

SEPTEMBER 27, 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 Arlene Jackson, Grace United Methodist Church of Cape Coral, followed by the Pledge of Allegiance.

PRESENTATIONS

Commissioner Hall read and presented a Ceremonial Resolution congratulating the Lee County Solid Waste Division employees and conveying appreciation for their dedicated contributions to Lee County. Solid Waste Director Lindsey Sampson accepted the Resolution, and expressed appreciation to the Board for the recognition. ([#20110781](#) - Commissioner Hall)

Commissioner Mann read and presented a Ceremonial Resolution proclaiming the month of October 2011 as: Family History Month in Lee County and urged all residents to recognize the importance by celebrating their families' heritage. Lee County Genealogical Society representative Carol Rooksby Weidlich accepted the Resolution and expressed appreciation to the Board for the recognition. Members of the Society made a special presentation to each of the Commissioners of their genealogical records. ([#20110780](#) – Commissioner Mann)

ANNOUNCEMENTS

Referring to the [Agenda Recap Sheet](#) dated September 27, 2011, the Chairman announced that:

For Consent Agenda Item 12A, the following language should be added to the **ACTION REQUESTED/PURPOSE**: Also request that the Board approve waiving of the formal process (if needed) and authorize the use of the Direct Materials Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Further, authorize Chairman to execute Agreement upon receipt.

For Administrative Agenda Item 7B the **ACTION REQUESTED/PURPOSE** should be revised to: January 1, 2012.

For Carry-Over Item 1, the **ACTION REQUESTED/PURPOSE** should be revised to the following:

- A) Authorize staff to act as the Construction Manager and solicit informal sub-contractor local bids for Admin Building Re-roof and Old Courthouse Re-roof projects, in accordance with F.S. 255.20, where each project cost cannot exceed \$300,000 and the electrical work cannot cost more than \$75,000.00.
- B) Approve award to low builder, Sutter Roofing, in the amount of \$230,685.00 to repair the Admin Building Roof. Also approve expenditures for repairs up to \$300,000.00.
- C) Approve expenditure for repairs to the Old Courthouse roof up to \$300,000.00.

Consent Agenda Item 10C should be moved to the Administrative Agenda to allow further discussion.

Commissioner Manning moved approval of the above Announcements, seconded by Commissioner Judah, called and carried.

Two Walk-on items would be taken at the appropriate time.

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

C10C and A10A – President of Professional Adjustment Corporation [Kim Cameron](#).

County Manager Item – National Swim Center, Lee County Clerk of Courts [Charlie Green](#)

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

Commissioner Hall - None
 Commissioner Manning - None
 Commissioner Mann- None
 Commissioner Judah – 9B
 Commissioner Bigelow – 7C, 10D, 13D

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) **ACTION REQUESTED/PURPOSE:**

Approve an advance of \$3,450,000.00 to the Tax Collector for ad valorem commission fees for FY 2011-2012 per Florida Statutes 192.102 and 218.36.

(#20110761-COUNTY MANAGER)

FUNDING SOURCE:

General Fund.

WHAT ACTION ACCOMPLISHES:

Provides operating funds necessary for the first 2 months of FY 2011-2012 in anticipation of commissions earned from ad valorem monies collected and distributed.

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

No requests received.

6. HUMAN SERVICES

A) **ACTION REQUESTED/PURPOSE:**

Approve transfer of three (3) properties from the non-profit agency Gulf Coast Jewish Family Services to the non-profit agency Renaissance Manor, Inc. (Community Assisted and Supportive Living, Inc. dba Renaissance Manor). Also, authorize the Department of Human Services and the Department of Community Development to handle and accept all documentation necessary to ensure transaction is completed and all necessary requirements are stipulated which will include the transfer of the existing SHIP and HOME mortgages from Gulf Coast Jewish and Family Services to Community Assisted and Supportive Living, Inc. The properties are located at 301 Center Drive, Fort Myers, FL, Strap #12-45-24-01-0000L.0150; 302 Danley Dr., Fort Myers, FL, strap # 12-45-24-01-0000H.0030; and 801 Zana Drive, Fort Myers, FL, Strap #09-44-25-P2-00500.0840.

(#20110744-HUMAN SERVICES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Authorizes properties to be transferred from one non-profit corporation to a different non-profit corporation in order for the properties to continue to be utilized for supported housing for persons with disabilities which was the original intended usage.

MANAGEMENT RECOMMENDATION:

Approve.

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

7. INDEPENDENT

A) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chair to execute, [Administrative Services Agreement](#) with ICMA-RC to manage Other Post Employment Benefits (OPEB) funds.

(#20110757-HUMAN RESOURCES)

FUNDING SOURCE:

Funding for administrative fees will come from health plan reserves until reimbursement is requested from OPEB account.

WHAT ACTION ACCOMPLISHES:

Authorizes ICMA-RC to manage OPEB funds previously allocated by the Board and invest funds as directed by Trustee (County Manager or designee).

MANAGEMENT RECOMMENDATION:

Approve.

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

B) **ACTION REQUESTED/PURPOSE:**

1) Approve award of RFP-11-10 RE-Advertisement of Annual Contract for Chiller Maintenance to [CS Service Experts](#) (a local vendor), whose proposal was evaluated to be in the best interest of Lee County, for the monthly & annual service lump sum contract amount of \$163,044.00 plus individual Eddy Current Tests (each required location) for various chillers located downtown and surrounding areas.

2) Approve a contract period of one (1) year with the option of being renewed for four (4) additional one (1) year periods (renewed annually), upon mutual agreement of both parties.

3) Accept the Consumer Price Index Adjustment with price increases to be annually beginning with the billing for the month of October.

4) Authorize Chair to execute contract upon receipt.

(#20110764-FACILITIES MANAGEMENT)

FUNDING SOURCE:

Various accounts from County Departments/Divisions.

WHAT ACTION ACCOMPLISHES:

Provides a vendor to perform preventative maintenance and repairs of chillers at the following locations: Administration East Building, Old Courthouse, County/City Annex, Constitutional Complex, Ft. Myers Main Library, Justice Center, Public Works Building, Cape Library, DOT Billy Creek, East County Regional Library, Estero Park, Gun Range, Jail Core Building, Core II, Sheriff's Forensic Center, Lakes Regional Library, Medical Examiner (Morgue), Public Safety Building, South County Regional Library, Dunbar-Juniper Library, and the Northwest Regional Library.

MANAGEMENT RECOMMENDATION:

Approve.

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

C) **ACTION REQUESTED/PURPOSE:**

Approve waiver of the formal process for BW-11-06 Lee County Constitutional Complex Elevators Replacement with [KONE](#) (a local vendor), in the amount of \$395,426.00. Also, approve [Budget Transfer](#) in the amount of \$400,000.00 from the Generator and Switchgear Maintenance and Replacement Project to the Lee County Constitutional Complex Elevators Replacement Project; amend the FY 10/11 budget accordingly; and authorize Chair to execute agreement.

(#20110767-FACILITIES MANAGEMENT)

FUNDING SOURCE:

Fund – General Fund; Program – Major Maintenance Project; Project – Lee County Constitutional Complex Elevators Replacement.

WHAT ACTION ACCOMPLISHES:

The existing elevators have 60 HP motors while the new elevators will have 9 HP motors. Due to these energy efficient motors, a minimum of \$40,000.00 in energy and cost savings will be realized within five (5) years. The elevators will be converted from hydraulic to traction elevators. This change will also result in lower maintenance costs.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION:

Responding to questions from Commissioner Bigelow regarding the feasibility of maintaining the current elevators as opposed to replacement, Facilities Services Director Rich Beck stated that the major concern would be an unexpected power outage causing a generator overload. Commissioner Bigelow said he could not support this item and recommended alternative options. Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried with Commissioner Bigelow voting nay.

8. NATURAL RESOURCES/ SOLID WASTE

No requests received.

9. PARKS AND RECREATION**A) ACTION REQUESTED/PURPOSE:**

Approve [First Amendment to the Sports Complex Park Antenna Site License Agreement](#) between Verizon Wireless Personal Communications LP d/b/a Verizon Wireless (Licensee) and Lee County to accommodate the update and expansion of equipment in conjunction with Licensee's use of the 2500 sq. ft tower space located at the Lee County Sports Complex; also approve a [memorandum of the amendment to the License Agreement](#). (#20110771-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Amendment of the agreement provides the right to add three (3) antennas, upgrade the existing transmission lines and six (6) antennas, and add additional related equipment, including a 500 gallon LP tank on a new 4 x 14 foot concrete pad.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

Approve [First Amendment to the Lakes Park Antenna Site License Agreement](#) between Verizon Wireless Personal Communications LP d/b/a Verizon Wireless (Licensee) and Lee County to accommodate the update and expansion of equipment in conjunction with Licensee's use of tower space located at the Lakes Park; and, Approve a [memorandum of the amendment to the License Agreement](#). (#20110773-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Amendment of the agreement provides the right to add three (3) antennas at a height not to exceed 150' and upgrade the existing transmission lines.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Assistant County Attorney Dawn Perry Lehnert addressed Commissioner Judah's concern on the height of the additional antennas. Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried.

10. PUBLIC SAFETY**A) ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chair to execute, an [agreement](#) with the State of Florida, Division of Emergency Management. The agreement provides \$10,049.00 in funding to support the maintenance of a federally-mandated Hazardous Material Emergency Response Plan. Also, approve Budget Amendment Resolution in the All Hazards Fund for FY11 in the amount of \$10,049.00 and approve the expenditures in the like amount. (#20110680-PUBLIC SAFETY)

FUNDING SOURCE:

All Hazards Fund/Public Safety Grant.

WHAT ACTION ACCOMPLISHES:

Allows the County to accept funding to support maintenance of the Lee County Hazardous Material Emergency Response Plan.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-09-36](#)**B) ACTION REQUESTED/PURPOSE:**

Approve [Variation of Agreement](#) for Software Support to Optima Corporation Agreement approved by the Lee County Board of County Commissioners January 22, 2008.

(#20110748-PUBLIC SAFETY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Changes software support for Lee County ambulance movement software (Optima Live and Optima Predict) from the current Auckland, New Zealand office to Optima US in Round Rock, Texas. Board signature is requested on the Variation of Agreement.

MANAGEMENT RECOMMENDATION:

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

C) ACTION REQUESTED/PURPOSE:

Award RFP-11-08 Collection Agency Services for Ambulance Transport Accounts, to the proposer whose proposal was evaluated by the Evaluation Committee as being in the best interest of Lee County, Applied Business Services, Inc. - Security Collection Agency for an overall percentage applied to revenue collected of 17% and with an initial contract period of two (2) years. The contract may be renegotiated and renewed each year for up to an additional four (4) years upon mutually satisfactory conditions. Also, authorize Chair to execute Agreement upon receipt. (#20110739-PUBLIC SAFETY)

FUNDING SOURCE:

Fund-General Revenue Fund; Program-Public Safety; Project-N/A.

WHAT ACTION ACCOMPLISHES:

Provides collection agency services from a qualified firm for unpaid patient transport and or treatment without transport billing accounts.

MANAGEMENT RECOMMENDATION:

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 10C should be moved to the Administrative Agenda to allow further discussion. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

D) ACTION REQUESTED/PURPOSE:

Award RFP-11-12 Ground and Air Transport Billing, to [Intermedix](#) whose proposal was evaluated by the Evaluation Committee as being in the best interest of Lee County, for an overall percentage applied to revenue collected of 3.4% (ground & air) and a Medicaid flat rate fee of \$11.00 (ground & air) and with an initial contract period of three (3) years with the option of being renewed for two (2) additional one (1) year periods upon mutually satisfactory conditions. (#20110765-PUBLIC SAFETY)

FUNDING SOURCE:

Fund-General Revenue Fund; Program-Public Safety; Project-N/A.

WHAT ACTION ACCOMPLISHES:

Provides ground ambulance and air medical transportation billing and collection services.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Responding to questions from Commissioner Bigelow, Public Safety Director John Wilson reviewed the evaluation process. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried with Commissioner Bigelow voting nay.

E) ACTION REQUESTED/PURPOSE:

Approve the [Second Amendment to the Ortiz Cellular Tower Site License Agreement](#) between Alltel Wireless Holdings, LLC d/b/a Verizon Wireless (Licensee) and Lee County to accommodate the update and expansion of equipment in conjunction with Licensee's use of tower space located at the 2501 Ortiz Avenue (Emergency Operations Center); and,

approve a [memorandum of the amendment to the License Agreement](#).

(#20110772-PUBLIC SAFETY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Amendment of the agreement provides the right to add three (3) antennas, an equipment cabinet and upgrade the existing transmission lines.

MANAGEMENT RECOMMENDATION:

Approve.

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

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

A) ACTION REQUESTED/PURPOSE:

Award B-11-32 Estero Parkway Extension Landscape & Irrigation Project from Three Oaks Parkway to Ben Hill Griffin Parkway to the lowest, responsible bidder meeting all bid requirements, [Hannula Landscaping and Irrigation, Inc.](#), (a local vendor), in the not-to-exceed amount of \$308,928.16 (includes alternate in the amount of \$4,094.10) with a project completion time of 455 calendar days. **Also, request that the Board approve waiving of the formal process (if needed) and authorize the use of the Direct Materials Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.** Also, authorize Chair to execute contract upon receipt. (#20110753-TRANSPORTATION)

FUNDING SOURCE:

Fund: Capital Improvement; Program: Capital Projects; Project: Estero Parkway Extension.

WHAT ACTION ACCOMPLISHES:

Provides a contractor to provide and install plant material and underground irrigation system, including maintenance of traffic, soil, sod (repairs), pump station, electrical, directional boring and landscape and irrigation maintenance.

MANAGEMENT RECOMMENDATION:

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: For Consent Agenda Item 12A, the following language should be added to the **ACTION REQUESTED/PURPOSE:** Also request that the Board approve waiving of the formal process (if needed) and authorize the use of the Direct Materials Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Further, authorize Chairman to execute Agreement upon receipt. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

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 force main connection, to provide sanitary sewer service to Munters Corporation, an existing light industrial use. This asset project is located at on the east side of 6th Street, approximately 1,000 feet south of Danley Drive. (#20110711-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 Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-09-37](#)

B) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve construction of a water main and gravity main extensions serving Pope John XXIII Villas, to provide potable water service, fire protection, and sanitary sewer service to this proposed multi-family development. This asset project is located on the east side of Appaloosa Lane, approximately ¼ mile north of Daniels Parkway. ([#20110742-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 Hall moved approval, seconded by Commissioner Manning, called and carried.

C) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve construction of water distribution and gravity collection systems to provide potable water service, fire protection and sanitary sewer service to The Preserve at Corkscrew, Phase 1, a phased residential development. This asset project is located on the south side of Corkscrew Road, approximately 2 miles east of Ben Hill Griffin Road. ([#20110743-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 Hall moved approval, seconded by Commissioner Manning, called and carried.

D) ACTION REQUESTED/PURPOSE:

Approve, and authorize Chair to execute, a construction contract under RFQ-09-07 Deep Injection Well and Monitoring Well Construction, Modification, Repair, Geophysical, Logging and Mechanical Integrity Testing, for the project known as North Lee County Water Treatment Plant, Deep Injection Well Annulus Leak Repair to [Youngquist Brothers, Inc.](#), in the amount of \$240,000.00 with a total project completion time of 180 calendar days. ([#20110737-UTILITIES](#))

FUNDING SOURCE:

Fund: LCU Water & Sewer Rehabilitation & Replacements; Program: Major Maintenance; Project: Water Treatment Plant Rehabilitation & Replacements.

WHAT ACTION ACCOMPLISHES:

To provide construction services for the modification/repair of the Deep Injection Well annulus at the North Lee County Water Treatment Plant.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION:

Utilities Director Pamela Keyes responded to the question from Commissioner Bigelow whether this item had been competitively bid by other local companies, and advised of the urgent nature. Commissioner Judah moved approval, seconded by Commissioner Mann, called and carried with Commissioner Bigelow voting nay.

E) ACTION REQUESTED/PURPOSE:

Verizon Agreements: Authorize Chair to execute the "[Memorandum of North Water Tower Antenna Site License Agreement](#)" and the "[Second Amendment to North/J. Colin English Water Tower Antenna Site License Agreement](#)". ([#20110762-UTILITIES](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

These documents will allow Verizon Wireless Personal Communications, LP to

install/replace/maintain wireless radio equipment on a County owned and maintained water tower.

MANAGEMENT RECOMMENDATION:

Approve.

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

F) **ACTION REQUESTED/PURPOSE:**

Verizon Agreements: Authorize Chair to execute the "[Memorandum of Tice Water Tower Antenna Site License Agreement](#)" and the "[Second Amendment to Tice Water Tower Antenna Site License Agreement](#)". (#20110763-UTILITIES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

These documents will allow Verizon Wireless Personal Communications, LP to install/replace/maintain wireless radio equipment on a County owned and maintained water tower.

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 adoption of Resolution to record authority for the disposal of county-owned tangible personal property in fiscal year 2011. (#20110759-FINANCE)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Records authority for disposal of county-owned personal property by resolution in the Board meeting minutes as required by Section 274.07, Florida Statutes.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-09-38](#)

B) **ACTION REQUESTED/PURPOSE:**

Present, for information purposes, interim reporting on selected financial activity and provide an update on the economic changes in today's market (see background information). (#20110760-FINANCE)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

To provide interim reporting on selected funds, revenues, and expenditures of the Lee County Board of County Commissioners. Included in this report in compliance with Chapter 218.415, Florida Statutes, Local Investment Policies, is the stated and fair market value of the investments managed by the Clerk's Office. To include the Lee County Ordinance 02-28 activity for the Driver's Education Safety Trust Fund.

MANAGEMENT RECOMMENDATION:

The purpose of this report is to convey to you the financial status of selected significant funds of the Lee County Board of County Commissioners, the status of specific revenues and expenditures as of the stated dates, and the market value of investments managed by the Clerk's Office on behalf of the Board.

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

C) ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of September 12 through September 16, 2011:

September 12, 2011 (Management & Planning) September 13, 2011 (Regular)

(#20110782-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.

D) 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. (#20110783-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.

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

A) ACTION REQUESTED/PURPOSE:

Award RFP-11-09, [Group Dental](#) and Vision Plans for Lee County, to the proposers whose proposal is deemed to be in the best interest of Lee County, ranked as follows:

DENTAL: (1) Aetna, and (2) Dearborn National;

VISION: (1) [Vision Service Plan \(VSP\)](#) and, (2) Davis Vision, for the individual prices listed in the price proposal, with an initial contract period of twelve (12) months, commencing January 1, 2012. The contract may be renegotiated and renewed each year for up to an additional four (4) years upon mutually satisfactory conditions. Also, authorize Chair to execute Agreements upon receipt.

(#20110709-HUMAN RESOURCES)

FUNDING SOURCE:

DENTAL: Funding will come from employer and employee contributions; VISION: No employer funding needed. Premiums are fully paid by employees.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with carriers that will provide effective and comprehensive Dental and Vision insurance plans for County employees and their dependent family members.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Manning moved approval, seconded by Commissioner Judah. Human Resources Manager Christine Brady responded to Board questions and comments, and the motion was called and carried with Commissioner Bigelow voting nay.

B) ACTION REQUESTED/PURPOSE:

Approve award of RFP-11-11, Group FSA/COBRA Administration for Lee County, to [EBS/Atlanta Inc.](#) whose proposal was evaluated by the Evaluation Committee as being in the best interest of Lee County. The initial contract period will be for twelve (12) months commencing ~~January 1, 2010~~ **January 1, 2011**. The contract may be renegotiated and renewed each year for up to an additional four (4) years upon mutually satisfactory conditions. Authorize Chair to execute Agreement upon receipt. (#20110766-HUMAN RESOURCES)

(#20110766-HUMAN RESOURCES)

FUNDING SOURCE:

FSA: Funding will come from employee contributions; COBRA: Funding will come from participant premiums for their elected COBRA plans.

WHAT ACTION ACCOMPLISHES:

Provides for the administration of the following Group Flexible Spending Accounts (FSA's): Medical Reimbursement Account, and Dependent Care Reimbursement Account; and, COBRA Continuation Coverage administration for employees terminated from Lee County Benefits plans.

MANAGEMENT RECOMMENDATION:

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Administrative Agenda Item 7B the **ACTION REQUESTED/PURPOSE** should be revised to: January 1, 2012.

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

Commissioner Manning moved approval, seconded by Commissioner Judah. Human Resources Manager Christine Brady responded to Board questions on the plan details, and the motion was called and carried, with Commissioner Bigelow voting nay due to his lack of support for the make-up of the Selection Committee.

8. NATURAL RESOURCES/ SOLID WASTE

No requests received.

9. PARKS AND RECREATION

No requests received.

10. PUBLIC SAFETY**A) ACTION REQUESTED/PURPOSE:**

Award RFP-11-08 Collection Agency Services for Ambulance Transport Accounts, to the proposer whose proposal was evaluated by the Evaluation

Committee as being in the best interest of Lee County, [Applied Business Services, Inc.](#) - Security Collection Agency for an overall percentage applied to revenue collected of 17% and with an initial contract period of two (2) years. The contract may be renegotiated and renewed each year for up to an additional four (4) years upon mutually satisfactory conditions. Also, authorize Chair to execute Agreement upon receipt. (#20110739-PUBLIC SAFETY)

FUNDING SOURCE:

Fund-General Revenue Fund; Program-Public Safety; Project-N/A.

WHAT ACTION ACCOMPLISHES:

Provides collection agency services from a qualified firm for unpaid patient transport and or treatment without transport billing accounts.

MANAGEMENT RECOMMENDATION:

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 10C should be moved to the Administrative Agenda to allow further discussion. Commissioner Manning moved approval, second by Commissioner Judah, called and carried.

Public Safety Director John Wilson addressed questions and comments from the Board, with additional input by Purchasing Manager Bob Franceschini and County Attorney Michael Hunt. Commissioner Judah moved to reject Staff's recommendation and go with the [Professional Adjustment Corporation](#), seconded by Commissioner Mann. Following further discussion on the award process, the motion was called and carried with Commissioners Manning and Bigelow voting nay.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

No requests received.

13. UTILITIES

No requests received.

14. COUNTY ATTORNEY

A) **ACTION REQUESTED/PURPOSE:**

Adopt a Resolution amending the Lee County Administrative Code Section 13-6 pertaining to Annual Lee Plan Amendment Procedures and Section 13-7 pertaining to Public Participation Procedures Relating to Comprehensive Plan Amendments.

(#20110758-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Conform Code provisions to current statutory requirements and County practices.

MANAGEMENT RECOMMENDATION:

Updates procedures to reflect governing regulations and current practices.

Commissioner Manning moved approval, seconded by Commissioner Hall. Assistant County Attorney Michael Jacob requested that revisions outlined in his [Memorandum of September 26, 2011](#) be incorporated into the Amendments under consideration. The motion maker and seconder agreed, and the motion was called and carried.

[RESOLUTION NO. 11-09-39](#)

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

No requests received.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

9:30 AM AGENDA ITEM

1. ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing on Tuesday, September 27, 2011, at 9:30 a.m. in the Chambers to consider the adoption and execution of the proposed Ordinance, repealing and replacing in its entirety Lee County Ordinance No. 08-28, relating to the County's Investment Policy Relating to Trust Funds for Other Post-Employment Benefits (OPEB).

(#20110707-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Amendment of the Ordinance would allow for the addition of Lee County Sheriff retirees benefits to be funded from OPEB trust funds.

MANAGEMENT RECOMMENDATION:

Per direction from County Administration.

Deputy County Attorney Andrea Fraser approved, as to legal form and sufficiency, the Affidavit of Publication for this item, and briefly reviewed the request. The Chairman called for public comment and the following individual came forward in opposition to the amendment.

Lehigh Acres resident [Kevin Shea](#)

Commissioner Hall moved approval for discussion, seconded by Commissioner Judah. Following clarification of the proposed Ordinance by Human Resources Manager Christine Brady, Commissioner Bigelow requested additional information from County Administration.

The Chairman called for a short break to allow appropriate staff to provide the requested information. The Chairman called the meeting back to order with all Commissioners present.

Budget Services Manager Dave Harris and Ms. Brady responded to questions by Commissioner Bigelow. There was consensus that additional information be provided by staff at the October 4, 2011 Regular Board Meeting. The motion was called and carried with Commissioners Mann and Bigelow voting nay. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-11, ENTITLED:](#)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA REPEALING AND REPLACING IN ITS ENTIRETY LEE COUNTY ORDINANCE NO. 08-28, RELATING TO THE COUNTY'S INVESTMENT POLICY FOR TRUST FUNDS FOR OTHER POST-EMPLOYMENT BENEFITS (OPEB).

2. ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing and consider the adoption and execution of the proposed Ordinance amending the Lee County Airport Rules and Regulations Ordinance No. 94-09, as amended.

(#20110736-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and components thereof adopted by the Florida Legislature in Florida Statutes Chapter 790.

MANAGEMENT RECOMMENDATION:

Adopt Ordinance.

Chief Assistant County Attorney Greg Hagen approved, as to legal form and sufficiency, the Affidavit of Publication for this item, and briefly reviewed the request. The Chairman called for public comment; however, no one came forward. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-12, ENTITLED:](#)

AN ORDINANCE AMENDING THE AIRPORT RULES AND REGULATIONS ORDINANCE NO. 94-09, AS AMENDED BY ORDINANCE NOS. 97-20 AND 01-19 TO AMEND SECTION 4.07, "WEAPONS"; PROVIDING FOR EFFECT

OF RECITALS; PROVIDING FOR CONFLICTS OF LAW SEVERABILITY,
CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WALK-ON ITEM NO. 1

ACTION REQUESTED/PURPOSE:

Approval of Analysis to Impediments (A1) to Fair Housing – Directing County Manager and Community Development Director to execute the same. ([#20110787](#)-COUNTY MANAGER)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Complies with statutory obligation for entities receiving federal funds (such as Community Development Block Grants (CDBG Grants), Emergency Shelter Grants (ESG), Housing Opportunities for Persons with AIDS Grants (HOPWA), Housing Opportunity Made Equal Grants (HOME Grants) etc. through the Department of Housing and Urban Development (HUD) – so called entitlement jurisdictions – to take measures to affirmatively further fair housing as a condition of continuing to receive federal funds.

MANAGEMENT RECOMMENDATION:

Approve the A1, effective September 2011, through September 2016, setting the time period of the goals indicated as September 2016.

Equal Opportunity Analyst Mary Ellen Harrigan referenced an Analysis of Impediments provided to the Board, and urged approval, noting a September 30, 2011 deadline for submission. Commissioner Judah moved approval, seconded by Commissioner Manning. Following brief discussion on the timeliness of the document's receipt, the motion was called and carried with Commissioner Bigelow voting nay, indicating his need for more review time.

WALK-ON ITEM NO. 2

ACTION REQUESTED/PURPOSE:]

Discuss possible adoption of a Resolution “Declaring a State of Local Emergency”, relating to dangerous road conditions posed to emergency vehicles passage on particular roads in the North Fort Myers Fire District Area. ([#20110796](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

All Hazards.

WHAT ACTION ACCOMPLISHES:

Allows for the protection of life, safety and well-being of Lee County citizens on particular roads in the North Fort Myers Fire District Area.

MANAGEMENT RECOMMENDATION: N/A

Public Safety Director John Wilson provided an update on this matter. Commissioner Manning briefly left the Chambers at the beginning of the update. Following discussion, Commissioner Hall advised that a Town Hall Meeting had been arranged for next week and that she would come back to the Board with further recommendations.

CARRY OVER ITEM NO. 1

1. ACTION REQUESTED/PURPOSE:

~~Approve, and authorize Chair to execute, Addendum to the Construction Manager Agreement under project RFQ 11-05 Annual Contract for Construction Management, for the project known as Admin Building Re-Roof, to WestCo Builders of Florida, Inc. (a local contractor), Contract No. 5668, for a Guaranteed Maximum Price (GMP) of \$307,828.00 (includes CM Fee of \$22,915.00 or 8.65%), utilizing 100% local vendors, with a total project time of sixty (60) calendar days. Also, approve waiving of the formal process (if needed) and authorize the use of Direct Materials Purchase Order as provided for in the CM Agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Authorize staff to act as the Construction Manager and solicit informal sub-contractor local bids for [Admin Building Re-roof and Old Courthouse Re-roof projects](#), in accordance with F.S. 255.20, where each project cost cannot exceed \$300,000 and the electrical work cannot cost more than \$75,000.00.~~

Approve award to low builder, Sutter Roofing, in the amount of \$230,685.00 to repair the Admin Building Roof. Also approve expenditures for repairs up to \$300,000.00.

Approve expenditure for repairs to the Old Courthouse roof up to \$300,000.00.

([#20110708](#)-FACILITIES MANAGEMENT)

FUNDING SOURCE

Fund – General Fund; Program – Major Maintenance Project; Project - Re-Roof Administration

Building

WHAT ACTION ACCOMPLISHES

Provides a Construction Manager for the re-roofing of the Administration Building.

MANAGEMENT RECOMMENDATION

Approve.

REASON FOR CARRYOVER:

This item was deferred by the Board on September 13, 2011.

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

For Carry-Over Item 1, the **ACTION REQUESTED/PURPOSE** should be revised to the following:

- A) Authorize staff to act as the Construction Manager and solicit informal sub-contractor local bids for Admin Building Re-roof and Old Courthouse Re-roof projects, in accordance with F.S. 255.20, where each project cost cannot exceed \$300,000 and the electrical work cannot cost more than \$75,000.00.
- B) Approve award to low builder, Sutter Roofing, in the amount of \$230,685.00 to repair the Admin Building Roof. Also approve expenditures for repairs up to \$300,000.00.
- C) Approve expenditure for repairs to the Old Courthouse roof up to \$300,000.00.

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

Facilities Management Director Rich Beck reviewed the project and responded to questions and comments from Commissioner Bigelow. Commissioner Manning moved approval of staff's recommendation, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay.

COMMISSIONER ITEMS

ART DISPLAY - Commissioner Hall extended an invitation to stop by her office to view and enjoy an "explosion of color" art display by local artist Kathy Lynn Johnson.

TOWN HALL MEETING - Commissioner Hall advised that she had scheduled a Town Hall Meeting in North Fort Myers next week, to gather public input pertinent to the issue of deterioration of private roads in an effort to assist the Board with remediation of this issue.

COUNTY BUDGET FY2012-2013 - Commissioner Hall expressed concern for the challenges facing the Board regarding the next fiscal budget, and requested that four Budget Workshop Meetings, with a time allotment of 3 hours each, be scheduled prior to March 2012. She further stated the need to meet with Financial Advisors, which should be in addition to the regular Management & Planning Meetings. Chairman Mann asked County Manager Karen Hawes to set up the meetings and provide tentative dates to the Board at the October 4, 2011 Regular Meeting.

CHAIRMAN OUT OF TOWN - Chairman Mann advised that he would be absent until mid-October, requesting Vice Chairman Manning to chair the meetings.

CLOSING OF FACILITY - Commissioner Judah requested that a [letter from the Commissioners be sent to Senators Mack, Nelson and Rubio](#) concerning the severe economic impact that would be created by the loss of 450 jobs in Lee County due to the proposed closing by the Federal Government of the Postal Facility at the Fort Myers Jetport Industrial Complex. Following discussion by the Board, Commissioner Judah moved to send the requested letter, seconded by Commissioner Manning, called and carried with Commissioners Mann and Bigelow voting nay.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT SURPLUSING OF PUBLICLY-OWNED LANDS ALONG CALOOSAHATCHEE RIVER - Commissioner Judah requested direction from the Board and comments from Natural Resources in this matter, citing the Board's efforts to obtain lands for purposes of storage and treatment of surplus water runoff from Lake Okeechobee in an effort for protection of critical water resources. He also requested that Natural Resources ascertain which parcels are being surplusd.

COMMITTEE APPOINTMENTS

Commissioner Bigelow moved to appoint Debi L. Pendlebury to the **LAND DEVELOPMENT CODE ADVISORY BOARD**, Jennifer Duffala Hagen to the **COMMUNITY SUSTAINABILITY COMMITTEE**, and to rescind the appointment of Stephanie Kolenut to the **EXECUTIVE REGULATORY OVERSIGHT COMMITTEE**, seconded by Commissioner Hall, called and carried.

Commissioner Mann requested a motion to re-appoint Robert S. Croson to the **RIVER FOREST STREETLIGHTING UNIT**, and James E. Lowndes to the **CONSTRUCTION LICENSING ADVISORY COMMITTEE**. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

Commissioner Hall moved to rescind an appointment of Michael Antone from the **CONSTRUCTION LICENSING BOARD**, seconded by Commissioner Manning, called and carried.

Following the Commissioner Appointments, Commissioner Bigelow left the meeting and was absent for the remainder of the meeting.

COUNTY MANAGER ITEMS

County Manager Karen B. Hawes announced that Lee County Economic Development Director Jim Moore had prepared a business analysis of the National Swim Center’s proposal for negotiation of a lease agreement for the old Red Sox Stadium, along with input from Assistant County Manager Doug Meurer. Following Mr. Moore’s presentation, the Commissioners discussed the following: the need for a realistic escalator clause, the agreement that the Clerk of Courts will act as the escrow agent, the need for a performance completion bond approved by an appropriate bonding company, the concern with items possibly being moved to the Red Sox Stadium, the need for a business plan with the contract, the parking availability, the need for a damage deposit/deferred escrow/maintenance component, the fact that there would be no use of public funds, and the conclusion of negotiations in four weeks.

COUNTY ATTORNEY ITEMS

County Attorney Michael D. Hunt had no items for discussion.

PUBLIC PRESENTATION OF MATTERS BY CITIZENS:

Lehigh Acres resident [Kevin Shea](#) came forward to express concerns on budgetary matters.

The Chairman adjourned the meeting at 1:00 p.m.

CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)