Projects; Projects: Wellfield Redevelopment, Upgrades & Rebuild; Water Treatment Plant Improvements; & Wastewater Treatment Plant Improvements.

WHAT ACTION ACCOMPLISHES:

Provides five (5) pre-qualified, Lee County Licensed Water Well Contractors for quote solicitation and to perform construction, modification, repair, rehabilitation, plugging abandonment and geophysical logging of Municipal Public Water Supply Production Wells and Monitoring Wells and appurtenances on an as needed basis. Quotations for each project will be requested from all five selected Water Well Contractors and the projects will be awarded to the Contractor providing the lowest responsive bid.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow noted that Consent Agenda Items 1(c), 1(d), 7(d) and 13(a) could be addressed collectively. He noted that all four items were a product of the selection process, and expressed his long-standing disagreement with the makeup of the Selection Committee. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried with Commissioner Bigelow voting nay. Commissioner Bigelow offered to provide a white paper for discussion of an alternative process for the selection committees at an M&P meeting.

14. COUNTY ATTORNEY

No requests received.

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

A) ACTION REQUESTED/PURPOSE:

Approve [disbursements](#). The check and wire registers can now be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BoCC Minutes and Documents link. ([#20110461](#)-FINANCE)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Compliance with the requirements of FS 136.06 (1).

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

B) ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of May 23 through May 27, 2011:

May 24, 2011 (Regular)

([#20110462](#)-MINUTES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Approval of the Board Minutes, pursuant to Florida Statute 286.011.

MANAGEMENT RECOMMENDATION:

Approve.

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

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

ADMINISTRATIVE AGENDA**1. COUNTY ADMINISTRATION**

No requests received.

2. COMMUNITY DEVELOPMENT

No requests received.

3. CONSTRUCTION AND DESIGN

No requests received.

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS

No requests received.

6. HUMAN SERVICES

No requests received.

7. INDEPENDENT**B) ACTION REQUESTED/PURPOSE:**

Board adopt the recommendations of the Transit Task Force Phase I Short Term recommendations, and direct staff to begin the process to implement revenue-neutral service reductions based on efficiency models along with strategic modifications and additions to service to be effective in FY11/12. ([#20110436](#)-TRANSIT)

FUNDING SOURCE:

No additional funds required.

WHAT ACTION ACCOMPLISHES:

Implements the recommendations of the Transit Task Force which call for implementing revenue-neutral service reductions based on efficiency models along with strategic modifications and additions to service.

MANAGEMENT RECOMMENDATION:

Adopt the recommendations of the Transit Task Force.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 7(b) should be moved to the Administrative Agenda. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

Commissioner Manning moved approval, seconded by Commissioner Hall. Commissioner Hall thanked the taskforce, and noted the necessity of a “transit vision”. Upon inquiry by Commissioner Bigelow regarding the need for the Transit Task Force to file financial disclosures, County Attorney Michael Hunt noted that he seriously doubted a disclosure would be necessary. County Manager Karen Hawes provided additional comments. The motion was called and carried, with Commissioner Bigelow voting nay.

8. NATURAL RESOURCES/ SOLID WASTE

A) **ACTION REQUESTED/PURPOSE:**

Approve [Change Order No. 7](#) to the Service Provider Agreement (SPA) with Crowder Gulf, Inc. (Lee Contract #1848) which extends the Disaster Recovery Services Agreement for seven additional months (i.e., through February 29, 2012) and reduces the unit pricing of certain tasks. ([#20110423](#)-SOLID WASTE)

FUNDING SOURCE:

No funds required at this time. Funds required only upon delivery of services following a disaster event.

WHAT ACTION ACCOMPLISHES:

This Change Order will extend the term of services of the Disaster Recovery Services contractor and immediately reduce most of the unit pricing items.

MANAGEMENT RECOMMENDATION:

Approve.

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

9. PARKS AND RECREATION

No requests received.

10. PUBLIC SAFETY

No requests received.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

No requests received.

13. UTILITIES

No requests received.

14. COUNTY ATTORNEY

A) **ACTION REQUESTED/PURPOSE:**

Authorize the waiving of the filing deadline in § 70.51(3), Fla. Stat., and the prohibition against concurrent litigation in § 70.51(10)(a), Fla. Stat., so that Thirty-One, LLC, may initiate the special magistrate hearing process contemplated in § 70.51, the Florida Land Use and Environmental Dispute Resolution Act.

(#20110398-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Allows parties to negotiate an acceptable MPD site plan for Thirty-One, LLC's property in order to settle Thirty-One LLC v. Lee County, Case No. 10-CA-004289.

MANAGEMENT RECOMMENDATION:

Authorize waiver.

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

B) ACTION REQUESTED/PURPOSE:

Approve mediated settlement in the eminent domain case of Lee County v. Powell, et al.; Ten Mile Linear Park Project, Case No. 04CA-4818, Parcel 103 in the amount of \$180,000 which includes statutory interest from March 3, 2005, and attorney's fees of \$34,650.00, for a total settlement of \$214,650.00 plus expert witness fees to be determined by the trial court. Approve a [budget transfer](#) and a budget amendment resolution in the amount of \$65,000.00 to increase the Ten Mile Linear Park project and amend the FY 10-11 CIP.

(#20110404-COUNTY ATTORNEY)

FUNDING SOURCE:

Fund – Regional Park Impact Fees; Program – Capital Project; Project – Ten Mile Linear Park (NKA John Yarbrough Linear Park).

WHAT ACTION ACCOMPLISHES:

Settles litigation regarding parcel 103.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning. Commissioner Bigelow recused himself due to a conflict of interest. The motion was called and carried.

[RESOLUTION NO. 11-06-03](#)

C) ACTION REQUESTED/PURPOSE:

Approve the Resolution of Necessity for the acquisition and condemnation of Parcel 102AE, required for the Briarcliff/Fiddlesticks Water Improvements Project No. 8574 and the Alico Road/Briarcliff Canal Project No. 4030. (#20110410-COUNTY ATTORNEY)

FUNDING SOURCE:

No funds are required.

WHAT ACTION ACCOMPLISHES:

Allows the County to proceed with condemnation, if necessary, so Parcel 102AE can be acquired for the Briarcliff/Fiddlesticks Water Improvements Project No. 8574 and the Alico Road/Briarcliff Canal Project No. 4030.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning. Following brief comments by Commissioner Bigelow, the motion was called and carried.

[RESOLUTION NO. 11-06-04](#)

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

No requests received.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

9:30 A.M. AGENDA ITEM – Public Hearing**1. ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing to adopt a Resolution on Petition to Vacate VAC2011-00004, submitted by Edith and Hubert Wolnick, to vacate abutting six foot (6') wide Public Utility Easements located along the common, internal property lines of properties located at 1802 E. 9th Street and 821-823 Sheldon Avenue, a part of a Utility Easement along 6 feet each side of the line common to Lots 23 and 24, less and except the Easterly and Westerly 6 feet thereof, Block 7, Unit 2, Section 22, Township 44 South, Range 27 East, Lehigh Acres, a subdivision according to the Map or Plat thereof recorded in Plat Book 15, Page 32, of the Public Records of Lee County, Florida. ([#20110335](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

No funding required.

WHAT ACTION ACCOMPLISHES:

Previously approved lot re-combinations authorized two, one half acre lots. Extinguishing the internal Public Utility Easement will remove unnecessary and needless encumbrances from the subject property to facilitate future residential construction. The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage or utility requirements.

MANAGEMENT RECOMMENDATION:

Approval.

Assistant County Attorney Michael Jacob approved as to legal form and sufficiency, the Affidavit of Publication for the 9:30 a.m. Agenda Item No. 1; and briefly reviewed this request. Commissioner Hall moved approval, seconded by Commissioner Manning. The Chairman called for public comment; however, no one came forward. The motion was called and carried.

[RESOLUTION NO. 11-06-05](#)

COMMISSIONER ITEMS

20/20 MEMORANDUM - Commissioner Bigelow noted that Conservation 20/20 Coordinator Lynda Thompson provided a memorandum requesting the Board adopt a policy for 20/20 properties that were not acquired under 20/20 such as the Slough and Hickey Creek. He noted that he would not continue to support this request; however, would like to see the policy come forward for Board consideration.

DRIEHAUS AWARD – Commissioner Bigelow informed that a Ceremonial proclamation will be presented at the June 14th Regular Meeting.

TRICO SHRIMP COMPANY – Commissioner Judah requested staff review the possibility of extending the lease for the Trico Shrimp Company up to 20 years, with the understanding that if approved improvements could be made to the docking facility. Chairman Mann noted that this item would come back on a Bluesheet. Assistant County Manager Peter Winton informed the Board of issues regarding the maintenance and the facility which needs to be a part of the discussion.

FERTILIZER ORDINANCE – Commissioner Judah informed that the City of Sanibel was instrumental with the study, and requested the Board give Administration authority to meet with the Sanibel representatives, and to share in the cost (\$26,000.00) of the study. Discussion ensued on various previous commitments and the status of the budget.

COUNTY MANAGER – Commissioner Judah provided a resignation letter from a member of the County Staff and expressed disappointment with the resignation. The interview process was briefly discussed.

CONGRATULATIONS ON APPOINTMENT – Commissioner Hall congratulated Daniel DeLisi on his appointment to the South Florida Water Management Board of Directors, and looked forward to partnering with the Cities and the District. A brief update was provided by Commissioners Hall and Judah regarding water quality issues with Commissioner Judah requesting the Attorney's Office to work with Attorney John Fumero to develop a strategy. Commissioner Mann referred to a letter disseminated to the Board members and suggested a meeting with the new SFWMD staff in August together with Commissioner Judah's suggestion.

THANK YOU - Commissioners Hall, Bigelow, and Mann thanked Paul Wingard for his excellent service to Lee County.

COMMITTEE APPOINTMENTS

There were no Committee appointments offered for consideration.

COUNTY MANAGER ITEMS

County Manager Karen Hawes had no items to be discussed.

COUNTY ATTORNEY ITEMS

Referring to the Board’s Intent for Solid Waste Ordinance adopted on May 31, 2011, County Attorney Michael Hunt noted that questions arose as to the scope and extent of the Board’s action. Attorney Hunt received the following confirmation of changes on pages 12 and 44 of the Ordinance adopted last week:

- 1) Reflect that the 23 Mobile Home Parks noted in Exhibit C of the Ordinance will be permanently vested to contract with any private dealer for removal of their recyclable materials.
- 2) The Mobile Home Parks will be treated as a “business” for their solid waste collections.
- 3) For “flow control” purposes though, the 23 Mobile Home Parks are still considered residential.

Attorney Hunt noted there was consensus of the Board that the clarification is the correct interpretation.

The Chairman adjourned the meeting at 11:11 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)