

SEPTEMBER 12, 2011

A Workshop Meeting of the Board of Lee County Commissioners sitting as the Board Management and Planning Committee 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 1:30 p.m.

1. INFORMATIONAL STATUS UPDATE OF PROCUREMENT MANAGEMENT INITIATIVES

Informational Presentation with PowerPoint

Procurement Manager Bob Franceschini, Assistant County Manager for Public Works Doug Meurer, and Assistant County Manager Pete Winton narrated a PowerPoint presentation with an overview of the department's new Procurement website and goal of being totally online going forward. Mr. Franceschini mentioned the recent merging of Contracts into the Procurement Department, detailed the new transparent processes, and responded to comments and questions. Mr. Meurer addressed professional services selection, vendor pools, and project manager criteria; and responded to concerns and questions, including the continued concern with the make-up of the County selection committees expressed by Commissioner Bigelow. (Commissioner Judah briefly left the Chambers at this time). Commissioner Hall requested a mechanism in the RFP process be established for Local Bidder Preference or a clear explanation provided, and Mr. Meurer stated he would work with the County Attorney's Office on language that could be incorporated into an RFQ, in accordance with State statutes. He also responded to a concern on the Lee County local preference percentage of 3% being low compared with surrounding counties. At the request of Commissioner Manning, Mr. Meurer agreed to provide a copy of the referenced State statute. Mr. Winton indicated his understanding of the concerns expressed and agreed to continue with efforts to follow the Board's direction. He concluded by pointing out efforts to reach out to the business community and finding their overall satisfaction with the procurement process, while stressing the need to focus on local bidder preference. Mr. Winton responded to additional concerns on the selection process from Commissioner Bigelow; and, at the request of Commissioner Judah, agreed to provide a cost savings update since the Federal negotiation process was instituted, and a report on recent contract awards that demonstrate the work had been spread out.

2. DISCUSS WASTE ORDINANCE 11-03 AND MOBILE HOME PARK (MHP)

Review the Board's policy under Ordinance 11-03 related to the impact of allowing private recycling companies to collect recyclable materials at 23 specific mobile home parks.

OPTIONS:

- Maintain current ordinance:
- Allow an additional two-year sunset period:

RECOMMENDATION:

Maintain the Solid Waste Ordinance with its current requirements. (Note: Previously, staff recommended the County retain complete flow control of all recycled materials at all multifamily properties.)

Solid Waste Director Lindsey Sampson reviewed the matter along with the changes made to the previous Ordinance in 2008. Commissioner Manning recommended a return to the previous Ordinance. Under discussion, Commissioner Bigelow stated he could support Commissioner Manning's position, and Commissioner Judah stated his reasoning to maintain the current Ordinance. Mr. Sampson responded to questions on rate reductions and the specific differences between the current and previous Ordinances. Following further Board discussion, Mr. Sampson clarified a previous response on the Ordinance. County Attorney Michael Hunt responded to a question from Commissioner Mann on the Ordinance, who then expressed his position on the matter. There was consensus to return to the previous Ordinance.

3. REPAIRING PRIVATELY-MAINTAINED ROADS

Decide whether to spend public resources in advance of emergency declarations to improve non-County maintained roads that are regularly subject to flooding and washout or in generally poor repair. (See back-up material for detailed description and objective of the issue)

OPTIONS:

1. Spend public dollars to improve non-County maintained roads regularly subject to flooding/washout or in generally poor repair in advance of an emergency.
2. Continue under the current Policy, with public expenditures limited in scope and only under emergency declarations.

RECOMMENDATION:

Option 2, due to limited County funds. If the Board is inclined to improve the recurring problem roadways, staff recommends that MSTU/MSBU's be formed to put the capital cost on the private entities that are currently responsible for the roadways, but not living up to their maintenance obligation.

Interim Department of Transportation (DOT) Director Dave Loveland and Public Safety Director John Wilson addressed the funding mechanisms available, in advance of an emergency situation, to maintain private roadways in poor repair within the County. Mr. Loveland stipulated conditions required to provide minimal repair during a declared emergency, and County funds expended over the past ten years for the 67 private unimproved roadways identified, correcting the annual amount spent as \$47,000.00 in temporary repairs. He expanded on staff's recommendation and to Board support for a County-initiated MSTU/MSBU process. (Commissioner Manning briefly left the Chambers during this discussion). Bartholomew Road was identified by Commissioner Hall as a roadway in enough disrepair that certain vehicles are not able to use it. Mr. Wilson stated the current emergency situation policy stipulates mandated use by EMS, fire department and law enforcement only. Following further discussion, there was consensus to Commissioner Hall's recommendation that staff identify private roadways that have been connected and turned into roads with substantial public traffic, along with cost estimates. Commissioner Judah pointed out that Homestead Road and Estero Boulevard road projects were given funding priority at the Tentative Budget Public Hearing.

4. CONCURRENCY REQUIREMENTS UNDER NEW LEGISLATION

The Community Planning Act of 2011 was adopted by the Florida Legislature and became law on June 2, 2011. The legislation has made sweeping changes to comprehensive planning. The Act has revised concurrency management significantly. Transportation, schools and parks have been removed from the list of public facilities that are subject to concurrency requirements on a statewide basis. The County has the option to implement concurrency on those public facilities, but must do so consistent with the regulations adopted in the Act. It should be noted that sanitary sewer, solid waste, drainage and potable water are still subject to concurrency on a statewide basis. The Board must decide whether transportation, schools and parks should remain in the County's concurrency management program.

OPTIONS:

1. Maintain transportation, schools and parks/recreation as public facilities subject to concurrency on a local basis.
2. Eliminate concurrency for schools.
3. Evaluate the elimination of concurrency for parks for "required" level of service but maintain or modify for "desired" level of service.
4. Evaluate the elimination of concurrency for transportation. Further evaluate potential modifications to provide a planning tool for DOT staff.

RECOMMENDATION:

Options 2, 3 and 4.

Community Development Director Mary Gibbs briefed the Board on the concurrency implications of the newly enacted Community Planning Act, identifying State required elements and those identified as optional elements for local consideration. Ms Gibbs also expanded on staff recommendations and how they affect the CIP, upcoming Comprehensive Plan amendments, Land Development Code and possibly Administrative Codes. She advised of an FDOT Workshop being held next month to coordinate concurrency that staff would be attending. In response to Board questions, Ms. Gibbs explained that the recommended options would entail staff coming up with alternatives to address traffic congestion, and responded to Board concerns that they are looking at all options. Commissioner

Manning left the Chambers at 3:22 p.m., and did not return for the remainder of the meeting. County Attorney Michael Hunt opined to the question by Commissioner Judah that a legal remedy may be available to vigorously challenge some of the elements that prohibit a financially feasible Land Use Plan, and will consult with the Florida Association of Counties on its position. There was Board consensus to support the options recommended by Ms. Gibbs while awaiting a legal opinion going forward.

OTHER ITEMS

Chairman Mann requested and received consensus that Redistricting Alternative 6 was being added to the list of potential options for consideration at tomorrow’s Public Hearing.

Chairman Mann advised that draft agreements were being sent between Lee County and the National Swim Center principals; however, he wanted it understood that he is not supportive of the terms as they stand now, and requested that the County Attorney provide copies of the drafts for Board input. Commissioner Bigelow referenced a Memorandum from County Manager Karen Hawes to the Board that a draft agreement would be provided for consideration at the September 20 Board meeting.

The Chairman adjourned the meeting at 3:33 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)