

JANUARY 25, 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
 Tammara Hall
 Ray Judah
 A. Brian Bigelow

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor Matt Boher, Emmanuel Baptist Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

The Length of Service Awards were presented for the First Quarter FY2010-11. See the Agenda back-up material for a listing of the employees recognized. ([#201410039](#)-HUMAN RESOURCES)

ANNOUNCEMENTS

Referring to the Agenda [Recap Sheet](#) dated January 25, 2011, the Chairman announced there were no changes to the agenda.

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 citizen came forward:

C8(b) – Audubon Chapter of Southwest Florida representative [Pete Quasius](#)

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

Commissioner Mann – 12(a), 13(a)
 Commissioner Manning - None
 Commissioner Hall - None
 Commissioner Judah – 8(b)
 Commissioner Bigelow - None

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Approve [three Budget Transfers](#) and one Budget Amendment Resolution to reallocate funding into the appropriate funds for the Red Sox Stadium project 202499.

([#20110023](#)-COUNTY MANAGER)

FUNDING SOURCE:

Funds - Tourist Dev Tax Revenue Bonds 2010A, B, & C Construction and Capital Improvement-New Red Sox Stadium; Program – Capital Improvements; Project – Red Sox Stadium.

WHAT ACTION ACCOMPLISHES:

This blue sheet will provide budget in the appropriate fund to process the final payment on the original \$75,000,000.00 loan for the Red Sox Stadium and for the site work. This action will not increase or decrease the project budget.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-01-33](#)

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:**

Authorize the Division of County Lands to make a binding offer to property owner, Crown Castle GT Company, LLC, in the amount of \$2,500.00, for Parcel 4 (2,475 +/- square feet) for the Force Main Replacement (Pine Ridge Road Lift Station 254 to Kelly Road) Project No. 7313. Pursuant to the Purchase Agreement; authorize payment of costs to close in the approximate amount of \$600.00, and the Division of County Lands to handle all documentation necessary to complete transaction. ([#20110019](#)-COUNTY LANDS)

FUNDING SOURCE:

Fund: Utilities Capital Improvements; Program: Capital Projects; Project: Force Main Replacement – Pine Ridge, Orange River, Ortiz.

WHAT ACTION ACCOMPLISHES:

Authorizes binding offer to property owner.

MANAGEMENT RECOMMENDATION:

Approve.

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

6. HUMAN SERVICES

No requests received.

7. INDEPENDENT

No requests received.

8. NATURAL RESOURCES/ SOLID WASTE**A) ACTION REQUESTED/PURPOSE:**

Approve budget amendment and expenditure in the amount of \$40,233.00 representing unanticipated revenues for Derelict Vessel Removal in Estero Bay paid by HLH Real Estate Properties, LLC and Ocean Harbor Yacht Club in compliance with permit conditions. ([#20110022](#)-NATURAL RESOURCES)

FUNDING SOURCE:

Fund – General Fund; Program – Marine Sciences Major Maintenance; Project – W- Derelict Vessel Removal.

WHAT ACTION ACCOMPLISHES:

Provides additional funding for abandoned/derelict vessel removal in Estero Bay through a donation from HLH Properties and Ocean Harbor Yacht Club.

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

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

[RESOLUTION NO. 11-01-34](#)**B) ACTION REQUESTED/PURPOSE:**

Award B-11-06 Estero Island Beach Restoration, to the lowest responsive, responsible bidder meeting all bid requirements, [Florida Dredge & Dock LLC](#), (a non-local Contractor), for the base bid amount of \$3,533,486.80, with a project completion time of 150 calendar days. Also, approve Budget amendment resolution in the amount of \$860,224.00 for unanticipated revenues from WCIND (\$750,000.00) and the Town of Fort Myers Beach (\$110,224.00). Further, authorize Chair to execute contract on behalf of the Board upon receipt. ([#20110028](#)-NATURAL RESOURCES)

FUNDING SOURCE:

Fund: General Fund (Town of Fort Myers Beach Reimbursement, WCIND and FDEP Funds) and Cap Imp-Tourist Dev Beach Project; Program: Marine Services Major Maintenance; Estero Island Bch Restoration; Project: – Other Contracted Services.

WHAT ACTION ACCOMPLISHES:

The beach restoration project consists of the replacement of a maximum volume of 315,000 cy of fill on north Estero Island in reach A. The project on north Estero Island extends from approximately DNR monument R-174+300N to approximately R-181+600N, a distance of about 1.2 miles. This project includes the construction of a terminal groin on the north tip of Estero Island, 300 feet north of R-175. The terminal groin is 240 feet long at the crest by 48 feet wide at the base, and perpendicular to the shoreline. Modifications to the design position may be needed due to current conditions of the beach.

One borrow area has been identified for use in the project. Borrow Area I is located 16 miles west of Estero Island and will be used for north Estero Island.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

At Commissioner Judah's request, Natural Resources Marine Operations Manager Steve Boutelle provided an update on the project time frame and work schedules; and indicated the anticipated start date of construction as March 15, 2011. Following brief Board comments and acknowledgement of the hard work of Mr. Boutelle and the district Commissioner, Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried.

RESOLUTION NO. 11-01-35

C) ACTION REQUESTED/PURPOSE:

Award B-11-03 Construction of Injection Well Surface Facilities, to the lowest responsive, responsible bidder meeting all bid requirements, [Douglas N Higgins Inc.](#), (a Collier County local Contractor), utilizing the 3% Local Bidder Preference Ordinance #08-26 (for a total lump sum contract amount of \$1,423,000.00), with a project completion time of 150 calendar days. Also, authorize Chair to execute contract on behalf of the Board upon receipt. (#20110029-SOLID WASTE)

FUNDING SOURCE:

Fund: SW Management; Program: Lee/Hendry Landfill Leachate; Project: Construction of Injection Well Surface Facilities.

WHAT ACTION ACCOMPLISHES:

Provide all labor, materials, and equipment to construct, test, and prepare for operation surface facilities for an existing deep injection well including pumps, controls, a surface impoundment and ancillary piping and appurtenances in accordance with the specifications and the contract documents.

MANAGEMENT RECOMMENDATION:

Approve.

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

Commissioner Manning briefly left the chambers during the above discussion.

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:

Authorize staff to terminate CN-02-31 Burnt Store Road-Veterans Parkway-Colonial Boulevard Corridor Study and CN-08-11 Colonial Expressway Initiative Owner's Engineering Representative. Also, approve a [transfer](#) from reserves in the amount of \$676,995.00 to provide a budget to return unspent loan funds to the Florida Department of

Transportation from the Colonial Express Lanes initiative.

(#20110021-TRANSPORTATION)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Directs staff to cancel all contracts and close the Colonial Express Lanes Project as well as return unused loan funds to the Florida Department of Transportation.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

At the request of Commissioner Mann, Department of Transportation Deputy Director Paul W. Wingard further reviewed the background of this item. Following individual Board member comments regarding: other infrastructure options, the funding source to repay FDOT, and the possible premature abandonment of the Study; Commissioners Mann and Bigelow requested a breakout of dollars spent on the various studies. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried with Commissioner Judah dissenting.

13. UTILITIES

A) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve construction of a water main extension and one (1) 8-inch fire line, to provide potable water service and fire protection to Lee County Emergency Operations Center. This Lee County Construction and Design contributed asset project is located along the east side of Ortiz Avenue, approximately 1/2 mile south of S.R. 82. (#20101241-UTILITIES)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the new Emergency Operations Center, and complies with the Lee County Utilities Design Manual.

MANAGEMENT RECOMMENDATION:

Approval.

PULLED FOR DISCUSSION

Commissioner Mann indicated that the Lee County Emergency Operations Center had enjoyed the majority support of the Board for sometime, but not his. Commissioner Judah moved the item, seconded by Commissioner Manning, called and carried.

B) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one potable water service, one 8-inch diameter fire line and one sewer service, to provide potable water service, fire protection and sanitary sewer service to Collins Vision, a recently constructed medical building. This asset project is located at the southwest corner of Ben C. Pratt-Six Mile Cypress Parkway and International Center Boulevard. (#20110009-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 Judah moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-01-36](#)

C) **ACTION REQUESTED/PURPOSE:**

Award B-10-21, Corkscrew Water Treatment Plant Alum/Lime Sludge Removal, for the Division of Lee County Utilities (LCU), to the lowest, responsive, responsible bidder, [Karle Enviro-Organic Recycling, Inc.](#) (a local contractor), at the below listed prices.

Lagoon #1: \$236,400.00

Lagoon #2: \$236,400.00

Lagoon #3: \$197,000.00

Also, approve the term of this contract for a period of one (1) year with four (4) one-year renewable terms for a total of Five (5) years; and authorize the Chair to execute the contract on behalf of the Board upon receipt. ([#20110010-UTILITIES](#))

FUNDING SOURCE:

Fund: Lee County Utilities Operating; Program: Corkscrew Water Treatment Plant; Project: Trash, Garbage & Sludge Removal.

WHAT ACTION ACCOMPLISHES:

Approves Contractor services for the removal of Alum/Sludge from three (3) sludge lagoons and incorporation with excavated mining material for industrial clean fill use in accordance with all Federal, State and County rules and regulations.

MANAGEMENT RECOMMENDATION:

Approve.

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

D) ACTION REQUESTED/PURPOSE:

Wells Interlocal (BS 20110017/18432, SIV/SDG): Authorize Chair, on behalf of the Board, to approve the [Interlocal Agreement between Estero Fire Rescue District](#) and Lee County for Access and Use of Water Wells. ([#20110017-UTILITIES](#))

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Allows the Estero Fire Rescue District access to the Lee County raw water wells during emergencies, for the purpose of using raw water for firefighting purposes, which serves a public purpose and enhances public safety.

MANAGEMENT RECOMMENDATION:

Approval.

Commissioner Judah 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 [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. ([#20110040-FINANCE](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Compliance with the requirements of FS 136.06 (1).

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

B) ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of January 10 through January 14, 2011:

January 10, 2011 (Zoning) January 10, 2011 (Management & Planning),
January 11, 2011 (Regular) January 12, 2011 (Joint with ECWCD).

([#20110041-MINUTES](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approve.

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

C) 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). ([#20110042](#)-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, and Chapter 318.18(13)(a), Florida Statutes and Lee County Ordinance 04-09 activity for the State Court Facilities Funds Collected.

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 Judah 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

A) ACTION REQUESTED/PURPOSE:

Approve [Purchase Agreement](#) for acquisition of a +/-14.29 acre parcel located at 14121-140 Crown Pointe Parkway, Fort Myers, adjacent to and south of the Hammond Stadium/Twins Complex, from Suriyah, LLC, in the amount of \$4,810,000.00; authorize payment of costs to close in the approximate amount of \$50,000.00, and the Division of County Lands to handle all documentation necessary to complete transaction. Also, approve interest bearing loan from the Capital Improvement Fund (30100) to the Stadium Surplus Debt Fund (17401) in the amount of \$5,000,000.00 for the purchase of the Twins Stadium Land Purchase project and approve two (2) budget resolutions to fund the land purchase. ([#20110024](#)-COUNTY LANDS)

FUNDING SOURCE:

Fund – Capital Improvement Fund; Program – Capital Improvement Program; Project - Twins Stadium Land Purchase.

WHAT ACTION ACCOMPLISHES:

Acquires property that is adjacent to the Hammond Stadium/Twins Complex for expansion opportunities.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Manager Pete Winton reviewed the item, County Lands Project Manager Robert Clemens explained the appraisal process, and County Sports Development Director Jeff Mielke provided the history and the benefits derived from spring training. After Board deliberation, Commissioner Judah moved approval, seconded by Commissioner Manning. Following explanation from Commissioner Hall on the county's acquisition process and Commissioners Judah and Manning's comments on the opportunity for the county's future expansion of the Twins' spring training home, the motion was called and carried with Commissioners Mann and Bigelow dissenting.

RESOLUTION NOS. [11-01-37](#) AND [11-01-38](#)

6. HUMAN SERVICES

No requests received.

7. INDEPENDENT

No requests received.

8. NATURAL RESOURCES/ SOLID WASTE

No requests received.

9. PARKS AND RECREATION

No requests received.

10. PUBLIC SAFETY

No requests received.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

No requests received.

13. UTILITIES

No requests received.

14. COUNTY ATTORNEY

No requests received.

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

No requests received.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

COMMISSIONER ITEMS

RE-ROUTING OF ALICO TO CORKSCREW ROAD – After noting that the Metropolitan Planning Organization (MPO) had removed 951 from Corkscrew Road to the County line from their list, Commissioner Hall requested Board concurrence for Staff to conduct an internal review of the possibility to go around Grandazza instead of through Grandazza. Commissioner Judah pointed out concerns and challenges; however, he had no problem with having an internal review by staff.

DISSOLVING THE EXPRESSWAY AUTHORITY – Commissioner Hall requested the Board to give her authority on behalf of the Board for the [dissolution of the Expressway Authority](#) (letter on file in the Minutes Office). Commissioner Hall so moved, seconded by Commissioner Manning, called and carried.

NORTH CAPTIVA CONCERNS – Commissioner Hall expressed concern over the tremendous beach erosion in North Captiva during heavy storms. She requested that Staff provide an analysis on how to protect the island. Commissioner Manning, as the district Commissioner, noted that he had been approached on the idea of a Municipal Service Taxing Unit for access roadways.

SEPTIC TANK LEGISLATION – Commissioner Mann indicated receipt of a [letter](#) (copy on file in the Minutes Office) drafted by Assistant County Manager Holly Schwartz regarding possible removal of the Septic Tank Legislation. He noted that the letter would suggest that the Legislature allow the Counties to individually determine whether or not to adopt local policy. Commissioner Manning so moved, seconded by Commissioner Hall. Commissioner Judah suggested the addition of a sentence that Lee County does not as a County support the repeal. Ms. Schwartz requested the addition of a sentence requested by Mr. Himschoot – “Also support the concept for Inventory, Evaluate and Report to aid in establishing a uniform program that will provide meaningful information on the existing infrastructure”. There was Board consensus.

HOMELESS CONTINUUM OF CARE GRANT – Commissioner Mann thanked Human Services Director Ann Arnall for her work on a grant application, and receipt of a Grant in the amount of \$2.1 million Housing and Urban Development (HUD) funding for the Homeless Continuum of Care.

COMMITTEE APPOINTMENTS

Commissioner Bigelow moved to appoint Joe D. Beck to the **BICYCLE/PEDESTRIAN COMMITTEE**, Deirdre Mann to the **AIRPORT SPECIAL MANAGEMENT COMMITTEE**, and Warren J. Wright ([RESOLUTION NO. 11-01-39](#)) to the **TOURIST DEVELOPMENT COUNCIL**.

COUNTY MANAGER ITEMS

County Manager Karen Hawes announced that on-line goals of recorded performance measurements are on line.

Human Resources Director Christine Brady provided an update on the County Attorney recruitment and noted that after looking at everyone’s schedules, February 5, 2011 was chosen.

COUNTY ATTORNEY ITEMS

Interim County Attorney Andrea R. Fraser had no items to be discussed.

9:30 A.M. PUBLIC HEARING - Public Presentation of Matters by Citizens

Pine Island resident Dave Lukasuck addressed his concern on the boat lift leak for water flowing freely to Matlacha Pass and suggested that Lee County residents should be pro-active. In regards to the County’s search for a County Attorney, he indicated that the candidate should have litigation experience.

Pine Island resident Charles Messina agreed with Mr. Lukasuck’s comments.

The Chairman adjourned the meeting at 11:27 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)