

MAY 17, 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 E. Manning, Vice Chairman  
 A. Brian Bigelow

COMMISSIONERS JUDAH AND HALL WERE ABSENT FOR THE ENTIRE MEETING DUE TO OUT OF COUNTY COMMITMENTS

The Chairman called the meeting to order at 9:31 a.m., and gave a special welcome to Dr. Margaret Banyan and her government students from Florida Gulf Coast University who would be observing the proceedings today. The Invocation was then given by Pastor Jorge Acevedo of Grace United Methodist Church of Cape Coral, followed by the Pledge of Allegiance.

### PRESENTATIONS

Commissioner Mann read and presented a Ceremonial Resolution proclaiming the week of May 15-21, 2011 as Emergency Medical Services Week in Lee County with the theme, EMS: Everyday Heroes; and encouraging the community to observe this week with appropriate programs, ceremonies and activities. EMS Chief Kim Dickerson, Deputy Chief Scott Tuttle and additional Public Safety and EMS staff accepted the Resolution; and thanked the Board and their many partnerships throughout Lee County for their valuable support. (#20110379-Commissioner Mann)

Commissioner Manning read and presented a Ceremonial Resolution declaring May 2011 to be Bike Month, with the week of May 16-20, 2011 as Bike-to-Work Week, and with Friday, May 20, 2011 as Bike-to-Work Day in Lee County. BPAC Chairman Bert Hamilton, accompanied by additional BikeWalkLee representatives, accepted the Resolution and thanked the County for Complete Streets and the many support initiatives provided. (#20110380-Commissioner Judah)

Commissioner Bigelow read and presented a Ceremonial Resolution congratulating Alaysha Fisher on being crowned Miss Florida Plus America 2011, to represent Florida State in Nationals for the overall title of Miss Plus America Elite 2011. Ms. Fisher accepted the Resolution and graciously thanked the Board. (#20110381-Commissioner Mann)

### ANNOUNCEMENTS

The Chairman announced that there were no changes or additions 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; however, no one came forward

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

Commissioner Bigelow – 7A  
 Commissioner Manning - none  
 Commissioner Mann – 7A

### CONSENT AGENDA

#### 1. COUNTY ADMINISTRATION

No requests received.

#### 2. COMMUNITY DEVELOPMENT

##### A) **ACTION REQUESTED/PURPOSE:**

Take the following actions with regards to SHIP (State Housing Initiatives Partnership) contracts:

- 1) Extend the following contracts from May 31, 2011 to August 30, 2011:
    - a) C-5591 with Partnership-In-Housing, Inc.; b) C-5455 with Goodwill (Southwest FL GWI Housing VIII, Inc.), and c) C-4736 with Lee County Housing Development Corp.
  - 2) Amend Contract C-4670 with the Lee County Housing Development Corp.(LCHDC) to reduce it by \$54,167.13 (reduce from \$256,023.82 to \$201,856.69), and change the contract scope from foreclosure prevention assistance for at least 41 households to at least 35 households.
  - 3) Execute a grant award agreement for [\\$16,000.00 with the LCHDC](#) for foreclosure prevention assistance for at least two households with a maximum per unit award of \$8,000.00 by December 30, 2011.
  - 4) Execute a grant award agreement for \$95,000.00 with [Habitat for Humanity](#) for the acquisition, rehabilitation and resale of at least three single- family houses for one very low income household and two low income households by September 30, 2011.
- (#20110368-COMMUNITY DEVELOPMENT)

**FUNDING SOURCE:**

SHIP Local Housing Assistance Funds.

**WHAT ACTION ACCOMPLISHES:**

Allows adaptation to current housing market conditions and allows the county to enter into grant award agreements for the expenditure of SHIP funds.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**3. CONSTRUCTION AND DESIGN****A) ACTION REQUESTED/PURPOSE:**

Approve [Budget Transfer](#) in the amount of \$90,000.00 from the Capital Improvement Florida Boating Improvement Program Reserves to the Bokeelia Boat Ramp Project (nka Lavender's Landing) and amend the FY 10/11 budget accordingly.

(#20110365-CONSTRUCTION AND DESIGN)

**FUNDING SOURCE:**

Fund – Capital Improvement Florida Boating Improvement program, Program – Major Maintenance Project; Project – Bokeelia Boat Ramp, Now Known as Lavender's Landing.

**WHAT ACTION ACCOMPLISHES:**

Provides budget to repair damage to the boat ramp at Lavender's Landing.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**4. COUNTY COMMISSIONERS**

No requests received.

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

Accept donation of Grant of [Slope Easement Agreement](#) (±6,026 square feet) from Wildcat Run Community Association, Inc., for the Corkscrew Road Safety Improvements Project No. 4723; and authorize payment of costs to close and the Division of County Lands to handle all documentation necessary to complete transaction.

(#20110334-COUNTY LANDS)

**FUNDING SOURCE:**

Fund: MSBU SA – Corkscrew Road; Program: Capital Project; Project: Corkscrew Wide BHG Habitat.

**WHAT ACTION ACCOMPLISHES:**

Acquisition of a perpetual easement for the construction of slope improvements along Corkscrew Road.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

## **6. HUMAN SERVICES**

No requests received.

## **7. INDEPENDENT**

### **A) ACTION REQUESTED/PURPOSE:**

1) Approve award of Formal Quotation No. Q-110171 Annual Purchase of Ford Automobiles, Sport Utility Vehicles, Passenger & Light Duty Vans, Light & Medium Duty Trucks, and Cab & Chassis for the Division of Fleet Management, to Sam Galloway Ford the sole quoter (a local vendor) offering the best discount off the "Dealer Selling Price" Column of the Karpower on Line new car Kelly Blue Book pricing software.

2) Approve the use of Option "A" for the installation of Dealer Installed Options.

3) Initial term of this quote is one year; also, 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. While vehicle purchases have declined in the recent past, the county over the last five years has averaged approximately \$1, 248,120.00 annually for the purchase of vehicles. Funding will be available from the individual department or division's budget responsible for monitoring their individual expenditures.

(#20110342-FLEET MANAGEMENT)

### **FUNDING SOURCE:**

Funds for this contract will be available from various different department/division accounts as vehicle needs arise.

### **WHAT ACTION ACCOMPLISHES:**

This purchase will allow Fleet Management to provide various departments with reliable vehicles with which to perform a variety of County work functions. Fleet Management will be able to replace aging units, which are fully depreciated and increasingly unreliable, with new units capable of meeting the arduous demands of the various County departments/divisions.

### **MANAGEMENT RECOMMENDATION:**

Approve.

## **PULLED FOR DISCUSSION**

Following response by EMS Chief Kim Dickerson to a question by Commissioner Bigelow on the ambulance unit replacements, and expressed thanks by Commissioner Mann for an informational email from Fleet Manager Marilyn Rawlings, Commissioner Bigelow moved approval, seconded by Commissioner Manning. The motion was called and carried with Commissioners Judah and Hall absent.

## **8. NATURAL RESOURCES/ SOLID WASTE**

### **A) ACTION REQUESTED/PURPOSE:**

Approve and authorize Chair to execute:

1) resolution requesting funding from West Coast Inland Navigation District (WCIND);

2) agreement between the [WCIND](#) and Lee County;

3) agreement between Lee County and the [City of Cape Coral](#) to administer the grant; and

4) Budget Amendment Resolution in the amount of \$15,000.00 to fund purchase of replacement fire pump engine for 27-foot Boston Whaler fireboat, Project 403014, WCIND, Cape Coral Fire Department Safety Rescue.

(#20110364-NATURAL RESOURCES)

### **FUNDING SOURCE:**

Fund – General Revenue Fund (WCIND Reimbursed); Program – Marine Sciences Major Maintenance Projects; Project – WCIND, Cape Coral Fire Department Safety Rescue.

### **WHAT ACTION ACCOMPLISHES:**

Requests funding from WCIND. Approves funding source from WCIND. Approves agreement between the West Coast Inland Navigation District and Lee County. Approves subgrant agreement for grant management between Lee County and City of Cape Coral.

### **MANAGEMENT RECOMMENDATION:**

Approve.

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

RESOLUTION NOS. [11-05-04](#) and [11-05-05](#)

**9. PARKS AND RECREATION**

No requests received.

**10. PUBLIC SAFETY**

No requests received.

**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

**12. TRANSPORTATION**

No requests received.

**13. UTILITIES**

**A) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve construction of a water main and force main extension including one lift station, to provide potable water service, fire protection, and sanitary sewer service to the proposed Edison State College Student Housing - Phase 1. This asset project is located at the southwest corner of College Parkway and Summerlin Road. ([#20110345-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 Manning moved approval, seconded by Commissioner Bigelow, called and carried, with Commissioners Judah and Hall absent.

**B) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve construction of water main and force main extensions serving Paul J. Doherty Water and Force Main Improvements, to provide the backbone utility infrastructure for proposed future development along these roadway corridors. This is a Lee County Port Authority project and is located along Paul J. Doherty Parkway from Daniels Parkway to Chamberlin Parkway. ([#20110349-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 Manning moved approval, seconded by Commissioner Bigelow, called and carried, with Commissioners Judah and Hall absent.

**C) ACTION REQUESTED/PURPOSE:**

Concur with the below listed ranking by the Competitive Negotiations Committee for CN-11-03 FGCU Off-Site Utility Improvements; and authorize negotiations with the number one ranked firm.

- 1) Greeley and Hansen;
- 2) Avalon Engineering, Inc.,
- 3) AIM Engineering & Surveying Inc.
- 4) Weston and Sampson (all local Consultants)

[\(#20110288-UTILITIES\)](#)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Consultant will provide the design, permitting, and construction observation services for the project known as Florida Gulf Coast University Off-Site Utility Improvements for Lee County.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**14. COUNTY ATTORNEY**

No requests received.

**15. HEARING EXAMINER**

No requests received.

**16. CONSTITUTIONAL OFFICERS**

A) **ACTION REQUESTED/PURPOSE:**

Approve expenditures in the amount of \$321,721.00 by the Lee County Sheriff's Office for FY 10/11 from revenues collected from various fees, services, etc., that were collected by the Sheriff's Office during the period of 1/6/11 through 4/15/11. Also, approve transfers within budget line items within the Sheriff's Office allocation. [\(#20110346-SHERIFF\)](#)

**FUNDING SOURCE:**

General Fund.

**WHAT ACTION ACCOMPLISHES:**

Board approval is needed to expend funds collected.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

B) **ACTION REQUESTED/PURPOSE:**

Approve Sheriff's expenditure and [transfer](#) from reserves in the Law Enforcement Trust Fund #10500 for \$100,000.00 for prevention and education programs.

[\(#20110351-SHERIFF\)](#)

**FUNDING SOURCE:**

Law Enforcement Trust Fund.

**WHAT ACTION ACCOMPLISHES:**

Allow funds to be expended in the current fiscal year.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

C) **ACTION REQUESTED/PURPOSE:**

Approve [disbursements](#). The check and wire registers may be viewed on the Clerk's website at [www.leeclerk.org](http://www.leeclerk.org) by accessing the BOCC Minutes and Documents link.

[\(#20110373-FINANCE\)](#)

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

**D) ACTION REQUESTED/PURPOSE:**

Approve Minutes for the following meeting of the Board of County Commissioners held during the week of May 2 through May 6, 2011:

May 3, 2011 (Regular).

(#20110374-MINUTES)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**E) ACTION REQUESTED/PURPOSE:**

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

**Tax Deed**

<b>Number</b>	<b>Payee</b>	<b>Amount</b>
2010000622	Pasquale Romano	\$8,982.93
	Margaret Romano	\$8,982.93
2010000958	Cynthia Riegle	
	c/o Melanson Law PA	\$29,051.69
	Meadows Edge Condominium Association, Inc.	
	c/o Becker & Poliakoff	\$1,857.50

(#20110375-DELINQUENT TAX)

**FUNDING SOURCE:**

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

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approve disbursement to identified claimants.

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

**F) ACTION REQUESTED/PURPOSE:**

Present to the Board of County Commissioners the Independent Auditors' Management [Letter](#) for the fiscal year ended September 30, 2010. (#20110376-FINANCE)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Compliance with Chapter 10.550, "Rules of the Auditor General- Local Governmental Entity Audits", and Section 218.39(1), Florida Statutes.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**G) ACTION REQUESTED/PURPOSE:**

Accept the annual Lee County Financial Assistance Report, aka [Single Audit Report](#).

(#20110377-FINANCE)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Provides public notice of the availability of the Lee County Financial Assistance Report to the citizens of Lee County.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**H) ACTION REQUESTED/PURPOSE:**

[Presentation](#) of the Independent Auditors' Statement of Auditing Standards No. 114, The Auditor's Communication With Those Charged With Governance (SAS 114) communication. ([#20110378](#)-FINANCE)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Provides communication to the Board of County Commissioners pursuant to SAS 114.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

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

No requests received.

**ADMINISTRATIVE AGENDA**

THERE WERE NO ITEMS SUBMITTED FOR THE ADMINISTRATIVE AGENDA.

**9:30 A.M. AGENDA ITEM** – Public Hearing**1. ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing to adopt a Resolution for Petition No. VAC2011-00001, submitted by David C. Owens on behalf of the owners, Rosele Castor and Edna Saint Felix to vacate 12 and 6 foot wide portions of Public Utility Easements on lots 3, 4 and 5, Block 20, Unit 4, Lehigh Acres, as recorded in Plat Book 18 at Page 57 of the Public Records of Lee County, Florida. The site is located at 709 Troy Avenue South, Lehigh Acres, Florida, and its strap number is 21-45-27-04-00020.0040. ([#20110199](#)-COMMUNITY DEVELOPMENT)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Extinguishes portions of utility easements to remove title encumbrances for an in-ground pool and pool enclosure which was properly permitted in 1998 but through an apparent contractor error was constructed approximately 3.75 feet into the easement. The vacation of these easements will not alter existing drainage and utility conditions, and the easements are not necessary to accommodate any future drainage and utility requirements.

**MANAGEMENT RECOMMENDATION:**

Approve.

Assistant County Attorney John Fredyma approved, as to legal form and sufficiency, the [Affidavit of Publication](#) for this item and briefly described the request. Commissioner Manning moved approval, seconded by Commissioner Bigelow. The Chairman called for public comment; however, no one came forward. The motion was called and carried, with Commissioners Judah and Hall absent.

[RESOLUTION NO. 11-05-06](#)

**COMMISSIONER ITEMS**

**CEITUS BOAT LIFT** – Commissioner Manning addressed the recent denial by Florida Department of Environment Protection (FDEP) of the permit application to reconstruct the Ceitus Boat Lift necessitating the City of Cape Coral to provide an alternative design. He advised of discussions with Cape Coral Council Member Brandt, and requested direction to staff to schedule an Administrative Hearing with the City of Cape Coral. County Attorney Michael Hunt opined that this would be an appropriate action to take at this time, and advised that he received an

email from Commissioner Hall in support of this action. Attorney Hunt recommended that a Blue Sheet to approve a hearing be brought forward at the May 24th meeting, if that is the direction of the Board. Chairman Mann mentioned that Commissioner Judah also expressed support for an Administrative Hearing at a previous Zoning meeting, and following further brief discussion with the County Attorney on potential options to expedite the process, there was consensus to move forward at this time with a Blue Sheet.

FPL RIGHT OF ENTRY – In response to the question by Commissioner Manning, Assistant County Manager Pete Winton indicated the matter would be on the May 24 Board Agenda.

BONITA SPRINGS YMCA FACILITY – Commissioner Mann referenced a letter sent to the YMCA putting them on notice that Lee County has interests to protect in their facility site slated to close on May 31.

**COMMITTEE APPOINTMENTS**

Chairman Mann requested a motion to appoint Robert B. Fowler, Sr. to the **CONSERVATION 20/20 ADVISORY COMMITTEE**. Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Judah and Hall absent.

**COUNTY MANAGER ITEMS**

County Manager Karen B. Hawes had no items for discussion.

**COUNTY ATTORNEY ITEMS**

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

The Chairman adjourned the meeting at 10:12 a.m.

ATTEST:  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Lee County Commission