

SEPTEMBER 15, 2015

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

Brian Hamman, Chairman
 Frank B. Mann, Vice-Chairman
 John E. Manning
 Cecil L. Pendergrass
 Larry Kiker

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Commissioner Frank Mann, followed by the Pledge of Allegiance.

CEREMONIAL PRESENTATIONS

Commissioner Mann presented a Ceremonial Resolution and declared September 23, 2015 as *Falls Prevention Awareness Day* in Lee County, noted that falls prevention education and home safety are primary steps toward increasing public awareness, and urged everyone to take steps toward protecting those at risk through cost-effective home modifications and community strategies. LMH Trauma Center Analyst/Educator Mark Tesoro accepted the Resolution and expressed gratitude to the Board for the acknowledgment. ([#20150465](#)-COMMISSIONER MANN)

Commissioner Hamman presented a Ceremonial Resolution proclaiming the week of September 28-October 4, 2015 as *Diaper Need Awareness Week*, and encouraged all Lee County citizens to donate generously to the Destiny Diaper Bank in order to help with the promotion of improved health and economic stability for low-income families and their communities. Rebecca G. Hines, Destiny Ministries of SWFL, Inc. accepted the Resolution and expressed gratitude to the Board for assistance and support. ([#20150514](#)-COMMISSIONER HAMMAN)

RECAP/ANNOUNCEMENTS

Referring to the Agenda [Recap](#) Sheet dated September 15, 2015, the Chairman announced that:

Two (2) Carry-Over items would be heard at the appropriate times in the agenda.

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

Public Comment on Agenda Items

The Chairman called for public comment on agenda items and there were two (2) [speakers](#):

Item 7-Representing the CLASAC Committee, George Wheaton
 Item 7-Representing owners of Battista Island, Jimmy Wohl

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

Commissioner Hamman-Items 1, 9 and 24
 Commissioner Mann-None
 Commissioner Manning-None
 Commissioner Pendergrass-None
 Commissioner Kiker-None

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

AGENDA ITEMS

COMMUNITY DEVELOPMENT

- Discuss a Resolution requested by Babcock Property Holdings, LLC (BPH) regarding expansion of the Babcock Ranch Independent Special District (ISD) boundary into Lee County**
 (No funding required):
 Provides the Commissioners an opportunity to discuss a Resolution requested by BPH that finds

the proposed expansion of the ISD boundary into Lee County consistent with the Lee Plan and that Lee County has no objection to the expansion. A Resolution of the Board of County Commissioners' position is required by statute prior to amendment of an ISD. Scheduling of this item for discussion was requested during the September 1, 2015 BoCC meeting. ([#20150475](#)-COMMUNITY DEVELOPMENT)

PULLED FOR DISCUSSION

Assistant County Manager Doug reviewed the item and responded to questions by Commissioner Pendergrass. The Chairman called for public comment and there were two (2) [participants](#):

Nicole Johnson, representing the Conservancy of Southwest Florida
Attorney Russell Schropp, representing Babcock Property Holdings, LLC

Commissioner Manning moved approval of the Resolution of No Objection, with a proviso that Staff should clarify a language issue pointed out in public comment and brought back to the Board, seconded by Commissioner Pendergrass. Under discussion Commissioner Mann expressed concerns for approval of the resolution and noted his objection. The motion was called and carried, with Commissioner Mann voting nay.

RESOLUTION NO.15-09-18

2. Approve [Interlocal Agreement](#) with the Town of Fort Myers Beach for development services

(No funding required; costs are reimbursed by the town):

Provides the Town with building permit plan review and inspections and, as needed, review of development orders. ([#20150505](#)-COMMUNITY DEVELOPMENT)

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

CONSTITUTIONAL OFFICERS

3. Approve and record County disbursements per Florida law

(No funding required):

Florida Statute Chapter 136.06(1) requires that all County disbursements be recorded in the Minutes of the Board. This is for the check and wire registers viewable on the Clerk's website. ([#20150491](#)-CLERK OF COURTS)

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

4. Approve expenditures from revenues collected from various fees and services

(General Fund; Sheriff's Office; Project—Revenues collected from various fees and services):

The Lee County Sheriff's Office collects fees from various services provided. The proceeds are then used to offset expenses such as for false alarms and overtime associated with background checks and fingerprinting services, vehicle repairs, equipment purchases and fuel. ([#20150513](#)-SHERIFF'S OFFICE)

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

5. Approve the Minutes for meetings of the Board of County Commissioners

(No funding required):

Approves the Minutes for meetings of the Board of County Commissioners. ([#20150515](#)-CLERK OF COURTS)

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

COUNTY ATTORNEY

6. Approve redemption of unspent [MSBU credits](#) issued for purchase of Corkscrew Rd. right-of-way

(Funding to come from the CRSA MSBU Fund.):

Provides an appropriate solution to extinguish unspent/unredeemed CRSA Credits previously issued to fund the acquisition cost of needed right-of-way for Corkscrew Road. ([#20150484](#)-COUNTY ATTORNEY)

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

COUNTY LANDS

- 7. Commence negotiations for Parcel 294-3, Conservation 20/20 Program**
(No funding required.):
Implements the April 9th recommendation of the Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) for Staff to pursue the acquisition of Parcel 294-3, containing approximately 97 acres of environmentally sensitive land located on Battista Island in Bonita Springs [STRAP Numbers: 25-47-24-B2-00013-0000; 30-47-25-B1-00005.0010; and 19-47-25-B4-00009.0000]. The Seller’s asking price is \$500,000 (\$5,139/acre). The Property was first nominated to the program in 2005 for \$5,000,000, and again in 2006 for \$4,880,000. It was resubmitted in 2014 for \$1,299,000 at which time CLASAC and the Board requested contacting the owners about asking price.
In January 2015 the owner resubmitted asking \$500,000 and the Board requested CLASAC re-review the property. CLASAC did so and voted to ask the Board to pursue negotiations April 9. This is a request to pursue an appraisal. ([#20150470](#)-COUNTY LANDS)

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

- 8. Approve Amended Resolution of Necessity for the Homestead Road Widening Project 5063**
(No funding required.):
Authorize staff to pursue acquisition of Parcel 120 PE, for the Homestead Rd Widening Project 5063, through condemnation proceedings, if the parcel is not voluntarily acquired. The Resolution of Necessity is being amended due to an engineering design change from a temporary easement to a permanent slope easement. Widening of this 2.26-mile segment, from south of Sunrise Blvd to Alabama Rd, is planned for construction in FY 2015/16. ([#20150498](#)-COUNTY LANDS)

Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO.15-09-19](#)

- 9. Approve Purchase [Agreement](#) for +/- 1.19 acre parcel for North Fort Myers Library Project**
(\$125,000 for land and approximately \$6,000 for costs to close; Library Construction-CIP-North Fort Myers, Included in Budget.):
Approves the acquisition of a parcel in the amount of \$125,000 for the North Fort Myers Library Project. This is one of two parcels needed to provide the necessary land area to expand the North Fort Myers Library at its current location, 2001 N. Tamiami Trail, North Fort Myers.
([#20150509](#)-COUNTY LANDS)

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

- 10. Approve Purchase Agreement for +/- 1.19 acre parcel for North Fort Myers Library Project**
(\$125,000 for land and approximately \$6,000 for costs to close; Library Construction-CIP-North Fort Myers, Included in Budget.):
Approves the [acquisition](#) of a parcel in the amount of \$125,000 for the North Fort Myers Library Project. This is one of two parcels needed to provide the necessary land area to expand the North Fort Myers Library at its current location, 2001 N. Tamiami Trail, No. Fort Myers, FL.
([#20150510](#)-COUNTY LANDS)

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

COUNTY MANAGER

- 11. Grant after the fact approval of expenditures for the North American Roller Hockey Championship**
(\$108,653.28; Sports Development; Included in Budget.):
NARCh is one of the world’s largest roller hockey tournaments. Lee County was offered the opportunity to once again host the NARCh Finals in 2015. The event was held from July 15-26 at Germain Arena. 179 teams representing 5 countries stayed in our community over the 11-day competition. They generated an estimated \$3.4 million dollars in direct visitor expenditures and 7,000 hotel room nights. (The Florida Sports Foundation has awarded Lee County a grant of \$30,000 to help offset the expenditures. The grant is a reimbursement grant and will be paid to Lee County upon completion of the event. ([#20150487](#)-SPORTS DEVELOPMENT)

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

12. Approve Increase to Annual expenditures on Formal Proposal P-120398, Body Removal Services

(Other Professional Services.):

Approves an increase in annual expenditures from \$180,000 to \$350,000 under the existing annual quote for Body Removal Services for the Medical Examiner. Approves an increase in annual expenditures from \$180,000 to \$350,000 under Formal Proposal No. P-120398 Body Removal Services for the District 21 Medical Examiner to accommodate increased usage due to additional transports and increase in transport fees. The awarded vendor is Transcon. Funding is available in Other Professional Services. ([#20150489](#)-COUNTY MANAGER)

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

13. Accept additional tourist development tax revenue in the amount of \$8 million and adjust budgets

(Approve budget amendment resolutions to accept additional tourist development tax revenue in the amount of \$8 million and adjust budgets accordingly.):

Adjusts tourist tax revenue, reserves, stadium debt service and the beach & shoreline funds accordingly to reflect the increase of \$8.0 million. This will provide a more accurate reflection of tourist tax revenue while adjusting the stadium's debt services and beach & shoreline budgets and reserve balances. ([#20150403](#)-COUNTY MANAGER)

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

[RESOLUTION NO's: 15-09-21 through 15-09-24](#)

14. Purchase of excess liability insurance coverage in the amount of \$183,035

(\$183,035; Enterprise Fund; Included in FY 15/16 Budget.):

As a condition of the agreement between Lee County and FPL for the high-voltage interconnection switching station at the Waste to Energy (WTE) facility, a separate standalone excess insurance policy is required. The expenditure of \$183,035 is necessary in order to purchase/bind this standalone excess insurance policy and continue coverage as required by the contract. ([#20150495](#)-BUDGET SERVICES)

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

15. Purchase of property and excess casualty insurance policies in the amount of \$3,600,000

(\$3,600,000; General Liability Self-Insurance Fund; Included in FY 15/16 Budget.):

The expenditure of \$3,600,000 is necessary in order to secure and bind property and excess casualty (liability and workers' compensation) insurance coverage for fiscal year 15-16. These coverages provide financial protection to the County against various unexpected property and casualty type losses. ([#20150496](#)-BUDGET SERVICES)

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

16. Purchase of property insurance coverage for Toll Bridges in the amount of \$784,680

(\$784,680; Enterprise Fund; Included in FY 15/16 Budget.):

The expenditure of \$784,680 is necessary in order to secure and bind insurance coverage for fiscal year 15-16. This coverage provides financial protection to the County against various unexpected property type losses. ([#20150497](#)-BUDGET SERVICES)

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

17. Approve removal of accounts receivable balances considered to be inactive and uncollectible

(No funding required.):

Adjusts the following accounts receivable balances to reflect anticipated collections: A) Department of Transportation, \$51,533.21; B) Transit, \$1,756.45; C) Library, \$39,660.05; D) Utilities Division, \$170,655.31, account balances, \$304,722.20, outstanding assessments; E) Animal Services, \$4,964.00; F) Public Safety Division, \$24,590,754.03 (including \$17,345,727.84 of contractual allowances that could not be collected anyway). In the case of Public Safety (EMS) 70% of the write-off is for "contractual allowances", meaning EMS transport fees are above what Medicaid and Medicare will legally reimburse. The County understands it will not receive the full charge when it is billed, and Medicaid and Medicare understand they will not pay the full charge. For financial reporting purposes, to accomplish these write-offs, accounts receivable are reduced and a corresponding "allowance for bad debt" is

reduced. The net impact to receivables and assets is \$0. ([#20150511](#)-COUNTY MANAGER)

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

18. Provide budget in twelve funds (not General Fund), primarily due to increased revenues, for year-end close outs and adjustments

(No funding required.)

Provides budget in funds incurring costs paid out at year end. Allows Finance to close out funds for the year-end audit. This does not impact the General Fund or General Fund reserves. It aligns budget with actual expenditures and provides inter-fund [transfers](#) to close out funds no longer needed. ([#20150516](#)-COUNTY MANAGER)

Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried. [RESOLUTION NO's. 15-09-25, 15-09-26, 15-09-27, 15-09-28, 15-09-29, 15-09-30, 15-09-31, 15-09-32, 15-09-33](#)

19. Establish legislative priorities for the 2016 state legislative session

(No funding required.):

Establishes legislative priorities to guide the County's advocacy efforts for the 2016 state legislative session. ([#20150519](#)-COUNTY MANAGER)

PULLED FOR DISCUSSION

Following introduction of the item by Assistant to the County Manager Glen Salter, the Chairman called for public comment and there were no participants. After each of the individual Commissioners commented on the Legislative Priorities, Commissioner Kiker moved to amend the draft to include a request for support of funding for the [Lovers Key Park Visitors Center](#), seconded by Commissioner Manning. The Chair called for public comment on the Motion to Amend and there no participants. The motion was called and carried.

Extensive Board discussion continued on the list of advocacy efforts for the 2016 State Legislative session and Commissioner Manning moved approval, seconded by Commissioner Pendergrass. Under discussion, Commissioner Mann stated his concerns about supporting legislation that would allow Florida counties to opt out of mandatory funding of Regional Planning Councils, noting he felt it would be premature to consider any opt-out at this point, and indicated he felt that this item should be removed pending additional Board consideration. Following individual commentary by each of the Commissioners, Commissioner Manning noted that the opportunity for additional discussion of this particular issue would remain available to the Board to take a strategic look prior to any decision regarding the RPC issue, and the motion was called and carried.

At the recommendation of the Chairman, there was discussion by the Commissioners regarding three (3) County Lobbyist Contracts containing September 30, 2015 expiration dates. Commissioner Pendergrass moved to retain the services of the GrayRobinson and Nabors, Giblin Firms for the 2015-16 Legislative Agenda, seconded by Commissioner Manning. The Chairman called for public comment and there were no participants. Commissioner Manning indicated his preference for the County Manager/County Attorney to commence negotiations with the two firms and bring back recommendations to the Board, and Commissioner Pendergrass amended his motion accordingly. Commissioner Mann commented that he favored continuing with the current three (3) teams. The motion was called and carried with Commissioner Mann voting nay.

FACILITIES CONSTRUCTION AND MANAGEMENT

20. Award B-150301 Joint Sealant Renovation to R.L. James Inc.

(\$392,360; General Fund; Included in FY14/15 Budget.):

This item approves and awards project B-150301 Joint Sealant Renovation to R.L. James Inc. for the renovation project of both [Admin East](#) and the [Melvin Morgan Buildings](#) to repair all the existing sealant joints. The sealing around the windows of Admin East and the Melvin Morgan Constitutional Complex are cracked which has resulted in water leaking into the buildings. Resealing the windows will prevent rain and humidity from entering the buildings. The life of the HVAC systems will be extended and air quality will be improved due to sealing the windows. This \$392,360 project was planned and budgeted. ([#20150483](#)-FACILITIES CONSTRUCTION AND MANAGEMENT)

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

21. Award contract to Kimley-Horn and Associates, Inc., for CN150120 for Palmona Park Sidewalks

(\$208,695; HUD Community Block Grant; Included in Budget.):

Authorizes a [Professional Services Agreement](#) with Kimley-Horn and Associates, Inc., to

establish a minimum DOCUMENTS\091515R\091515R-Item 21.pdf scope of work to design, permit, and construct sidewalks for the Palmona Park subdivision. ([#20150488](#)-FACILITIES CONSTRUCTION AND MANAGEMENT)

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

22. Approve a Construction Manager Agreement for Kelly Road Park Irrigation Improvements

(\$278,618.26; General Fund; Included in FY 14/15 Budget.):

Approves award of Construction Manager Agreement to [Wright Construction Group, Inc.](#) (a local contractor) in the amount of \$278,618.26 to install an irrigation main and pump station at Kelly Road Park in Harlem Heights. The soccer fields at the Kelly Park Soccer Complex do not have an adequate supply of water to maintain the fields because the current re-use irrigation water supply has proven to have insufficient volume. Due to this lack of water, the fields require extensive maintenance which includes re-sodding and re-seeding on a continual basis. To solve this problem, a constant source of water located on a Conservation 20/20 parcel will be used to irrigate the soccer complex. New irrigation lines and pump will be put in place to water the fields. The total cost for this project is \$332,320 which includes \$53,702 to design and permit the improvements and \$278,618 to construct the irrigation lines and pump. This work was planned and is included in the FY 14/15 budget. ([#20150500](#)-FACILITIES CONSTRUCTION AND MANAGEMENT)

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

23. Approve a Construction Manager Agreement for Pine Island Commercial Marina Improvements

(The cost for this phase of improvements is \$876,238.41; \$520,546 will initially be funded by the General Fund and then be reimbursed by the West Coast Inland Navigation District (WCIND), \$197,011.86 will be funded by Boater Improvement Funds and \$158,680.55 will be funded by the General Fund. This work is included in the FY 14/15 budget.):

Approves award of [Construction Manager Agreement](#) to OAK/Florida Inc., d/b/a Owen-Ames-Kimball Company (a local contractor) in the amount of \$876,238.41 for improvements to the Pine Island Commercial Marina. The improvements include dredging the canal from the end of the finger docks to the intra-coastal waterway, demolition of the boat ramp, docks and seawalls followed by construction of a new boat ramp, barge landing, and seawall. These improvements are necessary because the commercial barges and ferry boats can be and have been stranded during low tides. The docks and seawalls have reached the end of their life and are in need of replacement. The total cost of the improvements is \$1,043,473 which includes the GMP of \$876,238, and permitting and professional services of \$167,235. This work was planned and is included in the FY 14/15 budget. ([#20150508](#)-FACILITIES CONSTRUCTION AND MANAGEMENT)

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

HUMAN RESOURCES

24. Approve Chief Hearing Examiner's Annual Merit Increase

(MSTU; Included in Budget.):

Approves the Hearing Examiner merit increase for her performance and contributions to the organization since appointed on September 3, 2013. ([#20150499](#)-HUMAN RESOURCES)

PULLED FOR DISCUSSION

Commissioner Manning moved approval of a 4% increase, as contractually indicated, seconded by Commissioner Kiker. The Chairman called for public comment and there were no participants. In discussion, Commissioner Pendergrass stated his recommendation for a 6% increase based on the Hearing Examiner's exceptional performance and annual evaluation. The motion was called and carried, with Pendergrass voting nay.

Commissioner Hamman requested and there was Board consensus requesting that Commissioner Pendergrass commence negotiations of the annual contracts for County Manager Roger Desjarlais and County Attorney Richard Wm. Wesch.

LIBRARY

25. Acceptance of Proceeds from the Heart of the Community Grant

(\$50,000; Library; Not Included in Budget.):

Recognizes the receipt of and approve a budget adjustment in the amount of \$50,000 for the proceeds from the Southwest Airlines Heart of the Community Grant that was approved on Blue Sheet 20150217. ([#20150501](#)-LIBRARY)

Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION NO.15-09-34](#)

26. Authorize application for fiscal year 2015-2016 State Aid to Libraries Grant

TBD; Library; Not included in regular budget

Authorizes application to Florida Department of State, Division of Library Information Services for fiscal year 2015-2016 State Aid to Libraries [Grant](#). State Statute requires application by October 1, 2015 to be considered eligible for Chapter 257 funds. State Aid funds are used to purchase databases and electronic materials to enhance the collection at all LCLS locations. ([#20150521](#)-[LIBRARY](#))

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

NATURAL RESOURCES

27. Approve an [Interlocal Agreement](#) with Bonita Springs for Well Permitting and Inspection Program

(No funding required):

Provides delegation of water well permitting and inspection in the City of Bonita Springs to Lee County which centralizes these activities insuring ground water protection throughout the region. ([#20150482](#)-NATURAL RESOURCES)

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

28. Approve Funding Agreement with the U.S. Geological Survey for Water Resource Investigations

(\$99,706; Unincorporated Area MSTU Fund; Included in Budget; Water Quality.):

Continues cooperative work with U.S. Geological Survey to provide critical data for hydrologic modeling and assessment of flood conditions. The [agreement](#) includes Briarcliff Ditch, Gator Slough, Imperial River, Spring Creek, Estero River, Six Mile Cypress Creek, Ten Mile Canal, and Whiskey Creek. ([#20150490](#)-NATURAL RESOURCES).

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

PROCUREMENT MANAGEMENT

29. Approve an increase in expenditures for IFB150041, Temporary Personnel Service-County Wide

(\$250,000; Funds budgeted for the specific department/division.):

Approves an increase in annual expenditures from below the formal annual expenditure level of \$100,000 to \$250,000 under the existing annual Informal Bid No. IFB150041, Temporary Personnel Service-County Wide, to accommodate the increase in usage and the County's need for temporary personnel services. This is primarily for temporary labor in Animal Services, Human Resources, and Parks while positions were vacant and in the process of being filled. No additional budget is required as temporary positions were paid with lapsed salaries. ([#20150433](#)-PROCUREMENT MANAGEMENT)

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

PUBLIC SAFETY

30. Approve Extension of Interlocal Agreement for Fire Protection of Maravilla/Marvaez MSTU

(\$27,882; Maravilla MSTU; Included in Budget.):

Approval of this [extension](#) to the Interlocal Agreement between Lee County and the City of Fort Myers will allow continued fire protection to the Maravilla/Marvaez enclave areas by the City of Fort Myers Fire Department. This area is located south of Hanson Street, east of Cleveland Avenue, north of Carrell Road, and west of Central Avenue. ([#20150493](#)-PUBLIC SAFETY)

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

31. Approve Amendment to the Cape Coral Reverse Osmosis Tower Antenna Site License Agreement

(No funding required.):

This [second amendment](#) of the original license agreement provides the Licensee with the opportunity to move forward with equipment upgrades and provides the County with \$358.00 per month in license fees. ([#20150494](#)-PUBLIC SAFETY)

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

SOLID WASTE

32. Approve listing of one (1) Mandatory Garbage Hardship Payment Deferral request for FY 15/16

(No funding required.):

Defers the annual Solid Waste Assessment payment and provides for the recording of liens under the Mandatory Garbage Hardship Deferral Program. ([#20150506](#)-SOLID WASTE)

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

TRANSPORTATION

33. Award B-150424 Recycled Asphalt Paving for County-Wide Resurfacing Roadway Improvements

(\$300,345.95; Gas Taxes; Included in Budget; Transportation.):

This item awards project B-150424 County-Wide Resurfacing Roadway Improvements - Recycled Asphalt Paving FY15 to [Preferred Materials, Inc.](#), in the amount of \$300,345.95, for the resurfacing of various roads in Lehigh Acres. ([#20150503](#)-TRANSPORTATION)

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

34. Award B-150438 Contract No. 4 for FY 2015 County-Wide Resurfacing Roadway Improvements

(\$674,777; Gas Taxes; Included in Budget; Transportation.):

This item awards project B-150438 County-Wide Resurfacing Roadway Improvements Contract No. 4 FY15 to [Community Asphalt Corp.](#) in the amount of \$674,777, for the resurfacing of various local roads. ([#20150504](#)-TRANSPORTATION)

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

UTILITIES

35. Increase Annual Expenditure PB140069, Bill Printing, Processing and Mailing Services

(NTE \$200,000 annually; Enterprise Fund; Included in the current FY14/15 Operating Budget.):

Approve an increase in annual expenditures from \$145,000 to \$200,000 under the existing PB140069 for Lee County Utilities Bill Printing, Processing and Mailing Services, for an increase in ongoing services and to allow LCU to utilize additional quoted options for improvements to the existing services being provided by Southwest Direct, Inc. The annual estimated expenditure for these services is not to exceed \$200,000. ([#20150507](#)-UTILITIES)

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

CARRY-OVER AGENDA

1. Approve proceeds from reserves for CenturyLink Sports Complex stadium improvements

(\$833,500; Tourist Development Tax Revenue Bond 94/04 Reserves Contingency.):

Allows the [transfer](#) of Tourist Development Tax Revenue bond escrow reserve funds to the capital improvement construction fund. This will allow additional capital maintenance improvements to be completed at the stadium under the current capital improvement project, including concourse work and decking, shade canopy, and power. These funds can only be spent on the Twins Stadium. ([#20150414](#)-COUNTY MANAGER)

Following introduction of the item by Assistant County Manager/Chief Financial Officer Pete Winton, the Chairman called for public comment and there were no participants. Commissioner Pendergrass moved approval, seconded by Commissioner Kiker, called and carried.

[RESOLUTION NO.15-09-35](#)

2. **Approve the purchase of ten Fixed Route Buses, and five maintenance training units/modules:** (\$4,924,181-Not included in Budget-FTA Grant funded on a reimbursement basis; Strategic Priority 4.) Approves PB150471 for the purchase of six (6) 40' low-floor diesel buses at a cost of \$424,628 each; four (4) 35' low-floor diesel buses at a cost of \$458,425 each; and five (5) maintenance training units/modules at a total cost of \$302,713.10 Grand Total Cost: \$4,924,181.10 (100% grant funded by the Federal Transit Administration). Purchase is made from Gillig, LLC via the LYNX/FPTA Partnership Heavy Duty Bus Contract #14-C09, which has gone through a competitive bidding process. Allows Lee Tran to replace ten (10) Fixed Route buses that have exceeded their useful life and approves Budget Amendment in the amount of \$4,924,181. ([#20150457](#)-TRANSIT)

Following an introduction of the item by Assistant County Manager Dave Harner, the Chairman called for public comment and there was one (1) [participant](#):

North Fort Myers resident John W. Zalenski

Transit Director Steve Myers responded to concerns by the speaker and questions by the Board, and explained that the purchase is fully funded by an FTA Grant. Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

[RESOLUTION NO.15-09-36](#)

COMMISSIONERS' ITEMS

WEST COAST ISLAND NAVIGATIONAL DISTRICT (WCIND)-Commissioner Kiker moved approval for a Resolution of Gratitude on behalf of retiring Executive Director Charles Listowski, in acknowledgment of his many accomplishments over the past 23 years on behalf of the District, seconded by Commissioner Mann. The Chairman called for public comment and there were no participants. The motion was called and carried.

NEW SPORTS ARENA – FLORIDA SOUTHWESTERN STATE-Commissioner Pendergrass informed that Suncoast Schools Federal Credit Union donated \$5 million for the College's plans for a new sports arena, and that a ground-breaking will be held in mid-April.

COMMITTEE APPOINTMENTS

Commissioner Manning moved on behalf of Commissioner Hamman to reappoint Jennifer R. Sapen to the **LAND DEVELOPMENT CODE COMMITTEE**, seconded by Commissioner Mann, called and carried.

Commissioner Mann moved to appoint Steve Brodtkin to the **LAND DEVELOPMENT CODE COMMITTEE**. Following discussion by the Board, Commission Mann withdrew the motion.

COUNTY MANAGER ITEMS

County Manager Roger Desjarlais had no additional items for discussion.

COUNTY ATTORNEY ITEMS

County Attorney Richard Wm.Wesch addressed the Board on the following items:

(THE FOLLOWING COUNTY ATTORNEY'S ITEM WAS HEARD OUT OF ORDER)

- Request to schedule an attorney/client session relating to eight Pine Island Bert Harris litigation cases. The proposed session is scheduled for Tuesday, October 6, 2015 at 8:30 a.m., opening in the Chambers, convening in the East Room, and adjourning in the Chambers. Commissioner Manning moved approval, seconded by Commissioner Mann. The Chairman called for public comment and there were no participants. The motion was called and carried.
- On September 3, 2015, the Office of the Lee County Attorney was served with a Request for Relief, pursuant to Section 70.51, F.S., filed on behalf of the owners of a project known as the "Kimberly Regenesi & Mouracade Regenerative Medicine Center". This Request for Relief is based on a zoning

case denied by the Board on August 5, 2015; consequently, the prohibition against ex parte communications remains in effect.

Commissioners’ Workshop Update

Chairman Hamman announced cancellation of the Commissioners’ Workshop Session scheduled for today at 1:30 p.m. The Chairman called for public comment on the Commissioners’ Workshop cancellation and there were no participants. County Manager Roger Desjarlais reminded the Board that the Public Hearing on the Final Draft of the FY2015-16 Budget was scheduled for 5:05 p.m.

THERE WERE NO PARTICIPANTS FOR PUBLIC PRESENTATION OF MATTERS BY CITIZENS

The Chairman adjourned the meeting at 10:58 a.m.

ATTEST:
LINDA DOGGETT, CLERK

Deputy Clerk

Chairman, Lee County Commission