

OCTOBER 20, 2020

The [Regular Meeting](#) of the [Lee County Board of County Commissioners](#) was held on this date with the following Commissioners present:

Brian Hamman, Chairman
 Franklin B. Mann, Vice-Chairman
 Cecil Pendergrass
 John Manning
 Ray Sandelli

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor Randy Moody, Buckingham Presbyterian Church, followed by the Pledge of Allegiance.

CEREMONIAL PRESENTATIONS

Pet of the Month (Commissioner Pendergrass)

Animal Services Director Sandra Tapfumaneyi and Public Information Specialist Karen Fordiani introduced Maui a 3 year old male American Stafford that is available for adoption. Ms. Tapfumaneyi informed Lee County Domestic Animal Services will reduce the adoption fees on all adult dogs and cats to just \$25 and all senior pets age 6 and over to \$10 with an approved application. The adoption package includes spay or neuter surgery, age-appropriate vaccinations, microchip ID and a 10-day health check.

RECAP/ANNOUNCEMENTS

Referring to the [Recap](#) Agenda of October 20, 2020, the Chairman announced that:

- No Items for Deferral/Continuance
- No Revisions or Corrections
- No Items to be Pulled for Discussion
- No Walk Ons or Carry-Overs
- Three County Manager Items
- One County Attorney Item

PUBLIC COMMENT ON AGENDA ITEMS

The Chairman called for public comment on any Consent Agenda items and there were no speakers.

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

Commissioner Manning – None
 Commissioner Pendergrass – None
 Commissioner Sandelli – None
 Commissioner Hamman – None
 Commissioner Mann – C-25

The Chairman requested a motion to approve the balance of the Consent Agenda items and Commissioner Pendergrass so moved, seconded by Commissioner Manning, called and carried.

CONSENT AGENDA

CLERK OF COURTS

1. Approve and Record County [Disbursements](#) per Florida Law

Item Summary: Chapter 136.06(1), Florida Statute requires that all County disbursements be recorded in the Minutes of the Board. This is for the check and wire registers viewable on the Clerk's website.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

2. Approve Meeting Minutes of the Board of County Commissioners

Item Summary: Request commissioners to approve the minutes for BoCC meetings held on 9/3/20, 9/15/20, and 9/16/20. Minutes were provided to the Board members sitting at those meetings, and any comments from the Commissioners were taken into consideration in the development of the final minutes.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

COUNTY ATTORNEY**3. Approve & Execute Annual [Funding Agreement](#) with Florida Rural Legal Services, Inc.**

Item Summary: Approve and execute FY20-21 funding agreement with Florida Rural Legal Services, Inc. to provide legal services to the poor and indigent residents of Lee County for landlord/tenant, family law matters, home foreclosures, etc. Florida Statutes Section 29.008 requires local government funding for indigent legal services. This is a \$2,966 increase from FY19-20.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

4. Approve & Execute Annual [Funding Agreement](#) with Guardian ad Litem

Item Summary: Approve and execute FY20-21 funding agreement with Guardian ad Litem to provide funding for 2 full-time equivalent state employees for Data Management for the local Guardian ad Litem Program.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

5. Approve & Execute Annual [Funding Agreement](#) with Legal Aid Society, Inc.

Item Summary: Approve and execute FY20-21 funding agreement with Legal Aid Society, Inc. to provide competent legal advice and representation to the poor and indigent residents of Lee County for family law matters. Florida Statutes Section 29.008 requires local government funding for indigent legal services. This is a \$7,824 increase from FY19-20.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

6. Approve & Execute Annual [Funding Agreement](#) with State Attorney

Item Summary: Approve and execute FY20-21 funding agreement with State Attorney's office. Chapter 27, Florida Statutes, provides that the County may contribute additional funding for the State Attorney's Office by contract. Approval of the Agreement provides funding for attorneys and support staff for enforcement of county ordinances and other services by the State Attorney.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

7. Approve & Execute Annual [Funding Agreement](#) with Public Defender

Item Summary: Approve FY20-21 funding agreement with the Public Defender's office. Chapter 27, Florida Statutes, provides that the County may contribute additional funding for the Public Defender's Office by contract. Approval of the Agreement provides funding for attorneys and support staff for defense of the indigent by the Public Defender.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

COUNTY LANDS**8. Approve [Interlocal Agreement](#) with Bayshore Fire District to House EMS Staff**

Item Summary: Approves an Interlocal Agreement between Lee County and Bayshore Fire Protection and Rescue Service District to house Emergency Medical Services (EMS) staff at Bayshore Fire and Rescue, 17350 Nalle Road, Fort Myers. The initial term will be for 5 years effective December 1, 2020, with a base yearly rental cost of \$12,000 and a 2% annual increase thereafter. There are 4 additional 5-year renewals in the agreement. There has been no rental increase at this location for the past 10 years.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

9. Accept Donation of Easements for Ortiz Avenue Project

Item Summary: Acquires a +/-52,884 square foot [slope/drainage easement](#) and a +/-45,001 square foot [drainage easement](#) for the Ortiz Avenue Widening Project. The donated easements will provide for the placement of fill material, to support the adjoining roadway improvements, and installation of drainage improvements for the road project, between Colonial Boulevard and Dr. Martin Luther King Jr. Boulevard, within the City of Fort Myers. Construction of the road widening project is funded in Fiscal Year 2021/2022.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

10. Accept Donation of Traffic Signalization Easement for Corkscrew Road

Item Summary: Accepts donation of a +/- 1,596 square foot perpetual [traffic signalization easement](#) from Quantum XIV Developments (USA), Inc., a foreign corporation, to accommodate the future construction of traffic signalization improvements at the intersection of Corkscrew Road and Puente Lane, in the Village of Estero. This conveyance to the County is a Developer Contributed Asset stipulated by Limited Development Order LDO2020-00285. Construction commencement is planned for Fall 2021.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

11. Approve Re-Conveyance of Utility Easement to Allow for Property Development

Item Summary: Approve re-conveyance of a 15 foot wide Utility Easement, which has not been utilized for the intended purpose over a period of 60 consecutive months. The easement will be [re-](#)

[conveyed](#) back to the fee-simple owner of the property, OHEE & MAHEE Inc., a Florida corporation, located at 4721 Palm Beach Boulevard, Fort Myers, further identified as Lot 1 & 2, Block A, Merrimack Subdivision.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

12. Declare Escheated County-Owned Property as Surplus and Available for Donation

Item Summary: Declares an escheated County-owned property (acquired due to non-payment of real estate taxes) as surplus and donates the parcel to Suncoast Neighborhood Task Force, Inc., a qualified not-for-profit corporation. The [property](#) will be utilized for activities that support education and economic opportunities for residents of the Suncoast Estates community. The property is located at 7941 Suncoast Drive, North Fort Myers.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION No. 20-10-06](#)

FACILITIES CONSTRUCTION AND MANAGEMENT

13. Approve Design Contract for Library Administration Relocation

Item Summary: Approves a Supplemental Task Authorization (STA) to contract with StudioPlus LLC for Miscellaneous Architectural Services to design renovations to the fourth floor of the Administration East Building, 2201 Second Street, Fort Myers for the relocation of Library Administrative staff. The Library Administrative staff has outgrown their current location at 2345 Union Street, Fort Myers. The fourth floor of the Administration East Building is vacant and is available to provide additional space needed by Library Administration staff to improve the efficiency and effectiveness of their operations. The total estimated cost to design permit and construct renovations to the fourth floor of Administration East Building is \$3,675,000. This planned and budgeted project is funded by Library ad valorem taxes.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

14. Award Design Contract for Riverdale Branch Library Renovations

Item Summary: Approves a contract with [Sweet Sparkman Architects, Inc.](#) to provide design services for renovations to Riverdale Branch Library. The building that houses the Riverdale Branch Library was purchased by the County in 2018. The design will include a complete renovation to the interior of the building as well as to the exterior and the parking lot. Renovations to the interior of the building will provide a more efficient use of the space, including creation of a central service desk and separate spaces for adults, teens and children. The total estimated cost to design, permit and construct renovations to Riverdale Branch Library is \$2,500,000. This planned and budgeted project is funded by Library ad valorem taxes.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

15. Award Contract for Design Services: Renovation of LeeTran Rosa Parks Facility

Item Summary: Award Competitive Negotiation Request for Proposal to [Stantec Consulting Services Inc.](#) to complete design, engineering, and post design services for improvements to the Rosa Parks Transportation Center. Ridership has increased and operations have shifted since the construction of Rosa Parks in 2000. The facility has outgrown its capacity to meet demand and needs improvements to continue to serve multi-modal transportation options. The design will include four new bus bays, interior remodeling to accommodate bus riders and ADA upgrades to the restrooms. These renovations will enhance the facility and create an improved user experience. The total estimated cost to design, permit and construct the improvements to Rosa Parks Transportation Center is \$3,500,000. This planned project will be funded by a State of Florida Department of Transportation Intermodal Access Development Program grant.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

16. Award [Contract](#) for Countywide Fire Damper Inspections & Repair Services

Item Summary: Awards contract with Life Safety Systems, LLC to provide annual fire damper inspections and repairs Countywide for an initial period of two years and renewal options for up to three additional one-year periods. The National Fire Protection Association requires fire dampers to be inspected and repaired as needed. Inspections are necessary to ensure fire dampers close properly which prevents smoke and fire from traveling through the HVAC duct work within buildings. The total annual contract cost is \$210,000.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

INNOVATION AND TECHNOLOGY

17. Approve [Annual Contract](#) Renewing Avaya Telephone Systems Maintenance & Monitoring

Item Summary: Approves the renewal of the support contract for the Legacy telephone systems maintenance and monitoring with AGC Networks, Inc., in the amount of \$307,969.54 utilizing pricing on the State of Florida Participating Agreement available through NASPO ValuePoint. A market

analysis was attempted, but ACG Networks, Inc. is the only company that provides support services for the County's Avaya Phone system.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

LIBRARY

18. Approve [Agreement, Certification & Annual Plan for FY20-21 State Aid to Libraries Grant](#)

Item Summary: This item authorizes an agreement for State Aid to Library Grant funds from the Florida Department of State, Division of Library Information Services for FY20-21. It certifies the availability of library services and approves the library system's FY20-21 Annual Plan. Funds have been used for library materials, leases and events but may be used for any aspect of library operations. To receive Chapter 257 funds, Florida Statutes requires these items to be submitted as part of the application due on December 1, 2020. State Aid funds will supplement the Library System operating budget. On March 8, 2020, the Division estimated the grant award to Lee County Library System at \$482,200.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

PARKS AND RECREATION

19. Approve Annual Purchase for Parking Pay Machines, Supplies, Software, and Support

Item Summary: Authorizes the purchase and support of parking pay machines, supplies, parts, software updates and warranty for the 25 parking pay machines used at Parks & Recreation facilities. Harrington Resources Inc. dba Parker Systems is the only authorized vendor for T2 systems in the State of Florida. They are the exclusive retailer for the sale and support of T2 pay machine solutions and products. Utilizing this sole source vendor allows us to keep up with technology and assures our customers consistent service regardless of the facility visited.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

20. Accept Grant Funding for Buttonwood Preserve

Item Summary: This item accepts \$20,000 in grant funding from the U.S. Fish & Wildlife Services (USFWS) for beautiful pawpaw habitat management at Buttonwood Preserve. Beautiful pawpaw is a federally listed endangered shrub to the State of Florida. This project focuses on habitat management of pine flatwoods on Buttonwood Preserve to promote population growth and self-sustaining beautiful pawpaw populations.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

RESOLUTION No. 20-10-07

21. Award Contract for Playground Replacement at N. Fort Myers Community Park

Item Summary: This item awards a contract to [Playmore West, Inc.](#) to replace the existing North Fort Myers Community Park playground with a new one. This new playground will be larger than the current playground and will accommodate more users. It will provide dedicated play components for 2-5 year olds, additional swings, a shade structure over a large portion of the playground and have better accessibility. This playground is anticipated to be installed after the first of the year at a cost of \$179,925.85. Funding is included in budget.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

22. Approve Purchase of Hammond Stadium Replacement Seating

Item Summary: Authorizes the purchase and installation of replacement stadium seating and repair parts at CenturyLink Sports Complex/Hammond Stadium which opened in the spring of 1991. Many of the lower stadium seats are damaged and many have started to crack due to the Florida sun. To date, 995 seats have been replaced with another 2,300 remaining. Irwin Seating Company has been deemed a Single Source vendor and has purchased the molds and rights to the Model 507 stadium seats that are currently located throughout CenturyLink Sports Complex/Hammond Stadium. In addition to keeping with a uniform appearance inside of Hammond Stadium, replacing the seats with the Model 507 will also be beneficial when repairing damaged seats as parts for such repairs will also keep consistency throughout the stadium bowl. Funding is included in budget.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

PROCUREMENT MANAGEMENT

23. Approve Price Increase for Mowing & Landscaping Maintenance for Library

Item Summary: Approves a Consumer Price Index (CPI) increase of 1%, to P & T Lawn and Tractor Service, Inc., for the annual contract to provide mowing and landscape maintenance services to all of the various libraries in Lee County through 10/01/2021. The contract provides for annual CPI adjustments at the written request of the vendor. Total expenditures for P & T Lawn and Tractor Services, Inc., to provide these services during Fiscal Year 2019-2020 were approximately \$283,910.16. The anticipated expenditures next fiscal year with the price increase of 1% would be approximately \$286,749.26.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

PUBLIC SAFETY**24. Direct to Public Hearing a COPCN Application for the Captiva Island Fire Control District**

Item Summary: Captiva Island Fire Control District has applied for a Certificate of Public Convenience and Necessity. In accordance with Lee County Ordinance 08-16, new applications for a Certificate of Public Convenience and Necessity (COPCN) may only be granted based on competent evidence and after a public hearing. The Public Hearing will be scheduled for November 17, 2020.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

TRANSIT**25. Approve Purchase of FTA Grant Funded Paratransit Vehicles**

Item Summary: Approve the purchase of eight (8) 2021 Ford E-450 23-foot Impulse Body Cutaway Paratransit Vehicles from Florida Transportation Systems, Inc. These vehicles will replace eight (8) ADA/Paratransit vehicles that have met or exceeded Federal Transit Administration (FTA) useful life criteria of five years or 150,000 miles. The vehicles will be purchased at a total cost of \$720,088 using FTA grant funds and will reduce the on-going maintenance costs associated with older, high mileage ADA/Paratransit vehicles.

PULLED FOR DISCUSSION

Board Discussion: Commissioner Mann introduced the item and voiced his concern about purchasing new vehicles when the vehicles the County currently has are perfectly fine. He went on to say that he realizes this is “free money” via grants. However, he went on to say that Lee County has one of the finest maintenance facilities in America and stated that he just does not see the need to replace these vehicles that have such low mileage and no mechanical issues.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.

TRANSPORTATION**26. Approve [Interlocal Agreement](#) for Signal Improvements at Corkscrew Road & Puente Lane**

Item Summary: Execution of this Interlocal Agreement (ILA) outlines the terms and conditions for the design, construction, and CEI (Construction, Engineering, Inspection) of a traffic signal and intersection improvements at Corkscrew Road and Puente Lane between Lee County and The Village of Estero. Design was completed by The Village; County staff is finalizing the project to be advertised for construction. Construction and inspection costs are estimated to be \$764,000 and will be paid for by The Village. The final project budget will be established when the construction is awarded.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

27. Approve Contract Change Order for CEI Services for Homestead Road Widening

Item Summary: Approves a change order to the contract with Johnson Engineering, Inc. for the Homestead Road Widening CEI services project. This change order increase provides for additional Construction Engineering and Inspection (CEI) and post design services for the Homestead Road Widening project from Sunrise Boulevard to Alabama Road needed for project closeout. Compensation in this change order is increased by the negotiated amount of \$50,000.00, bringing the new contract total to \$3,230,906.19. This change order extends the contract with Johnson Engineering and provides additional funding to retain Johnson Engineering for inspection and post design services until the Homestead Road Widening construction project is complete. Funding is available in the current budget.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

28. Award Contract for Bridge Scour Repairs on Del Prado Blvd. over Plato Canal

Item Summary: Awards a [contract to ZEP Construction, Inc.](#) to provide bridge scour repairs and erosion prevention on Del Prado Boulevard over Plato Canal in the low bid amount of \$259,524.91. The Del Prado bridge over Plato Canal has been identified as scour critical based on a recent inspection conducted by Lee Department of Transportation and Florida Department of Transportation staff. This project was anticipated and funding is available in the current year budget for this work.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

UTILITIES**29. Authorize Construction of the Easy Street Water Main Replacement**

Item Summary: Approves a County Project Authorization (CPA) to the annual contract with Boyd Irrigation, Inc., for Underground Utility, Water, and Wastewater Plant Contractors to construct the replacement water main along Easy Street between Lazy Lane and Sun Up Street. Boyd Irrigation, Inc. was the lowest of three quotes submitted by awarded contractors. The project includes installation of approximately 3,469 linear feet of water main pipe, associated valves and fire hydrants. The existing infrastructure was installed in 1975. The existing water main has reached its useful life and the project will upsize the existing water mains to meet demand and support added fire protection to ensure

customer safety. The Board of County Commissioners approved the project in the FY20 Utilities CIP. The total estimated cost of this project is \$259,171.75 and construction is anticipated to begin by the end of November, 2020.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

30. Adopt the 2020 Lee County Water Supply Facilities Work Plan

Item Summary: This item adopts the 2020 Lee County Water Supply Facilities Work Plan (Work Plan) that identifies existing water supply infrastructure and the required improvements to serve future development within unincorporated Lee County. The Work Plan references the initiatives identified to ensure adequate water supply for unincorporated Lee County. The Work Plan is referenced in the Lee Plan in Policy 55.1.3, Policy 151.5.1, and the Glossary. Florida Statutes, Chapter 163, Part II requires local governments to prepare and incorporate Work Plans into their comprehensive plans after the water management districts approve their water supply plans. The South Florida Water Management District's 2017 Lower West Coast Regional Water Supply Plan Update (Supply Plan) was approved by the District's Governing Board on December 14, 2017. The last Lee County Water Supply Facilities Work Plan was adopted and incorporated with CPA2014-00001 by the Lee County Board of County Commissioners on January 20, 2016.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.

ADMINISTRATIVE AGENDA

COUNTY LANDS

1. Accept [Land Donation](#) for Airport Haul Road Right of Way

Item Summary: Accepts a donation of land for South Airport Haul Road Right of Way. The donation is +/-1.2 miles long (+/-92 acres) and contiguous to an existing +/-1.8 mile County owned right of way, all being south of Alico Road (see attached Alico West map).

Board Discussion: Assistant County Manager Glen Salyer presented the item. Commissioner Hamman stated that it is his understanding that since FGCU is not part of this land donation that means there is no conflict of interest for him to be able to vote on this item. County Attorney Richard Wm Wesch addressed the question stating since this item has been bifurcated he is fully empowered and authorized to vote on the item. Commissioner Mann asked for clarification if this donation of land relieves the owner of an obligation through a previous zoning action. Assistant County Manager Glen Salyer confirmed that Commissioner Mann was correct. The owner will need to amend their Zoning and Master Concept Plan and also get the Spine Road that had been contemplated to go south off Alico Road removed. The forgoing would be deemed as satisfied by the donation of this right of way.

Public Comment: The Chairman called for public comment and [one \(1\) speaker](#) came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

HUMAN SERVICES

2. Approve Behavioral Health & Medical Services Contracts

Item Summary: Approval of contracts with [SalusCare](#) and Children's Advocacy Center of SW Florida will provide county funding up to \$4,675,451 to purchase substance abuse/mental health treatment services and initial medical exams/consultations for children under the suspicion of abuse. Contracts are effective October 1, 2020 - September 30, 2021.

Board Discussion: Assistant County Manager Marc Mora presented the item.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.

3. Approve [Contract](#) & Updated County Fee Schedule with FL Department of Health

Item Summary: Approve contract and updated County Fee Schedule with the State of Florida, Department of Health (FDOH) for the operation of the Lee County Health Department in order to "promote, protect, maintain, and improve the health and safety of all citizens and visitors of this state through a system of coordinated county health department services." Funds have been budgeted for FY 2020-2021. The contract term is from October 1, 2020 – September 30, 2021.

Board Discussion: Assistant County Manager Marc Mora presented the item.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.

NATURAL RESOURCES

4. Award Contract for Design of Iona Drainage District Canal H-7 Improvements

Item Summary: Awards a contract to [Kimley-Horn and Associates](#) for design of the Iona Drainage District Canal H-7 Improvements in the amount of \$268,745.93. The canal is located just south of College Parkway between Florida Southwestern College and Cleveland Avenue. The area serviced by the canal experienced flooding from multiple rain events including Invest 92-L and Hurricane Irma in

2017. Improvements to the area were identified and reaffirmed as part of Phase 3 of the Southern Lee County Flood Protection Plan. The project design is partially funded by a grant from the Florida Department of Emergency Management (FDEM) in the amount of \$101,695.00 (State share \$76,271.25 local match of \$25,423.75).

Board Discussion: Director of Natural Resources Roland Ottolini presented the item.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

5. Award Contract for Design of US41 Industrial Park Drainage Improvements

Item Summary: Awards a contract to [Kisinger Campo & Associates](#) for design of drainage improvements to the [US41 Industrial Park](#). The area to be improved is located along the southern end of Ten Mile Canal just north of US41 which has experienced flooding due to multiple rain events including Invest 92-L and Hurricane Irma. Improvements to the area were identified and reaffirmed as part of Phase 3 of the Southern Lee County Flood Protection Plan. The project design is partially funded by a grant from the Florida Department of Emergency Management (FDEM) in the amount of \$116,622.00 (State share \$87,466.50 / local match of \$29,155.50).

Board Discussion: Director of Natural Resources Roland Ottolini presented the item. Commissioner Pendergrass inquired if any of the businesses that experienced the flooding from Irma were being made aware of the improvements Lee County has in place for that area. Deputy County Manager Dave Harner stated that staff is currently sending out emails to anyone on the flooding email list.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

TRANSPORTATION

6. Award Contract for Sidewalk Improvements - Hancock Bridge Pkwy. (Moody Rd.-US41)

Item Summary: Awards a contract to [Wright Construction Group, Inc.](#), to provide the removal of existing utilities and replacement with a new force main on the north side of Hancock Bridge Parkway and construction of a five-foot wide sidewalk with drainage improvements from Moody Road to US 41 in the amount of \$1,593,426.00. This project was approved by the Bicycle/Pedestrian Advisory Committee in 2013 as their #6 priority. Funding for this project is included in the current year budget; total costs including design and construction are \$1,804,201. Construction is anticipated to begin in January 2021.

Board Discussion: Director of Transportation Randy Cerchie presented the item.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

7. Award Contract for Sidewalk Improvements - Hancock Bridge Pkwy. (NE 16th Pl.-SE 24th Ave.)

Item Summary: Awards a contract to [Andrew Site Work, LLC](#) to provide construction services, including sidewalk installation and utility improvements, along the north side of Hancock Bridge Parkway between NE 16th Place and SE 24th Avenue, in the low bid amount of \$1,891,504.00. This project was approved by the Bicycle/Pedestrian Advisory Committee in 2013 as their #8 priority. Project includes utility coordination with the City of Cape Coral; the City's contribution to this project is \$842,034.00. Funding for this project is included in the current year budget; total costs including design and construction are \$2,190,815. Construction is anticipated to begin in January 2021.

Board Discussion: Director of Transportation Randy Cerchie presented the item.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Sandelli, called and carried.

RESOLUTION No. 20-10-11

8. Award Contract for Construction of Stringfellow Road Shared Use Path

Item Summary: Awards contract to [Cougar Contracting, LLC](#), to provide an asphalt shared use path, reinforced concrete bridge, guardrail, drainage structures, and sodding improvements along the east side of Stringfellow Road from Eighth Avenue to York Road on Pine Island, in the total amount of \$1,050,000.00. This project was approved by the Bicycle/Pedestrian Advisory Committee in 2014 as their #4 priority. Funding for this project is included in the current year budget; total costs including design, construction management and construction are \$1,334,742. Construction is expected to begin in November.

Board Discussion: Director of Transportation Randy Cerchie presented the item.

Public Comment: The Chairman called for public comment and no speakers came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Sandelli, called and carried.

PUBLIC HEARING - 9:30 AM

1. Approve Petition to Vacate at 502 Hibiscus Avenue, Lehigh Acres

Item Summary: Extinguishes the public interest in the unimproved public utility easement centered along the common lot line between Lots 11 and 11-A of the platted lot at 502 Hibiscus Avenue in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for a residence. There were no objections from the public utility providers and there are no other affected property owners.

County Attorney: Assistant County Attorney Joe Adams approved the [Affidavit of Publication](#) for entry into the record and briefly summarized the request.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION No. 20-10-08](#)

2. Approve Petition to Vacate at 827 Naples Avenue South, Lehigh Acres

Item Summary: Extinguishes the public interest in the unimproved [public utility and drainage easement](#) centered along the common lot line between Lots 14 and 15 of the platted lot at 827 Naples Avenue South in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for a residence. A condition of LCDOT approval was a replacement drainage easement. There were no objections from the public utility providers and there are no other affected property owners.

County Attorney: Assistant County Attorney Joe Adams approved the [Affidavit of Publication](#) for entry into the record and briefly summarized the request.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION No. 20-10-09](#)

3. Approve Petition to Vacate at 3702 6th Street West, Lehigh Acres

Item Summary: Extinguishes the public interest in the unimproved public utility easement centered along the common lot line between Lots 8 and 9 of the platted lot at 3702 6th Street West in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for proposed residential accessory structures. There were no objections from the public utility providers and there are no other affected property owners.

County Attorney: Assistant County Attorney Joe Adams approved the [Affidavit of Publication](#) for entry into the record and briefly summarized the request.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION No. 20-10-10](#)

4. Conduct Public Hearing to Create the Galt Island Ave O&M MSBU

Item Summary: This item will create the Galt Island Ave Operation & Maintenance (O&M) Municipal Service Benefit Unit (MSBU) and will create the advisory committee associated with the unit. Galt Island Avenue is a non-County maintained road in Saint James City. Creation of the MSBU was approved by a majority of property owners.

The Ordinance adopted by the Board and filed was LEE COUNTY [ORDINANCE NO. 20-12](#) entitled:

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT (MSBU) FOR THE GALT ISLAND AVE OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; SETTING FORTH THE PURPOSE AND DEFINING THE BOUNDARIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE MSBU; PROVIDING FOR THE GENERAL POWERS FOR THE MSBU; NAMING AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SPECIAL ASSESSMENTS, LIENS AND COLLECTIONS; USE OF NON-AD VALOREM ASSESSMENTS; ESTABLISHING A REVERTER, PROVIDING FOR SEVERABILITY; ALTERNATIVE OR SUPPLEMENTAL AUTHORITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

County Attorney: County Attorney Richard Wm Wesch stated that the Affidavit of Publication had previously been submitted for entry into the record at the prior meeting. He then went on to briefly summarize the request and respectfully requested approval. Commissioner Pendergrass stated that this item was brought forward by the residents, they lobbied and took a vote which passed. He inquired with Attorney Wesch if the Board was required to follow the residents vote. Attorney Wesch stated that the Board had ultimate authority and discretion under state statute. However, in cooperation with the

County's Administrative Code, it is appropriate for the Board to follow that public vote that took place. The majority of the residents moved approval of this request and this request did originate from the residents. Attorney Michael Jacob was asked to give clarification on one of the topics brought up by one of the speakers. Commissioner Hamman stated that there was mention of a dispute with the HOA during public comment. However, the Board has no oversight over any HOA's. That would be a private legal dispute. Commissioner Hamman asked Attorney Jacob to confirm this, which Attorney Jacob did. Commissioner Pendergrass asked if the residents could petition to remove the MSBU process. Attorney Wesch stated that statutorily the residents would have the opportunity to disband the MSBU through a similar notification and vote process. There would have to be adequate provisions for any debts incurred up to that point. The residents can then ask the Board of County Commissioners to disband the MSBU statutorily.

Public Comment: The Chairman called for public comment and there were [four \(4\) speakers](#) that came forward.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

COMMISSIONERS ITEMS

Commissioner Hamman

1. Discuss Lake Okeechobee Resolution passed by Collier County

Commissioner Hamman stated that there is a problem that he was able to go out and see for himself out on Lake Okeechobee. There is a bunch of aquatic vegetation that grows on the lake. The county then goes in and sprays the vegetation. The vegetation then falls to the bottom of the lake and fills the lake full of dense nutrients. A group approached the Commissioner with a suggestion to remove the vegetation mechanically and then "juice" it and use the nutrients as fertilizer on nearby farm fields. The group is asking the county to pass a resolution supporting this plan, similar to the one passed in Collier County. Commissioner Hamman is directing staff to look into this issue and to bring it back as an agenda item at a later date. Commissioner Mann stated that he is familiar with this process and voiced his concern saying that the process takes much longer and is expensive. He stated that this is not a new process and has been looked at by many different agencies in the past. He suggested that staff look into the history of the findings.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried.

COMMISSIONERS APPOINTMENTS

Commissioner Mann:

Requested a motion to:

- Reappoint Frederick R. Richards to the Community Action Agency/Neighborhood District Committee

Vote: The motion was seconded by Commissioner Manning, called and carried.

Commissioner Pendergrass:

Requested a motion to:

- Reappoint Michael Morris to the Land Development Code Committee

Vote: The motion was seconded by Commissioner Manning, called and carried.

COUNTY MANAGER ITEMS

1. Move November 3 Regular Board Meeting and Workshop to November 10.

County Manager Roger Desjarlais presented the item asking the Board to approve moving the Regular Board Meeting and Workshop Meeting from November 3, 2020 to November 10, 2020.

Public Comment: The Chairman called for public comment and there was [one \(1\) speaker](#).

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.

2. Approve [Letter](#) designating Pam Keyes, Utilities Director, as primary FGUA Board Member and Christine Brady, Assistant County Manager as alternate.

County Manager Roger Desjarlais presented the item and asked the Board for approval to designate Pam Keyes, Utilities Director, as primary FGUA Board Member and Christine Brady, Assistant County Manager as alternate.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.

3. Appoint Jim Mitchell, Synovus Bank, to the Financial Auditor Selection Committee, as the Board of County Commissioners' representative.

County Manager Roger Desjarlais presented the item and asked the Board for approval to appoint Jim Mitchell, Synovus Bank, to the Financial Auditor Selection Committee, as the Board of County Commissioners' representative. Commissioner Mann inquired about term limits for this position and

County Manager Roger Desjarlais stated that this is a new designation and referred the item to Assistant County Manager/Chief Financial Officer Pete Winton. Mr. Winton stated that per the state statute this is a new position that now requires there be a private citizen appointed to the Financial Auditor Selection Committee. Mr. Mitchell was suggested by the Clerk’s Office.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

COUNTY ATTORNEY ITEMS

1. COVID-19

County Attorney Richard Wm. Wesch requested a motion for the Thirty-First (31st) Extension of the Covid-19 State of Local Emergency (SOLE) Declaration.

Public Comment: The Chairman called for public comment and there was [one \(1\) speaker](#).

Vote: Commissioner Manning so moved, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO. 20-10-04](#)

COMMISSIONERS’ WORKSHOP UPDATE

County Manager Roger Desjarlais announced that the Workshop meeting this afternoon at 1:30 p.m. will be a joint meeting with the Lee County Sheriff and County Staff to give an update on Homelessness in Lee County.

PUBLIC PRESENTATION OF MATTERS BY CITIZENS

The Chairman called for presentation of matters by citizens and [ten \(10\) citizens](#) came forward.

The Chairman adjourned the meeting at 10:59 a.m.

ATTEST:
LINDA DOGGETT, CLERK

By: _____
Deputy Clerk

Chairman, Lee County Commission