

MARCH 8, 2011

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

John E. Manning, Vice Chairman
Ray Judah
A. Brian Bigelow

CHAIRMAN MANN AND COMMISSIONER HALL WERE ABSENT FOR THE ENTIRE MEETING DUE TO COMMITMENTS OUTSIDE THE COUNTY.

The Vice-Chairman called the meeting to order at 9:31 a.m. The Invocation was given by Pastor Samantha Keller, of Cypress Lake Presbyterian Church, with special notation of the recent passing of a beloved Fort Myers pioneering historian, Sara Nell Hendry Gran, followed by the Pledge of Allegiance.

PRESENTATIONS

Commissioner Bigelow read and presented a Ceremonial Resolution recognizing the Southwest Florida Chapter #297 and its many dedicated volunteers for its steadfast work on behalf and support of women in construction, and does proudly proclaim the week of March 6-12, 2011 as Women in Construction Week and encouraged citizens to congratulate the organization on its many accomplishments. The Resolution was accepted by Nancy G. Martins, CIT of Shelter Bay Contracting L.L.C. Ms. Martins provided some background on the organization and expressed her thanks on behalf of the organization for the recognition. ([#20110173](#)-Commissioner Bigelow)

Commissioner Judah read and presented a Ceremonial Resolution designating March 2011 as Girl Scout Anniversary Month and expressed the appreciation of our citizens to the Southwest Florida Council and the Girl Scouts of the USA for their interest in, and dedication to, America’s youth. The Resolution was accepted by a representative contingent of Girl Scouts and Girl Scout staff, with comments of appreciation by Sue Stewart, Chief Executive Officer of Girl Scouts of Gulf Coast Florida. ([#20110174](#)-Commissioner Judah)

ANNOUNCEMENTS

The Vice Chairman announced that there were no changes or revisions to the agenda.

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

The Vice Chairman called for public input on agenda items; however, no one came forward.

There were no Consent Agenda items pulled for discussion by individual Commissioners:

CONSENT 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**

- A) **ACTION REQUESTED/PURPOSE:**
Award B-11-12 Human Services Sidewalks to the lowest responsive, responsible bidder meeting all bid requirements, [C.W. Roberts Contracting](#) (a local vendor), in the base bid not-to-exceed amount of \$308,607.40 plus the Optional Item of Raised Intersections in the not-to-exceed amount of \$56,275.95 for a total not-to-exceed contract amount of \$364,883.35 with a project duration of 150 calendar days. Additionally, authorize Chair to execute contract upon receipt. ([#20110151](#)-HUMAN SERVICES)
FUNDING SOURCE:
U.S. Housing and Urban Development (HUD) Community Development Block Grant (CDBG).
WHAT ACTION ACCOMPLISHES:
Provides a Contractor for the construction of sidewalks and related drainage in the neighborhoods of Page Park, Palmona Park and Pine Manor.
MANAGEMENT RECOMMENDATION:
Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

- B) **ACTION REQUESTED/PURPOSE:**
Adopt a Resolution to delete Administrative Code 15-4; Lee County Local Residential Anti-displacement and Relocation Assistance Plan. ([#20110159](#)-HUMAN SERVICES)
FUNDING SOURCE:
N/A
WHAT ACTION ACCOMPLISHES:
Allows the Local Residential Anti-displacement and Relocation Assistance Plan (AC 15-4) to be deleted from the Lee County Administrative Code.
MANAGEMENT RECOMMENDATION:
Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

[RESOLUTION NO. 11-03-13](#)

7. **INDEPENDENT**

- A) **ACTION REQUESTED/PURPOSE:**
Approve Project # PB110174, the utilization (piggyback) of the Western States Contract Alliance’s (WSCA) agreement, which has gone through their competitive negotiation process, for the purchase by ITG of extended warranty coverage for the County’s Dell servers and related hardware. Also, approve the purchase of these warranties from Dell, and the expenditure of \$184,857.30 for the acquisition. (Note: This purchase price represents a negotiated savings of \$12,323.83 over the published WSCA contract pricing of \$197,181.13). ([#20110150](#)-INFORMATION TECHNOLOGY GROUP)
FUNDING SOURCE:
ITG Data – Equipment Maintenance.
WHAT ACTION ACCOMPLISHES:
This action will allow ITG to extend the manufacturer warranty of existing County hardware to 2015 for most devices and delays the need for hardware refresh.
MANAGEMENT RECOMMENDATION:
Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

- B) **ACTION REQUESTED/PURPOSE:**
Approve Project # EX110175, the utilization of Florida State Contract No. 250-000-09-1, for the purchase for ITG of Cisco SmartNet support and maintenance for the term through 9/30/11. Also, approve the purchase of this support and maintenance from Presidio Networked Solutions, Inc., and the expenditure of \$252,263.19 for the acquisition. (Note: This purchase price represents a negotiated savings of \$59,172.85 over the published State

Contract pricing of \$311,436.04.) Finally, authorize ITG and Procurement to negotiate the pricing for, and expend the necessary funds to acquire, this maintenance in future years using the Florida State Contract or other acceptable contract vehicle in effect at that time as a baseline for negotiations. ([#20110157](#)-INFORMATION TECHNOLOGY GROUP)

FUNDING SOURCE:

ITG Data – Equipment Maintenance.

WHAT ACTION ACCOMPLISHES:

This action will allow for the maintenance agreement renewal for 252 Cisco network elements, including hardware and software. The maintenance allows for replacement in the event of failure. Additionally, this will allow all of the maintenance on the equipment to be coterminous on 9/30/11.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

8. NATURAL RESOURCES/ SOLID WASTE

A) ACTION REQUESTED/PURPOSE:

Approve budget amendment resolution, in the amount of \$178,000.00, for unanticipated revenues from the City of Bonita Springs, and approve [transfer](#) in the amount of \$150,000.00 from Capital Improvement TDC Beach Projects Reserves to provide necessary funding for Bonita Beach Nourishment Project. ([#20110149](#)-NATURAL RESOURCES)

FUNDING SOURCE:

Fund - General Fund (City of Bonita Springs Reimbursement) and Capital Improvement TDC Beach Projects; Program - Marine Services Major Maintenance Projects - Bonita Beach Nourishment Project.

WHAT ACTION ACCOMPLISHES:

Provides funding for design and permitting of Bonita Beach Nourishment Project.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

[RESOLUTION NO. 11-03-14](#)

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

A) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one [\(1\) utility easement](#), as a donation of one potable water service, one fire hydrant and a force main connection, to provide potable water service, fire protection and sanitary sewer service to Templo Cristiano La Estrella, a recently-constructed place of worship. This asset project is located along the west side of Ortiz Avenue, approximately ¼ mile north of Luckett Road. ([#20110141](#)-UTILITIES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:
Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Design Manual.

MANAGEMENT RECOMMENDATION:
Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

[RESOLUTION NO. 11-03-15](#)

14. **COUNTY ATTORNEY**

No requests received.

15. **HEARING EXAMINER**

No requests received.

16. **CONSTITUTIONAL OFFICERS**

- A) **ACTION REQUESTED/PURPOSE:**
Authorize Lee County Sheriff's Office (LCSO) to submit and, if awarded, accept funding from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), National Institute of Justice (NIJ), to enhance the Lee County Sheriff's Office Major Crimes & Homicide Unit in sustaining a Cold Case Review Team that will include the State Attorney's Office, Florida Department of Law Enforcement, District 21 Medical Examiner's Office and DNA Laboratories International. This review team will identify, review, and investigate violent crime cold cases that have the potential to be solved through DNA analysis. ([#20110152-SHERIFF](#))
- FUNDING SOURCE:**
U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), National Institute of Justice (NIJ).
- WHAT ACTION ACCOMPLISHES:**
Authorize Lee County Sheriff's Office (LCSO) to submit application and, if awarded, receive funds. The "Solving Cold Cases with DNA" grant will provide LCSO with \$261,850.00 for overtime, travel, training and consultant fees for DNA Labs International.
- MANAGEMENT RECOMMENDATION:**
Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

- B) **ACTION REQUESTED/PURPOSE:**
Approve [disbursements](#). The check and wire registers may be viewed on the Clerk's Website at [WWW.LEECLERK.ORG](#) by accessing the BoCC Minutes and Documents link. ([#20110169-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 Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

- C) **ACTION REQUESTED/PURPOSE:**
Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of February 21 through February 25, 2011:

February 22, 2011 (Regular)

(#20110170-MINUTES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

D) ACTION REQUESTED/PURPOSE:

Approve disbursement of excess funds resulting from the sale of tax deed certificates to claimants verified and certified under Florida Statutes 197.582 as follows:

Tax Deed No.	Payee	Amount
2003000619	Palm Research Group LLC	\$8,203.19
2007001405	Swearingen & Associates Inc	\$2,216.54
	POA for John Minor	
	Swearingen & Associates Inc	\$2,216.54
	POA for Gladys Henry	
	Swearingen & Associates Inc	\$554.14
	POA for Daryle Haywood	
	Swearingen & Associates Inc	\$554.14
	POA for Willie Floyd Haywood	
	Swearingen & Associates Inc	\$554.14
	Pamela Haywood	
	Swearingen & Associates Inc	\$554.13
	POA for Bruce Haywood Jr.	
2009004506	Patricia O'Reilly	\$373.06
2009004526	Patricia O'Reilly	\$477.03
2009006423	Global Discoveries Ltd LLC	\$21,620.31
2010000601	Equity Trust Company Custodian	\$1,346.85
	FBO Steven Keith French IRA# 44742	

(#20110171-DELINQUENT TAX)

FUNDING SOURCE:

Proceeds from a tax deed sale in excess of the taxes and/or liens owed are being held by the Board for disbursement in accordance with Florida Statutes, Chapter 197.

WHAT ACTION ACCOMPLISHES:

Provides for disbursement of excess tax deed proceeds to an appropriate claimant in compliance with statutory rules and requirements.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

E) ACTION REQUESTED/PURPOSE:

Approve the write-off of tax, interest, and penalties for eighty-seven (87) specific outstanding Tourist Development Tax (TDT) account balances. The total amounts of these accounts are \$9,190.36: Tax \$8,626.52, Interest \$163.84 and Penalties \$400.00. Sixty-seven (67) of these accounts have tax balances less than \$100.00.

(#20110172-INTERNAL AUDIT)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Cost Savings and Operational Efficiency: This action eliminates the costs of managing and maintaining records, and continued collection efforts for these accounts, in addition, it provides for additional available time and effort to manage accounts deemed collectable.

MANAGEMENT RECOMMENDATION:

The requested motion has the approval of:
Tamara Pigott
Executive Director
Lee County Visitor & Convention Bureau

Donna G. Harn, Director
Finance & Records Department
Lee County Clerk of Court

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

17. **PORT AUTHORITY AND OTHER GOVERNING BOARDS**

No requests received.

ADMINISTRATIVE AGENDA

1. **COUNTY ADMINISTRATION**

No requests received.

2. **COMMUNITY DEVELOPMENT**

- A) **ACTION REQUESTED/PURPOSE:**
Close out the expired Florida Homebuyer Opportunity Program (FLHOP) and roll remaining funds of \$183,490.00 into State Housing Initiatives Partnership (SHIP) funds. Also, approve two (2) Budget Amendments to close out Fund #13839, the Florida Homebuyer Opportunity Program (FLHOP), and transfer \$183,490.00 to Fund #13801 (SHIP) to fund the SHIP Program, and \$62,942.00 from SHIP reserves for accumulated interest. ([#20110144](#)-COMMUNITY DEVELOPMENT)
- FUNDING SOURCE:**
N/A
- WHAT ACTION ACCOMPLISHES:**
Transfers remaining FLHOP cash balance to the SHIP Program and creates budget for future SHIP expenditures.
- MANAGEMENT RECOMMENDATION:**
Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.
RESOLUTION NOS. [11-03-16](#) and [11-03-17](#)

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**

No requests received.

8. **NATURAL RESOURCES/ SOLID WASTE**

No requests received.

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**

No requests received.

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 the second public hearing. Adopt an Ordinance amending Lee County Land Development Code (LDC). ([#20110161](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Satisfies the Board policy to hold two public hearings to amend the LDC. If adopted, the Ordinance will adopt amendments to the Land Development Code.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Michael D. Jacob approved, as to legal form and sufficiency, the [Affidavit of Publication](#) for this item, and briefly described the request and process. The Vice Chairman called for public comment; however, no one came forward. Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent. The Ordinance adopted by the Board and filed was LEE COUNTY [ORDINANCE NO. 11-01, ENTITLED:](#)

AN ORDINANCE AMENDING LEE COUNTY LAND DEVELOPMENT CODE, CHAPTERS 26, 30, 32, 33, AND 34. SPECIFICALLY AMENDING CHAPTER 26 (MARINE FACILITIES, STRUCTURES AND EQUIPMENT) PROVISIONS FOR DOCKING FACILITIES AND BOAT RAMPS (§26-71) TO PERMIT A DOCK ON LOTS THAT DO NOT MEET MINIMUM LOT SIZE AND DIMENSIONS FOR A PRINCIPAL USE IF THE LOT WAS CREATED PRIOR TO SEPTEMBER 27, 1993, CONTAINS SUBMERGED LANDS, AND IS LOCATED ON ISLANDS WITHOUT VEHICULAR ACCESS TO THE MAINLAND; CHAPTER 30 (SIGNS) TO REMOVE REDUNDANT PROVISIONS THAT ARE ALSO CURRENTLY LOCATED IN CHAPTER 33-PURPOSE, (§30-400) AND PROHIBITED SIGNS (§30-404);

CHAPTER 32 (COMPACT COMMUNITIES) PROVISION FOR REDEMPTION OF TDR CREDITS (§32-309); CHAPTER 33 (PLANNING COMMUNITY REGULATIONS) PROVISIONS FOR DEVIATIONS AND VARIANCES (§33-57) AND PROHIBITED SIGNS (§33-383) TO CLARIFY THAT PROHIBITED SIGNS MAY BE PERMITTED THROUGH THE VARIANCE PROCESS; AND CHAPTER 34 (ZONING) PROVISIONS FOR DEFINITIONS (§34-941); DEVELOPMENT REGULATIONS (§34-1173); AND NON-CONFORMING PARKING LOTS ON GASPARILLA ISLAND (§34-3225); AND PROVIDING FOR AN EFFECTIVE DATE.

COMMISSIONER ITEMS

UNIVERSITY OF FLORIDA - GATORS CHAMPIONSHIP - Commissioner Bigelow mentioned a recent SEC basketball championship win by the Florida State Gators.

US ARMY CORPS OF ENGINEERS - Commissioner Judah requested and received Board consensus directing staff to draft a letter of appreciation to Colonel Al Pantano, Commander of the Jacksonville District U.S. Army Corps of Engineers, for his efforts in controlling low level water releases and again overruling the South Florida Water Management District regarding constant minimum flows to protect our estuaries.

COMMITTEE APPOINTMENTS

Commissioner Bigelow moved to appoint Marti Daltrey to the **WATERWAYS COMMITTEE ADVISORY BOARD**, and to appoint Anu Lacis to the **AIRPORT SPECIAL MANAGEMENT COMMITTEE**, seconded by Commissioner Judah, called and carried with Commissioners Mann and Hall absent.

Commissioner Manning requested a motion to re-appoint Sharon Jenkins-Owen to the **AFFORDABLE HOUSING COMMITTEE** ([Resolution No. 11-03-18](#)). Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Mann and Hall absent.

COUNTY MANAGER ITEMS

Deputy County Manager Bill Hammond had no items for discussion.

COUNTY ATTORNEY ITEMS

Interim County Attorney Andrea Fraser had no items for discussion.

9:30 A.M. AGENDA ITEM –Public Presentation of Matters by Citizens

The Vice Chairman called for public comment; however, no one came forward.

The Vice Chairman adjourned the meeting at 9:49 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)