

AUGUST 29, 2000

The Regular Meeting of the Board of Lee County Commissioners was held this date with the following Commissioners present:

John E. Albion, Chairman
Douglas R. St. Cerny, Vice-Chairman
Ray Judah
John E. Manning
Andrew W. Coy

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor James Bing, Friendship Baptist Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Commissioner Coy commented on the value of recognizing and rewarding positive behavior in children. He then read a resolution commending the "Do the Right Thing" Program for its encouragement of young people in Lee County; and proclaiming the Month of September, 2000, as "Do the Right Thing" Month in Lee County. Program Director Trish Rutte accepted the Resolution and remarked briefly on the benefits of the Program. Cape Coral Police Chief Arnold Gibbs, Fort Myers Police Chief Larry Hart, Lee County Sheriff John J. McDougall, and Fort Myers Program Spokesperson Carol Wynn thanked the Commissioners for their continued support. (#20000860-Commissioner Coy)

Commissioner Judah read and presented a resolution expressing appreciation to Don Shears for his years of service as Community Relations and Education Director of Lee County Association for Retarded Citizens (LARC), and congratulating Mr. Shears upon his receipt of the "Professional of the Year" award from the Florida State Chapter of the Association for Retarded Citizens (ARC) at their annual conference. Mr. Shears acknowledged the efforts of LARC staff and volunteers on behalf of the disadvantaged, expressed his appreciation for the Board's outstanding support, and described some of the other awards that LARC has received. (#20000861-Commissioner Judah)

Commissioner Albion reported that the Lee County Tourist Development Council (TDC) and Visitor and Convention Bureau (VCB) had achieved finalist or winning status in six out of ten state award categories; and remarked on the outstanding accomplishments of staff, consultants, and TDC/VCB Director Elaine McLaughlin. He then read and presented a resolution expressing appreciation to Ms. McLaughlin, who will be retiring effective September 15, 2000; commending her invaluable contributions to Lee County government; and proclaiming August 29, 2000, as "Elaine McLaughlin Day in Lee County". After accepting the Resolution, Ms. McLaughlin remarked that the tourism industry deserves the attention of the Board, that members of the TDC should be interested and involved in County-wide issues, that County employees are dedicated to improving the lives of citizens, and that recent County problems can be solved and should not result in a breakdown of the teamwork that has existed for the last seven years. She added that the Commissioners have the difficult job of setting policy and providing diverse and complex services, and commended them for their dedication. (#20000862-Commissioner Albion)

ANNOUNCEMENTS

Referring to the Agenda Revision Recap Sheet dated August 29, 2000, the Chairman announced that:

On Consent Agenda Item 14(c), August 08, 2000, Management and Planning Minutes should be changed to August 07, 2000, Management and Planning Minutes. The Chairman noted that the corrected language would be considered part of the motion on this item.

Consent Agenda Item 1(b) will be moved to the Administrative Agenda to allow discussion.

One Walk-On Item will be heard following consideration of the Consent and Administrative Agenda.

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

A1(b) - Sheriff's Office Budget Director Bill Bergquist noted that the Sheriff's request for an Equestrian Impound Facility had been inadvertently omitted from the Capital Improvement Program and asked that this project be added to the list.

A11(d) - Attorney [Steven C. Hartsell](#), of the law firm of Pavese, Haverfield, Dalton, Harrison and Jensen, representing Infinity Outdoor Advertising, expressed support for the amendment to clarify and update 1995 ordinance changes related to Alico Road.

A1(b) - NAACP President [Charles Dailey](#) questioned the absence of the Palmetto Extension from the Capital Improvement Program and urged the Board to move forward in cooperation with the City of Fort Myers to make this project possible.

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

- Commissioner St. Cerny – C6(a)
- Commissioner Manning - None
- Commissioner Coy – None
- Commissioner Judah – C11(a)
- Commissioner Albion – C1(c), C9(a), C9(b), C9(c), C9(d), C17(a) and C17(d)

The Items pulled were not heard in Consent Agenda order.

CONSENT AGENDA

1. COUNTY MANAGER

(a) ACTION REQUESTED:

Execute a [maintenance agreement, with the East County Water Control District \(ECWCD\)](#), to transfer maintenance responsibility to ECWCD for Eco Park, Lake Camille, and Williams Park.

WHY ACTION IS NECESSARY:

Before using CRA funds for park improvements, a maintenance agreement needs to be in place.

WHAT THE ACTION ACCOMPLISHES:

The execution of this agreement between the County and ECWCD is the final documentation for the commencement of certain park improvements in Lehigh Acres. ([#20000805](#)-Economic Development)

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

(b) ACTION REQUESTED:

Approve the proposed FY00/01-04/05 Capital Improvement Program Budget, as reviewed on July 12, 2000.

WHY ACTION IS NECESSARY:

Official action is required as follow-up to the CIP Workshop.

WHAT THE ACTION ACCOMPLISHES:

Allocates funding for the FY00/01-04/05 Capital Improvement Program and streamlines the project evaluation process. ([#20000817](#)-Budget Operations)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item C1(b) will be moved to the Administrative Agenda to allow discussion. SEE THAT PORTION OF THE MEETING FOR ACTION TAKEN.

(c) ACTION REQUESTED:

Approve [Change Order No. 02 to Contract No. 1298 with Blue Heron, Inc.](#), in the not-to-exceed amount of \$191,537.91, for Phase II of the Community Redevelopment Agency (CRA) project for State Road 80 (Palm Beach Boulevard) Beautification Project.

WHY ACTION IS NECESSARY:

In accordance with the Lee County Contract Manual, the board must approve expenditures over \$50,000.00. The amount of \$191,537.91 for Change Order No. 02 to Contract No. 1298 will bring the total overall project costs over \$50,000.00.

WHAT THE ACTION ACCOMPLISHES:

Authorizes the contractor to initiate work on Phase II of the State Road 80 (Palm Beach Boulevard) Beautification CRA, to include plant material installation and landscape maintenance. ([#20000815](#)-Economic Development)

PULLED FOR DISCUSSION

In reply to Commissioner Albion's questions, Economic Development Director Janet Watermeier confirmed that, due to the savings that can be realized by eliminating remobilization costs, it would not be worthwhile to go back out for bids on Phase II. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

2. PLANNING AND CONSTRUCTION

No requests received.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

(a) ACTION REQUESTED:

Accept Petition #VAC2000-00016 to vacate a portion of the fifty-foot wide right-of-way of River Road, adjacent to the southernmost line common to Lots 19 and 20A, part of the unrecorded resubdivision of Lots 4-7 and part of Lot 3 and River Road, found in OR Book 579 at Page 690, and MACKABOY FARMS, as recorded in Plat Book 9 at Page 31 of the Official Public Records of Lee County, Florida; and adopt a Resolution setting a Public Hearing for 5:00 p.m. on September 26, 2000.

WHY ACTION IS NECESSARY:

To construct an accessory structure to a principal residential use on Lot 20A. The subject road right-of-way is undeveloped and is not required for future roadway purposes.

WHAT THE ACTION ACCOMPLISHES:

Sets the time and date of the Public Hearing.
(S09-T44S-R26E) (District #5) ([#20000518](#)-Development Services)

Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.
[RESOLUTION 00-08-41](#)

(b) ACTION REQUESTED:

Accept Petition #VAC2000-00023 to vacate portions of a hundred-foot wide ingress-egress easement, as recorded in OR Book 1971, Page 477, and portions of a ten-foot wide utility easement, as recorded in OR Book 2264, Page 4524 in the public records of Lee County, Florida; and adopt a Resolution setting a Public Hearing for 5:00 p.m. on September 26, 2000.

WHY ACTION IS NECESSARY:

Portions of the above described easements are to be vacated as part of a proposed multi-family apartment complex.

WHAT THE ACTION ACCOMPLISHES:

Sets the time and date of the Public Hearing.
(S19-T45S-R25E) (District #5) ([#20000732](#)-Development Services)

Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.
[RESOLUTION 00-08-41b](#)

(c) ACTION REQUESTED:

Accept Petition #VAC2000-00046 to vacate a twelve-foot wide public utility easement centered on the common lot line of Lots 10 and 11, Block 34, Unit 9 of Lehigh Acres Subdivision, as Recorded in Plat Book 15, Page 18, and Deed Book 254, Page 70; and adopt a Resolution setting a Public Hearing for 5:00 p.m. on September 26, 2000.

WHY ACTION IS NECESSARY:

To combine adjacent lots into one building site.

WHAT THE ACTION ACCOMPLISHES:

Sets the time and date of the Public Hearing.
(S16-T44S-R27E) (District #5) ([#20000823](#)-Development Services)

Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.
[RESOLUTION 00-08-43](#)

5. HUMAN SERVICES

(a) ACTION REQUESTED:

Approve [Program Amendment to Lee County's HUD CDBG Fiscal Year 1998 \(Year 9\)](#), regarding activities in Harlem Heights.

WHY ACTION IS NECESSARY:

HUD regulations and County Administrative Code 15-2 require Board approval for significant HUD CDBG Program Amendments.

WHAT THE ACTION ACCOMPLISHES:

Facilitates the continued capacity building efforts for the Harlem Heights Neighborhood Association.
(#20000848-Human Services)

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

(b) **ACTION REQUESTED:**

Authorize the Chairman of the Board of County Commissioners to sign a [Satisfaction of Mortgage, for Gabriel and Luz Fernandez](#), for the HUD HOME funded house at 10350 Gladiolus Drive, Fort Myers, Florida 33908. Also, authorize the Chairman to sign future staff approved Satisfactions of Mortgage for other homeowners.

WHY ACTION IS NECESSARY:

The Board of County Commissioner must approve all Satisfactions of Mortgage.

WHAT THE ACTION ACCOMPLISHES:

Enables lower-income homeowners to sell their homes due to a family situation. (#20000849-Human Services)

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

6. INDEPENDENT DIVISIONS

(a) **ACTION REQUESTED:**

Award a [Service Provider Agreement for CN-00-07, Compensation and Classification Study, to DMG Maximus Inc.](#), for a contract amount of \$70,000.00.

WHY ACTION IS NECESSARY:

Pursuant to the Contract Manual for Professional Services, approved by the Board on April 21, 1993, the Board is required to approve all Professional Services Agreements.

WHAT THE ACTION ACCOMPLISHES:

The Consultant will conduct a comprehensive compensation and classification study for Lee County. The study is to include approximately 1,600 full-time employees in approximately 273 classifications.
(#20000839-Human Resources)

PULLED FOR DISCUSSION

In response to Commissioner St. Cerny's suggestion that, because of the tight budget situation, in-house staff might be used to conduct this study, Human Relations Director Joanie Glance described the requirements of the study; and stated that a professional outside firm can provide the required dedicated personnel and large database. County Manager Donald D. Stilwell pointed out that similar annual studies have been performed in-house for the last ten years, and that an independent analysis should be done every ten years. Commissioner Albion and Mr. Stilwell briefly discussed whether the County could cooperate with the Constitutional Officers and others to obtain a better price on future studies. Commissioner Judah pointed out that an independent consultant is necessary to maintain objectivity, and moved approval of the item, seconded by Commissioner Manning. Commissioner Albion noted that the cost of the study is less than the cost to train replacements for employees lost to better opportunities. The motion was called and carried, with Commissioner St. Cerny voting nay.

7. PUBLIC SERVICE DIVISIONS

(a) **ACTION REQUESTED:**

Approve a [transfer](#) from the General Fund, in the amount of \$52,815.57, to move the activity for Extension Services Family Connection Center (FCC) into its own fund/subfund.

WHY ACTION IS NECESSARY:

Board must approve interfund transfers.

WHAT THE ACTION ACCOMPLISHES:

Will provide a mechanism to systematically track the net income for the FCC. (#20000829-Parks and Recreation)

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

[RESOLUTION 00-08-44](#)

(b) **ACTION REQUESTED:**

Authorize the Chairman to execute [Modification #3 to the Florida Department of Community Affairs \(DCA\) Contract 99-FM-Q2-09-46-01-003](#), to extend the grant to September 30, 2001.

WHY ACTION IS NECESSARY:

Commission Chairman's signature is required to execute the modification.

WHAT THE ACTION ACCOMPLISHES:

Extends the agreement to September 30, 2001. (#20000842-Public Safety)

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

8. SOLID WASTE-NATURAL RESOURCES

No requests received.

9. TRANSPORTATION

(a) ACTION REQUESTED:

Approve a [tri-party grant agreement between the Federal Highway Administration \(FHWA\), Florida Department of Transportation \(FDOT\), and Lee County](#); and authorize the Chairman to execute the agreement with any minor modifications from FHWA and FDOT. The grant is for a feasibility study to determine the placing of queue jumps at strategic locations in the existing transportation network, in the amount of \$386,600.00. Also, amend the Capital Improvement Program (CIP) to add this project; and approve a [transfer](#) from reserves in the amount of \$38,660.00 for local match.

WHY ACTION IS NECESSARY:

BOCC approval is required on all contracts and amendments to the Capital Improvement Program.

WHAT THE ACTION ACCOMPLISHES:

Obligates \$309,280.00 of Federal funds from FHWA Section 1216 of the Transportation Equity Act for the 21st Century (TEA-21) to FDOT and Lee County. ([#20000844](#)-Transportation)

PULLED FOR DISCUSSION

Commissioner Albion requested a motion to accept Consent Agenda Items 9(a), 9(b), 9(c), and 9(d), with the provision that the Chairman would be authorized to approve minor changes in order to meet the federal funding deadline of September 30, 2000. Commissioner Manning so moved, seconded by Commissioner Coy. Amelia Hughes, of the DOT Fiscal Office, stated that there would be some minor revisions and emphasized the need to submit the applications promptly. The motion was called and carried.

(b) ACTION REQUESTED:

Approve a [tri-party agreement between the Federal Highway Administration \(FHWA\), Florida Department of Transportation \(FDOT\), and Lee County](#); and authorize the Chairman to execute the agreement with any minor modifications from FHWA and FDOT. The grant is for expansion of the Variable Pricing Program to heavy vehicles, in the amount of \$1,295,000.00. Also, amend the Capital Improvement Program (CIP) to add this project; and approve a [transfer](#) from reserves in the amount of \$129,500.00 for local match.

WHY ACTION IS NECESSARY:

BOCC approval is required on all contracts and amendments to the Capital Improvement Program.

WHAT THE ACTION ACCOMPLISHES:

Obligates \$1,036,000.00 of Federal funds from FHWA Section 1216 of the Transportation Equity Act for the 21st Century (TEA-21) to FDOT and Lee County. ([#20000845](#)-Transportation)

PULLED FOR DISCUSSION

Commissioner Albion requested a motion to accept Consent Agenda Items 9(a), 9(b), 9(c), and 9(d), with the provision that the Chairman would be authorized to approve minor changes in order to meet the federal funding deadline of September 30, 2000. Commissioner Manning so moved, seconded by Commissioner Coy. Amelia Hughes, of the DOT Fiscal Office, stated that there would be some minor revisions and emphasized the need to submit the applications promptly. The motion was called and carried.

(c) ACTION REQUESTED:

Authorize the Chairman to sign a [Local Agency Program Agreement](#), for the expansion of variable pricing to heavy vehicles, with the Florida Department of Transportation (FDOT).

WHY ACTION IS NECESSARY:

FDOT has a standard from that must be completed to ensure that Federal and State funds are spent in accordance with all applicable State and Federal laws and requirements.

WHAT THE ACTION ACCOMPLISHES:

Continues Lee County's commitment to comply with Federal and State guidelines for administering Federal and State funds. ([#20000846](#)-Transportation)

PULLED FOR DISCUSSION

Commissioner Albion requested a motion to accept Consent Agenda Items 9(a), 9(b), 9(c), and 9(d), with the provision that the Chairman would be authorized to approve minor changes in order to meet the federal funding deadline of September 30, 2000. Commissioner Manning so moved, seconded by Commissioner Coy. Amelia

Hughes, of the DOT Fiscal Office, stated that there would be some minor revisions and emphasized the need to submit the applications promptly. The motion was called and carried.

(d) ACTION REQUESTED:

Authorize the Chairman to sign a [Local Agency Program Agreement](#), for a feasibility study to determine placing queue jumps at strategic locations in the existing transportation network, with the Florida Department of Transportation (FDOT).

WHY ACTION IS NECESSARY:

FDOT has a standard form that must be completed to ensure that Federal and State funds are spent in accordance with all applicable State and Federal laws and requirements.

WHAT THE ACTION ACCOMPLISHES:

Continues Lee County’s commitment to comply with Federal and State guidelines for administering Federal and State funds. ([#20000847](#)-Transportation)

PULLED FOR DISCUSSION

Commissioner Albion requested a motion to accept Consent Agenda Items 9(a), 9(b), 9(c), and 9(d), with the provision that the Chairman would be authorized to approve minor changes in order to meet the federal funding deadline of September 30, 2000. Commissioner Manning so moved, seconded by Commissioner Coy. Amelia Hughes, of the DOT Fiscal Office, stated that there would be some minor revisions and emphasized the need to submit the applications promptly. The motion was called and carried.

10. UTILITIES

(a) ACTION REQUESTED:

Approve construction of a water main extension serving the Neff Rental Facility. This is a developer contributed asset; and the project is located on the west side of Metro Parkway, approximately 1/2 mile north of Daniels Parkway.

WHY ACTION IS NECESSARY:

To provide potable water service and fire protection to the proposed light industrial development.

WHAT THE ACTION ACCOMPLISHES:

Complies with the Lee County Utilities Line Extension Policy, and will provide adequate water infrastructure to support development of the subject property. ([#20000791](#)-Utilities)

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

(b) ACTION REQUESTED:

Approve construction of a water main extension serving Sable Springs, Unit 4-C. This is a developer contributed asset; and the project is located on the east side of US 41 north, approximately 1/2 mile north of the Business 41 intersection.

WHY ACTION IS NECESSARY:

To provide potable water service and fire protection to this phase of the proposed single-family development.

WHAT THE ACTION ACCOMPLISHES:

Complies with the Lee County Utilities line extension policy, and will provide adequate water infrastructure to support development of the subject property. ([#20000801](#)-Utilities)

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

(c) ACTION REQUESTED:

Approve [Change Order No. 3 to Contract #698 with Mitchell & Stark Construction Company, Inc.](#), for the Corkscrew and Olga Water Treatment Plants Fluoridation Systems. This Change Order is for the installation of the Olga Chlorine Dioxide Feed System, including the installation of all the electrical equipment necessary for the project at the Olga Water Treatment Plant (WTP), in the not-to-exceed amount of \$107,100.00. Also, amend FY00-04 Capital Improvement Program Budget; and approve a [budget transfer](#) to increase funding of Project #207098, Fluoridation System Water Treatment Plant Project, by \$120,000.00, to fund the change order needed for completion of this project. Funds will be transferred from CIP Project #207084, North Lee County Water Treatment Plant Expansion.

WHY ACTION IS NECESSARY:

The project cost exceeds \$50,000.00, which requires BOCC approval.

WHAT THE ACTION ACCOMPLISHES:

Replaces the existing chlorine dioxide system at the Olga WTP in order to improve the disinfection system at the plant. ([#20000853](#)-Utilities)

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

11. COUNTY ATTORNEY

(a) ACTION REQUESTED:

Approve the proposed [Reflection Lakes IDD Canal H-2 Realignment Agreement](#).

WHY ACTION IS NECESSARY:

Board approval is necessary in order to allow the developer to proceed with development as proposed.

WHAT THE ACTION ACCOMPLISHES:

Allows the developer to proceed with development, while providing the County with adequate drainage and water quality capacity to accommodate the six-laning of Cypress Lake Drive. ([#20000840](#)-County Attorney)

PULLED FOR DISCUSSION

Natural Resources Environmental Sciences Deputy Director Roland Ottolini and Randy Banks, of Banks Engineering, responded to Commissioner Judah's inquiries regarding the requirement that the developer create and maintain a flow-way next to Lakes Park. Commissioner Judah moved approval of the item, seconded by Commissioner Coy, called and carried.

12. HEARING EXAMINER

No requests received.

13. PORT AUTHORITY

No requests received.

14. CONSTITUTIONAL OFFICERS

(a) ACTION REQUESTED:

Approve [disbursements](#).

WHY ACTION IS NECESSARY:

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

WHAT THE ACTION ACCOMPLISHES:

Compliance with the requirements of FS 136.06(1). ([Clerk of Courts](#))

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

(b) ACTION REQUESTED:

Approve the following Minutes of the Board of Lee County Commissioners:

February 02, 1999 (Regular)
May 11, 1999 (Regular)
May 18, 1999 (Regular)
June 01, 1999 (Regular)
June 22, 1999 (Regular)

July 13, 1999 (Regular)
August 31, 1999 (Regular)
November 09, 1999 (Regular)
December 14, 1999 (Regular)

[\(Clerk of Courts\)](#)

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

(c) ACTION REQUESTED:

Approve the following Minutes of the Board of Lee County Commissioners:

February 01, 2000 (Regular)
March 28, 2000 (Regular)
April 11, 2000 (Regular)
April 25, 2000 (Regular)

June 20, 2000 (Regular)
July 17, 2000 (Zoning)
August 08 ~~07~~, 2000 (Management & Planning)

[\(Clerk of Courts\)](#)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:

On Consent Agenda Item 14(c), August 08, 2000, Management and Planning Minutes should be changed to August **07**, 2000, Management and Planning Minutes. The Chairman noted that the corrected language would be considered part of the motion on this item.

Commissioner Manning moved approval, to include the corrected date, seconded by Commissioner Judah, called and carried.

(d) **ACTION REQUESTED:**

Present for information purposes the [Monthly Financial Report for the month of July 2000](#).

WHY ACTION IS NECESSARY:

To provide interim reporting on selected funds and revenues of the Lee County Board of County Commissioners. Also included, in compliance with Florida Statute 218.415, Local, Government Investment Policies, is the stated and fair market value of the investments managed by the Clerk's Office.

WHAT THE ACTION ACCOMPLISHES:

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

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

(e) **ACTION REQUESTED:**

Approve the expenditure of \$36,175.00 from the Law Enforcement Trust Fund.

WHY ACTION IS NECESSARY:

Florida State Statute 932.7055 requires the Board of County Commissioners' approval of expenditures from the Law Enforcement Trust Fund, which is funded by revenues from confiscated property.

WHAT THE ACTION ACCOMPLISHES:

Funds will be used to provide support to the operations budgets of Coalition for a Drug Free Lee County. ([#20000825](#)-Sheriff)

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

15. COMMUNITY REDEVELOPMENT AGENCY

No requests received.

16. VISITOR AND CONVENTION BUREAU

(a) **ACTION REQUESTED:**

Accept the sole Proposal, received from [BVK/McDonald](#), for RFP-00-10, Tourism Advertising, Program Planning, Creation, and Implementation; and authorize contract negotiations to commence with this firm. Further, authorize the Chairman to execute an agreement for an amount not to exceed \$2,700,000.00 for the first year, with a contract period of October 1, 2000, through September 30, 2003, with the option of renewal for two (2) one-year periods.

WHY ACTION IS NECESSARY:

Pursuant to the Contract Manual for Professional Services, approved by the Board on April 21, 1993, the Board is required to approve consultant rankings and contract negotiations.

WHAT THE ACTION ACCOMPLISHES:

The selected proposer shall be the principal advisor and provider to the Visitor & Convention Bureau (VCB) for the following advertising services: development of a strategic advertising plan; creative strategy, creation, and production of all advertising; placement of advertising, regardless of type, at the lowest competitive rate; development and coordination of media plans; brand marketing; creation and implementation of cooperative advertising programs; and development of promotions in order to stretch the reach of the advertising budget. Funds are available from the Tourist Development Tax Fund, HB5520317400-504810. ([#20000830](#)-Visitor & Convention Bureau)

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

17. PUBLIC WORKS DIVISION

(a) **ACTION REQUESTED:**

Accept a [donation](#), from Alico, Inc., of Parcel 111A, an easement for a 11,600± square foot strip of land, adjacent to the north side of Alico Road in Fort Myers, for the Alico Road Widening Project No. 4030; authorize payment of necessary fees to close in the approximate amount of \$50.00; and authorize

the Division of County Lands to handle and accept all documentation necessary to complete the transaction.

WHY ACTION IS NECESSARY:

The Board must formally accept all real estate conveyances to Lee County.

WHAT THE ACTION ACCOMPLISHES:

The acquisition of property during the voluntary phase of the project will avoid the Board’s need to exercise its power of Eminent Domain at a future date. ([#20000763](#)-County Lands)

PULLED FOR DISCUSSION

After Commissioner Albion thanked Alico, Inc. for their donation, Commissioner Manning moved approval of the item, seconded by Commissioner Judah, called and carried.

(b) **ACTION REQUESTED:**

Approve the [purchase](#) of Parcel 1536, STRAP No. 33-44-23-C1-05908.0240, a vacant non-waterfront property in Cape Coral, for the Veterans Memorial Parkway Extension, Chiquita to Surfside, Project No. 4034, from Helen Silverberg, in the amount of \$9,000.00, pursuant to the terms and conditions as set forth in the Purchase Agreement; authorize payment of necessary fees to close in the approximate amount of \$300.00; and authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHY ACTION IS NECESSARY:

The Board must formally accept all real estate conveyances to Lee County.

WHAT THE ACTION ACCOMPLISHES:

The acquisition of property during the voluntary phase of the project will avoid the Board’s need to exercise its power of Eminent Domain at a future date. ([#20000794](#)-County Lands)

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

(c) **ACTION REQUESTED:**

Approve the [purchase](#) of Parcel 1546, STRAP No. 33-44-23-C1-05890.0020, a vacant waterfront property in Cape Coral, for the Veterans Memorial Parkway Extension, Chiquita to Surfside, Project No. 4034, from Johanna Bopp, in the amount of \$12,765.00, pursuant to the terms and conditions as set forth in the Purchase Agreement; authorize payment of necessary fees to close in the approximate amount of \$300.00; and authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHY ACTION IS NECESSARY:

The Board must formally accept all real estate conveyances to Lee County.

WHAT THE ACTION ACCOMPLISHES:

The acquisition of property during the voluntary phase of the project will avoid the Board’s need to exercise its power of Eminent Domain at a future date. ([#20000802](#)-County Lands)

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

(d) **ACTION REQUESTED:**

Approve staff recommendation to award Formal Quotation #Q-000436, for the sale of property, parts of STRAP Nos. 31-44-24-C1-00821.0130 and 31-44-24-C1-00821.0230, located at the southwest corner of the intersection of Veterans Parkway and Country Club Boulevard, Cape Coral, for the Department of Public Works, Division of County Lands, to the sole quoter meeting all specifications, James E. Kinsey, Jr., Trustee, for a total of \$35,400.00 per the [Lee County Tabulation Sheet](#). Also, authorize the Chairman to execute the [County Deed](#); and authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHY ACTION IS NECESSARY:

On May 16, 2000, the Board directed Staff to dispose of this surplus property in accordance with the Lee County Administrative Code, Purchasing Manual, and Florida Statutes.

WHAT THE ACTION ACCOMPLISHES:

Complies with the Board’s direction. ([#20000813](#)-County Lands)

PULLED FOR DISCUSSION

County Lands Acquisition Program Manager Robert G. Clemens responded to Commissioner Albion's inquiry by stating that an appraisal was not performed, that the value was based on the \$1.60 per square foot paid by the County for the property, and that the sale price of \$2.08 per square foot is satisfactory for a remnant piece that has value only for an adjoining property owner. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

ADMINISTRATIVE AGENDA

1. COUNTY MANAGER**(b) ACTION REQUESTED:**

Approve the proposed FY00/01-04/05 Capital Improvement Program (CIP) Budget, as reviewed on July 12, 2000.

WHY ACTION IS NECESSARY:

Official action is required as follow-up to the CIP Workshop.

WHAT THE ACTION ACCOMPLISHES:

Allocates funding for the FY00/01-04/05 Capital Improvement Program and streamlines the project evaluation process. ([#20000817](#)-Budget Operations)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item C1(b) will be moved to the Administrative Agenda to allow discussion.

Commissioner Judah expressed his concern that the \$300,000.00 committed by the Board to the completion of DeLeon Park was not included, and asked that this item be inserted. Planning and Construction Director Jim Lavender explained that, per previous Board direction, the funds for this project would be taken from reserves and repaid from impact fees after fulfillment of the obligation for the pool at Florida Gulf Coast University (FGCU). There was brief general discussion regarding the confusion created by the last sentence in the Blue Sheet Background, during which Mr. Lavender and County Manager Donald D. Stilwell assured the Board that the funds will be available. Commissioner Coy added that any agreement with the City of Fort Myers will state that City and non-City residents will pay the same fee for the DeLeon pool. Some of the topics considered during the Board discussion of the Palmetto Avenue Extension were: application deadlines for potential grants, the establishment of an MSTBU, the need for a list of projects and funding sources, the commitment of the Board to work with the City, and the costs and status of the Project Development and Environmental (PD&E) study. Commissioner Albion suggested that details of the agreement with the City be worked out prior to the budget hearings in September. Throughout the discussion, Amelia Hughes, of the DOT Fiscal Office, responded to questions from the Commissioners. Commissioner Manning moved approval of the item with the recommended changes to include \$300,000.00 for DeLeon Park and \$275,000.00 for the Palmetto Extension, seconded by Commissioner Judah. In reply to Commissioner Albion's inquiry regarding the Sheriff's request for an Equestrian Facility, Assistant County Manager Bruce Loucks explained that other law enforcement needs have taken priority over this project; and stated that a position paper will be prepared for the Board before the budget hearings. After a brief general discussion regarding items to be considered at the first budget hearing, the motion was called and carried.

2. PLANNING AND CONSTRUCTION

No requests received.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

No requests received.

5. HUMAN SERVICES

No requests received.

6. INDEPENDENT DIVISIONS

No requests received.

7. PUBLIC SERVICE DIVISIONS

No requests received.

8. SOLID WASTE-NATURAL RESOURCES

No requests received.

9. TRANSPORTATION

No requests received.

10. UTILITIES

No requests received.

11. COUNTY ATTORNEY

(a) **ACTION REQUESTED:**

Adopt an [interlocal agreement, with the City of Bonita Springs](#), pertaining to the collection and disbursement of impact fees.

WHY ACTION IS NECESSARY:

Board approval is required for all interlocal agreements.

WHAT THE ACTION ACCOMPLISHES:

The interlocal agreement outlines the procedures that will be followed by the County with regard to the collection and disbursement of impact fees for development within the incorporated limits of the City of Bonita Springs. ([#20000294](#)-County Attorney)

Commissioner Manning moved approval, seconded by Commissioner St. Cerny. After Commissioner Judah commended the City of Bonita Springs and County staff for working to achieve a smooth transition, the motion was called and carried.

(b) **ACTION REQUESTED:**

Approve settlement in Lee County v. Thomas Reidy, et al., Case No. 00-5138-CA-LG (P1520/Montzka), for Veterans Parkway Project #4034, in the amount of \$9,500.00 including all attorney and appraiser fees.

WHY ACTION IS NECESSARY:

To approve settlement.

WHAT THE ACTION ACCOMPLISHES:

Concludes acquisition of Parcel 1520. ([#20000843](#)-County Attorney)

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

(c) **ACTION REQUESTED:**

Approve settlement in Lee County v. Calvin Gaeta Development Company, Inc.; Case No. 98-5805, for the Del Prado interchange project, in the amount of \$160,000.00 excluding fees and costs.

WHY ACTION IS NECESSARY:

To approve settlement.

WHAT THE ACTION ACCOMPLISHES:

Settles all claims except fees and costs. ([#20000850](#)-County Attorney)

Commissioner Manning moved approval, seconded by Commissioner Coy for discussion. Commissioner Coy congratulated County Attorney James G. Yaeger and the County Attorney's Office, particularly Assistant County Attorney John J. Renner, for negotiating a settlement amount that is significantly less than the original settlement offer. The motion was called and carried.

(d) **ACTION REQUESTED:**

Direct expedited amendment of Land Development Code (LDC) §30-183, Billboards; authorize publication of proposed changes; exempt proposed amendment from review of all committees except the Local Planning Agency (LPA); and direct amendments to public hearings for adoption.

Recommended hearing dates are as follows: Local Planning Agency - August 28, 2000; first Public Hearing - September 12, 2000; and second Public Hearing - September 26, 2000.

WHY ACTION IS NECESSARY:

Public hearings are necessary to adopt amendments to the LDC.

WHAT THE ACTION ACCOMPLISHES:

Sets hearing dates before LPA and Board of County Commissioners (BOCC). ([#20000855](#)-County Attorney)

Commissioner Manning moved the item to Public Hearings, seconded by Commissioner Judah. Assistant County Attorney Timothy Jones described the situation that precipitated this request, reviewed the various options available to the Board concerning the updated list of arterial roads, explained the positions of the LPA and the Community Development Department, and requested Board direction as to the desired scope of the amendment. There was Board consensus that the expanded version of the list was not desirable. Attorney Jones responded to inquiries from the Commissioners regarding the Public Hearing schedule, the LPA and Community Development recommendations to

limit the number of allowable roads, and the actual direction from the Board in 1995. Community Development Director Mary Gibbs reported that the design work is almost finished. After Commissioner Manning noted the need to consider the visual aspects of any roads that are allowed, the motion was called and carried.

12. HEARING EXAMINER

No requests received.

13. PORT AUTHORITY

No requests received.

14. CONSTITUTIONAL OFFICERS

No requests received.

15. COMMUNITY REDEVELOPMENT AGENCY

No requests received.

16. VISITOR AND CONVENTION BUREAU

No requests received.

17. PUBLIC WORKS DIVISION

(a) ACTION REQUESTED:

Approve a Resolution of Surplus Real Property declaring County-owned property located in the Idalia Subdivision, East Lee County, as surplus; and authorize the Division of County Lands, in cooperation with the Purchasing Division, to advertise, accept sealed bids, and dispose of surplus property in accordance with the Lee County Administrative Code, Purchasing Manual, and Florida Statutes.

WHY ACTION IS NECESSARY:

County owned property must be declared surplus by the Board of County Commissioners before it can be sold.

WHAT THE ACTION ACCOMPLISHES:

Declares County owned property surplus and authorizes staff to proceed with disposition. ([#20000827](#)-County Lands)

Commissioner Manning moved approval, seconded by Commissioner Coy. Commissioner Judah expressed his concern that this sale would result in a net loss of public water access. Commissioner Albion described the problems created by people trespassing on the property, and suggested that the money from the sale could be designated specifically for improvements to water access elsewhere. County Lands Director Karen L. Forsyth explained that it is difficult to monitor and maintain the property; described actions taken in response to complaints from neighboring property owners; reported that a pending Conservation 2020 purchase will result in an additional mile of river frontage; and noted that this property does not have actual river frontage because it is separated from the river by a 100-foot strip owned by the South Florida Water Management District (SFWMD). In response to Commissioner Albion's questions, Ms. Forsyth stated that the property was appraised at approximately \$500,000.00; that Board approval of this request will allow staff to investigate the potential for selling it; and that any proposed sale will require additional Board approval. Among the topics considered during the Board discussion which followed were: the options available to the Board, the cost to the County of keeping the property, the Board's "no net loss" concern, the possibility of later rescinding the surplus property designation, and the recommendation of the Waterways Advisory Committee that sale proceeds go to the Conservation 2020 Program. After Commissioner Manning indicated his willingness to add a stipulation to the motion concerning the sale proceeds, Commissioner Judah suggested that staff be directed to purchase similar access property prior to selling this parcel and to explore the possibility of an agreement with SFWMD. Throughout the discussion, Ms. Forsyth and County Attorney James G. Yaeger responded to questions and provided additional information. Commissioner Albion suggested that the Board stipulate that the money be used toward a like-kind purchase of river access property. The maker of the motion and seconder agreed. Commissioner Albion noted that this is an opportunity to utilize the value of the property and to eliminate the cost of maintaining it, that it may be appropriate to work with other agencies on the stipulated land purchase, and that a like-kind exchange could also be considered. Commissioner Judah indicated his concerns that the stipulated purchase may not occur and that the sale proceeds may not be sufficient to purchase similar river access property. Commissioner Albion requested that, if the sale occurs within the next six months, the stipulated purchase should occur within two years. After the maker and seconder agreed with the suggestion of Public Parks and

Recreation Director John Yarbrough that the stipulation require “water” access rather than “river” access, the motion was called and carried with Commissioners St. Cerny and Judah voting nay. [RESOLUTION 00-08-47](#)

WALK-ON ITEM NO. 1

10. UTILITIES

ACTION REQUESTED:

Approve [Change Order #181 to Contract #1409 with Severn-Trent-Avatar Utility Services, LLC](#), in the amount of \$1,217,775.00 (lump sum), in the form of a base fee for a three-month extension of their existing contract for the Operations and Maintenance of the original Lee County Utilities System, an additional \$6,000.00 per month for Florida Power and Light (FPL) electric rate increase, and \$200,000.00 per month for additional pass through costs. Approve [Change Order #3 to Contract #1435 with Severn-Trent-Avatar Utility Services, LLC](#), in the amount of \$1,331,862.00 (lump sum), in the form of a base fee for a three-month extension of their existing contract for the Operations and Maintenance of the former Florida Cities Water Company portion of the Lee County Utilities System, and an additional \$4,000.00 per month for FPL’s electric rate increase.

WHY ACTION IS NECESSARY

These two existing contracts expired May 31, 2000; and were extended with Change Orders #174 and #179 to Contract #1409, and Change Orders #1 and #2 to Contract #1435, with Severn-Trent-Avatar Utility Services, LLC, (S-T-Avatar) for three months. However, it will not be possible to have a new contract in place prior to September 1, 2000. In accordance with Administrative Code AC-4-4 of the Lee County Contact Manual, expenditures over \$50,000.00 require Board approval.

WHAT THE ACTION ACCOMPLISHES

Provides for an additional three-month extension to these two existing contracts for the Operations and Maintenance of the Lee County Utilities System. ([#20000864](#)-Utilities)

REASON FOR WALK-ON:

Current extension expires August 31, 2000; and it must be approved before that time.

Commissioner Manning moved approval, seconded by Commissioner Coy for discussion. In response to Commissioner Coy’s inquiries, County Manager Donald D. Stilwell confirmed that the expiration date of the three-month extension will be November 30, 2000; that the final audit of S-T-Avatar should be available within two weeks; and that the bid protest regarding S-T-Avatar and Azurix will come back to the Board on October 10, 2000. Assistant County Attorney David M. Owen stated that, after the Board makes a decision on October 10, the balance of the contract term through November 30 will allow for transition if necessary. The motion was called and carried with Commissioner St. Cerny voting nay.

AT THIS TIME, COMMISSIONER ST. CERNY LEFT THE CHAMBERS AND WAS ABSENT FOR THE REMAINDER OF THE MEETING.

COMMISSIONER ITEMS

CONCERNS OF EAGLE RIDGE RESIDENTS - Commissioner Manning noted that there is apparently a dispute regarding the possible construction of a 40-foot water conveyance on Twin Eagle Lane, and suggested that all parties meet to resolve this issue and present a position paper to the Board. He added that documentation on the issue goes back as far as 1981.

BOOK DRIVE FOR J. COLIN ENGLISH ELEMENTARY SCHOOL - Commissioner Coy announced a drive to obtain old and new books suitable for children at the K-5 level, and suggested that anyone wishing to donate appropriate books should bring them to his office during the month of September.

LETTER FROM LEE COUNTY SHERIFF JOHN J. MCDOUGALL - Commissioner Albion requested that County Attorney James G. Yaeger develop a response to the August 14, 2000, letter, in which the Sheriff expresses concerns about the County's contract with Arnold Hodes.

COMMITTEE APPOINTMENTS

Commissioner Manning moved to reappoint [Walter Barletta](#) to the **HOUSING FINANCE AUTHORITY**, seconded by Commissioner Coy, called and carried with Commissioner St. Cerny absent.

Commissioner Manning moved to appoint James Evans to the **LEE COUNTY COASTAL ADVISORY COMMITTEE**, seconded by Commissioner Coy, called and carried with Commissioner St. Cerny absent.

Commissioner Manning moved to appoint Lee McCall to the **CHERRY/BLUEBERRY SPECIAL IMPROVEMENT UNIT COMMITTEE**, seconded by Commissioner Coy, called and carried with Commissioner St. Cerny absent.

Commissioner Manning moved to appoint Richard Durling to the **LEE COUNTY BOARD OF ADJUSTMENTS AND APPEALS**, seconded by Commissioner Coy, called and carried with Commissioner St. Cerny absent.

Commissioner Judah moved to reappoint Lalai Hamric and Valerie Jackson to the **DISTRICT 8 HEALTH PLANNING COUNCIL**, seconded by Commissioner Coy, called and carried with Commissioner St. Cerny absent.

COUNTY MANAGER ITEMS

County Manager Donald D. Stilwell had nothing to offer.

COUNTY ATTORNEY ITEMS

County Attorney James G. Yaeger had nothing to offer.

The Chairman adjourned the meeting at 11:10 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission