

JANUARY 11, 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 Manning, Vice Chairman
 Tammara Hall
 Ray Judah
 A. Brian Bigelow

The Chairman called the meeting to order at 9:30 a.m. and requested a moment of silence for the victims of Tucson, Arizona, and a former Lee County Commissioner Chris Stafford who passed away recently. The Invocation was given by Pastor David Deaton, Life Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Commissioner Manning read and presented a Ceremonial Resolution resolving that the Board, on behalf of the citizens of Lee County, support and encourage the Sanibel-Captiva Conservation Foundation's (SCCF) efforts to acquire and preserve the Bailey Family Homestead. SCCF Executive Director Erick Lindblad accepted the Resolution, and thanked the Board. ([#20101262](#)-Commissioner Manning)

ANNOUNCEMENTS

Referring to the Agenda [Recap Sheet](#) dated January 11, 2011, the Chairman announced that:

One (1) Walk on Item would be heard at the appropriate time.

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

The Chairman called for public comment, and the following citizens came forward to speak on Walk-on Item 1:

Villa Rosa Loop resident [Philip Simon](#)
 Vines Community representative [Jordan Ross](#)
 Vines Community representative [Chris Smith](#)
 Osprey Cove representative [Ike Eikelberner](#)
 The Reserve at Estero representative [Edward Paton](#)
 Belle Lago Community representative [Steve Yormak](#)
 The Reserve at Estero representative [Jim Robinson](#)
 Belle Lago Community representative [Jane McNew](#)
 Belle Lago Community representative [Christopher Pilavis](#)
 Belle Lago Community representative [Ron Kapsos](#)
 Belle Lago Community representative [Angie Estberg](#)

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

Commissioner Mann - None
 Commissioner Manning - None
 Commissioner Hall - 7(a)
 Commissioner Judah - 6(a), 10(a)
 Commissioner Bigelow - 7(a), 10(a)

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) **ACTION REQUESTED/PURPOSE:**

Approve the list of Public Official Faithful Performance Bonds contained in the backup material to this item.

([#20101235](#)-COUNTY MANAGER)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Assures compliance with the provisions of F.S. 137.05 and Lee County Ordinance No. 00-25; copies contained in the backup material to this item.

MANAGEMENT RECOMMENDATION:

Approval.

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

B) ACTION REQUESTED/PURPOSE:

Approve, and authorize the Chair to execute, an Agreement between the Lee County Board of County Commissioners and [Bishop Verot Catholic High School](#) to enhance the Driver's Education Program, and authorize release of \$7,104.95 from the funds collected through Lee County Ordinance #02-28 Dori Slosberg Driver Safety Education Act.

(#20101246-BUDGET SERVICES)

FUNDING SOURCE:

Fund: Driver's Education Trust; Program: Driver's Ed Fee-Lee P; Project: Grants and Aids To Local Governments.

WHAT ACTION ACCOMPLISHES:

Provides approval for the release of funds collected for use of the Driver's Education Program for the Bishop Verot Catholic High School by increasing the amount of time offered to students and the purchase of products (Personal Breath Tester and Blood Alcohol Concentration Wheel).

MANAGEMENT RECOMMENDATION:

Approve.

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

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**A) ACTION REQUESTED/PURPOSE:**

Approve the acceptance of a private \$5,000.00 cash donation to the Department of Human Services. (#20101251-HUMAN SERVICES)

FUNDING SOURCE:

Individual donor that requires anonymity.

WHAT ACTION ACCOMPLISHES:

Provides \$5,000.00 to the Department allowing the Family Self Sufficiency Program to meet unique needs of homeless families with children.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah moved the item, seconded by Commissioner Manning. At the request of Commissioner Hall, Human Services Director Ann Arnall agreed to furnish an update or overview of the Coalition data to the non-profit database. Following Commissioner Judah's comments of appreciation to the anonymous donor for the generous donation, the motion was called and carried.

7. INDEPENDENT

A) ACTION REQUESTED/PURPOSE:

Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-11-01 MSBU Master Contract, in the following order of ranking, and authorize staff to negotiate hourly rates and independent cost with the number one ranked firm: [\(1\) David Douglas & Associates](#); (2) Barraco & Associates; (3) Banks Engineering Inc. and (4) Bean Whitaker Lutz & Kareh, for a contract period of two (2) years with a one (1) year renewal. (#20101259-PUBLIC RESOURCES)

FUNDING SOURCE:

Program-SA Dist MSTBU Restricted & Other Professional Services; Fund-General Fund; Project-MSBU Annual Contract.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a consultant that will provide any and all consulting services for MSBU (Municipal Service Benefit Unit) Master Contract.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Responding to Commissioner Hall's inquiry on the MSBU contract, Public Resources Director Libby Walker confirmed the process and budget. After noting his longstanding criticisms with the make-up of the Selection Committees, Commissioner Bigelow noted that this particular Selection Committee was absent of any possible undue influence, but had concern with the short list and renewal process. Board discussion ensued with Commissioner Judah commenting on the effectiveness of the selection process over the years and moved approval of the item, seconded by Commissioner Manning. Commissioner Hall offered an amendment to the motion for a contract period of one (1) year and then brought back to the Board. Following brief discussion on the amendment, the maker and seconder agreed. The motion was called and carried with Commissioner Bigelow dissenting.

8. NATURAL RESOURCES/ SOLID WASTE

No requests received.

9. PARKS AND RECREATION

No requests received.

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

Accept the donation in the amount of \$2,500.00 from The George & Mary Jo Sanders Foundation for Lee County Emergency Medical Services. Approve Budget Amendment Resolution in the amount of \$2,500.00; and also approve bonuses for two medics per the attached letter. (#20101257-PUBLIC SAFETY)

FUNDING SOURCE:

Fund-General Fund-Donation.

WHAT ACTION ACCOMPLISHES:

Allows donation to be accepted by the Department.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah moved the item, seconded by Commissioner Manning. Responding to Commissioner Bigelow's suggestion of having a ceremonial presentation to the recipients of the award, Public Safety Director John Wilson pointed out that awards are done during the Emergency Medical Services Week. After Commissioner Judah thanked The George & Mary Jo Sanders Foundation for their donation to the Emergency Medical Services, the motion was called and carried.

RESOLUTION NO. 11-01-21**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

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

Approve [Change Order No. 4 to Contract No. 4206](#), under CN-07-13 CEI Services for

various Lee County roads - College Parkway Intersection in conjunction with Summerlin Six Laning and Cypress Lake Drive to Boy Scout Drive, to T.Y. Lin International, in the not-to-exceed amount of \$387,351.00. Also, authorize Chair to execute Change Order on behalf of the Board. ([#20101240](#)-TRANSPORTATION)

FUNDING SOURCE:

Fund - Transportation Capital Improvement; Program - Capital Projects; Project - Summerlin Road - Boy Scout to Cypress Lake.

WHAT ACTION ACCOMPLISHES:

Provides continuing CEI (Construction Engineering Inspection) Services for the College Parkway/Summerlin Road Six Laning intersection and Cypress Lake Drive to Boy Scout Drive.

MANAGEMENT RECOMMENDATION:

Approve.

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

B) ACTION REQUESTED/PURPOSE:

[Accept for county maintenance](#), 10,500± linear feet of Bonita Beach Road, Sections 4 & 5, from Bonita Grande Drive (STA. 67+50) to Radio Tower Road (STA 172+50). This is the eastern boundary of Palmira Country Club. This portion of Bonita Beach Road was recently widened to four lanes by the Palmira Developer pursuant to Development Order DOS2007-00139 and in accord with the requirements of Administrative Code 11-7. ([#20101254](#)-TRANSPORTATION)

FUNDING SOURCE:

No funds required for this action.

WHAT ACTION ACCOMPLISHES:

Documents the Board's formal acceptance for maintenance, 10,500± linear feet of Bonita Beach Road, Sections 4 & 5, from Bonita Grande Drive (STA. 67+50) to Radio Tower Road (STA 172+50); acknowledges the compliance with AC 11-7, including submittal of deeds for the road right-of-way and drainage easements, record drawings and surveys, engineer's letter of substantial compliance, certificate of compliance, engineer's documentation of final construction costs and a two year maintenance surety bond; 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 Hall moved approval, seconded by Commissioner Manning, called and carried.

13. UTILITIES

A) ACTION REQUESTED/PURPOSE:

Approve award of formal quotation Q-110014 Annual Purchase of Anti-Scalent for Lee County Utilities (LCU), and to Nalco Company at the price of \$1.25 per pound. Also, approve Annual expenditure of approximately \$105,000.00. The initial term of this quote is for one-year with requested authority to negotiate lower prices if possible and renew this quote for four (4) additional one-year periods. Further, approve award of option A delivery in bulk at the prices on the tabulation sheet contained in the backup to this item, and approve vendor's modification on lead time that was deemed minor.

([#20101253](#)-UTILITIES)

FUNDING SOURCE:

Fund – Lee County Utilities Operations; Program – Water Treatment Plants; Project – Chemicals, Insecticides & Fertilizers.

WHAT ACTION ACCOMPLISHES:

This action will allow LCU to purchase anti-scalent on an as needed basis, in a cost effective, efficient, and timely manner from a reliable source to maintain its Reverse Osmosis (RO) Water Treatment Plants throughout Lee County.

MANAGEMENT RECOMMENDATION:

Approve.

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

14. COUNTY ATTORNEY

No requests received.

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

A) 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. ([#20101264](#)-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 Hall moved approval, seconded by Commissioner Manning, called and carried.

B) ACTION REQUESTED/PURPOSE:

Approve disbursement of excess funds resulting from the sale of tax deed certificates to a claimant verified and certified under Florida Statutes 197.582 as follows:

Tax Deed No.	Payee	Amount
2010-000500	Presidential Mortgage Inc. c/o John Penson, Esq. P.A.	\$ 30,070.66

([#20101263](#)-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 an appropriate claimant in compliance with statutory rules and requirements.

MANAGEMENT RECOMMENDATION:

Approve disbursement to identified claimant.

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

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received.

ADMINISTRATIVE AGENDA

THERE WERE NO ITEMS SUBMITTED FOR THE ADMINISTRATIVE AGENDA.

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

1. ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing to adopt a Resolution on a Petition to Vacate VAC 2009-00015, submitted by Department of Transportation Deputy Director Paul W. Wingard for Lee County Department of Transportation, to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of a right-of-way of Delaware Road, Lehigh Acres; Florida.

([#20101205](#)-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

No funding required.

WHAT ACTION ACCOMPLISHES:

Extinguishes a portion of the platted roadway right-of-way for Delaware Road. The right-of-way to be vacated has never been developed and is not needed to facilitate any future roadway improvements as access from Delaware Street to Lee Boulevard, meeting intersection separation requirements, is being provided via Archdale Street.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Michael Jacob approved as to legal form and sufficiency, the [Affidavit of Publication](#) for the 9:30 a.m. Agenda Item No. 1, and briefly reviewed this request. Commissioner Manning moved approval, seconded by Commissioner Hall. The Chairman called for public input; however, no one came forward. The motion was called and carried.

[RESOLUTION NO. 11-01-22](#)

WALK-ON ITEM:**1. COUNTY ADMINISTRATION****1. ACTION REQUESTED/PURPOSE:**

Approve attached resolution and send to the United States Postal Service supporting changing the “preferred last-line” name designation for the communities of The Vines, Belle Largo, Osprey Cove, and The Reserve of Estero, from “Fort Myers, Florida, 33967” to “Estero Bay, Florida, 33967” for addressing purposes. ([#20110020](#)-COUNTY MANAGER)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Fulfills request of four south Lee County communities.

MANAGEMENT RECOMMENDATION:

Board policy decision.

REASON FOR WALK ON:

Board directed on January 4, 2011.

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

[RESOLUTION NO. 11-01-23](#)

COMMISSIONER ITEMS

EVERGLADES COALITION CONFERENCE – Commissioner Hall indicated that last week she and Commissioner Judah attended the Everglades Coalition Conference, and congratulated Commissioner Judah on receiving the prestigious James D. Webb Award for his outstanding contribution to the Everglades. Commissioner Hall briefly reviewed the highlights of the conference.

CONSERVATION RESTORATION EFFORT – Commissioner Judah reported that the Secretary of the Interior Ken Salazar announced the proposed establishment of a 150,000 acre conservation area which will bring into partnership the agriculture industry and conservation restoration efforts. He further noted a 50,000 acre established national wildlife refuge near Disney World’s Wilderness Park, the remaining lands would be established through best management practices to alleviate nutrient loading in the Kissimmee River and Lake Okeechobee removing phosphates and nutrients. Referencing the Modified Water Deliveries (MWD) project, Commissioner Judah noted that the Corps of Engineers announced the addition of a 5 ½ mile bridge to the one (1) mile bridge under construction on Tamiami Trail.

REDIRECT OF ALGAE FUNDS – Commissioner Judah expressed satisfaction with the Board’s agreement at last week’s meeting to re-direct funds from the algae scrubber project to other innovative nutrient removing technologies for impaired water bodies in Lee County.

FINANCIAL STATUS OF BABCOCK RANCH PRESERVE – Commissioner Judah requested a briefing of the financial status and the revenue stream, or the lack thereof; and hoped to receive an update from the committee or a representative from the State on other options to be considered in enhancing eco-tourism to bring in more revenues to help manage Babcock Ranch Preserve.

ENERGY SAVINGS – Commissioner Judah requested Facilities Management Director Rich Beck provide an update of the millions in energy costs savings. The Board decided to schedule the update at the next Management and Planning meeting to be held on February 7, 2011.

MINIMUM FLOW TO THE CALOOSAHATCHEE RIVER – At the request of Commissioner Hall, Commissioner Judah indicated that the Corps of Engineers have taken the position of cutting 100% of water flow to Caloosahatchee River, while allowing water to flow in other utilities and agricultural areas in the east and central part of the State. He noted a conference call scheduled for today with the scientists to point out the inequity of the District; and hoped the District would listen to the science and provide some minimum flow to the Caloosahatchee River.

COUNTY ATTORNEY POSITION INTERVIEWS – At the request of Commissioner Bigelow regarding the County Attorney position interviews, County Manager Karen Hawes indicated no date has yet been set.

ERICK LINDBLAD – RETIREMENT FROM BABCOCK LAND MANAGEMENT BOARD – Commissioner Mann stated that Erick Lindblad recommended the appointment of Liz Donley, of the Regional Planning Council (RPC), as his replacement. Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried.

AGREEMENT AND APPOINTMENT OF ANDREA R. FRASER – Chairman Mann distributed the [Agreement and Terms of Appointment for Andrea R. Fraser as Interim Lee County Attorney](#) (copy on file in the Minutes Office), and stated that in his conversation with Ms. Fraser she agreed to the terms of the Agreement. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

COMMITTEE APPOINTMENTS

Commissioner Manning moved to appoint Edward Elms to the **EAGLE TECHNICAL ADVISORY COMMITTEE**, seconded by Commissioner Hall, called and carried.

Commissioner Bigelow moved to reappoint Richard Sapp, Lee R. Coleman, Seymour Roche and Tommy Parrilla to the **COMMUNITY ACTION AGENCY**, seconded by Commissioner Hall, called and carried.

Chairman Mann requested a motion to appoint Theodore Yeatts, Jr. to the **COASTAL ADVISORY COUNCIL**. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

COUNTY MANAGER ITEMS

County Manager Karen Hawes had no items to be discussed.

COUNTY ATTORNEY ITEMS

Interim County Attorney Andrea Fraser had no items to be discussed.

9:30 A.M. AGENDA ITEM

2. Public Presentation of Matters by Citizens

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

Lehigh Acres residents [Janis Bryant](#) and [Amy Dare](#) expressed concern over a nuisance complaint regarding a neighbor's German Sheppard and the lack of action by Animal Services; and requested an investigation of the department

The Chairman adjourned the meeting at 10:52 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)