

FEBRUARY 8, 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  
 Ray Judah  
 Tammara Hall  
 A. Brian Bigelow

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Interim County Attorney Andrea Fraser, followed by the Pledge of Allegiance to the Flag.

### PRESENTATIONS

Florida Division of Forestry's Senior Forester Michael Weston read and presented the 2010 Florida Urban Forestry Council's Outstanding Tree Project to Lee County for the Summerlin Road Beautification Project, completed in August 2010, and specifically noted the project's contributions to the environment. Department of Transportation Deputy Director Paul Wingard and Roadway Landscape Manager Joe Sulak accepted the Award, thanking all those involved for their efforts. ([#20110086](#)-Transportation)

WALK ON AGENDA ITEM NO. 1 WAS HEARD AT THIS TIME. SEE APPROPRIATE SECTION OF MINUTES FOR FULL DISCUSSION.

Commissioner Hall read a Ceremonial Resolution recognizing Miromar Lakes and its founder Margaret J. Antonier for her significant contributions to the betterment of Lee County real estate development and for Miromar Lake's excellence in community design, architecture and amenities; stating that the Board declares February 8, 2001 as MIROMAR LAKES' DAY in Lee County. Commissioner Hall presented the Resolution to Miromar Development's Founder and CEO, Margaret J. Antonier. Ms. Antonier expressed her appreciation for the support and recognition. ([#20110087](#)- Commissioner Hall)

### ANNOUNCEMENTS

Referring to the Agenda Revision Recap Sheet dated February 7, 2011 the Chairman announced that:

Walk-On Agenda Item No. 1 had already been addressed and Walk-On Agenda Item No. 2 would be heard at the appropriate time in the meeting.

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

The Chairman called for public input and the following concerned citizens came forward:

C12(a), (b) and (e) - [Dan Moser](#), on behalf of Bike Walk Lee  
 C12(e) - [Darla LaTourneau](#)  
 C12(e) - Estero Resident [Jack Meeker](#)  
 C12(d) – Attorney [Charles Mann](#), of the Pavese Law Firm, on behalf of the U.S. Home Corporation, in attendance to answer questions if needed

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

Commissioner Mann - None  
 Commissioner Manning - None  
 Commissioner Judah – 12(e)  
 Commissioner - Hall - 12(e)  
 Commissioner Bigelow - None

The Consent Agenda items pulled were not heard in agenda order.

### CONSENT AGENDA

#### **1. COUNTY ADMINISTRATION**

No requests received.

## 2. COMMUNITY DEVELOPMENT

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

Execute a [Grant Award Agreement](#) with the Estero Historic Society for \$50,000.00 in 2010/2011 Historic Preservation Grant funds to rehabilitate the historic Hall-Hanson-Collier House at the Estero Community Park as recommended by the Lee County Historic Preservation Board. Also, extend historic preservation [contract C-5168](#) from March 23, 2011 to March 23, 2012. (#20110076-COMMUNITY DEVELOPMENT)

### **FUNDING SOURCE:**

Lee County Unincorporated Area Municipal Service Taxing and Benefit (MSTU)  
Program: Planning.

### **WHAT ACTION ACCOMPLISHES:**

Allows the County to enter into a Grant Award Agreement to rehabilitate a historic property and provides additional time to complete an ongoing project.

### **MANAGEMENT RECOMMENDATION:**

Approve.

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

## 3. CONSTRUCTION AND DESIGN

No requests received.

## 4. COUNTY COMMISSIONERS

No requests received.

## 5. COUNTY LANDS

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

Approve, and authorize the Chair to execute, an [Easement Purchase Agreement](#) with owner Samuel L. Lurie, Trustee of the Samuel L. Lurie Revocable Trust, for acquisition of Parcel 127-PE, required for a perpetual slope easement consisting of 867 square feet, STRAP No. 32-44-27-01-00001.0010, in the amount of \$1,800.00, for the Homestead Road Widening Project No. 5063. Pursuant to the Purchase Agreement; authorize payment of closing costs of approximately \$500.00, and the Division of County Lands to handle all documentation necessary to complete transaction.  
(#20110070-COUNTY LANDS)

### **FUNDING SOURCE:**

Fund: Road Impact Fees - Central District; Program: Capital Projects; Project: Homestead Road Widening Project No. 5063.

### **WHAT ACTION ACCOMPLISHES:**

Acquisition of property necessary for the widening of Homestead Road without the necessity of an eminent domain action.

### **MANAGEMENT RECOMMENDATION:**

Approve.

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

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

Authorize the inter-departmental sale of a Department of Transportation parcel, consisting of +/- 8,572 square feet, located at Pondella Road and June Parkway in North Lee County, to Lee County Utilities (LCU), for the Waterway Estates (WWE) Sewer Flow Diversion Project No. 7315. This transfer will convey the necessary property LCU needs to install a pump station. (#20110071-COUNTY LANDS)

### **FUNDING SOURCE:**

Fund: Utilities Capital Project; Program: Capital Project; Project: Waterway Estates WWTP Flow Diversion Project No. 7315.

### **WHAT ACTION ACCOMPLISHES:**

Conveyance of land secures the property required for a pump station which is part of the WWE Flow Diversion Connection Facilities.

### **MANAGEMENT RECOMMENDATION:**

Approve.

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

**C) ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owners Marianthi and George Kazakos, Trustees, for Parcel 512, STRAP No. 22-45-25-00-00002.1210, required for the Three Oaks Parkway North Extension Project No. 4053, in the amount of \$41,200.00. Pursuant to the Purchase Agreement; authorize payment of closing costs in the approximate amount of \$800.00, and the Division of County Lands to handle all documentation necessary to complete transaction.

(#20110072-COUNTY LANDS)

**FUNDING SOURCE:**

Fund – Transportation Capital Improvement Fund; Program – Capital Project; Project – Three Oaks Extension North.

**WHAT ACTION ACCOMPLISHES:**

Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**D) ACTION REQUESTED/PURPOSE:**

Authorize the Division of County Lands to make a binding offer to property owners Joe E and Jacquelyn S. Greene, for Parcel 511, STRAP No. 22-45-25-00-00002.0000, for Three Oaks Parkway North Extension Project No. 4053, the amount of \$90,400.00. Pursuant to the Purchase Agreement; authorize payment of closing costs of approximately \$1,000.00, and the Division of County Lands to handle all documentation necessary to complete transaction. (#20110073-COUNTY LANDS)

**FUNDING SOURCE:**

Fund – Transportation Capital Improvement Fund; Program – Capital Project; Project – Three Oaks Extension North.

**WHAT ACTION ACCOMPLISHES:**

Makes binding offer to property owner prior to initiation of condemnation proceedings as required by Florida Statutes.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**6. HUMAN SERVICES**

**A) ACTION REQUESTED/PURPOSE:**

Accept award of Supportive Housing Program funding from the U.S. Department of Housing and Urban Development (HUD) through the Continuum of Care, and authorize Chair to sign [HUD agreements](#) and provider/sub-recipient contracts once prepared:

<a href="#">Renaissance Manor San Souci</a>	\$52,978.00
<a href="#">Renaissance Manor Broadway</a>	\$13,125.00
<a href="#">Renaissance Manor Shelter Plus Care 1</a>	\$82,140.00
<a href="#">Renaissance Manor Shelter Plus Care 2</a>	\$76,008.00
<a href="#">Renaissance Manor Shelter Plus Care 2</a>	\$111,000.00
<a href="#">Salvation Army Comprehensive Care Program</a>	\$1,286,206.00
<a href="#">SWFAS Fresh Start 1 --</a>	\$89,668.00
<a href="#">SWFAS-Fresh Start II--</a>	\$122,604.00
<a href="#">SWFAS-Fresh Start II Phase II-</a>	\$32,777.00

Also, request Board approve two (2) FY2011 Budget Amendment Resolutions in the amount of \$2,166,738.00, once received. (#20110066-HUMAN SERVICES)

**FUNDING SOURCE:**

U.S. Department of Housing and Urban Development (HUD) Supportive Housing Program.

**WHAT ACTION ACCOMPLISHES:**

Board action is necessary to establish the budget for the new funds and sign the agreements with HUD and service providers.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried RESOLUTION NO.'s [11-02-05](#) and [11-02-06](#)

**B) ACTION REQUESTED/PURPOSE:**

Approve the donation of a 2004 Ford E-450 Super Duty Champion Challenger bus (Asset Number 49212) to The Salvation Army to primarily be used to transport clients residing at the Bob Janes Triage Center; and waive Lee County Administrative Code 3-14 which requires an alternative funding source be identified to replace departmental lost revenues. ([#20110067-HUMAN SERVICES](#))

**FUNDING SOURCE:**

General Fund/Vehicle Replacement Fund.

**WHAT ACTION ACCOMPLISHES:**

Provides a replacement vehicle for the Bob Janes Triage Center and reduces County liability related to vehicle operations.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**C) ACTION REQUESTED/PURPOSE:**

Approve, and authorize the Chair execute, Modification #3 to the American Recovery & Reinvestment Act Weatherization Assistance Program (ARRA/WAP) [Contract # 10WX-7X-09-46-01-715](#) from the State of Florida/Department of Community Affairs. The modification extends the term, increases funding and revises the Scope of Work. Also, request approval of a FY11 Budget Amendment Resolution allowing Lee County Department of Human Services to receive \$681,978.00.

([#20110074-HUMAN SERVICES](#))

**FUNDING SOURCE:**

State of Florida, Department of Community Affairs.

**WHAT ACTION ACCOMPLISHES:**

Allows the Department of Human Services to accept the second half of funding for the American Recovery and Reinvestment Act, Weatherization Assistance Program in the amount of \$681,978.00

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried RESOLUTION NO. [11-02-07](#)

**7. INDEPENDENT**

**A) ACTION REQUESTED/PURPOSE:**

Approve Interagency Agreements between Lee County BoCC and the [Lee County Tax Collector](#), and between the Lee County BoCC and the [Lee County Property Appraiser](#) for the preparation and submission of the Lee County Pine Island Shores Dredging MSBU and Port Carlos Cove Dredging MSBU Non Ad Valorem assessment rolls and their related Uniform Collection and Enforcement, pursuant to Florida Statute 197.3632.

([#20101250-PUBLIC RESOURCES](#))

**FUNDING SOURCE:**

Special Assessments from benefited property owners.

**WHAT ACTION ACCOMPLISHES:**

This establishes separate Agreements between the BoCC and the Lee County Tax Collector and Lee County Property Appraiser for the preparation and submission of certain Lee County Municipal Services Benefit Units to the Non Ad Valorem assessment rolls.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**8. NATURAL RESOURCES/ SOLID WASTE**

No requests received.

**9. PARKS AND RECREATION**

No requests received.

**10. PUBLIC SAFETY****A) ACTION REQUESTED/PURPOSE:**

Approve a two-year [Certificate of Public Convenience and Necessity](#) for Lee County Emergency Medical Service. (#20110044-PUBLIC SAFETY)

**FUNDING SOURCE:**

None required.

**WHAT ACTION ACCOMPLISHES:**

Allows Lee County Emergency Medical Service to continue to operate as an Advanced Life Support (ALS) Ambulance Provider for two additional years.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**B) ACTION REQUESTED/PURPOSE:**

Approve, authorize the Board Chair to sign, and approve the submission of an [EMS Matching Grant Application](#) to the Bureau of Emergency Medical Service for the funding of two Propaq MD devices for the EMS Critical Care Program, in the amount of \$68,000.00. (#20110079-PUBLIC SAFETY)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Allows for the Grant Application to be submitted for review and evaluation by the Bureau of Emergency Medical Service.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

**12. TRANSPORTATION****A) ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chair to execute, [Supplemental Task Authorization \(STA\) No. 9 to Contract No. 4407](#), under project CN-08-16 - Miscellaneous Professional Services, to T.Y. Lin International (a local Consultant), for the project known as Summerlin Road Bike Lane & Sidewalk - Bass To Winkler, in the not-to-exceed amount of \$24,463.00.

(#20110065-TRANSPORTATION)

**FUNDING SOURCE:**

Fund – Transportation Capital Improvement; Program – Capital Projects; Project – Summerlin Bike/Ped Accommodations.

**WHAT ACTION ACCOMPLISHES:**

Provides a Consultant to revise the existing 90% plans submitted in August 2009 to re-stripe bike lanes and construct sidewalk from Bass Road to Winkler Road. Pedestrian bridge at Cow Slough and minimal approach work shall also be included. Sidewalk will be concrete, adjacent to the asphalt shoulder.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**B) ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chair to execute, [Change Order No. 5 to Contract No. 3291](#), under project CN-05-06 - Burnt Store Road Widening - S.R. 78 to North of Van Buren Parkway, to T.Y. Lin International (a local Consultant), , in the amount of \$97,360.82.00

(#20110058-TRANSPORTATION)

**FUNDING SOURCE:**

Fund – Cape and Midpoint Surplus Tolls; Program – Capital Projects; Project – Burnt Store Road Widening.

**WHAT ACTION ACCOMPLISHES:**

Provides a Consultant for a continuation of services for public involvement and outreach to provide updated project information for the purpose of educating the public on the proposed plan to implement a “Superstreet” design for the expansion of Burnt Store Road from Pine Island Road to north of Van Buren Parkway. Work under this Change Order shall also include, but not be limited to: facility rental, advertisement, updated mailing lists, newsletter distribution, handouts, PowerPoint presentations, roll plots of road plans over aerials, display boards and literature reproduction. A member of the Consultant’s team shall be available to attend regularly scheduled Burnt Store Road Right-of-Way Committee meetings and other public forums as deemed necessary by Lee County.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

C) **ACTION REQUESTED/PURPOSE:**

Award, and authorize Chair to execute, a contract under B-11-08- Cape Coral Bridge PH II Overlay, to the lowest responsive, responsible bidder, [Coastal Marine Construction, Inc.](#), (a non-local Contractor), in the not-to-exceed bid amount of \$318,343.40, with a project duration of 180 calendar days. Also, approve a [budget transfer](#) from Transportation Facilities Cape Coral Bridge Reserves Fund #42120 in the amount of \$170,000.00. ([#20110059](#)-TRANSPORTATION)

**FUNDING SOURCE:**

Fund – Transportation Facilities Cape Coral Bridge; Program – DOT Tolls R&R Cape Coral Bridge.

**WHAT ACTION ACCOMPLISHES:**

Provides a contractor for the cleaning and coating of concrete surfaces along with concrete spall repairs.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

D) **ACTION REQUESTED/PURPOSE:**

[Accept for county maintenance](#) approximately 2,780 feet of Ray and Nobel Avenues, Section 5, Township 45, Range 26 and Section 32, Township 44, Range 26, from State Road 82 to Leonard Boulevard. There is approximately 2,450 feet of two-lane roadway and approximately 330 feet of four-lane divided roadway. Ray/Nobel Avenues were realigned per Limited Development Order 99-06-075-12L. ([#20110061](#)-TRANSPORTATION)

**FUNDING SOURCE:**

Fund - Transportation Trust; Program - DOT Operations / Roadway.

**WHAT ACTION ACCOMPLISHES:**

Documents the Board’s formal acceptance for maintenance of approximately 2,780 feet of Ray and Nobel Avenues, Section 5, Township 45, Range 26 and Section 32, Township 44, Range 26, from State Road 82 to Leonard Boulevard; acknowledges compliance with AC 11-7, including submittal of deeds for the road right-of-way, record drawings and surveys, engineer’s letter of substantial compliance, certificate of compliance, engineer’s documentation of final construction costs; provides formal notice to the public that the Department of Transportation is responsible for maintenance of the road, drainage and related facilities.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

E) **ACTION REQUESTED/PURPOSE:**

Authorize staff to move forward with the construction of the Hickory Boulevard resurfacing and paved shoulder project from Bonita Beach Road to Broadway Channel Bridge. ([#20110062](#)-TRANSPORTATION)

**FUNDING SOURCE:**

No funds requested for this action.

**WHAT ACTION ACCOMPLISHES:**

Provides approval for DOT to proceed with the resurfacing and paved shoulder project as approved in the CIP. Staff told the City of Bonita Springs that approval for this project would be brought to the Board before construction began.

**MANAGEMENT RECOMMENDATION:**

Approve.

**PULLED FOR DISCUSSION**

Department of Transportation Deputy Director Paul Wingard answered Board questions aimed at addressing concerns raised in public comments by pointing out that the addition of lined shoulders did not equate to widening the road. He stated his professional opinion was that shoulders increased road safety, an opinion supported by national industry statistics; and gave supporting details. Following comments of appreciation from the Board, Commissioner Hall moved the item, seconded by Commissioner Judah, called and carried.

**F) ACTION REQUESTED/PURPOSE:**

Award Project B-11-11 -SR 78 (Bayshore Road) @ Slater/Coon Road -Signal Modifications, to the lowest responsive, responsible bidder meeting all bid requirements, [ITran Partners, Inc.](#), (a local vendor) in the not-to-exceed amount of \$164,039.00. Also, authorize Chair to execute the contract. ([#20110077](#)-TRANSPORTATION)

**FUNDING SOURCE:**

Fund – Transportation Capital Improvement; Program – Major Maintenance; Project – Bayshore and Slater Intersection.

**WHAT ACTION ACCOMPLISHES:**

Provides a Contractor for the replacement of existing mast arms, removal and replacement of existing signal controller cabinet with video detection installation, along with directional boring for installation of under-pavement conduits to serve new mast arms, pedestrian signal and video detection at the Bayshore Road (SR 78) Slater / Coon Road intersection.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**13. UTILITIES****A) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one (1) 6-inch diameter fire line, one fire hydrant, one potable water service, and one sanitary sewer service, to provide fire protection, potable water service, and sanitary sewer service to the Algenol Research Facility, a recently constructed commercial building. This asset project is located along the east side of Lee Road, approximately 1 mile north of Alico Road. ([#20110046](#)-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of this phase of the subject property, and complies with the Lee County Utilities Design Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

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

[RESOLUTION NO. 11-02-08](#)

**B) ACTION REQUESTED/PURPOSE:**

FGCU Easement: Authorize Chair, on behalf of the Board, to execute the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida [Easement #32278](#) /Water (for Parking Garage #3), and approve recording of same. ([#20110064](#)-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Enables Lee County to record an easement from FGCU allowing the county to install/maintain a water line to serve Parking Garage #3 at the Florida Gulf Coast University (FGCU).

**MANAGEMENT RECOMMENDATION:**

Approval.

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

#### 14. COUNTY ATTORNEY

A) **ACTION REQUESTED/PURPOSE:**

Direct the proposed amendments to the Land Development Code to two public hearings, as follows:

First Public Hearing: February 22, 2011 - 9:30 a.m.

Second Public Hearing: March 8, 2011 - 9:30 a.m.

(#20110075-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Satisfies the Board policy to hold two public hearings to amend the LDC. If adopted, the Ordinance will adopt amendments to the Land Development Code.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

#### 15. HEARING EXAMINER

No requests received.

#### 16. CONSTITUTIONAL OFFICERS

A) **ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of January 24 through January 28, 2011:

January 25, 2011 (Regular),

January 25, 2011 (Joint-FMB)

January 26, 2011 (Executive Session).

(#20110084-MINUTES)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approve.

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

B) **ACTION REQUESTED/PURPOSE:**

Approve [disbursements](#). The check and wire registers can now be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BoCC Minutes and Documents link. (#20100085-FINANCE)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Compliance with the requirements of FS 136.06 (1).

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

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

No requests received.

**ADMINISTRATIVE AGENDA**

**1. COUNTY ADMINISTRATION**

No requests received.

**2. COMMUNITY DEVELOPMENT**

No requests received.

**3. CONSTRUCTION AND DESIGN**

No requests received.

**4. COUNTY COMMISSIONERS**

No requests received.

**5. COUNTY LANDS**

No requests received.

**6. HUMAN SERVICES**

No requests received.

**7. INDEPENDENT**

**A) ACTION REQUESTED/PURPOSE:**

Board to consider candidates for County Attorney position.  
(#20110078-HUMAN RESOURCES)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Discussion and consideration of candidates for County Attorney position. The Board may take final action with respect to the selection of the County Attorney.

**MANAGEMENT RECOMMENDATION:**

After initial dialog, Commissioner Hall voiced her top three preferences for the County Attorney position; followed by the remaining Board members voicing their preferences. Two candidates were identified as a preference by a majority of the Board: current Interim County Attorney Andrea Fraser, and candidate Michael Hunt, receiving 4 votes each. Following additional discussion, with majority concurrence from the Board that they were comfortable moving forward, Commissioner Manning moved to approve initiating contract negotiations with Mr. Hunt for the County Attorney position, seconded for discussion by Commissioner Bigelow. Following Board comments, the motion was called and carried with Commissioners Hall and Judah voting nay. During the continued dialog on the subject, with input from Attorney Fraser and County Manager Karen B. Hawes, the following actions were taken: Commissioner Judah moved to support the motion unanimously to initiate negotiations with Mr. Hunt, seconded by Commissioner Hall, called and carried. Commissioner Hall moved to approve a caveat that if negotiations with Mr. Hunt were to cease, negotiations with Attorney Fraser would then begin, seconded by Commissioner Manning, called and carried. Chairman Mann confirmed he would take the lead on the contract negotiations; and concurrence was reached and Board direction given, that staff arrange a group Board Workshop with Mr. Hunt prior to negotiations beginning.

**8. NATURAL RESOURCES/ SOLID WASTE**

No requests received.

**9. PARKS AND RECREATION**

No requests received.

**10. PUBLIC SAFETY**

No requests received.

**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

**12. TRANSPORTATION**

No requests received.

**13. UTILITIES**

No requests received.

**14. COUNTY ATTORNEY**

No requests received.

**15. HEARING EXAMINER**

No requests received.

**16. CONSTITUTIONAL OFFICERS**

No requests received.

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

No requests received.

WALK-ON AGENDA ITEM NO. 1 WAS HEARD DURING THE PRESENTATIONS PORTION OF THE MEETING.

**WALK-ON ITEM NO. 1**

Commissioner Mann read a [Ceremonial Resolution](#) recognizing February, 2011 as Black History Month in Lee County. Lee County NAACP President James Muwakkil, along with the Lee County Co-Chairman of the Black Affairs Advisory Board Mr. Charles Barnes, accepted the Resolution. Mr. Barnes thanked all for their support. ([#20110111](#) – Commissioner Mann)

**WALK-ON ITEM NO. 2**

**5. COUNTY LANDS**

**A) ACTION REQUESTED/PURPOSE:**

Waive competitive bidding on the purchase of Road Impact Fee Credits for the construction of the new Red Sox Spring Training Facility on Daniels Parkway; authorize staff to negotiate directly with the seller of the road impact fee credits offering the highest discount. Further; authorize County staff to process documentation necessary to complete the transaction; authorize payment of the Road Impact Fees; and authorize the Chair execute, on behalf of the Board, the [Road Impact Fee Agreement](#) and other documentation necessary to complete the transaction. ([#20110102](#) – COUNTY LANDS)

**FUNDING SOURCE:**

Fund – Tourist Development Tax Revenue Bond Series 2010B; Program – Capital Project; Project – Red Sox Stadium

**WHAT ACTION ACCOMPLISHES:**

Allows County to save money on the payment of road impact fees on the construction of the new Red Sox Spring Training Facility.

**MANAGEMENT RECOMMENDATION:**

Approve.

**REASON FOR WALK-ON:**

The acquisition of building permits for vertical construction on the Red Sox Training Facility is imminent and it is imperative that staff obtain these credits as soon as possible. There is a potential cost savings to the County to purchase impact fee credits at a discount rate.

Commissioner Judah moved approval, seconded for discussion by Commissioner Manning. County Lands Division Director Karen Maguire confirmed that the competitive process was not being waived, since eleven (11) potential developers would be solicited in order to obtain the best possible discount. After Ms. Maguire advised the Board that the same opportunity would come before them shortly pertaining to the Downtown Library, the motion was called and carried.

**COMMISSIONER ITEMS**

**JOINT CITY MEETINGS** –At the request of Commissioner Bigelow (in his capacity as the liaison to the Mayor’s Council), County Manager Karen B. Hawes, Assistant County Manager Holly Schwartz and Chief Assistant County Attorney Gregory Hagen provided input on the suggestion for a Library Workshop with the City of Fort Myers and a Joint Meeting with Bonita Springs. Staff advised that progress should begin again on the Downtown Library since the hiatus had been resolved, and the Amended Interlocal and Lease should be ready to go before the City Council for approval. County Manager Hawes advised that the City of Fort Myers did not see an immediate need

for another Joint Meeting; however, one is currently being scheduled with Bonita Springs. Final comments included a reminder that no design changes were to be made, per previous Board agreement, on the Downtown Library due to budget constraints; and the Board requested that Commissioner Bigelow continue to work with all involved and monitor the project.

**FLOW DATA REQUEST** - Commissioner Judah requested assistance from County staff to help the San/Cap Conservation Foundation (SCCF) provide various flow data requested by U.S. Army Corps of Engineers' (COE) Commander Colonel Alfred Pantano, by doing more modeling runs of different flows. He suggested that Natural Resource Director Roland Ottolini work with SCCF's Natural Resource Policy Director Rae Ann Wessel to facilitate getting the information to the Colonel. After Board discussion, it was determined that the first step would be the involvement of other interested and possibly involved parties, who might be potential sources of information and limit expenses. Direction was given for Mr. Ottolini to get involved in the matter, investigate further to define level of effort and cost, and bring a recommendation back to the Board (on a Blue Sheet) in two weeks.

**ON-LINE TRAVEL TAX** – Commissioner Judah reminded all of the proposed bill requiring on-line travel companies to collect tourist taxes for remittance to the appropriate Counties, stating that he hoped it was an issue currently being monitored by County legislative contractors; with Board direction following to Assistant County Manager Holly Schwartz, who indicated she would assure it was being closely followed.

**FERTILIZER ORDINANCE:** - Commissioner Judah advised all that, as currently written, the County would not be exempt from specific conditions of the bill dealing with pre-emption of certain communities having their own Fertilizer Ordinance. Noting that the language was not straightforward, he requested that Assistant County Manager Holly Schwartz work closely with the County Attorney's Office on following and interpretation of the final pre-emption language.

**FIRE DISTRICT BILL** - Assistant County Manager Holly Schwartz responded to Commissioner Hall's question regarding the Fire District Bill by informing her that the Bill had not yet been filed; however, she had already requested a copy be sent to her.

**MARCH 8, 2011 MEETING** – Following brief discussion, Chairman Mann indicated that he and Commissioner Hall would be absent, and informed that Vice-Chairman Manning would chair the March 8, 2011 Regular Meeting.

### **COMMITTEE APPOINTMENTS**

Commissioner Hall moved to rescind her earlier appointment of Nicholas Spaech to the **LAND DEVELOPMENT CODE ADVISORY COMMITTEE**; and to reappoint Anne Dalton and Pastor Jorge Acevedo to the **HUMAN SERVICES COMMITTEE**, seconded by Commissioner Manning, called and carried.

### **COUNTY MANAGER ITEMS**

County Manager Karen B. Hawes had nothing to offer.

### **COUNTY ATTORNEY ITEMS**

Interim County Attorney Andrea Fraser had nothing to offer.

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

Public Presentation of Matters by Citizens

The Chairman called for public input; however no one came forward.

The Chairman adjourned the meeting at 10:55 a.m.

ATTEST:  
CHARLIE GREEN, CLERK

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Deputy Clerk

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[Chairman, Lee County Commission](#)