

APRIL 19, 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 Wes Olds, Grace United Methodist Church of Cape Coral, followed by the Pledge of Allegiance to the Flag.

At this time Chairman Mann introduced County Attorney Michael Hunt.

ANNOUNCEMENTS WERE HEARD AT THIS TIME. SEE THAT PORTION OF THE MEETING

PRESENTATIONS

WALK-ON ITEM NO. 1 WAS HEARD AT THIS TIME. SEE THAT ITEM FOR ACTION TAKEN.

Commissioner Hall read and presented a Ceremonial Resolution recognizing the Grace Community Center for outstanding and unselfish service to our community and doing the good work we are called to do. Grace United Methodist Church of Cape Coral Pastor Wes Olds, accompanied by Pastors Jorge Acevedo, Arlene Jackson and Director of Operations Chris Jackson accepted the Resolution; and thanked the Board.
 (#20110304-Commissioner Hall)

Commissioner Manning read and presented a Ceremonial Resolution recognizing Ranger Mike Hammond for his dedication and commitment to Lee County, and congratulating him for receiving the 2011 Park Ranger Training Institute Ranger of the Year Award. Mr. Hammond accepted the Resolution, and thanked the Board.
 (#20110305-Commissioner Manning)

The Length of Service Awards for the 2nd half of the 1st Quarter of 2011, were presented by Human Resources Manager Christine Brady. See the Agenda back-up material for a listing of the employees recognized.
 (#20110298-Human Resources)

ANNOUNCEMENTS

Referring to the Agenda Recap Sheet dated April 19, 2011, the Chairman announced that:

For Administrative Agenda Item 1(a), the following language should be added to the **ACTION REQUESTED/PURPOSE:** Accept Letters of Interest (LOI) 10-02 and 11-01 "Lee County Live Oak Open Call to Artists", to accept Citizen Committee recommendation of artists. Phase One of the Court House courtyard renovation plan consists of adding one large Live Oak Tree (30-40 feet) in plant bed; #2 with other native canopy trees in plant beds; #3-6 with understory natives to be added to all plant beds. Also, provide direction on installation of brick pavers to replace existing concrete surface.

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

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

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

A5a - Conservation Foundation of the Gulf Coast representative Sean Byrne
 A5a - Osprey resident Albert Joerger

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 – 12(a), 12(b)

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Present to the Board for information and filing the Object Code #504015 Expenditure Detail Report for the second quarter of FY10-11 (January through March 2011) as required by Lee County Ordinance #90-18. ([#20110291](#)-COUNTY MANAGER)

FUNDING SOURCE:

Combination of County Administration, Court Administration, Human Services, Libraries, Parks & Recreation (Extension Services), Public Resources, Public Safety, Sustainability, Transit and VCB.

WHAT ACTION ACCOMPLISHES:

Allows Board to monitor expenditures being made by County Departments and Divisions to this object code.

MANAGEMENT RECOMMENDATION:

Approve.

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

2. COMMUNITY DEVELOPMENT

A) ACTION REQUESTED/PURPOSE:

Amend existing SHIP (State Housing Initiatives Partnership) contracts as follows:

- a) [C-5461 with the Lee BIA Builder's Care Inc.](#) - extend it from May 31, 2011 to August 3, 2011; change the project scope from the rehabilitation of at least 6 houses for at least 6 low-income homeowners to the rehabilitation of at least 7 houses for at least 7 low-income homeowners; and, increase the contract amount by \$80,000 (from \$162,000.00 to \$242,000.00) to allow for the rehabilitation of an additional unit and more comprehensive rehabilitations for all units.
- b) [C-5561 with Partnership-in-Housing Inc.](#) - extend it from May 1, 2011 to June 30, 2011 and increase the contract amount by \$5,379.00 (from \$76,000.00 to \$81,379.00) to cover electrical upgrades associated with the replacement of HVAC units in 41 farm worker rental housing units at Pueblo Bonito in Bonita Springs.

([#20110286](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

SHIP Local Housing Assistance Funds.

WHAT ACTION ACCOMPLISHES:

Provides additional funds for rehabilitation.

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

No requests received.

6. HUMAN SERVICES

No requests received.

7. INDEPENDENT

No requests received.

8. NATURAL RESOURCES/ SOLID WASTE

A) **ACTION REQUESTED/PURPOSE:**

Approve, and authorize the Chair to execute, [Change Order #2 to Contract #4770](#), for CN-09-03 Design & Permitting for a Leachate Treatment Facility Expansion at the Lee/Hendry Landfill with MWH Americas, Inc., (a local consultant) for engineering services during construction for a not to exceed amount of \$189,796.00. Also, approve a [budget transfer](#) in the amount of \$700,000.00, from Solid Waste Reserves to Lee Hendry Landfill Leachate Treatment project and amend the FY 10/11 - 14/15 CIP accordingly.

(#20110285-SOLID WASTE)

FUNDING SOURCE:

Fund: Solid Waste SW Management; Program: Capital Improvements; Project: LHLF Leachate Treatment.

WHAT ACTION ACCOMPLISHES:

Consultant to provide engineering services during construction/installation and start up.

MANAGEMENT RECOMMENDATION:

Approve.

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

9. PARKS AND RECREATION

A) **ACTION REQUESTED/PURPOSE:**

Approve the Telegraph Creek Preserve (TCP) Land Stewardship Plan.

(#20110260-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Approval of the TCP Land Stewardship Plan establishes guidelines for restoration, stewardship activities and use of the Preserve.

MANAGEMENT RECOMMENDATION:

Approve.

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

10. PUBLIC SAFETY

A) **ACTION REQUESTED/PURPOSE:**

Approve award of Formal Quotation No. Q-110079, Annual Purchase of Bell 430 Helicopter Spare Parts for Public Safety/EMS/Medstar, to the following vendors, Aero Products, Arrow Aviation Company LLC, and Edwards Rotorcraft Solutions, Inc. meeting all specification requirements as listed on the attached Lee County Tabulation Sheet (contained in the backup material to this item). The initial term of this quote is one year; request authority to renew this quote for four additional one-year periods, at the same terms and conditions, if in the best interest of Lee County; and to exercise the price revision clause as per the specifications on an as needed basis. Funding will be available from the individual department or division's budget that will be responsible for monitoring their individual expenditures. Public Safety/EMS/Medstar estimates expending approximately \$500,000.00 annually for parts for the Bell 430 helicopter.

(#20110272-PUBLIC SAFETY)

FUNDING SOURCE:

Fund-General Fund; Program-EMS Air Operations.

WHAT ACTION ACCOMPLISHES:

Allows Public Safety/EMS/Medstar to obtain necessary parts for the Bell 430 helicopter which will allow the department to maintain their emergency medical air operations for the county.

MANAGEMENT RECOMMENDATION:

Approve.

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

11. PUBLIC WORKS ADMINISTRATION

No requests received.

CONSENT AGENDA ITEMS 12(A) AND 12(B) WERE HEARD SIMULTANEOUSLY.

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

Approve and execute [Change Order No. 7 to Contract No. 1481](#), under project CN-00-03 Summerlin Road Six-Laning (University Drive to Boy Scout Drive), to Agnoli, Barber & Brundage, Inc., in the not-to-exceed amount of \$33,350.00.

(#20110261-TRANSPORTATION)

FUNDING SOURCE:

Fund – Road Impact Fees Central District; Program – Capital Projects; Project – Summerlin Road / Boy Scout / Cypress Lake.

WHAT ACTION ACCOMPLISHES:

Provides post-design services relating to the overpass at College Parkway. Services shall include additional project time and efforts related to legal and construction issues associated with the construction of the MSE Wall.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah moved approval of Consent Agenda Items 12(a) and 12(b), seconded by Commissioner Manning. Department of Transportation Deputy Director Paul W. Wingard responded to concerns by Commissioner Bigelow noting that the two (2) Change Orders were necessary. Following brief Board discussion, the motion was called and carried with Commissioner Bigelow voting nay.

B) ACTION REQUESTED/PURPOSE:

Approve and execute [Change Order No. 6 to Contract No. 3277](#), under project CN-04-19 Colonial Boulevard - I-75 to SR 82 Six Laning, to WilsonMiller, Inc., in the not-to-exceed amount of \$29,075.00. (#20110265-TRANSPORTATION)

FUNDING SOURCE:

Fund – Road Impact Fees Central District; Program – Capital Projects; Project – Colonial Boulevard/Six Mile/SR 82.

WHAT ACTION ACCOMPLISHES:

Compensates Consultant for post design services – as-built plans for the Colonial Boulevard Six Laning project.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah moved approval of Consent Agenda Items 12(a) and 12(b), seconded by Commissioner Manning. Department of Transportation Deputy Director Paul W. Wingard responded to concerns by Commissioner Bigelow noting that the two (2) Change Orders were necessary. Following brief Board discussion, the motion was called and carried with Commissioner Bigelow voting nay.

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 6-inch diameter fire line and one fire hydrant, to provide fire protection to GSA Facility, a recently constructed commercial building. This asset project is located along the south side of Sal Rose Lane, approximately 750 feet west of Appaloosa Lane. (#20110253-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. 11-04-28](#)

B) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of a force main connection serving Gassman Lift Station f. k. a. Van Vleck Lift Station, to provide sanitary sewer service to this existing commercial building. This asset project is located along the west side of South Cleveland Avenue approximately, 400 feet north of Maple Drive. ([#20110254-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. 11-04-29](#)

C) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of a water main extension, to provide potable water service and fire protection to the recently constructed Wa-Ke Hatchee Community Park. This is a Lee County Construction and Design asset located on the west side of Bass Road, approximately 1,500 feet south of Summerlin Road. ([#20110255-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. 11-04-30](#)

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 April 4 through April 8, 2011:

April 4, 2011 (Zoning) April 4, 2011 (Management & Planning)
April 5, 2011 (Regular)

([#20110302-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. ([#20110303](#)-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****A) ACTION REQUESTED/PURPOSE:**

Provide direction regarding grounds and landscape renovation of the Old Lee County Courthouse to include the option of choosing an artistic carving of the old Oak Tree.

([#20110309](#)-COUNTY MANAGER)

FUNDING SOURCE:

Funds available in Old Courthouse, Court yard Maintenance Fund 40888900100.

WHAT ACTION ACCOMPLISHES:

Allows the process of addressing the Old Courthouse Oak Tree to proceed.

MANAGEMENT RECOMMENDATION:

Approve phase one of Old Courthouse renovation plan.

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

For Administrative Agenda Item 1(a), the following language should be added to the ACTION

REQUESTED/PURPOSE: Accept Letters of Interest (LOI) 10-02 and 11-01 "Lee County Live Oak Open Call to Artists", to accept Citizen Committee recommendation of artists. Phase One of the Court House courtyard renovation plan consists of adding one large Live Oak Tree (30-40 feet) in plant bed; #2 with other native canopy trees in plant beds; #3-6 with understory natives to be added to all plant beds. Also, provide direction on installation of brick pavers to replace existing concrete surface. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

At the request of Chairman Mann, Assistant County Manager Holly Schwartz provided an extensive review of the request indicating receipt of four (4) applications, with the Oversight Committee recommending two applicants: Artists Marlin Miller and Robert Halverson. Both had submitted [Letters of Interest \(LOI\) with proposals](#) ([copies](#) on file in the Minutes Office). Lengthy Board discussion ensued with a motion by Commissioner Hall to accept the donation of the tree for bed #2, seconded by Commissioner Manning, called and carried. After further discussion, Commissioner Judah moved to direct Staff to explore raising funds for the pavers, seconded by Commissioner Hall, called and carried. Commissioner Manning left the meeting briefly. Board discussion continued and Commissioner Hall moved to adopt the site plan with all the native vegetation, seconded by Commissioner Manning, called and carried. Following further discussion, Commissioner Judah moved to carve a single large eagle on the oak tree to be done by Artist Marlin Miller, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Manning voting nay.

DURING THE COMMISSIONER'S ITEMS, COMMISSIONER BIGELOW OFFERED FURTHER COMMENT:

Commissioner Bigelow suggested that the Banyan tree be downsized. Assistant County Manager Holly Schwartz informed that this issue could be done under normal maintenance of the Banyan tree.

2. COMMUNITY DEVELOPMENT

No requests received.

3. CONSTRUCTION AND DESIGN

No requests received.

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS**A) ACTION REQUESTED/PURPOSE:**

Approve, and authorize the Chair to execute, a [Purchase Agreement](#) for the acquisition of Parcel 389, from High Point Land Improvement Corporation; Conservation 20/20 Land Acquisition Program, Project No. 8800, a ±189.82 acre parcel located at 7630 Stringfellow Road, Saint James City, and further identified as STRAP Nos. 10-45-22-00-00001.0000 and 11-45-22-00-00001.0000, in the amount of \$2,000,000.00. Also, authorize payment of costs to close in the approximate amount of \$20,000.00; and the Division of County Lands to handle and accept all documentation. ([#20110246](#)-COUNTY LANDS)

FUNDING SOURCE:

Fund–Conservation 20/20 Capital Improvement Fund; Program–Capital Project; Project: Conservation 20/20, Land Purchase.

WHAT ACTION ACCOMPLISHES:

This is the last acquisition of the 18 properties, known as the “A” list, approved by the BoCC to be pursued for acquisition. Upon successful closing on this parcel, Staff will have acquired 9 of the 18 properties for a total addition of 1,895 acres to the Conservation Lands Inventory.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Manning moved approval, seconded by Commissioner Judah. Commissioner Judah thanked Sean Byrne and Albert Joerger for their vast contribution to Conservation 20/20. The motion was called and carried.

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**A) ACTION REQUESTED/PURPOSE:**

-----APPROVED MINUTES OF 041911R-----

Approve settlement in the case of Lee County v. Resource Conservation Holdings, LLC, Case No. 06CA-5650, Parcel Nos. 103 - 109, Corkscrew Road Water Treatment Plant Wellfield Expansion Project. ([#20110274](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

Fund: Utilities Wellfield Conservation; Program: Capital Improvement; Project: Corkscrew Water Treatment Wellfield Expansion.

WHAT ACTION ACCOMPLISHES:

Settles all claims for compensation and attorney fees, excluding costs.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

Approve the [Contract between Lee County Board and SEIU/NAGE/International Association of EMT's and Paramedics](#), Local R-533 to be effective from October 1, 2010, through September 30, 2011. ([#20110283](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

General Fund; Public Safety Emergency Response.

WHAT ACTION ACCOMPLISHES:

Completes negotiations for the creation of the new bargaining unit.

MANAGEMENT RECOMMENDATION:

Approve.

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

C) ACTION REQUESTED/PURPOSE:

Approve the [Memorandum of Understanding \(MOU\)](#) between International Association of Firefighters and Paramedics, Local 1826 and the Board to be effective from February 24, 2011, until October 5, 2011. ([#20110284](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

General Fund; Public Safety Emergency Response.

WHAT ACTION ACCOMPLISHES:

Completes negotiations for the bargaining unit concerning holiday pay, reduced employee's pay, suspension of mandatory overtime, no pay toward in-service training, and not filling certain mutually agreed upon positions.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning. After Commissioner Judah thanked Staff for resolving all outstanding issues, the motion was 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:

Conduct a Public Hearing to adopt a Resolution on Petition to Vacate VAC2010-00024, submitted by Barry Gionfriddo, to vacate abutting six-foot (6') wide utility and drainage easements located along the common, internal property lines of lots #1, & #2, Block 29, Unit #7, as shown on a Replat of Tract P & Q, Unit 7, N.E.¼ & S1/2 of Section 26, Township 44S, Range 26E, a subdivision of Lehigh Acres", in Lee County, Florida, and recorded in the Lee County Land records in Plat Book 26, Page 156 and; to vacate abutting six-foot (6') wide utility easements located along the common, internal property lines of Lots #19, & #20, Block 29, Unit #7, as shown on a "Plat of N.E.1/4 & S1/2 of Section 26, Township

44S, Range 26E, a subdivision of Lehigh Acres”, in Lee County, Florida, and recorded in the Lee County Land records in Plat Book 15, Page 75. The site is located at 3519 Lee Boulevard, Lehigh Acres, Florida, and its STRAP numbers are 26-44-26-07-00029.0010, 26-44-26-07-00029.0020, 26-44-26-07-00029.0190 & 26-44-26-07-00029.0200. The four lots are owned by the petitioner who has proposed the development of a Family Dollar Store centrally located on the common property lines. (#20110160-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

No funding required.

WHAT ACTION ACCOMPLISHES:

Extinguishes the unused public utility and drainage easements to enable the construction of a Family Dollar Store and associated infrastructure over four abutting lots. The vacation of this easement will not alter existing drainage or utility conditions and the easement is not necessary to accommodate any future drainage or utility requirements.

MANAGEMENT RECOMMENDATION:

Approval.

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

[RESOLUTION NO. 11-04-31](#)

WALK-ON ITEM NO. 1

10. PUBLIC SAFETY

1. ACTION REQUESTED/PURPOSE:

Approve the naming of the media center in the new Lee County Emergency Operations Center after Gordon “Booch” DeMarchi. (#20110314-PUBLIC SAFETY).

WHAT ACTION ACCOMPLISHES:

Recognizes with gratitude, the debt that we owe Booch for the thirteen years he served as Lee County’s spokesperson during emergencies and disasters.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

Directed by Commissioner Mann.

Commissioner Hall so moved, seconded unanimously by all Board members, called and carried. Booch’s widow, Ginger DeMarchi, accompanied by her sister and David Kainrad, thanked the Board.

COMMISSIONER ITEMS

LETTER TO REPRESENTATIVE MATT CALDWELL – Commissioner Judah, noting the letter provided in the Board packet not to support mining DRI’s, moved to send the letter to Representative Matt Caldwell, co-sponsor of HB 7129 and other members of the Legislative delegation, and Speaker of the House, to reconsider the provision to eliminate phosphate mining as it adversely affects not only Lee County but other counties and watersheds down-stream. Commissioner Manning seconded the motion and it was called and carried

EXTENSION FOR PUBLIC COMMENTS ON PHOSPHATE MINING – Commissioner Judah moved to request the Corps of Engineers to consider an additional 60 day extension to the initial 30 days to allow for public comment, seconded by Commissioner Hall, called and carried.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) – Commissioner Judah requested Staff to draft a position paper noting the Board’s concern with the proposal by the SFWMD to lease 18,000 acres for other agricultural purposes, of which 26,000 acres would be acquired for the purpose of providing storm water treatment and storage. Commissioner Judah so moved, seconded by Commissioner Hall, called and carried.

AQUATIC SWIM CENTER – At the request of Commissioner Judah, Assistant County Manager Pete Winton asked for 60 days to allow for time to meet with the City of Fort Myers concerning the proposed swim center. Commissioner Judah so moved, seconded by Commissioner Bigelow, called and carried, with Commissioner Hall voting nay.

SENATE ENERGY BILL – After noting that the Senate Bill language had been altered, stripping the language for small business to sell electricity back to utility companies, Commissioner Judah asked for Board support

to request reinstatement of the language. Commissioner Hall suggested that Staff draft a letter to be emailed to express the Board’s dismay. Commissioner Judah so moved, seconded by Commissioner Manning, called and carried.

At this time Commissioner Bigelow offered additional comment on Administrative Agenda Item 1A. See that item for comments.

JANUARY 26TH EXECUTIVE SESSION – Responding to Commissioner Bigelow’s concern on the gag order of the Executive session, Deputy County Attorney Andrea Fraser indicated this item would be discussed with County Attorney Michael Hunt and brought back to the Board.

COMMITTEE APPOINTMENTS

Chairman Mann read a Memorandum (copy on file in the Minutes Office) from Human Services Director Ann Arnall regarding **PARTNERING FOR RESULTS PROPOSAL REVIEW PANEL 2011**, consisting of a list of individuals with their respective organization; and requesting confirmation from the Board for the following:

- | | |
|-------------------------------|-------------------------------------------------|
| Ann Wierengo | Children’s Network of Southwest Florida |
| Mantressa Walker | Lee County Health Department |
| Kristina Witmire | Lee County Health Department |
| J. F. Heff McCullers | Lee County School District |
| Jill C. Jones | Lee County Sheriff’s Office |
| Susan Noble | Lee Mental Health Center |
| Gregg Miller | State Attorney’s Office – Juvenile Division |
| Jon Vertrees | State of Florida Department of Juvenile Justice |
| Bernice Kertavage | Southwest Florida Workforce |
| Madelyn “Maddy” Isaacs, Ph.D. | Florida Gulf Coast University |

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

Commissioner Bigelow moved to reappoint David Morrow to the **TANGLEWOOD IMPROVEMENT UNIT**, seconded by Commissioner Judah, called and carried.

Commissioner Judah moved to appoint James Niland to the **PALMETTO POINT MSTBU**, seconded by Commissioner Hall, called and carried.

Commissioner Hall moved to reappoint Kirk Woodbury to the **PARKS & RECREATION ADVISORY COMMITTEE**, seconded by Commissioner Manning, called and carried.

COUNTY MANAGER ITEMS

Deputy County Manager Bill Hammond had no items to be discussed.

COUNTY ATTORNEY ITEMS

County Attorney Michael Hunt had no items to be discussed.

The Chairman adjourned the meeting at 11:20 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission