

AUGUST 23, 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 John Daugherty, First Baptist Church of Florida, followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS

Referring to the Agenda Recap Sheet dated August 23, 2011, the Chairman announced that:

Administrative Agenda Item 10(a) should be deferred for one week to allow further review. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

On Consent Agenda Item 1(a), revise the amount in the **ACTION REQUESTED/PURPOSE** from \$250,000.00 to \$260,000.00. Also revise the amount in the **Background** from \$20,000.00 to \$30,000.00. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

One Walk on Item would be taken at the appropriate time.

Support letter for Property Assessed Clean Energy (PACE) program.

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

The Chairman called for public comment and the following concerned citizens came forward:

A2(a) – Estero Community Planning Panel Treasurer Beverly MacNellis
 A2(a) – Estero Community Planning Panel Chairman Emeritus Neal Noethlich
 A2(a) – Estero Council of Community Leaders representative Marilyn Edwards
 A2(a) – Estero Council of Community Leaders representative Don Eslick
 C5(a) – Park 41 Gardens, Inc. representative K'Shana Haynie of Roetzel & Andress Law Firm

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

Commissioner Mann - None
 Commissioner Manning - None
 Commissioner Judah - None
 Commissioner Hall - None
 Commissioner Bigelow – C13(i), C13(j), C13(k) and C5(a)

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) **ACTION REQUESTED/PURPOSE:**

Request Board approve a budget transfer of \$250,000.00 \$260,000.00 from reserves to cover a charge from the Florida Department of Juvenile Justice (FLDJJ) resulting from the FY09-10 year end reconciliation of estimated to actual expenses and a rate increase for the fiscal year beginning July 1, 2011. (#20110660-COUNTY MANAGER)

FUNDING SOURCE:

Juvenile Predisposition Detention Fund.

WHAT ACTION ACCOMPLISHES:

Provides \$250,000.00 from fund reserves to cover expenses.

MANAGEMENT RECOMMENDATION:

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:

On Consent Agenda Item 1(a), revise the amount in the **ACTION REQUESTED/PURPOSE** from \$250,000.00 to \$260,000.00. Also revise the amount in the **Background** from \$20,000.00 to \$30,000.00. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

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

2. COMMUNITY DEVELOPMENT

A) ACTION REQUESTED/PURPOSE:

Amend existing contracts and approve a new contract under the SHIP (State Housing Initiatives Partnership) Program:

Lee County Housing Development Corporation:

Contract [C-4736](#): Extend from August 30, 2011 to October 31, 2011.

Habitat for Humanity of Lee County, Inc.

Contract [C-5462](#): Extend from August 31, 2011 to October 31, 2011. Reduce by \$98,000.00 from \$418,000.00 to \$320,000.00 and change the project scope from the rehabilitation of 19 homes for 10 very-low, 8 low and 1 moderate income homeowner to the rehabilitation of 16 homes for 8 very low and 8 low income homeowners.

Contract [C-5630](#): Extend from September 30, 2011 to October 31, 2011.

Increase by \$74,000.00 from \$95,000.00 to \$169,000.00 and change the project scope from the acquisition/rehabilitation/resale of 3 single family homes for 1 very-low and 2-low income homebuyers to 5 single family homes for 2 very low and 3 low income homebuyers.

Contract [C-5463](#): Increase by \$24,000.00 from \$66,000.00 to \$90,000.00 and change the project scope from the acquisition/rehabilitation/resale of 6 single family homes for 3 very low, 2 low and 1 moderate homebuyers to 3 very low and 3 low income homebuyers.

Partnership In Housing, Inc.

Contract [C-5591](#): Change the project scope from the rehabilitation of 36 units for 36 very low income farm worker rental households to 36 units for 21 very low income and 15 low income farm worker households.

Execute a new [contract for \\$76,291.00](#) for rehabilitation activities at Pueblo Bonito in 40 units with 20 very low and 20 low income farm worker households by October 31, 2011. ([#20110652](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

SHIP Local Housing Assistance Funds - existing budget.

WHAT ACTION ACCOMPLISHES:

Provides additional time to complete existing contracts and additional funds to rehabilitate farm worker occupied rental units.

MANAGEMENT RECOMMENDATION:

Approve.

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

3. CONSTRUCTION AND DESIGN

No requests received.

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS

A) ACTION REQUESTED/PURPOSE:

A) Approve re-conveyance of a portion of Viewer's Road, currently known as Brown Road, located in Section 34, Township 43 South, Range 24 East; B) authorize Chairman to execute [County Deed](#); and C) authorize County Lands Division to handle all documentation necessary to complete transaction. ([#20110577](#)-COUNTY LANDS)

FUNDING SOURCE:

All costs are to be paid by requestor.

WHAT ACTION ACCOMPLISHES:

Returns the portion of Brown Road, not being used for intended purposes, to the adjacent owner.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Following Chief Assistant County Attorney Donna Marie Collins' response to questions from the Board, Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried.

6. HUMAN SERVICES

No requests received.

7. INDEPENDENT

A) **ACTION REQUESTED/PURPOSE:**

Approve a Resolution amending Administrative Code 3-10, External Fees & Charges Manual, External Fee 21-6 Taxicab and Livery Fees, to include additional fees adopted by Ordinance 11-07. ([#20110663](#)-PUBLIC RESOURCES)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Authorizes & updates EX 21-6 to include additional fees as adopted by Ordinance 11-07 Taxicab & Livery; Driver Identification Card & Vehicle Permit Sticker charges.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-08-29](#)

8. NATURAL RESOURCES/ SOLID WASTE

A) **ACTION REQUESTED/PURPOSE:**

Adopt resolution requesting funding for Fiscal Year 2012-2013 from the State of Florida Department of Environmental Protection Beach Erosion Control Program. The resolution is required along with the Lee County Long Range Beach Erosion Control Budget Plan to obtain State cost share eligibility. ([#20110653](#)-NATURAL RESOURCES)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Enables the County to qualify for State assistance for beach erosion control projects.

MANAGEMENT RECOMMENDATION:

Management recommends approval.

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

[RESOLUTION NO. 11-08-30](#)

9. PARKS AND RECREATION

No requests received.

10. PUBLIC SAFETY

No requests received.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

A) **ACTION REQUESTED/PURPOSE:**

1. Award B-11-19 Annual Contract for Directional Bore Services to the lowest responsive,

responsible bidders meeting all bid requirements, [Cabana Construction of SW Florida](#) and [Roberts Drilling, Inc.](#) (both local vendors) for a contract duration of one (1) year with two (2) renewal options with an annual not-to-exceed budget of \$300,000.00 on a per-project basis.

2. Authorize Chair to execute agreements upon receipt.

(#20110608-TRANSPORTATION)

FUNDING SOURCE:

On a project by project basis not-to-exceed \$300,000.00 per year.

WHAT ACTION ACCOMPLISHES:

Provides two contractors for directional bore services at utility crossings for various Lee County projects on an as-needed basis.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

Approve [Change Order No. 2](#) to project B-11-09 County-wide Roadway Resurfacing Improvements Contract 1, FY 11 to C.W. Roberts Contracting, Inc. (a local vendor), Contract No. 5589 in the amount of \$34,130.70.

Authorize Chair to execute Change Order on behalf of the Board.

(#20110628-TRANSPORTATION)

FUNDING SOURCE:

Fund – Transportation Capital Improvement; Program – Major Maintenance; Project – Road Resurfacing/Rebuild.

WHAT ACTION ACCOMPLISHES:

Compensates contractor for asphalt escalation for a period of June 1, 2011 to June 30, 2011.

MANAGEMENT RECOMMENDATION:

Approve.

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

13. UTILITIES

A) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of one potable water service and a force main connection, to provide potable water service and sanitary sewer service to Seminole Gulf Railway, a recently constructed maintenance facility. This asset is project located on the north side of Landing View Road approximately 500-feet west of Metro Parkway. (#20110612-UTILITIES)

FUNDING SOURCE:

No funds required.

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:

Approval.

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

[RESOLUTION NO. 11-08-31](#)

B) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of one 6-inch diameter fire line to provide fire protection to F-90 aka Cintas Fire Protection, an existing industrial building. This asset project is located along the west side of Metro Parkway near the intersection of Idlewild Street East and Metro Parkway. (#20110613-UTILITIES)

FUNDING SOURCE:

No funds required.

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:

Approval.

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

[RESOLUTION NO. 11-08-32](#)

C) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of one 6-inch diameter fire line, to provide fire protection to the existing Bayshore Elementary School. This is a Lee County School Board contributed asset project located at the northwest corner of Williams Road and Samville Road. ([#20110615-UTILITIES](#))

FUNDING SOURCE:

No funds required.

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:

Approval.

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

[RESOLUTION NO. 11-08-33](#)

D) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of a water main extension and one 4-inch diameter fire line, to provide potable water service and fire protection service to American Legion Post 336, a recently constructed commercial building. This asset project is located on the south side of Bayshore Road, approximately ¼ mile east of Hart Road.

([#20110616-UTILITIES](#))

FUNDING SOURCE:

No funds required.

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:

Approval.

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

[RESOLUTION NO. 11-08-34](#)

E) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one fire hydrant, to provide fire protection to All Scrap Recycling, an existing commercial business. This asset project is located on the east side of Ortiz Avenue, approximately ¼ mile north of Dr. Martin Luther King Jr.

Boulevard. ([#20110637-UTILITIES](#))

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support redevelopment of the subject property, and complies with the Lee County Utilities Design Manual.

MANAGEMENT RECOMMENDATION:

Approval.

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

[RESOLUTION NO. 11-08-35](#)

F) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one force main extension, to provide sanitary sewer service to the existing Covered Wagon RV Resort. This asset project is located on the west side of South Tamiami Trail, approximately ¼ mile south of Corkscrew Road.

([#20110638-UTILITIES](#))

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to and will allow for the abatement of the existing on-site waste water treatment plant, and complies with the Lee County Utilities Design Manual.

MANAGEMENT RECOMMENDATION:

Approval.

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

[RESOLUTION NO. 11-08-36](#)**G) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of, a water distribution system, two 8-inch diameter fire lines and a gravity collection system, to provide potable water service, fire protection and sanitary sewer service to Page Field General Aviation (GA) Terminal, a recently constructed airport related development. This Lee County Port Authority contributed asset project is located on the east side of Fowler Street, between 41 and North Airport Road. ([#20110639-UTILITIES](#))

FUNDING SOURCE:

No funds required.

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:

Approval.

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

[RESOLUTION NO. 11-08-37](#)**H) ACTION REQUESTED/PURPOSE:**

A) Award B-11-20 Liquid Lime Residual Hauling and Disposal, to the lowest, responsive, responsible bidder, [Youngquist Brothers, Inc.](#) (a local contractor) for an estimated annual amount of \$331,200.00.

B) Approve the term of this contract for a period of One (1) year (starting October 1, 2011) with Four (4) one-year renewable terms for a total of Five (5) years.

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

([#20110622-UTILITIES](#))

FUNDING SOURCE:

Fund: Lee County Utilities Operating; Program: Green Meadows Water Treatment Plant & Waterway Estates Water Treatment Plant; Project: Trash, Garbage & Sludge Removal.

WHAT ACTION ACCOMPLISHES:

Provides liquid lime residuals hauling and disposal services for both the Green Meadows and Waterway Estates Water Treatment Plants.

MANAGEMENT RECOMMENDATION:

Approve.

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

CONSENT AGENDA ITEMS 13(i), 13(j), AND 13(k) WERE HEARD SIMULTANEOUSLY.

I) ACTION REQUESTED/PURPOSE:

A) Concur with the ranking by the Competitive Negotiations Committee for CN-11-10 Fort Myers Beach WWTP Odor Control Improvements and General Cleanup in the following order:

- 1) Black & Veatch Corporation
- 2) Tetra Tech, Inc.
- 3) Camp Dresser & McKee, Inc.
- 4) Hazen and Sawyer, PC.

B) Authorize negotiations with the number one ranked firm. ([#20110607-UTILITIES](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

To provide the design for the replacement of the existing odor control system, which is at

the end of its life cycle and unreliable. The design will also provide specifications for the removal of the abandoned pressure filters and chlorine contact tower.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed his longstanding objection in the selection process. Commissioner Judah moved approval of Consent Agenda Items 13(i), 13(j), and 13(k), seconded by Commissioner Manning. Utilities Director Pam Keyes responded to Commissioner Hall's question on the Engineer of Record, and agreed to her request that the County go local in subsequent awards. The motion was called and carried with Commissioner Bigelow voting nay.

J) ACTION REQUESTED/PURPOSE:

A) Concur with the ranking by the Competitive Negotiations Committee for CN-11-09 Fiesta Village WWTP Switchgear and Generator Replacement in the following order:

- 1) RKS Consulting Engineers, Inc.
- 2) Stantec Consulting Services, Inc.
- 3) Tetra Tech, Inc. (all local Consultants).

B) Authorize negotiations with the number one ranked firm. ([#20110647-UTILITIES](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

To provide the design, permitting, construction observation and inspection services for the Fiesta Village WWTP Switchgear and Generator Replacement.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed his longstanding objection in the selection process. Commissioner Judah moved approval of Consent Agenda Items 13(i), 13(j), and 13(k), seconded by Commissioner Manning. Utilities Director Pam Keyes responded to Commissioner Hall's question on the Engineer of Record, and agreed to her request that the County go local in subsequent awards. The motion was called and carried with Commissioner Bigelow voting nay.

K) ACTION REQUESTED/PURPOSE:

A) Concur with the ranking by the Competitive Negotiations Committee for CN-11-11 Lee County Utilities Water and Wastewater Engineer of Record in the following order:

- 1) Carollo Engineers, Inc.
- 2) Stantec Consulting Services, Inc.
- 3) Arcadis U.S., Inc.

B) Authorize negotiations with the number one ranked firm. ([#20110650-UTILITIES](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Provides Lee County Utilities with the required professional Engineer of Record services for physical inspection of facilities, review of operations for conformance to regulations, review of insurance requirements, and evaluation of rates and charges with Bond Covenants. The Engineer of Record also provides an annual report with evaluations and recommendations for the Lee County Utilities Water and Wastewater Systems.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed his longstanding objection in the selection process. Commissioner Judah moved approval of Consent Agenda Items 13(i), 13(j), and 13(k), seconded by Commissioner Manning. Utilities Director Pam Keyes responded to Commissioner Hall's question on the Engineer of Record, and agreed to her request that the County go local in subsequent awards. The motion was called and carried with Commissioner Bigelow voting nay.

L) ACTION REQUESTED/PURPOSE:

A) Award B-11-26 Pine Ridge Road Sewer Replacement: Kelly to LS 2256, to the lowest responsive, responsible bidder meeting all bid requirements, [Southwest Utility Systems, Inc.](#), (a local Contractor), for the not to exceed amount of \$351,725.00, with a project

completion time of 210 calendar days.

B) Authorize Chair to execute contract on behalf of the Board upon receipt.

(#20110659-UTILITIES)

FUNDING SOURCE:

Utilities Capital Improvements/Capital Projects/FM Repl – Pine Ridge, Orange Riv, Ortiz.

WHAT ACTION ACCOMPLISHES:

This project includes replacement of the existing 16” diameter Ductile Iron Pipe Sewer Force Main with a new 16” equivalent diameter Plastic Force Main along Pine Ridge Road between Kelly Road and Lift Station 2256.

MANAGEMENT RECOMMENDATION:

Approve.

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

M) **ACTION REQUESTED/PURPOSE:**

Authorize the continued use of Quote Q-080002 for the Annual Purchase of Allen Bradley Parts and Services for Utilities, from the awarded vendor Rexel Mader, with an estimated annual expenditure of \$200,000.00. (#20110661-UTILITIES)

FUNDING SOURCE:

Fund-Lee County Utilities Operations; Programs-Water Distribution, Wastewater Collection, Water Treatment Plants, Wastewater Treatment Plants and Systems Maintenance; Project-Equipment Maintenance and Equipment Repair Parts.

WHAT ACTION ACCOMPLISHES:

Allows Utilities to get direct support from this specialized vendor on an as needed basis, in a cost effective, efficient and timely manner for an annual expenditure of \$200,000.00.

MANAGEMENT RECOMMENDATION:

Approve.

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

14. COUNTY ATTORNEY

No requests received.

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

A) **ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of August 8 through August 12, 2011:

August 08, 2011 (Management & Planning)

August 09, 2011 (Regular).

(#20110668-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.

B) **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. (#20110669-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.

C) **ACTION REQUESTED/PURPOSE:**

Request Board approval for the extension of the 2011 tax roll by the Property Appraiser to the Tax Collector prior to the completion of value adjustment board hearings, pursuant to Florida Statute 197.323. ([#20110670](#)-TAX COLLECTOR)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Allows the Tax Collector to mail 2011 tax notices on or before November 1, 2011; to collect and distribute tax revenue to taxing authorities before completion of value adjustment board hearings.

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

A) **ACTION REQUESTED/PURPOSE:**

Review and approve a grant award [agreement with the Estero Community Planning Panel](#) (ECCP), a Florida not-for-profit corporation, requesting \$50,000.00 in public funds to formulate and process amendments to both the Land Development Code and the Lee Plan to update the Estero Community Plan. ([#20110559](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

Unincorporated MSTU/community planning. The Estero Community Planning Panel is requesting a grant of \$50,000.00 and contributing an additional \$50,000.00 to the project via matching funds and in kind services.

WHAT ACTION ACCOMPLISHES:

Enables the ECCP to update its community planning efforts through amendments to both the Lee County Land Development Code and the Lee Plan.

MANAGEMENT RECOMMENDATION:

Approve.

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

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**A) ACTION REQUESTED/PURPOSE:**

(A.) Approve Bid Waiver # W-110417 to waive the formal quotation procedure, and allow Public Safety to purchase radios, major and minor repairs and replacement parts, components and ancillaries; including, but not limited to, personal computers, servers and related peripherals, from Motorola and their authorized subcontractor Wireless Technology Equipment Communications (a local vendor).

(B.) A waiver has been requested because the equipment used in the Lee County Government Communication Network (GCN) contains proprietary and other protected design aspects which are only known to Motorola.

(C.) It is also requested that the term of this waiver be on an ongoing basis with a not-to-exceed annual amount of \$775,000.00. Funding will come from the individual division's budget and they will be responsible for monitoring their own expenditures. ([#20110636-PUBLIC SAFETY](#))

FUNDING SOURCE:

Government Communication Network (GCN).

WHAT ACTION ACCOMPLISHES:

Allows Public Safety to purchase required parts, repairs, etc. on an as-needed basis in order to keep the GCN system fully operational.

MANAGEMENT RECOMMENDATION:

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Administrative Agenda Item 10(a) should be deferred for one week to allow further review. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

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

Approve [Change Order No. 1](#) to Project CN-07-13 CEI Services for various Lee County Roads, to Johnson Engineering (a local vendor), Contract No. 4709 for the Colonial Boulevard (CR 884) Six Laning from I-75 to SR 82 in the not-to-exceed amount of \$309,965.00.

Authorize Chair to execute Change Order on behalf of the Board.

([#20110629-TRANSPORTATION](#))

FUNDING SOURCE:

Fund – Transportation Capital Improvement and Road Impact Fees – Central District; Program – Capital Projects; Project – Colonial Boulevard Six Mile to SR 82.

WHAT ACTION ACCOMPLISHES:

Provides continued CEI (Construction Engineering Inspection) services for the Colonial Boulevard Six Laning project. The cost is inclusive of time for the contractor to complete the remainder of the project, non-payment and close out issues and represent Lee County with any additional support as needed to close out the project.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Manning. Following brief comments from the Board with Interim Department of Transportation Director Dave Loveland and Deputy County Attorney Andrea Fraser responding to questions, the motion was called and carried.

13. UTILITIES

No requests received.

14. COUNTY ATTORNEY

A) ACTION REQUESTED/PURPOSE:

Mediated settlement in eminent domain case of Lee County v. University Center Owners Association, [case no. 07CA-13264](#), set for jury trial the week of August 9, 2011, to acquire a drainage and maintenance easement, for \$198,750.00, plus attorneys fees of \$23,281.50 (exclusive of court costs and expert witness fees) with approval to install sign in existing sign easement as set forth in attached mediation settlement agreement.

[\(#20110627-COUNTY ATTORNEY\)](#)

FUNDING SOURCE:

Fund: Impact Fees, Program: Capital Improvement Project, Project: Summerlin Road Widening.

WHAT ACTION ACCOMPLISHES:

Settles the action and removes the case from the August 2011, trial docket.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney John Turner provided the dynamics involved in the mediated settlement with explanation of the County’s options. After brief comments by Commissioner Judah, Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

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:

Adopt and certify by Resolution the Special Assessment Rolls for 32 MSBU's for collection by the Lee County Tax Collector for Fiscal Year 2011-2012. [\(#20110633-PUBLIC RESOURCES\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Allows staff to utilize the annual tax bill for the collection of special assessments.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Jed Schneck approved as to legal form and sufficiency, the Affidavit of Publication regarding this item, and entered it into the record. The Chairman called for public comment; however, no one came forward. Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-08-38](#)

2. ACTION REQUESTED/PURPOSE:

Conduct Public Hearing for the Board of County Commissioners to adopt and certify by Resolution, the Residential and Commercial Mandatory Solid Waste Collection and Disposal

Annual Special Assessment Roll, Disposal Facilities Special Assessment Roll, and MSTU Tax Roll to the Lee County Tax Collector for collection for Fiscal Year 2011-2012.

(#20110635-SOLID WASTE)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Complies with Lee County Ordinances, Florida Administrative Code, and Florida Statutes that provide for the uniform method of collection for non-ad valorem special assessments by the Tax Collector.

MANAGEMENT RECOMMENDATION:

Adopt and certify by Resolution, the Residential and Commercial Solid Waste Annual Special Assessment Rolls and MSTU Tax Roll for fiscal year 2011-2012.

Assistant County Attorney Jed Schneck approved as to legal form and sufficiency, the Affidavit of Publication regarding this item, and entered it into the record. The Chairman called for public comment; however, no one came forward. Commissioner Judah moved approval, seconded by Commissioner Manning. Following Board comments, Solid Waste Department Fiscal Manager Tracy Cerchie submitted the FY 2012 Solid Waste Assessment Roll for today's public hearing (on file in the Minutes Office). The motion was called and carried.

[RESOLUTION NO. 11-08-39](#)

WALK-ON ITEM NO. 1

1. ACTION REQUESTED/PURPOSE:

Approve settlement agreement in eminent domain case of Lee County v. C.L. Hall, Tr., et al., Case No. 08CA-6983, as to interest of Lamar Companies, to enter into the attached [Sign Location Lease](#) to allow Lamar to relocate sign as set forth in attached Sign Location Lease.

(#20110676-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Settles the interest as to Lamar Companies.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

This is time sensitive because Bonita Springs Utilities wants to lay their pipeline within a couple of weeks where the Lamar sign currently resides. Our Sign Location Lease approval will allow Lamar to remove the sign as quickly as possible on the present site so that work can proceed on the project.

Commissioner Manning moved approval, seconded by Commissioner Hall. Commissioner Judah expressed his reasons for non-support of the Sign Location Lease. At the request of the Chairman, Assistant County Attorney Melody Bowers briefly reviewed the settlement noting that the fee portion had already been settled. Following comments from the Board, the motion was called and carried, with Commissioner Judah dissenting.

COMMISSIONER ITEMS

TDC AND ECONOMIC DEVELOPMENT NEW SPACE – Commissioner Hall welcomed the Tourist Development Council (TDC) and Economic Development to their new space in the Admin East building.

E-COMMENTS – Commissioner Hall thanked County Manager Karen Hawes and her team in initiating the E-Comments program to start on August 30, 2011.

WORLD WAR II VETERAN JAMES MATLOCK – Commissioner Hall recognized and congratulated 85-year old Cape Coral resident and World War II veteran, James R Matlock, who was presented a Bronze Star Medal during the Veterans Appreciation of the American Legion at the Fort Myers Beach.

WATERWAY ESTATES – Commissioner Hall noted the recent Town Hall meeting at Waterway Estates, thanked Utilities Director Doug Meurer and his team for their efforts, and asked for an update at a Management & Planning Meeting to discuss the issue of access to Waterway Estates. The Board agreed.

FAREWELL TO ASSISTANT COUNTY ATTORNEY JED SCHNECK – On behalf to the Board, Commissioner Judah extended congratulations to Attorney Schneck and wished him well in his new career in the private sector.

LOST GROVE MINE – Commissioner Judah requested that Staff be present at the Collier County Environmental Advisory Council meeting on September 7, 2011 and other meetings to comment on the concerns of Lee County.

BEACH RENOURISHMENT – Commissioner Judah commented that what had been re-nourished was fabulous but slow, asked Administration to keep the Board posted, and noted that the project needed to be completed by Thanksgiving.

TRANSPORTATION CONCURRENCY – Commissioner Judah noted the State Legislature and the Governor supported removal of the State Growth Management Act, no longer requiring counties to implement transportation concurrency, leaving it up to the individual counties. He requested a letter be sent to Hendry County and other adjacent counties requesting retention of transportation concurrency. He further asked that the Chair and Commissioner Bigelow represent the Board on the Local Planning Council. The Board concurred to take this issue up at a Management & Planning meeting.

SOLAR WATER HEATER PROGRAM – Commissioner Judah reminded the Board of proposals received in May to implement a Solar Water Heater Program. Commissioner Manning left the meeting briefly. Chairman Mann suggested this be brought to the next Management & Planning meeting.

TDC FUNDS AND BOARD'S DIRECTION – Commissioner Judah questioned the change in the Board's direction for a legal opinion from the County Attorney on the use of TDC funds for Attorney Fumero's contract, and expressed concern with the change of direction. Commissioner Hall suggested the need for better communication.

COMMISSIONER BIGELOW'S COMMENTS – After commenting on the above Commissioners items, Commissioner Bigelow asked if the Clerk of Courts would handle the Fort Myers Beach' request for an oversight review of their Public Library District. Deputy County Attorney Andrea Fraser indicated the Clerk did not have the resources at this time and suggested requesting the Auditor General to conduct the review. During Board discussion, Assistant County Attorney Dawn Perry-Lehnert and Attorney Fraser responded to Board inquiries on the oversight review issue. Following further discussion, Commissioner Manning moved approval to direct Staff to prepare a Blue Sheet to consider recommending to either the Clerk or the Auditor General, under 189, whether to move forward, seconded by Commissioner Hall, called and carried.

REDISTRICTING PROPOSAL – Chairman Mann informed the Board of a phone call from the School District regarding the three (3) redistricting proposals for public input; and noted that No. 1 was their first choice, and No. 3 was a fall-back. The Public Hearing is scheduled for Tuesday, September 13, 2011 at 5:05 p.m.

COMMITTEE APPOINTMENTS

There were no Committee Appointments from individual Commissioners.

COUNTY MANAGER ITEMS

County Manager Karen Hawes suggested adding the Solar Water Heater Program item after next week's Board meeting; the Board agreed. She also noted the existing Administrative Code which provides direction to the Board's contract employees and offered to add clarifying language. The Board requested a copy of the existing Code as written.

COUNTY ATTORNEY ITEMS

Deputy County Attorney Andrea Fraser reminded the Chair of Committee Appointments.

Public Presentation of Matters by Citizens

Alva resident [James English](#) noted concern over the approval of Mr. Fumuro's contract at last week's meeting and with the proposal of moving water during dry season to supplement the existing water in Lee County. He expressed concern that the appraisal of his property was down 15%, while taxes are up, and requested the Board's consideration on this matter.

The Chairman adjourned the meeting at 11:09 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)