

AUGUST 04, 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-*Absent*  
 Ray Sandelli

The Chairman called the meeting to order at 9:30 a.m. At Chairman Hamman's request, Commissioner Ray Sandelli offered the Invocation, followed by the Pledge of Allegiance.

## RECAP/ANNOUNCEMENTS

Referring to the [Recap Agenda](#) of August 4, 2020, the Chairman announced that:

- No items to be deferred or continued
- The following Revisions/Corrections:
  - C4- Proof of Publication on the Annual Unclaimed Cash Bond is submitted and entered into the record.
  - C5- The current year dollar amount has been updated to \$77,500.
  - A6- The fund is updated to Capital Improvement-Conservation 2020.
  - A8- An additional Agreement for LeeTran's Fare Collection System has been added to the back-up for Board approval.
- Two Commissioners' Items, one County Manager's Item and one County Attorney item

Commissioner Mann moved approval of the Recap, seconded by Commissioner Pendergrass, called and carried with Commissioner Manning absent

No items were pulled for discussion by the individual Commissioners.

## PUBLIC COMMENT ON AGENDA ITEMS

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

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

## CONSENT AGENDA

### CLERK OF COURTS

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

**Item Summary:** Chapter 136.06(1), Florida Statutes 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 Mann, called and carried with Commissioner Manning absent.

#### 2. Present Report on Monthly Financial Summary for the month of May, 2020

**Item Summary:** This is a monthly information report that provides interim information on selected revenues, expenditures, debt, reserves and investments from the Clerk of Court.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### 3. Present Report on Driver Education Safety Trust Fund for the month of May, 2020

**Item Summary:** This is a monthly report from the Clerk of Court that provides financial activity for the Driver's Education Safety Trust Fund.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### 4. File and Record Proof of Publication on Annual Unclaimed Cash Bond Refunds

**Item Summary:** Pursuant to Florida Statute Chapter 116.21 this publication notifies criminal and civil cash bond depositors of unclaimed funds held by the Clerk of Courts.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **COUNTY ATTORNEY**

#### **5. Approve Mediated Settlement: Personal Injury Case of Margaret Jackson v. Lee County**

**Item Summary:** Ms. Margaret Jackson sustained injuries while at an event at Buckingham Community Center which required hospitalization and rehabilitation. Photos of the area where the fall occurred showed that the flooring blended in with the area below which caused difficulty in determining there was a step present. Approval of the proposed settlement resolves the case in its entirety against Lee County and avoids the uncertainty of a jury trial.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **COUNTY LANDS**

#### **6. Approve [Lease Agreement with Captiva Civic Association](#) for Library Branch**

**Item Summary:** Approves Lease Agreement between Captiva Civic Association, Inc. and Lee County for the location of the Lee County branch library on Captiva. The monthly rental cost is \$7,920.24 (or \$95,042.88 annually), inclusive of Common Area Maintenance (CAM), water, sewer, trash, and maintenance.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### **7. Approve [Utility Easement Exchange](#) with Shell Point Retirement Community**

**Item Summary:** Exchange public utility easement locations that will accommodate the construction of the Cultural Arts Center at Shell Point Retirement Community. Shell Point Retirement Community will pay for all costs associated with the exchange.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **RESOLUTION No. 20-08-02**

#### **8. Accept Donations: Drainage & Temporary Construction Easements for Signalized Intersection**

**Item Summary:** Accept donations of a six (6) foot wide [perpetual slope easement](#) and a ten (10) foot wide [temporary construction easement](#) located at 3103 8<sup>th</sup> Street SW, in Lehigh Acres, for the Sunshine Boulevard and 8<sup>th</sup> Street SW Signal Project, No. 0614. These easement donations will accommodate future construction of a signalized intersection project planned for fall 2020.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### **9. Accept Donation: Drainage & Temporary Construction Easements – Honda Drive**

**Item Summary:** Accept donations of a +/- 470 square foot [perpetual stormwater drainage easement](#) and a +/- 470 square foot as part of a Lee County Division of Natural Resources stormwater [Temporary Construction Easement](#) quality improvement project. The easement areas are located at 1910-1920 Honda Drive, Fort Myers, one-quarter mile west of the intersection of Honda Drive and U.S. 41.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### **10. Accept Donation: Perpetual Stormwater Drainage Easement – Pine Avenue**

**Item Summary:** Accept donation of a thirty (30) foot wide [Perpetual Stormwater Drainage Easement](#) allowing the County to construct and maintain closed-ditch drainage improvements for a primary neighborhood stormwater conveyance. The subject property is located at 1630 Pine Avenue, Alva, and the planned construction is part of the Department of Transportation's Pine Avenue Drainage Improvement Project.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### **11. Accept Donation: Perpetual Stormwater Drainage Easement Dana Drive**

**Item Summary:** Accept donation of a +/- 770 square foot [perpetual stormwater drainage easement](#) as part of a Lee County Division of Natural Resources stormwater quality improvement project. The easement area is located at 1910 Dana Drive, Fort Myers, one-quarter mile west of the intersection of Dana Drive and U.S. 41.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### **12. Accept Donation: Permanent Non-Exclusive Limited Use Access Easement – Rickenbacker Parkway**

**Item Summary:** Accept donation of a [Permanent Non-Exclusive Limited-Use Access Easement](#), located at 13160 Rickenbacker Parkway in Fort Myers, allowing the County ingress/egress over and across privately-owned property for the purpose of reaching the County-owned parcel known as Flag Pond Preserve, part of the Conservation 20/20 Land Acquisition Program, to perform environmental restoration and maintenance.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **13. Accept Donation: Access & Monitoring Easement with Right of Revocation – Devore Lane**

**Item Summary:** Accepts donation of an [Access and Monitoring Easement with Right of Revocation](#), allowing the Division of Natural Resources to install a water monitoring gauge on private property to examine rainfall levels and stormwater flows as part of the South Lee County Flood Zone Study project. The property is located at 17950 Devore Lane, Fort Myers.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

## **COUNTY MANAGER**

### **14. Award Contract: North East Hurricane Bay Maintenance Dredge O&M MSTU**

**Item Summary:** Award a contract to [Kelly Brothers, Inc.](#) for maintenance dredging of 6,100 cubic yards to maintain navigable access through Northeast Hurricane Bay Channel, in an amount not to exceed \$429,472.00. This project was planned and budgeted as a part of the Northeast Hurricane Bay O&M MSTU. The channel is located north of San Carlos Island.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **15. Approve Purchase & Installation of Chillers at Estero Recreation Center**

**Item Summary:** Approve contract with Carroll Air Systems, Inc. for the purchase and installation of two HVAC chillers for Estero Recreation Center in the amount of \$324,626.00. The existing chillers were installed in 2005 and are at the end of their useful lives. The condenser coils have rusted and require maintenance on a regular basis. The new chillers will have higher energy efficiency ratings due to the newer technology of the units which will lower energy consumption. A market analysis was completed identifying a total cost savings of approximately \$332,768.04 utilizing the piggyback contract.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **16. Approve Contract for JetBlue Stadium Repairs**

**Item Summary:** Approves contract amendment with [Wright Construction Group, Inc.](#) to provide construction services for repairs to JetBlue Stadium, authorizes Construction Phase Services and establishes the Guaranteed Maximum Price in the amount of \$1,698,663.00. Normal settling has occurred in multiple locations throughout the stadium causing concrete to crack. This project will address areas in need of maintenance that became apparent during routine site inspections which includes maintenance to the roof due to normal wear and tear, concrete repairs to railings, as well as repairs to cracks in the floor and coating of walkways. The total estimated cost to design, permit and construct the repairs is \$1,929,922, which includes \$170,635 for design, \$35,624 for pre-construction services, \$25,000 for threshold inspections and \$1,698,663 for the construction GMP, which includes \$241,000 to repair the roof due to normal wear and tear.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

## **NATURAL RESOURCES**

### **17. Approve Agreement for Culvert Installation under Corkscrew Road**

**Item Summary:** Approve an [agreement with Cameratta Companies, LLC](#) for the installation of two additional culvert pipes under Corkscrew Road in conjunction with the off-site improvements related to the development of The Place and Verdana Village. The Agreement will allow the County to further improve historic flow patterns in Southeast Lee County, as identified in the Phase 3 of the Southern Lee County Flood Protection Plan. The cost to add the two additional culvert pipes is \$67,797.33 and will be paid to the developer and included in their construction contract for the road and drainage work. Funds are available in the Flood Remediation Project.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### **18. Approve Contract Dispute Settlement with Enviro-Tech Systems, Inc.**

**Item Summary:** Approval of the proposed settlement resolves the contract dispute in its entirety regarding additional fill brought onto the site to compensate for unsuitable on-site materials Completion

of the Nalle Grade project will reduce the pollutant load being discharged to the Caloosahatchee River as well as mitigate stormwater runoff in the area. The project is part of the Basin Management Action Plan (BMAP) to meet the Total Nitrogen Total Maximum Daily Load (TMDL) requirement for the Caloosahatchee River. Budget is available in the current fiscal year to fund the settlement.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

**19. Approve [Annual Agreement with USGS](#) for Water Resources Data Collection**

**Item Summary:** Continues cooperative work with U.S. Geological Survey (USGS) to provide critical data for water resources modeling and assessment of flood conditions. The agreement includes water resources data collection at twelve sites on various rivers and streams throughout the County and is for a one year period beginning October 1st. The County has contracted each year with USGS since 1973. The total cost of the agreement is \$260,250, with the County paying \$120,731, USGS \$82,119 and Florida Department of Environmental Protection (FDEP) providing \$57,400 through a grant. Funding for the agreement is planned and budgeted in FY20/21.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

**20. Approve Interlocal Agreement for Bonita Beach Nourishment**

**Item Summary:** Approve an [Interlocal agreement with the City of Bonita](#) for maintaining Bonita Beach. The northern end of Bonita Beach is designated by the state as a critically eroded shoreline. Lee County has worked to manage the erosion since 1995 including cooperation with the City of Bonita Springs since their incorporation. Beach nourishment is anticipated to be necessary to keep a sandy beach at this location in the future and the proposed Interlocal Agreement will define the roles and responsibilities of Lee County and the City of Bonita Springs in order to implement that project.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

**PROCUREMENT MANAGEMENT**

**21. Approve Renewal Piggyback for Purchase of Office Supplies – Countywide**

**Item Summary:** Approve a contract with Staples, Inc., competitively solicited through Sourcewell. The cooperative purchase [agreement](#) provides volume pricing discounts, customization options to meet the County's specific needs, and an annual rebate of up to 5%, based on spend. Total anticipated expenditures in Fiscal Year 2019-2020 were \$535,040.65. Future expenditures are anticipated not to exceed \$575,000.00 annually. A market analysis was completed comparing the available procurement options for these items. It was determined that continuing with the Sourcewell renewal contract was the best option for Lee County due to the projected savings of approximately 26.5% annually, customization of services which allows County users to continue ordering without significant changes in process, and the annual rebate based on total spend.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

**RISK MANAGEMENT**

**22. Approve Settlement: Worker's Compensation Case of Charles Murphy v. Lee County**

**Item Summary:** Approval of the proposed settlement, as recommended by defense counsel, resolves past indemnity benefits against Lee County. The employee was injured while on duty and has been unable to return to work.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

**SHERIFF**

**23. Approve Application Submission: FY2020 [JAG](#) IT Disaster Recovery Project**

**Item Summary:** Authorizes LCSO to apply for the FY2020 Justice Assistance Grant, which will provide \$90,035 in funding for the Lee County Sheriff's Office Information Technology Disaster Recovery Project to purchase and implement a portion of equipment necessary for disaster recovery at the LCSO headquarters. This will ensure that critical data is not lost or compromised.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

**SOLID WASTE**

**24. Approve Piggyback Purchase of Tool Carrier/Slope Mower & Mack Road Tractors**

**Item Summary:** Authorize the use of pricing under the Florida Sheriffs Association Contract for the purchase of two Mack Road Tractors from [Nextran Corporation](#) in the total amount of \$266,159.70, and

one MowerMax Utility Work Machine from [ATMAX Equipment Co.](#), in the total amount of \$187,025. Utilizing these vendors under the Florida Sheriffs Association Contract results in total cost savings of \$130,132.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

### TRANSIT

#### 25. Approve Submission: Recurring FTA Grant Application for Capital & Operating Expenditures

**Item Summary:** Award an annual contract to Sulphuric Acid Trading Company, Inc. as a result of a competitive bid solicitation to supply sulfuric acid for Lee County Utilities water treatment facilities for the annual amount of \$318,420.00. This product is used at the water treatment plant to adjust acidity or alkalinity (pH) in various treatment processes. This vendor was the only bidder on this solicitation; however, staff reviewed their pricing and found it comparable to the current supplier's pricing. The contract does not allow automatic price increases and only allows for negotiated price increases in the event of significant industry-wide market changes. The initial contract period is three years, with the option to renew for a second three-year period. Total expenditures for these services for Contract Year 2019-2020 were \$297,729.25.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

[RESOLUTION No. 20-08-03](#)

### UTILITIES

#### 26. Award Annual Contract for Purchase of Chemicals for Water Treatment Facilities

**Item Summary:** Award an annual contract to Sulphuric Acid Trading Company, Inc., as a result of a competitive bid solicitation to supply sulphuric acid for Lee County Utilities water treatment facilities for the annual amount of \$318,420.00. This product is used at the water treatment plant to adjust acidity or alkalinity (pH) in various treatment processes. This vendor was the only bidder on this solicitation; however, staff reviewed their pricing and found it comparable to the current supplier's pricing. The contract does not allow automatic price increases and only allows for negotiated price increases in the event of significant industry-wide market changes. The initial contract period is three years, with the option to renew for a second three-year period. Total expenditures for these services for Contract Year 2019-20 were \$297,729.25.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

## ADMINISTRATIVE AGENDA

CHAIRMAN HAMMAN ANNOUNCED THAT ADMINISTRATIVE AGENDA ITEMS 1, 3 and 7 RELATE TO COVID-19 AND WILL BE HEARD SIMULTANEOUSLY.

### COMMUNITY DEVELOPMENT

#### 1. Approve [Agreement](#) with Florida Housing to Participate in Coronavirus Relief Fund Program

**Item Summary:** The Florida Housing Finance Corporation (Florida Housing) will provide \$1,479,099 in funding to Lee County through the Coronavirus Relief Fund (CRF) program. An agreement with Florida Housing must be executed prior to Lee County's participation in the CRF program. The agreement will govern the disbursement and expenditure of CRF funds by Lee County for providing rent and mortgage assistance to households with an income at or below 120% of the area median income limits published by Florida Housing. CRF funds received may be used to reimburse eligible costs incurred since March 1, 2020 and must be expended by December 30, 2020.

**Board Discussion:** Assistant County Manager Glen Salyer presented the request asking the Board to approve an agreement with Florida Housing Finance Corporation to participate in a Coronavirus Relief Fund (CVR) Program that consists of 1.84 million for rent and mortgage payment assistance, administered using the SHIP Program. Staff will prioritize very low income households (50% of Area Median Income (AMI), and with expedient deployment of the funds the County would qualify for additional funds in October.

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

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

### COUNTY MANAGER

#### 2. Adopt Proposed FY20-21 Ad Valorem Rates for TRIM Notice and Set Budget Public Hearing Dates

**Item Summary:** Adopt proposed FY20-21 ad valorem maximum millages for the Truth in Millage (TRIM) notice and schedule the first and second public hearing on the FY20-21 proposed budget and

proposed millage rates for September 3 and September 15, 2020, at 5:05 p.m. in the Old Lee County Courthouse Commission Chambers Meeting Room.

**Board Discussion:** Assistant County Manager/Chief Financial Officer Pete Winton recapped the request, and indicated that with approval, the Board is setting the maximum property tax rates FY2020-2021. He responded to a question by Commissioner Mann about whether there was the likelihood of a tax increase if property values continue to fall next year due to the COVID-19 issues, stating he knew of no indications that the tax base may take a big hit and Staff anticipates none at this time. County Manager Desjarlais remarked that he did not anticipate an increase in the millage rate next year.

**Vote:** The Chairman called for public comment and no speakers came forward. Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

### 3. Approve Various LeeCARES Programs for COVID-19 Response

**Item Summary:** Direct Staff to launch Round 2 of LeeCares assistance for individuals and families providing for broader eligibility and increased award amounts; enhance the Business Rehire program by increasing grant sizes; double the maximum scholarship amount allowed for each child that qualifies for childcare expenses to \$2,500 in order to extend the program through the remainder of calendar year 2020; and distribute PPE to County residents in partnership with the municipalities.

**Board Discussion:** County Manager Roger Desjarlais introduced the item and reviewed COVID-19 response efforts launched after the Board's direction to Staff for implementation of assistance programs for families and businesses within a two-week timeline. Assistant County Manager Glen Salyer narrated a PowerPoint Presentation recapping the programs implemented and outcomes and remarked that as the COVID-19 crisis continues, the Board is acutely aware that assistance must be enhanced and sustained. This agenda item asks the Board to approve a second round of aid for individuals and families, specifying families that applied previously can apply a second time for a new phase of assistance of up to \$3,000 for mortgages, rents, and utility payments, commencing August 17, 2020; Businesses can receive up to \$8,000 per rehired employee, and Child Care Scholarships have been doubled to \$2,500 per student for enrollment in after-school programs in the fall. Detailed information is available with instructions for submitting applications at [LeeCares.com](http://LeeCares.com). Commissioner Mann commented he is pleased to have a better picture of what the demands and requirements are, and praised staff for persevering in oversight of the programs, making adjustments as the needs arise. He added this was a giant leap forward for the community. Commissioner Sandelli commented that the fundamental elements in launching these types of aid programs is assessing the initial need, continuing assessment, and maintaining reserves. Mr. Salyer stated that in the next steps, Human Resources will hire temporary staff (55 employees) to relieve/supplement the current LeeCARES team, and trained by LeeCARES staff. Staff is in the process of procuring additional Personal Protection Equipment (PPE) and coordinating with the municipalities for county-wide distribution. Board questions and comments ensued with statements of commendation by each of the individual Commissioners for the County Manager, Assistant County Managers, and all who participated in working toward the development of the programs that will effectively assist so many in the community in such a short time. Mr. Salyer noted that Round 2 of the Individual Assistance & Families Target date is August 17<sup>th</sup>, with closure of the current Round 1 on Friday, August 7<sup>th</sup>. Business Rehire will remain ongoing; childcare will remain ongoing, and the PPE distribution is currently to be determined pending procurement and coordination of plans for distribution from a variety of venues. County Manager Desjarlais commented that Staff will continue purchasing PPE for stockpiling with plans to accumulate at least a one-year supply in the event of another pandemic or other necessitating event. Commissioner Mann asked about distribution and Mr. Salyer responded that staff is working on the logistics.

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

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

## ECONOMIC DEVELOPMENT

### 4. Adopt Resolution Approving Issuance of IDA Revenue Bonds on behalf of Cypress Cove at HealthPark

**Item Summary:** Approves for federal tax and state law purposes the Lee County Industrial Development Authority (the "Authority") issuance of \$112,000,000 Healthcare Facilities Refunding Revenue Bonds for the benefit of Cypress Cove at HealthPark Florida, Inc. ("Cypress Cove"). Cypress Cove will use the proceeds to refund outstanding debt of the Authority and finance and refinance a portion of the acquisition costs of certain real property and certain capital improvements to its healthcare facilities. Neither the County nor the Authority will have any financial liability or responsibility for repayment of the debt, which is payable solely from payments from Cypress Cove.

**Board Discussion:** Director of Economic Development John Talmage outlined the purpose of the refunding and limited requirement for approval by the county, emphasizing that the County will incur no liability.

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

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

[RESOLUTION No.20-08-04](#)

### **ENVIRONMENTAL ITEMS**

#### **5. Approve [Conservation 20/20 Purchase of Land Contiguous to Pine Island Flatwoods Preserve](#)**

**Item Summary:** Approves the purchase of +/-15 acres of land contiguous to the Pine Island Flatwoods Preserve, as well as Calusa Land Trust's conservation land, for the Conservation 20/20 Land Acquisition Program. This parcel consists of native pine flatwoods and mangrove forest. The purchase price is \$52,500. The Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) approved forwarding this purchase by unanimous vote.

**Board Discussion:** Director of Parks and Recreation Jesse Lavender reviewed the proposed purchase pointing out the location and noting it consists of native pine flatwoods and mangrove forests. Commissioner Mann inquired about the Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) vote for the parcel and Mr. Lavender responded, briefly reviewing the ranking process for this parcel. ([Transfer of Funds](#))

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

#### **6. Approve [Conservation 20/20 Purchase of Land Contiguous to Imperial Marsh Preserve](#)**

**Item Summary:** Approve the purchase of +/- 201 acres of land contiguous to Imperial Marsh Preserve-Galloway Tract for the Conservation 20/20 Land Acquisition Program. The land is +/- 1 mile south of State Road 82 and about 3 miles west of the east county line. This parcel consists of diverse mix of upland and wetland native plant communities, including South Florida slash pine dominated flatwoods, live oak hammock, mesic hardwood hammock dominated by laurel oaks, cypress forest and some fresh water marshes. The site has wading birds in the fresh water marshes including mature and immature wood storks, sandhill cranes, glossy ibis, white ibis, snowy egrets, little blue heron, tricolored heron and great blue heron. The purchase price is \$1,300,000. The Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) approved forwarding this purchase by unanimous vote.

**Board Discussion:** Director of Parks and Recreation Jesse Lavender gave an overview of the proposed purchase of Parcel 598, located south of SR 82 and contiguous to Imperial Marsh Preserve-Galloway Tract consisting of +/- 201 acres of forest and wetlands and native plant communities. Commissioner Hamman mentioned the proximity to the SR 82 Widening Project. ([Transfer of Funds](#))

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

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli called and carried with Commissioner Manning absent.

### **HUMAN SERVICES**

#### **7. Approve Submission of Required [HUD Planning Documents & Accept HUD CARES Act Funds](#)**

**Item Summary:** Approval ensures compliance with requirements and allows for the continued receipt of U.S. Department of Housing and Urban Development (HUD) entitlement funds for planning, affordable housing, community development, and housing and services for persons experiencing homelessness. Approval also accepts HUD CARES Act funds in the amount of [\\$1,818,474](#) intended for activities and planning that prevent, prepare for, and respond to the coronavirus pandemic (COVID-19). Activities will include homeless rehousing and planning to respond to community needs resulting from COVID-19.

**Board Discussion:** Assistant County Manager Marc Mora summarized the request which seeks approval to accept \$1.8 million as a Round 2 CARES Act allocation, earmarked for the Rapid Rehousing Program and administered by the Department of Human & Veterans Services. The deadline for expenditure of the funds is September 30, 2022, and intended targets in this particular program are those facing housing emergencies due to COVID 19. Commissioner Sandelli commended Mr. Mora for his outstanding work on the project. Commissioner Hamman mentioned that the funds will help citizens who have undergone housing emergencies due to evictions and mortgage foreclosures stemming from the pandemic obtain assistance through the Rapid Rehousing Program to hopefully avoid any time spent as homeless,

**Public Comment:** The Chairman called for public comment and one speaker came forward. (No speaker card)

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

[RESOLUTION No. 20-08-05](#)

### **TRANSIT**

#### **8. Approve Additional Agreement for LeeTran's Fare Collection**

**Item Summary:** Approve an additional agreement for LeeTran's Fare Point of Sale Solutions System, with [SPX Corporation](#). This additional agreement is for the Mobile Link subscription, and is included as part of LeeTran's fare collection system, which provides all minor version software upgrades and patches available or required; access to the issue Resolution Timeline; and 24-hour support. Mobile Link improves operational efficiency through the use of contactless service. The mobile app allows passengers to plan a trip, check fares and manage their accounts on a mobile device providing added safety, ease of use and convenience creating an improved overall rider experience. The costs were included in the original agreement, and therefore, no additional funds are required for the approval and implementation of this additional agreement.

**Board Discussion:** LeeTran Director Robert Codie gave an enthusiastic overview of the request describing the Mobile Link subscription, pointing out that no additional funds are required and operational efficiency is greatly improved through the use of contactless service. Passengers will be able to plan trips, check fares and manage their accounts on a mobile device allowing added safety, ease of use and an improved rider experience.

**Vote:** Commissioner Sandelli moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Manning absent.

## PUBLIC HEARINGS – 9:30 AM

### 1. Approve Petition to Vacate at 2401 Fisher Court, Lehigh Acres, and FL

**Item Summary:** Extinguishes the public interest in the unimproved public utility and drainage easement centered along the common lot line between Lots 31 and 32 of the platted lot at 2401 Fisher Court in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for an existing residence that is encroaching into the easement. There were no objections from the public utility providers and all affected property owners have been notified.

**County Attorney:** County Attorney Richard Wm. Wesch approved the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

**Vote:** Commissioner Mann moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

[RESOLUTION No. 20-08-07](#)

### 2. Approve Petition to Vacate at 12209 Matlacha Boulevard, Cape Coral, FL

**Item Summary:** Extinguishes the public interest in an improved portion of a canal right-of-way adjacent to Lot 12 at 12209 Matlacha Boulevard to allow the described portion of unused uplands lying between the waterside face of the seawall and the applicant's property line to be included in the applicant's building site. This will facilitate conformity with lot coverage requirements for site development. There were no objections from the public utility providers and all affected property owners have been notified.

**County Attorney:** County Attorney Richard Wm. Wesch approved the Affidavit of Publication for entry into the record and briefly reviewed the request.

**Board Discussion/Public Comment:** The Chairman called for public comment and no speakers came forward.

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

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

### 3. Conduct Public Hearing Approving Final Assessment for Marina/Coral Circle MSBU

**Item Summary:** Provides the Final Assessment for the Marina/Coral Circle Canal Dredge Capital Improvement Program Municipal Service Benefit Unit. The Marina/Coral Circle Canal is a residential canal in North Fort Myers. The MSBU was created by resolution 17-04-16, in April 2017, and construction was completed in May 2020.

**County Attorney:** County Attorney Richard Wm. Wesch approved the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

**Vote:** Commissioner Mann moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Manning absent.

[RESOLUTION No. 20-08-09](#) and [RESOLUTION No.20-08-10](#)

### 4. Conduct Public Hearing Approving Final Assessment for Sunset Cove Channel Dredge MSBU

**Item Summary:** Provides the Final Assessment for the Sunset Cove Channel Dredge Capital Improvement Program Municipal Service Benefit Unit. The Sunset Cove Channel is the entrance to a residential canal system in Fort Myers for 61 waterfront parcels. The MSBU was created by resolution 18-04-06, on April 03, 2018, and construction was completed in May 2020.

**County Attorney:** County Attorney Richard Wm. Wesch approved the [Affidavit of Publication](#) for entry into the record and briefly reviewed the request.

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



**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Sandelli, called and carried.  
[RESOLUTION No. 20-08-11](#) and [RESOLUTION No. 20-08-12](#)

#### 5. Adopt and Certify a Resolution Placing MSBU Assessments on Tax Bills

**Item Summary:** Adoption will allow for, and collection of, Non-Ad Valorem Special Assessment Rolls for twenty-six (26) Municipal Service Benefit Units, per Section 197.3632, Florida Statutes.

**County Attorney:** County Attorney Richard Wm. Wesch approved the Affidavit of Publication for entry into the record and briefly recapped the request which allows for and collection of Non Ad Valorem Special Assessment Rolls for 26 MSBU(s).

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

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Mann, called and carried with Commissioner Manning absent.

[RESOLUTION No. 20-08-06](#)

### COMMISSIONERS ITEMS

#### **Commissioner Pendergrass:**

Commissioner Pendergrass expressed gratitude to County Manager Roger Desjarlais and Staff, and Visitor & Convention Bureau (VCB) Director Tamara Pigott and Staff for the invaluable assistance during COVID-19 crisis. He conveyed special appreciation to our amazing Chairman Brian Hamman for his untiring leadership and commitment, and his unrelenting engagement with the Citizens of Lee County, maintaining ongoing communications with LeeHealth, a principal partner during the pandemic. Commissioner Sandelli joined Commissioners Pendergrass and Hamman to commend and thank the public for their positive attitudes toward compliance with the guidelines and recommendations necessary to “Flatten the Curve”.

### CONVENE AS BOARD OF PORT COMMISSIONERS

#### **Commissioner Hamman:**

Chairman Hamman received the Board’s approval to convene a Special Meeting as the Board of Port Commissioners requesting approval by the Board of a merit raise for Acting Executive Director of the Lee County Port Authority Benjamin Siegel. Mr. Siegel was due to receive a merit raise in May, 2020; however, because of attending to the many issues and circumstances arising from the Covid-19 pandemic, the matter did not come before the Board for approval until today. County Attorney Richard Wm. Wesch provided brief procedural guidance, opining that in order for the Board to approve the raise, a motion would be required.

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

**Vote:** Commissioner Sandelli moved approval for the raise, seconded by Commissioner Pendergrass, called and carried with Commissioner Manning absent.

### RECONVENE AS BOARD OF LEE COUNTY COMMISSIONERS

The Chairman reconvened the Regular meeting at 10:18 a.m. with all Commissioners present except Commissioner Manning.

#### **Commissioner Mann:**

Commissioner Mann recounted an incident he experienced when dining in a local restaurant, indicating that he observed the servers and the kitchen staff while in the process of preparing and serving the order to be all without face masks. Board discussion ensued on face mask policies, and the individual Commissioners noted situations they had encountered over the past few months. County Manager Roger Desjarlais remarked that County Staff continues to encourage all residents to follow the CDC Guidelines for face masks, as well as promoting the displaying of signs concerning wearing masks, all in an effort toward making Lee County a good role model for adherence to safety guidelines during the crisis. Commissioner Mann said, “Hats Off to the County Manager and Staff” for their outstanding efforts concerning the safety and wellbeing of our citizens.

### COMMISSIONERS APPOINTMENTS

**Commissioner Sandelli moved approval for:**

- New Appointment of Catherine Moses to the Coastal Advisory Council.

**Vote:** Commissioner Pendergrass seconded and the motion was called and carried with Commissioner Manning absent.

**Commissioner Pendergrass moved approval for:**

- Reappointment of Walter Ferguson to the Housing Finance Authority ([Certificate of Appointment](#))
- Reappointment of Jennifer Evans to the Roadway Landscape Committee
- Reappointment of Debbie Hughes to the Roadway Landscape Committee

- Reappointment of Nora Demers to the San Carlos Park Special Improvement
  - Reappointment of Paul Milford to the Human Services Council
  - New appointment of Joshua Hudson to the Construction Licensing Committee
  - New Appointment of Katherine Brownwell to the Historic Preservation Committee
- Vote:** Commissioner Sandelli seconded, called and carried with Commissioner Manning absent.

**Commissioner Mann moved on behalf of Commissioner Hamman approval for:**

- Reappointment of Gregory J. Diserio to the Roadway Landscape Committee
- Vote:** Commissioner Pendergrass seconded, called and carried with Commissioner Manning absent.

**Commissioner Mann moved approval for:**

- New appointment of Justin E. Thibaut to the Lee County MPO CAC
- Vote:** Commissioner Pendergrass seconded, called and carried with Commissioner Manning absent.

## COUNTY MANAGER ITEMS

County Manager Roger Desjarlais requested the Board to approve a [letter](#) to be signed by Chairman Hamman and directed to Senators Marco Rubio and Rick Scott expressing gratitude for the assistance the County has received since the onset of COVID-19 and to request funding for additional aid under the Health, Economic Assistance, Liability, Protection & Schools (HEALS) Act. Mr. Desjarlais asked Assistant County Manager Glen Salyer to explained the HEALS Act and the potential assistance the Act provides .Mr. Salyer reviewed the legislation and explained the aid it would avail to the community.

**Vote:** Commissioner Pendergrass moved approval for sending the letter, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

## COUNTY ATTORNEY ITEMS

County Attorney Richard Wm. Wesch requested a motion for the twentieth (20<sup>th</sup>) extension of the Covid-19 State of Local Emergency, and Commissioner Mann so moved, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

**Board Discussion:** Commissioner Hamman asked how long the State of Local Emergency (SOLE) would remain in effect. Attorney Wesch advised that Staff would commence due diligence on how long it is to remain in effect to bring back for Board consideration.

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

**Vote:** Commissioner Mann moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Manning absent.

[RESOLUTION No. 20-08-01](#)

Mr. Wesch advised the Board of receipt of a Request for Input from the U.S. Attorney's office regarding Kay Gow and John Williams. Both parties were convicted of federal crimes in the *V. R. Labs* case and have now filed Motions for Commutation of Sentences due to COVID-19. Mr. Wesch advised he notified the U. S. Attorney that Lee County has filed objections to both requests with notification that Lee County will take all necessary steps for continuance of the motions.

## COMMISSIONERS' WORKSHOP UPDATE

County Manager Roger Desjarlais informed that Staff will present the Second Draft of the FY2020-2021 Continuation Budget, including the Capital Improvement Plan (CIP) and Major Maintenance (MME) projections FY20-21 at the Commissioner's' Workshop to be held at 1:30 p.m. today.

County Manager Roger Desjarlais informed the Board that Staff has concerns about what actions the County would take if there is no Covid-19 Vaccine in existence by the first of 2021, and in that regard, he will convene an internal group, to meet and determine the impact on and how County operations and service levels would be managed/maintained. Mr. Desjarlais asked that all questions, concerns, and suggestions on the subject be directed to his attention.

## PUBLIC PRESENTATION OF MATTERS BY CITIZENS

The Chairman called for presentation of matters by citizens and were four (4) [speakers](#) came forward:

- Bobbie D'Alessandro, Fort Myers resident
- Barbara (Babs) Kavanagh, Fort Myers resident
- Danny Ballard, representing North Fort Myers Civic Association
- (No Speaker Card) Fort Myers resident

The Chairman adjourned the meeting at 10:56 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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