

JUNE 21, 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
 Ray Judah
 Tammara Hall

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Paul Lodato, of WRXY Christian Television, followed by the Pledge of Allegiance.

PRESENTATIONS

Commissioner Hall read and presented a Resolution recognizing Charles Dauray for his service as a Governing Board member of the South Florida Water Management District and his dedication to Lee County, Southwest Florida and the entire South Florida region; and thanking him for his leadership. Mr. Dauray accepted the Resolution and spoke to Lee County's unique environmental issues. ([#20110519](#)-COMMISSIONER HALL)

Commissioner Manning read and presented a Resolution extending the County's best wishes for a successful 2011 Mango Mania Tropical Fruit Festival being celebrated July 30-31, 2011. The 2011 Mango Queen Melissa Kofel and the Executive Director of the Pine Island Chamber of Commerce Lisa Benton accepted the Resolution. Ms. Korfel thanked the Board for the recognition, and commented on the County's bountiful tropical fruit selection. ([#20110520](#)-COMMISSIONER MANNING)

Commissioner Bigelow read and presented a Resolution proclaiming the month of July 2011 as Distracted Driving Awareness Month in Lee County, and urging all of its residents to Stay Alert, Stay Focused, Stay Alive ...Just Drive! Executive Director Jay Anderson, along with several other representative public safety officials, accepted the Resolution. Mr. Anderson commended the many teams and organizations that support this effort. Representing Bike Walk Lee Ann Pierce also spoke and read a letter in support. ([#20110521](#)-COMMISSIONER BIGELOW)

Commissioner Mann read and presented a Resolution proclaiming July 2011 as Parks & Recreation Month in Lee County and urging all citizens to visit the parks, especially on the weekend of July 30th and 31st when all parking fees will be waived at Lee County Regional Parks and boat ramps, and there will be free admission at the county pools. Public Parks and Recreation Director Barbara Manzo and Deputy Director Dave Harner, along with a large contingent of Parks staff, accepted the Resolution. Ms. Manzo urged the community to visit one of the many public parks. ([#20110522](#)-COMMISSIONER MANN)

American Heart Association representative Leslie Amick read and presented a Fit Friendly Lee Award to the Board of County Commissioners. ([#20110523](#)-HUMAN RESOURCES)

Commissioner Mann read and presented a Resolution commending the Grounds Crew for the Lee County Sports complex, the City of Palms Park and the Red Sox Player Development Complex for their hard work, dedication and continued commitment to professional baseball in Lee County. Pablo Adorno, Keith Blasingim, representing the Grounds Crew along with Public Parks and Recreation Director Barbara Manzo and Deputy Director Dave Harner accepted the Resolution; and expressed appreciation for the Board support. ([#20110524](#)-COMMISSIONER MANN)

WALK-ON ITEM NO. 1 WAS HEARD AT THIS TIME

Commissioner Judah read and presented a Resolution extending farewell wishes to outgoing Acting Director of the Department of Transportation Paul W. Wingard, and conveying sincere appreciation for his long-time service and recognizing his outstanding contributions to Lee County. Mr. Wingard accepted the Resolution, and thanked the Board. ([#20110532](#)-COMMISSIONER JUDAH)

ANNOUNCEMENTS

Referring to the Agenda [Recap Sheet](#) dated June 21, 2011, the Chairman announced that:

Consent Agenda Item 1B should include: Enter the annual contract amount of \$473,340.00/lump sum, with Compensation for each aforementioned tasks for each succeeding year shall be adjusted as follows: All Urban Consumers CPI up to 3.6% as a cumulative average cap based on the March to March average of each year. Commissioner Hall moved approval of the revision, seconded by Commissioner Manning, called and carried.

Six Walk-On items would be heard at the appropriate time in the agenda

Commissioner Bigelow moved to approve the addition of Public Presentation of Matters by Citizens to the end of this agenda due to the Board recess over the next five weeks. The motion was seconded by Commissioner Mann for discussion, and called and carried.

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

CP3 and CP5 - Representing Bike Walk Lee [Ann Pierce](#)
A1A – Clerk of Court [Charlie Green](#)
C8A – Representing the Greater Pine Island Civic Association [Phil Buchanan](#) ([handout](#))
A9A – Alva resident [Keith Dean](#)
A1A – Lehigh Acres hotelier [Jeff Webb](#)
C9A – Conservancy of Southwest Florida representative [Caitlin Weber](#)
C9C – Lee County Fair Association representative [Artie McIntyre](#)
C9C – Attorney for the Lee County Fair Association [Anne Dalton](#)
A1A – National Swim Center Corporation (NSCC) Board Member [Brandon Drawz](#)
A1A – NSCC Managing Partner [Fred Yeo](#)
A1A – Amateur Sports Organizing Committee representative [John Naylor](#)
A1A – NSCC Executive Director [John McIlhargy](#)
A1A – Representing the NSCC [John Albion](#)
A1A – Fort Myers resident [Adam Hindson](#)

Commissioners Hall and Manning each briefly left the Chambers during public comment.

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

Commissioner Hall - none
Commissioner Manning – none
Commissioner Mann – 9B, 10A
Commissioner Judah – 7C, 8A, 9A, 9B
Commissioner Bigelow – 1C, 6A, 7A, 9B, 12B, 13E

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Authorize [Interlocal Agreement with the City of Bonita Springs](#) regarding distribution of the Five and Six Cent Local Option Gas Taxes. (#20110490-COUNTY MANAGER)

FUNDING SOURCE:

Five and Six Cent Local Option Gas Tax Revenues.

WHAT ACTION ACCOMPLISHES:

Interlocal Agreement must be approved by the Board of County Commissioners.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

Award, and authorize Chair to execute, a Service Provider Agreement under CN-11-04 Annual Financial Audit to [Cherry Bekaert & Holland LLP](#) and Tuscan & Co PA, with an annual contract amount of \$473,340.00/lump sum, with Compensation for each aforementioned tasks for each succeeding year shall be adjusted as follows: All Urban Consumers CPI up to 3.6% as a cumulative average cap based on the March to March average of each year, for an initial contract period of three (3) years with the option of renewal for two (2) additional one (1) year periods.

(#20110503-COUNTY MANAGER)

FUNDING SOURCE:

Fund: General Fund; Program: Non-Dept – Non-Departmental; Project: Auditing

WHAT ACTION ACCOMPLISHES:

Provides an accounting firm that will perform any and all services for the Annual Financial

Audit to the BoCC and Constitutional Offices.

MANAGEMENT RECOMMENDATION:

Approve.

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

C) **ACTION REQUESTED/PURPOSE:**

Award RFP-11-05 Third Party Administration for Liability and Workers' Compensation Claims to the Proposer whose proposal was evaluated by the Evaluation Committee as being in the best interest of Lee County, to [PMA Management Corp](#) for a "per claim" fee - times the number of claims incurred for FY 11-12 (annually October 1 – September 30). The agreement will be for three (3) years, with two one (1) year optional renewals. The estimated first year expenditure is \$292,720.00 with the second and third years being estimated at \$181,870.00, which includes per claim and administration fees. Also authorize Chair to execute the Agreement upon receipt. ([#20110505](#)-COUNTY MANAGER)

FUNDING SOURCE:

Fund: General Liability Self-Insurance; Program: Property & Liability; Project: Professional Services.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Third Party Administrator for Liability and Workers' Compensation claims.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed his non-support for Consent Agenda Items 1C, 7A and 13E, which were acted on simultaneously, referring to his on-going opposition to the general make-up of the County's Selection Committee.

Commissioner Judah moved approval of the item, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay.

2. COMMUNITY DEVELOPMENT

A) **ACTION REQUESTED/PURPOSE:**

Amend the following Community Planning contracts:

[Contract #4997](#), A Living Vision of Alva Inc. (ALVA Inc.), extension to October 31, 2012

[Contract #4998](#), A Living Vision of Alva, Inc. (ALVA Inc.) extension to September 30, 2011 ([#20110348](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE

No additional funds are required for contract extensions.

WHAT ACTION ACCOMPLISHES

Allows Alva Community Planning Panel additional time for the stated deliverables in both contracts.

MANAGEMENT RECOMMENDATION

Approve.

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

B) **ACTION REQUESTED/PURPOSE:**

Execute a [grant award agreement](#) for \$40,000.00 in SHIP funds with Partnership-In-Housing Inc. for the rehabilitation of at least ten (10) rental housing units for very low income farm worker households at Pueblo Bonito in Bonita Springs with a completion date of September 30, 2011. ([#20110510](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

SHIP Local Housing Assistance Funds.

WHAT ACTION ACCOMPLISHES:

Allows the county to enter into a grant award agreement for the expenditure of 2008/09 SHIP funds to maintain the supply of affordable housing.

MANAGEMENT RECOMMENDATION:

Approve.

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

3. CONSTRUCTION AND DESIGN

A) ACTION REQUESTED/PURPOSE:

A) Award, and authorize staff to enter into a Construction Manager (CM) Agreement for RFQ-11-01 Lee Tran Administration, Operations and Maintenance Facility to [W.G. Mills, Inc. d/b/a Mills Gilbane](#), (a local Contractor), for the sum of 4% percent of the total construction cost (CM Fee) and 0.75% of the cost of construction for the Pre-construction Services (based on a construction estimate of \$30,000,000.00) with a lump sum of \$225,000.00. Also, authorize the Chair to execute the CM Agreement upon receipt

B) It is further requested that the Board approve waiving of any formal process (if needed) and authorize the use of the Direct Material Purchase Orders based on CM Agreement which allows the County to purchase directly from suppliers of equipment and/or material as a cost/time saving measure. ([#20110509](#)-CONSTRUCTION AND DESIGN)

FUNDING SOURCE:

Fund: Transit Operations and Maintenance Facility, Program: Transit Capital, Project: Lee Tran Administration, Operations and Maintenance Facility Project.

WHAT ACTION ACCOMPLISHES:

The proposed facility would include an Administration Office of approximately 12,000 square feet, a Transportation Operations Office of approximately 18,000 square feet, and a Vehicle Maintenance Building of approximately 45,000 square feet & Service Areas. The site is 23.8 acres. This is a Federally Funded Project.

MANAGEMENT RECOMMENDATION:

Approve.

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

4. COUNTY COMMISSIONERS

No requests received.

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

Approve, and authorize Chair to execute, a [Purchase Agreement with Jamaica Bay West Associates, LTD](#), for acquisition of Parcel 110, STRAP No. 36-45-24-00-00001.0000, a 19,927 square foot [Perpetual Utility Easement](#) and a 22,986 square foot [Temporary Construction Easement](#) for RSW Water Transmission Line Project No.7193, located at 15235 S. Tamiami Trail, Fort Myers, in the amount of \$17,500.00, and necessary costs to close of approximately \$700.00. Also, authorize the Division of County Lands to execute and accept all documentation necessary to complete this transaction.

([#20110485](#)-COUNTY LANDS)

FUNDING SOURCE:

Fund: Utilities Water Connection Fees Program: Capital Projects Project: Water Transmission Line – Ben Hill to Treeline.

WHAT ACTION ACCOMPLISHES:

Acquires a perpetual utility easement and a temporary construction easement necessary for construction of the RSW 24-inch Water Transmission Line Project and avoids condemnation proceedings.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

Approve, and authorize Chair to execute, a [Purchase Agreement](#) with University Village Florida, LLC and Dew Associates Florida LLC, for acquisition of Parcel 100, STRAP No. 14-45-24-00-00003.0110, a 5,172 square foot [perpetual public waterline utility easement](#) for the South Fort Myers Water Transmission Line Improvement Project No. 7184, located at 12250 South Cleveland Avenue, Fort Myers, FL 33907, in the amount of \$32,000.00, and payment of necessary costs to close of approximately \$1,500.00;

Also, authorize the Division of County Lands to execute and accept all documentation necessary to complete this transaction. ([#20110501](#)-COUNTY LANDS)

FUNDING SOURCE:

Fund: Utilities Capital Improvements; Program: Capital Projects; Project: South Fort Myers Water Transmission Line Improvement Project No. 7184.

WHAT ACTION ACCOMPLISHES:

Acquires the necessary Parcel 100 property for the Project.

MANAGEMENT RECOMMENDATION:

Approve.

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

6. HUMAN SERVICES

A) ACTION REQUESTED/PURPOSE:

Approve submission of grant applications and substantial amendments to existing funding during the Board's recess from June 22 through August 1, 2011 as necessary by designating the County Manager as the official representative authorized to take such action. Any action that is taken during this time will be reported to the Board when they reconvene in August. ([#20110476](#)-HUMAN SERVICES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Authorizes the County Manager to sign grant applications and related documents on behalf of the Board during the Board's recess.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Human Services Director Ann Arnall and County Manager Karen Hawes addressed a concern expressed by Commissioner Bigelow and his recommendation to strike the phrase "and substantial amendments to existing funding." Commissioner Bigelow moved to approve the item striking "Neighborhood Stabilization Program" from being included in the authorization. The motion failed for lack of a second. Following further discussion, Commissioner Judah moved approval of the item, seconded by Commissioner Manning, called and carried with Commissioner Bigelow voting nay.

7. INDEPENDENT

A) ACTION REQUESTED/PURPOSE:

Award RFP-11-06 Short Term/Long Term Disability Insurance, to the proposer whose proposal was evaluated by the Evaluation Committee as being in the best interest of Lee County, [Standard Insurance Company](#), with an initial contract period for the STD to begin August 1, 2011 and the LTD to begin on January 1, 2012 (both contracts to run for a period of 12 months). The contract may be renegotiated and renewed each year for up to an additional four (4) years upon mutually satisfactory conditions. Also, authorize Chair to execute Agreement upon receipt. ([#20110470](#)-HUMAN RESOURCES)

FUNDING SOURCE:

Funding will come from employer contributions for Long Term; and employee contributions for Short Term Disability.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a provider for Short Term and Long Term Disability Insurance for a possible 5 year period.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed his non-support for Consent Agenda Items 1C, 7A and 13E, which were acted on simultaneously, referring to his on-going opposition to the general make-up of the County's Selection Committee. Commissioner Judah moved approval of the item, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay.

B) ACTION REQUESTED/PURPOSE:

Request authorization to advertise and set a Public Hearing on August 9, 2011 at 9:30 a.m., to amend the Taxicab & Livery Ordinance 00-01. ([#20110493](#)-PUBLIC RESOURCES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Sets Public Hearing date of August 9, 2011 at 9:30 a.m. in order for the Board to formally adopt amending Ordinance 00-01 Taxicab & Livery.

MANAGEMENT RECOMMENDATION:

Approve authorization to advertise for and set the Public Hearing.

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

C) ACTION REQUESTED/PURPOSE:

Authorize acceptance and expenditure authority in the total amount of \$4,712.00 for the following monetary donations:

\$400.00 from the Friends of Boca Grande Community Center for 2011 magazines;

\$500.00 from Western Shade Cloth Charitable Foundation for the Boca Grande Reference Room's children's collection;

\$2,882.10 from the Friends of Library Processing for registration and related travel for (3) library staff members to attend the Polaris User's Group Conference;

\$510.00 from Friends of the Bonita Springs Library for the purchase of slanted DVD shelving;

\$150.00 from Friends of Lakes Regional Library in memorial to Margaret Carr;

\$20.00 from Vonda Stanton, \$25.00 from Kathleen Ellison, \$50.00 from P. & R.

Krauss, \$25.00 from J. & B. Coates, \$100.00 from M. & J. McGinty, \$25.00 from D. & A. Brown, and \$25.00 from Beatrice Dalton Living Trust, all in memory of Robert Johnson for Lakes Library.

Accept the following non-monetary donations related to the Summer Reading

Program: water bottles, painting sheets, door knob hangers, wallets, note pads, and photo frames--all from the Miami Dolphins valued at \$900.00;

8,000 kids' meal coupons from TGIF valued at \$48,000.00;

8,000 Little Caesar's Crazy Bread coupons valued at \$15,920.00;

1000 Books and Bats Wendy's Jr. Frosty coupons from Miracle Baseball valued at \$1000.00; and

7,200 coupons from Taco Bell valued at \$14,256.00.

Adopt budget amendment resolution in the amount of \$4,712.00 to recognize monetary donations and authorize expenditures. ([#20110516-LIBRARY](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Authorizes acceptance and expenditure of funds pursuant to donors' requests.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah expressed appreciation to the donors for their support and moved approval, seconded by Commissioner Hall, called and carried.

RESOLUTION NO. 11-06-13

8. NATURAL RESOURCES/ SOLID WASTE

A) ACTION REQUESTED/PURPOSE:

Authorize publication of the Notice of Intent to Issue Permit and Request for Administrative Hearing for Lee County's Municipal Separate Storm Sewer System (MS4), Florida Department of Environmental Protection File No. FLS000035-003.

([#20110498-NATURAL RESOURCES](#))

FUNDING SOURCE:

Fund – Unincorporated MSTU; Program – Surface Water Management; Project – N/A.

WHAT ACTION ACCOMPLISHES:

Provides statutorily required public advertisement of the Notice of Intent to Issue Lee County's MS4 Permit.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah expressed concern with moving forward with the permit renewal for MS4 that would allow for direct discharge into Matlacha Pass. Commissioner Manning moved approval for discussion, seconded by Commissioner Hall. Following further discussion, the motion was called and carried with Commissioners Judah and Bigelow voting nay.

B) ACTION REQUESTED/PURPOSE:

Approve [Task Assignment No. 5 to Florida Department of Environmental Protection](#)

([FDEP Contract No. GC709](#)), in the amount of \$206,904.54 for pollutant storage tank inspections for the period July 1, 2011 through June 30, 2012, and authorize the contract manager to sign the Task Assignment Notification Form for Lee County.

(#20110515-NATURAL RESOURCES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Continues contracted Pollutant Storage Tank Inspection Program in Lee County.

MANAGEMENT RECOMMENDATION:

Approve.

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

9. PARKS AND RECREATION

A) ACTION REQUESTED/PURPOSE:

Approve, and authorize Chair to execute, an [Interlocal Agreement](#) between Lee County and the City of Cape Coral granting the City the right to use Conservation 20/20 lands known as the Alva Scrub Preserve, to satisfy the City's environmental mitigation/permit requirements applicable to the Florida Scrub-jay through habitat restoration, improvement and maintenance within a portion of the Alva Scrub Preserve.

(#20110486-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Allows the City of Cape Coral to conduct their required Florida Scrub jay mitigation for Festival Park and potentially other property within the city boundary on a portion of Alva Scrub Preserve, a Conservation 20/20 preserve.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Assistant County Attorney Dawn Perry Lehnert and Conservation 20/20 Supervisor Cathy Olsen responded to concerns expressed by Commissioner Judah for the potential private development on Conservation 20/20 lands and precedent setting. Commissioner Judah suggested sending this back to remove the private sector component. Commissioner Manning moved approval of the Interlocal Agreement, citing its unique nature, seconded by Commissioner Hall for discussion. Following discussion, and further response to questions from Commissioner Bigelow by Attorney Lehnert, the motion was called and carried with Commissioner Judah voting nay.

B) ACTION REQUESTED/PURPOSE:

Approve waiving a minor informality and award B-11-22 Feral Hog Removal For Lee County to the lowest responsive, responsible bidder meeting all licensing requirements and willing to work in all requested areas of Lee County, Quality Cut Lawn Care, (a local contractor), for an amount of \$30.00 per hog, with an annual expenditure of \$90,000.00.

Authorize Chair to execute the contract, which will run for a period of three (3) years, upon receipt. (#20110497-PARKS AND RECREATION)

FUNDING SOURCE:

\$50,000.00 - Fund – Parks & Recreation; Program - Parks & Recreation Operations; Project - Capital Improvement; Project - Environmentally Sensitive Land Management (Conservation 20/20) - \$40,000.00 - Fund – Parks & Recreation; Program – Parks & Recreation Operations; Program – General Fund.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a properly licensed Contractor to remove feral hogs. Contractor must provide labor and equipment to legally and humanely remove hogs from County parks and preserves. Feral hogs damage habitats for native wildlife, increase the site's susceptibility for exotic plant invasion and can present a health and welfare issue for park users.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Director of Public Parks and Recreation Barbara Manzo responded to a concern expressed by Commissioner Mann and replied to Board questions. Commissioner Hall moved approval, seconded by Commissioner Manning.

Following comment by Commissioner Bigelow on potential precedent setting of bid waivers involved with this contract, the motion was called and carried.

C) **ACTION REQUESTED/PURPOSE:**

Approve the [Second Amendment](#) to the Management Agreement for the Lee Civic Center Complex between Lee County and the Fair Association.

(#20110512-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Approval of the amendment will facilitate the sale, service and consumption of alcoholic beverages at the Civic Center Complex consistent with standard County policy and Lee County Ordinance 06-26, as amended by Lee County Ordinance 11-2.

MANAGEMENT RECOMMENDATION:

Approve.

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

10. PUBLIC SAFETY

A) **ACTION REQUESTED/PURPOSE:**

Approve the Contract for a [Service Agreement with Motorola Inc.](#) for the 800 MHz P25 Digital Trunked Radio System, in the amount of \$579,908.88 for a period of 18 months effective April 1, 2011 to September 30, 2012. (#20110513-PUBLIC SAFETY)

FUNDING SOURCE:

Government Communications Network Fund.

WHAT ACTION ACCOMPLISHES:

Provides the Public Safety Division maintenance services for the 800 MHz P25 Digital Trunked Radio System.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Following response by Public Safety Director John Wilson to the concern expressed by Commissioner Mann on the situation encountered with Motorola being our single source provider, Commissioner Manning moved approval, seconded by Commissioner Judah. Mr. Wilson responded to Commissioner Bigelow's suggestion of incentivizing and training in-house staff to provide required maintenance. The motion was called and carried.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

A) **ACTION REQUESTED/PURPOSE:**

Award B-11-21 Bonita Beach Road Phase II from Old 41 to Lime Street to the lowest responsive, responsible bidder meeting all bid requirements, [Old Castle Contracting d/b/a APAC Southeast, Inc.](#) (a local contractor), in the not-to-exceed bid amount of \$3,617,988.73, plus Alternate 1 in the amount of \$161,546.23, for a total not-to-exceed contract amount of \$3,779,534.96, with a project completion time of 540 calendar days. Also, approve a budget amendment resolution in the amount of \$2,000,000.00 in Fund #30713, Bonita Beach Phase II; and amend the FY2010/11 - 2014/15 CIP accordingly. Additionally, authorize Chair to execute contract upon receipt.

(#20110440-TRANSPORTATION)

FUNDING SOURCE

Fund – Transportation Capital Improvement and Bonita Springs – Bonita Beach Road Phase II; Program – Capital Projects; Project – Bonita Beach Road Phase II. (Alt 1 is developer contribution).

WHAT ACTION ACCOMPLISHES

Provides a Contractor for the widening of Bonita Beach Road Phase II from Old U.S. 41 to Lime Street.

MANAGEMENT RECOMMENDATION

Approve.

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

[RESOLUTION NO. 11-06-14](#)

B) ACTION REQUESTED/PURPOSE:

Award Project CN-11-05 Alico Road Alignment Study from Ben Hill Griffin Parkway to Airport Haul Road, to [Stanley Consultants, Inc.](#) (a local Consultant), in the not-to-exceed amount of \$725,574.00. Also, authorize Chair to execute Agreement.

(#20110463-TRANSPORTATION)

FUNDING SOURCE:

Fund – Transportation Capital Improvement; Program – Capital Projects; Project – Alico Road 4L Ben Hill to Airport Haul.

WHAT ACTION ACCOMPLISHES:

Provides a consultant to perform engineering services required to conduct public involvement/information meetings including coordination with other public and private entities. Obtain and analyze traffic data, conduct environmental analysis, develop a preferred alignment and conceptual design plans that utilize sustainable design principles and that support the County's Complete Streets Resolution. Determine right-of-way requirements, conduct utility coordination, consider storm water management needs, develop right-of-way and construction cost estimates and a typical section package that considers all road users and modes of transportation.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed concern with the prematurity of this project and objected to moving ahead with capacity increases. Commissioner Hall moved approval, seconded by Commissioner Judah, called and carried with Commissioner Bigelow voting nay.

13. UTILITIES

A) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve construction of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to "Bella Terra, Phase 8A", a phased residential development. This project is located on the south side of Corkscrew Road, approximately 1-1/2 miles east of Ben Hill Griffin Road.

(#20110477-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 Judah moved approval, seconded by Commissioner Hall, called and carried.

B) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve construction of water and gravity main extensions to provide potable water service, fire protection and sanitary sewer service to "Bella Terra, Phase 8B", a phased residential development. This project is located on the south side of Corkscrew Road, approximately 1-1/2 miles east of Ben Hill Griffin Road.

(#20110478-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 Judah moved approval, seconded by Commissioner Hall, called and carried.

C) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Recording of [one \(1\) utility easement](#), necessary for an

existing fire line providing fire protection to the existing commercial building Garramone Medical Office. This project is located on the Northwest corner of U.S. 41 South and Seven Lakes Boulevard. ([#20110456-UTILITIES](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

To ensure that Lee County Utilities personnel have proper access to all facilities to be owned and maintained by Lee County as required in the Lee County Utilities Design Manual.

MANAGEMENT RECOMMENDATION:

Approve.

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

D) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one 6-inch diameter fire line and one fire hydrant, to provide fire protection to Brawley Zip Drive, a recently-constructed industrial building. This project is located along the east side of Zip Drive, approximately 500 feet north of Sutton Ridge Drive. ([#20110457-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 Judah moved approval, seconded by Commissioner Hall, called and carried.

[RESOLUTION NO. 11-06-15](#)

E) ACTION REQUESTED/PURPOSE:

Concur with the selection of consultants by the Competitive Negotiations Committee for CN-11-07 Miscellaneous Electrical and/or Instrumentation Design Services for Utility Systems, and authorize staff to negotiate rate schedules with the below listed firms, : for a contract period of two (2) years with the option of renewal for one (1) additional year. Also, authorize Chair to execute the agreements upon final negotiations.

[RKS Consulting Engineers Inc.](#)

[Stantec Consulting Services Inc.](#)

[Tetra Tech Inc.](#)

([#20110492-UTILITIES](#))

FUNDING SOURCE:

Work is authorized on a project by project basis where funds are available within specified budgets.

WHAT ACTION ACCOMPLISHES:

Provides the County with three consultants on this contract that can provide professional services to include design of electrical power systems; emergency power supply systems; electrical motor control centers; process & instrumentation controls; and SCADA systems on an as needed basis.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Bigelow expressed his non-support for Consent Agenda Items 1C, 7A and 13E, which were acted on simultaneously, referring to his on-going opposition to the general make-up of the County's Selection Committee. Commissioner Judah moved approval of the item, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay.

14. COUNTY ATTORNEY

No requests received.

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS**A) ACTION REQUESTED/PURPOSE:**

Authorize Chair to sign a [Memorandum of Understanding \(MOU\)](#) for Operation Stonegarden - Border Security federal grant 2010-SS-T0-0092. The MOU is between the Lee County Board of County Commissioners, Cape Coral Police Department, Florida Fish and Wildlife Conservation Commission, Fort Myers Police Department, Lee County Sheriff's Office and Sanibel Police Department. ([#20110506-SHERIFF](#))

FUNDING SOURCE:

The U.S. Department of Homeland Security via Florida Division of Emergency Management.

WHAT ACTION ACCOMPLISHES:

MOU spells out coordination, allocation of resources and reimbursement of \$90,000.00 in funding from the U.S. Department of Homeland Security for Operation Stonegarden – Border Security federal grant 2010-SS-T0-0092 via State of Florida Division of Emergency Management.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

The Lee County Sheriff's Office (LCSO) requests approval to submit, and if awarded, accept the \$135,536.00 in funding through the Bureau of Justice Assistance FY11 [Edward Byrne Memorial Justice Assistance Grant](#) (JAG) Program. ([#20110508-SHERIFF](#))

FUNDING SOURCE:

Bureau of Justice Assistance.

WHAT ACTION ACCOMPLISHES:

Applicants are limited to local units of government. Approval of request will authorize the LCSO to apply for funding to purchase equipment for disaster recovery at LCSO headquarters to ensure that critical data is not lost or compromised.

MANAGEMENT RECOMMENDATION:

Approve.

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

C) ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of June 6 through June 10, 2011:

June 6, 2011 (Zoning),	June 6, 2011 (Management & Planning),
June 7, 2011 (Regular),	June 7, 2011 (Overflow Management & Planning).

([#20110525-MINUTES](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approve.

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

D) ACTION REQUESTED/PURPOSE:

Approve [disbursements](#). The check and wire registers may be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BoCC Minutes and Documents link. ([#20110526-FINANCE](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Compliance with the requirements of FS 136.06 (1).

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

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

COMMISSIONER BIGELOW BRIEFLY LEFT THE CHAMBERS AT THIS TIME.

ADMINISTRATIVE AGENDA

HEARD OUT OF ORDER AS THE FINAL ADMINISTRATIVE AGENDA ITEM

At this time the Chairman recognized Fort Myers City Council Member for Ward 6 [Tom Leonardo](#) who spoke in support of the swim center proposal, and reported on economic factors and his report to the City Council at their June 20 meeting.

Chairman Mann received Board consensus to move this item to the end of the Administrative Agenda.

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Discuss and review final proposal from the National Swimming Center Corp. (NSCC) for use of City of Palms Park as a swim center complex. ([#20110517](#)-COUNTY MANAGER)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Provides for Board discussion of proposal.

MANAGEMENT RECOMMENDATION:

Not to proceed with negotiations.

Economic Development Director Jim Moore addressed the [staff recommendation memorandum](#). Commissioner Hall indicated her support to move forward with contract negotiations and Commissioner Manning requested that any motion to move forward would include, but not be limited to, the following items: due diligence on the company issuing the surety letter; verification and assurance that the Contract contain language stipulating to the fact that Phase 1 funds would be placed in escrow as suggested by Charlie Green, Clerk of Courts; that there be a codicil to the Contract stipulating no financial obligation on the part of Lee County now or in the future; and, if Staff approves, Jeff Mielke and the Sports Authority be included in discussions; and that this be the final contract negotiation session. Mr. Moore recommended a contract that assures completion and delivery of a facility as agreed to by all parties, along with a performance bond and the contingencies outlined by Commissioner Manning. Brief reference was made by Commissioner Judah to potential involvement by Florida Gulf Coast University (FGCU). Commissioner Bigelow read from a resolution passed at the June 20 Fort Myers City Council meeting, and commented on the potential take back by the City of the stadium facility and his preference that the City conduct negotiations going forward with the NSCC. Commissioner Mann indicated that, while this proposal was not yet financially viable, there are no current alternatives for the site to preclude moving forward. Commissioner Judah pointed out that the NSCC has stepped forward to absorb the risks and thanked those involved. Commissioner Hall moved to approve, with the conditions outlined above by Commissioner Manning. Commissioner Manning seconded the motion. Mr. Moore requested and received clarification from Commissioner Manning on release of any escrowed funds. Following further brief discussion on the City's involvement and probability of hiring outside counsel and/or consultants, the motion was called and carried with Commissioner Bigelow voting nay.

2. COMMUNITY DEVELOPMENT

No requests received.

3. CONSTRUCTION AND DESIGN

No requests received.

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS

A) ACTION REQUESTED/PURPOSE:

Adopt a Resolution of Exchange involving a County-owned utility easement located at 18731-51, and 18801 Three Oaks Parkway, in conjunction with a Developer Contributed Asset, pursuant to the terms and conditions set forth in the [Agreement for Release and Exchange of Perpetual Public Utility Easement](#). Also, authorize the Chairman to execute the Agreement and [County Deed](#); and the Division of County Lands to handle and accept [all documentation necessary](#) to complete this transaction. (#20110514-COUNTY LANDS)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Exchange of utility easements for a Developer Contributed Asset for the Three Oaks Town Center Modification.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-06-16](#)

6. HUMAN SERVICES

No requests received.

7. INDEPENDENT

A) ACTION REQUESTED/PURPOSE:

Authorize Chairman to execute [Amendment to the Medicaid Waiver Services Agreement](#) with the Agency for Persons with Disabilities (APD) for Transportation Services provided by Lee Tran Passport Service. Due to recent Legislative action reducing Medicaid Waiver Provider rates by 4%, this amendment is an administratively necessary document to reflect the new rates that are effective July 1, 2011.

APD Agreement is the administrative document that allows Lee Tran to electronically bill the APD for services provided. (#20110494-TRANSIT)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Allows Lee Tran to collect the adjusted contract rate for the provision of transportation service through direct electronic billing.

MANAGEMENT RECOMMENDATION:

Approve.

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

8. NATURAL RESOURCES/ SOLID WASTE

No requests received.

9. PARKS AND RECREATION

A) ACTION REQUESTED/PURPOSE:

Determine whether to include the Zip Line within the Caloosahatchee Regional Park (CRP) Management (Stewardship) Plan 2011 - 2021, and then approve and forward the CRP Stewardship Plan to the State's Board of Trustees of the Internal Improvement Trust Fund (TIITF) via the Division of State Lands (Acquisition and Restoration Council) for final approval. (#20110475-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Approval of the CRP Management Plan establishes guidelines for the stewardship activities, restoration, and public use of the park for the next ten years and puts Lee County

in compliance with State requirements.

MANAGEMENT RECOMMENDATION:

To approve the new 10 year CRP Management Plan as written.

Public Parks and Recreation Director Barbara Manzo provided a summary overview of the Caloosahatchee Regional Park Management Plan and responded to specific questions on the proposed zip line. Following discussion, Commissioner Judah moved approval of the Plan as written, seconded by Commissioner Hall. Following a suggestion by Commissioners Mann and Bigelow to look at alternative sites for a zip line, the motion was called and carried with Commissioners Mann and Bigelow voting nay.

10. PUBLIC SAFETY

No requests received.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

No requests received.

13. UTILITIES

No requests received.

14. COUNTY ATTORNEY

A) ACTION REQUESTED/PURPOSE:

Adopt by Resolution an amendment to Lee County Administrative Code (AC) 2-6 pertaining to Administrative Procedures for Scheduling and Conducting Matters Coming Before the Lee County Hearing Examiner. ([#20110489](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Amends AC 2-6 to formalize current rules of procedure for hearings before the Hearing Examiner and provides additional regulations for requests for disqualification of Hearing Examiners in zoning cases.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-06-17](#)

B) ACTION REQUESTED/PURPOSE:

Approve Settlement Agreement and Full and Final Mutual Release of All Claims involving the Communications Supervisors ("Complainants"): Robert Sewell, Janet Quinn, Lee Bouthillette, Hollis Jordan, and Complainants Counsel, Donnelly & Gross, P.A. ([#20110499](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

General Fund; Public Safety; Emergency Dispatch.

WHAT ACTION ACCOMPLISHES:

Settles all claims for damages and attorney's fees.

MANAGEMENT RECOMMENDATION:

Approve.

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

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

No requests received.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

9:30 A.M. AGENDA ITEM – Public Hearing

1. ACTION REQUESTED/PURPOSE:

Approve Resolutions to Assess:

- A. Anchorage Intracoastal Canal Dredging for an assessment of \$500.83 per lot.
- B. Cherry Blueberry Improvement Unit of \$155.68 per lot.
- C. Country Estates, Unit 3, Streetlighting Unit for an assessment of \$49.58 per lot.
- D. Country Lakes Streetlighting for an assessment of \$42.89 per lot.
- E. Dewberry Lane Special Improvement Unit for an assessment of \$223.01 per lot.
- F. Gasparilla Island Special Improvement for an assessment for an equivalent millage rate of 0.0307.
- G. Golden Lake Heights Streetlighting Unit for an assessment of \$33.52 per lot.
- H. Pine Lake Streetlighting Unit for an assessment of \$92.81 per lot.
- I. River Forest Streetlighting MSBU for an assessment of \$64.03 per parcel.
- J. Sheltering Pine Mobile Home Village Special Improvement Unit for an assessment of \$79.75 per lot.
- K. University Overlay Landscaping O&M for an assessment for \$3.33 per front foot.

(#20110371-PUBLIC RESOURCES)

FUNDING SOURCE:

Property Owners through various established MSBU's on the annual tax roll.

WHAT ACTION ACCOMPLISHES:

Provides funding for FY 2011-2012.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Scott Coovert approved as to legal form and sufficiency the [Affidavit of Publication](#) and briefly reviewed the item reading each proposed assessment into the record. MSTBU Coordinator Donna DeBerry responded to Board questions.

- A) Anchorage Intracoastal Canal Dredging – The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO. 11-06-18](#)
- B) Cherry Blueberry Improvement Unit – The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried
[RESOLUTION NO. 11-06-19](#)
- C) Country Estates, Unit 3, Streetlighting Unit - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO. 11-06-20](#)
- D) Country Lakes Streetlighting - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO. 11-06-21](#)
- E) Dewberry Lane Special Improvement Unit - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO. 11-06-22](#)
- F) Gasparilla Island Special Improvement MSBU - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried. Documents-2011\062111R\062111R-930-ph1-reso-11-06-23.pdf
[RESOLUTION NO. 11-06-23](#)

G) Golden Lake Heights Streetlighting Unit - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-06-24](#)

H) Pine Lake Streetlighting Unit - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-06-25](#)

I) River Forest Streetlighting MSBU - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-06-26](#)

J) Sheltering Pine Mobile Home Village Special Improvement Unit - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-06-27](#)

K) University Overlay Landscaping O & M - The Chairman called for public input; however, no one came forward. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

[RESOLUTION NO. 11-06-28](#)

WALK-ON ITEM NO. 1

4. COUNTY COMMISSIONERS

Ceremonial presentation recognizing Paul Wingard. ([#20110532](#)-Commissioner Judah)

HEARD OUT OF ORDER. SEE PRESENTATIONS PORTION OF MINUTES FOR ACTION TAKEN.

WALK-ON ITEM NO. 2

16. CONSTITUTIONAL OFFICERS

ACTION REQUESTED/PURPOSE:

Approve Minutes for the following meetings of the Board of County Commissioners held during the week of June 13 through June 17, 2011:

- June 13, 2011 (Comprehensive Plan Transmittal)
- June 14, 2011 (Regular)

([#20110533](#)-MINUTES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Approval of Board Minutes, pursuant to Florida Statute 286.011.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

Necessary due to Board's recess.

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

WALK-ON ITEM NO. 3

16. CONSTITUTIONAL OFFICERS

ACTION REQUESTED/PURPOSE:

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

Tax Deed Number	Payee	Amount
2008-002706	James E. Johnson Jr.	\$237.64
2009-000961	Bonsai Investments Inc.	\$182.27
2009-002524	Alexander Robinson	\$666.36
2009-002922	Elsa Chalmer's Trust	\$413.42
2009-005554	William Stuart Sorg III	\$ 1,363.19
2010-000073	Henderson, Franklin, Starnes and Holt, PA	\$872.35
2010-000688	Robert E. Tardif Jr, Bankruptcy Trustee of Nydia Lapon	\$476.04
2010-000733	Jonathan Walker	\$551.62
	Zichrian James	\$551.61
2010-001221	Iberia Bank c/o Michael J. Schaefer	\$948.80
2010-001230	Iberia Bank c/o Michael J. Schaefer	\$ 52.45
2010-001487	Kevin Kovacs	\$401.23
2010-001491	Samuel L. Lurie, Trustee of the Samuel L. Lurie Trust	\$ 64.43
2010-001493	Samuel L. Lurie, Trustee of the Samuel L. Lurie Trust	\$ 64.43
2010-001567	Janice Korleski	\$231.29
	Clifford Korleski	\$231.28
2010-001598	Synovus Bank	\$ 11.78
2010-001632	Tally Gawergun	\$162.61
2010-001633	Tally Gawergun	\$ 27.29
2010-001737	James E. Morrison	\$893.66
	Sheri-Ann W. Morrison	\$893.66
2010-001767	Coral-Lee Properties Inc.	\$159.86
2010-001911	Nicole Monroe	\$413.90
2010-002184	Entrust IRA Southwest Florida, LLC fbo Kurt August	\$482.27
2010-002185	Entrust IRA Southwest Florida, LLC fbo Kurt August	\$856.57
2010-002517	Ironstone Bank a division of First Citizens Bank & Trust Company	\$142.67
2010-002665	Alan Khoo	\$131.22

(#20110534-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 disbursements in accord with Florida Statutes, Chapter 197.

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

Necessary due to the Board's recess.

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

WALK-ON ITEM NO. 4

16. CONSTITUTIONAL OFFICERS

ACTION REQUESTED/PURPOSE:

Approve submission of grant applications during the Board's recess from June 22 through August 1, 2011 as necessary by designating the County Manager as the official representative authorized to take such action. (#20110528-SHERIFF)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Authorizes the County Manager to sign grant applications and related documents on behalf of the Board during the Board's recess.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

Necessary due to the Board's recess.

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

WALK-ON ITEM NO. 5

16. CONSTITUTIONAL OFFICERS

ACTION REQUESTED/PURPOSE:

Present for information purposes interim reporting on selected financial activity and provide an update on the economic changes in today's market (see background information). ([#20110530-FINANCE](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

To provide interim reporting on selected funds, revenues, and expenditures of the Lee County Board of County Commissioners. Included in this report in compliance with Chapter 218.415, Florida Statutes, Local Investment Policies, is the stated and fair market value of the investments managed by the Clerk's Office. To include the Lee County Ordinance 02-28 activity for the Driver's Education Safety Trust Fund.

MANAGEMENT RECOMMENDATION:

The purpose of this report is to convey to you the financial status of selected significant funds of the Lee County Board of County Commissioners, the status of specific revenues and expenditures as of the stated dates, and the market value of investments managed by the Clerk's Office on behalf of the Board.

REASON FOR WALK ON:

Necessary due to the Board's summer recess.

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

WALK-ON ITEM NO. 6

13. UTILITIES

ACTION REQUESTED/PURPOSE:

WWE Flow Diversion: Authorize Chair to:

- 1) Approve Phase II (construction related) expenditures in the amount not to exceed an aggregate total of \$6,978,417.85 reimbursed to the Florida Governmental Utility Authority (FGUA) for the construction costs and other associated costs with the Waterway Estates (WWE) Wastewater Treatment Plant Flow Diversion Project;
- 2) Approve [Amendment No. 1](#) to the "Interconnect and Bulk Wastewater Treatment Agreement between Lee County and FGUA"; and,
- 3) Approve [Budget Transfer](#) in the amount of \$6,790,000.00 from Lee County Utilities Capital Fund Reserves to the WWE Wastewater Treatment Plant Flow Diversion Project; and amend the FY10/11-14/15 CIP Budget accordingly. ([#20110531-UTILITIES](#))

FUNDING SOURCE:

Funds: LCU Capital Improvements; Program: Capital Projects; Project: Waterway Estates Wastewater Treatment Plant Flow Diversion.

WHAT ACTION ACCOMPLISHES:

Reimburses FGUA fees for the construction costs and other related construction services for the Connection Facilities, and fulfills all of LCU's obligations to reimburse the FGUA for the design and construction of the Connection Facilities. Also, it further clarifies the disbursements to FGUA for the Sewer Capacity Impact Fees.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

Necessary to meet construction schedule.

Commissioner Hall moved approval, seconded by Commissioner Manning. Following response by Assistant County Manager for Public Works Doug Meurer to a question by Commissioner Bigelow on the timetable, the motion was called and carried.

COMMISSIONER ITEMS

ART ON DISPLAY - Commissioner Hall thanked Cape Coral resident Roseline Young for her woven artwork that will be on display outside her office until August.

ORDINANCE 11-03 - Commissioner Manning referenced a letter received from the Counsel for Garden Street Iron & Metal and requested that an amendment to the Ordinance be Blue Sheeted for a future Public Hearing to allow for further discussion. Commissioner Judah stated his objection to any proposed amendment.

PUBLIC RECORD - Commissioner Bigelow requested that an email of June 20 regarding an audit request by the County Manager of the Department of Transportation’s hiring policy be placed on the record.

CODE ENFORCEMENT - Commissioner Mann advised that Code Enforcement is continuing to research the issue of chickens on residential property in Lehigh Acres.

COMMISSIONER HALL LEFT THE MEETING AT 12:37 P.M., AND WAS ABSENT FOR THE REMAINDER OF THE MEETING.

HEARD OUT OF ORDER AFTER COUNTY MANAGER ITEM

COMMITTEE APPOINTMENTS

Commissioner Manning, on behalf of Commissioner Hall, moved to appoint Esta Rubinstein to the **ROADWAY LANDSCAPE COMMITTEE**, seconded by Commissioner Judah, called and carried with Commissioner Hall absent.

Commissioner Bigelow moved to re-appoint Councilman Johnny W. Streets, Lt. James Mulligan, Cliff Smith and Dena Geraghty to the **HUMAN SERVICES COUNCIL**, seconded by Commissioner Manning, called and carried with Commissioner Hall absent.

HEARD OUT OF ORDER PRIOR TO COMMITTEE APPOINTMENTS

COUNTY MANAGER ITEMS

County Manager Karen B. Hawes and Assistant County Manager Pete Winton requested Board approval to reschedule the meeting to set the proposed millage rate for the TRIM notices, from Tuesday, August 2 to Wednesday, August 3, to insure a full Board. Commissioner Manning moved approval, seconded by Commissioner Judah. Following response to Board questions, the motion was called and carried with Commissioner Hall absent.

COUNTY ATTORNEY ITEMS

County Attorney Michael Hunt had no items for discussion.

9:30 AM AGENDA ITEM – Public Presentation of Matters by Citizens

The Chairman called for comments by citizens and the following individual came forward:

Traffic Engineer Steve Sherman addressed concerns with the DOT hiring practices especially as they related to the selection of a Director of the Department of Transportation.

The Chairman adjourned the meeting at 12:45 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission