

NOVEMBER 07, 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.; and requested that the Invocation include a mention of the family of Port Authority Police Chief Gary Grosser, whose daughter Jennifer Grosser remains in critical condition in a Houston hospital following an automobile accident. The Invocation was given by Reverend Walter Fohs, Lamb of God Lutheran Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Commissioner Manning read and presented a resolution proclaiming November 11, 2000 as Veterans Day in Lee County; and urging all residents to reflect upon this day with appropriate ceremonies to honor those who have served our nation. Veterans' Organization representative Ernie Hartman accepted the resolution and expressed appreciation for the Board's recognition of the County's veterans. (#20001141-Commissioner Manning)

Commissioner Manning read and presented a resolution commending the Lee County Sports Complex Grounds Crew for their outstanding work, and congratulating them on their receipt of the award for Florida State League (FSL) Grounds Crew of the Year 2000 for Municipalities. Parks and Recreation District 2 Manager Edward McIntyre read a letter from FSL President Chuck Murphy and presented the award plaque. Parks and Recreation Director John Yarbrough noted that the competition was against 13 other crews, and asserted that this type of achievement begins with the Board and County Administration. Crew Manager Keith Blasingim introduced the following Grounds Crew members: Terry Slawson, Chad Yoder, Phillip Boutwell, Chaston Lason, Yancey Hall, Ronald LaRose, Dana Torgerson, Joseph Cintofanti, Mike Woods, and Steve Williams. Visitor and Convention Bureau Director D. T. Minich expressed the appreciation of the Sports Organizing Committee, and presented the crew members with a gift certificate. (#20001143-Commissioner Manning)

Commissioner St. Cerny read and presented a resolution expressing appreciation to Sheriff's Office Lieutenant Colonel Stephen Crews for his invaluable contributions to County government during 25 years of service; conveying the Board's best wishes upon his retirement; and proclaiming November 25, 2000 as "Lieutenant Colonel Stephen Crews Day" in Lee County. Lt. Col. Crews thanked the Board and County Administration for their continued support and cooperation; and especially noted the assistance from Public Works Director Jim Lavender on the new jail project. (#20001149-Commissioner St. Cerny)

ANNOUNCEMENTS

The Chairman announced that there were no changes to the agenda for this meeting.

Commissioner Manning offered congratulations to D. T. Minich, the County's new Visitor and Convention Bureau Director.

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

The Chairman noted that no cards had been received from persons wishing to speak.

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

Commissioner St. Cerny - None
Commissioner Manning - None
Commissioner Coy - None
Commissioner Judah - None
Commissioner Albion - C17(b)

CONSENT AGENDA

1. COUNTY MANAGER

- (a) **ACTION REQUESTED:**
Present to the Board, for information and filing, the Object Code #504015 Expenditure Report for the fourth quarter of FY99/00 (July through September 2000).
WHY ACTION IS NECESSARY:
Lee County Ordinance #90-18.
WHAT THE ACTION ACCOMPLISHES:
Allows the Board to monitor expenditures being made by County Departments and Divisions to this object code. ([#20001105](#)-County Administration)

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

- (b) **ACTION REQUESTED:**
Authorize the scheduling and advertisement of a public hearing for Tuesday, November 21, 2000 at 10:00 o'clock a.m., during the regular Board Meeting, to discuss the use of funds related to the Local Law Enforcement Block Grant. Also, accept the non-binding recommendation of the Local Law Enforcement Block Grant Advisory Board to use the funds for the Criminal Justice Information System (CJIS) proposal.
WHY ACTION IS NECESSARY:
A public hearing and the use of an Advisory Board to make non-binding recommendations for the use of the funds are required as part of the Local Law Enforcement Block Grant application process. The County must hold a hearing prior to obligation of funds.
WHAT THE ACTION ACCOMPLISHES:
Enables the County to meet application requirements. Also, provides funding for the procurement of equipment for the Criminal Justice Information System (CJIS) and provides an opportunity for public input. ([#20001122](#)-Budget Services)

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

2. PLANNING AND CONSTRUCTION

- (a) **ACTION REQUESTED:**
Find Mid-Continent Electric in breach of Contract #429 for non-performance of B-98-51, Light Pole Replacement at Various County Parks, for the Department of Construction & Design; and terminate same. Authorize staff, in conjunction with the County Attorney's office, to prepare the necessary documents and notify the Surety Agent for Mid-Continent Electric's public construction bond.
WHY ACTION IS NECESSARY:
Requires Board findings and approval to terminate contract and authorize staff to prepare the necessary documents due to non-performance.
WHAT THE ACTION ACCOMPLISHES:
Allows for the termination of a contract for non-performance and authorizes staff to proceed with the surety to get the unfinished portions of the projects completed under Mid-Continent Electric's public construction bond. ([#20001129](#)-Construction & Design)

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

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

No requests received.

5. HUMAN SERVICES

- (a) **ACTION REQUESTED:**
Approve a contract, between the [State of Florida Department of Health](#) and the Lee County Board of County Commissioners, for services provided by the Lee County Public Health Unit from October 1, 2000 through September 30, 2001.
WHY ACTION IS NECESSARY:
To provide County funds in the amount of \$1,218,725.00 for public health services. Funds were approved during the Fiscal Year 2001 budget process.

WHAT THE ACTION ACCOMPLISHES:

Provides County funding to the Lee County Public Health Unit. ([#20001109](#)-Human Services)

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

6. INDEPENDENT DIVISIONS**(a) ACTION REQUESTED:**

Approve award of Formal Quotation #Q-000552, Purchase of Pit Shell, for various Lee County Departments/Divisions, to multiple vendors - GHC Construction, Inc. at \$2.60/ton and Southwest Aggregates at \$4.75/ton - for the plant loaded section only, as circled on the [Lee County Tabulation Sheet](#). (Balance of quoted items will not be awarded). Funding will come from the budgets of the individual departments or divisions, which will be responsible for monitoring their individual expenditures. This quotation shall be in effect for one (1) year, or until new quotes are taken and awarded. Also, request authority to renew this quote for two (2) additional one-year periods, with the same terms and conditions, if in the best interest of Lee County.

WHY ACTION IS NECESSARY:

To provide services to Lee County citizens in a more timely, efficient manner.

WHAT THE ACTION ACCOMPLISHES:

Establishes minimum standards for the purchase of pit shell on an annual basis. ([#20001092](#)-Purchasing Services)

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

(b) ACTION REQUESTED:

Approve award of Formal Quotation #Q-000532, Annual Supply of Rock, Aggregate, Screenings, Base Materials, and Sand (Cooperative Procurement), for various Lee County Departments/Divisions, to CSR Rinker Materials and Florida Rock Industries, at the unit prices as circled on the [Lee County Tabulation Sheet](#). Funding will come from the budgets of the individual departments or divisions, which will be responsible for monitoring their individual expenditures. This quotation shall be in effect for one (1) year, or until new quotes are taken and awarded. Also, request authority to renew this quote for two (2) additional one-year periods, at the same terms and conditions, if in the best interest of Lee County. For general information, in addition to Lee County, one other member of the Southwest Florida Purchasing Consortium, the City of Cape Coral, will utilize this quotation under a cooperative purchasing agreement.

WHY ACTION IS NECESSARY:

To provide services to Lee County citizens in a more timely, efficient manner.

WHAT THE ACTION ACCOMPLISHES:

Establishes minimum standards for the purchase of rock, aggregate, screenings, base materials, and sand on an annual basis. ([#20001117](#)-Purchasing Services)

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

(c) ACTION REQUESTED:

Approve increased expenditures for Formal Quotation #Q-980155, The Purchase of Sod, that will exceed the Board's first approval on October 13, 1998, for various Lee County Departments/Divisions, as awarded to the low quoter meeting specifications, Emerald City Sod, Inc., for the amounts circled on the [Lee County Tabulation Sheet](#). In addition, the Board approved the award of Option A (Water) and Option B (Rolling of Sod), based on the pricing listed in Emerald City Sod, Inc.'s quotation. This annual quote expires on April 30, 2001; and no further renewal options exist. Funding will come from the budgets of the individual departments or divisions, which will be responsible for monitoring their individual expenditures.

WHY ACTION IS NECESSARY:

To allow for various Lee County Departments to continue utilizing the annual quote to purchase sod, in an amount that exceeds previous estimates, for roadside drainage maintenance, parks, etc.

WHAT THE ACTION ACCOMPLISHES:

Utilizes competitive prices received on an annual quote for the purchase of sod. ([#20001150](#)-Purchasing Services)

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

7. PUBLIC SERVICE DIVISIONS**(a) ACTION REQUESTED:**

Authorize Chairman to sign the [letter of amendment to the County's Housing and Urban Development \(HUD\) Fiscal Year 1996 Consolidated Plan](#) to assist the South Florida Water Management District in its purchase of the Manna Christian Recreational Vehicle (RV) Park in Bonita Springs, as approved by HUD, with remaining unspent funds from Community Development Block Grant (CDBG) Disaster Supplemental Grant No. CB-96-UR-12-0013.

WHY ACTION IS NECESSARY:

HUD requires project amendments to be approved by Board.

WHAT THE ACTION ACCOMPLISHES:

Enables the County to meet HUD requirements, and ensures continued CDBG Disaster Supplemental Funding. ([#20001027](#)-Public Safety) ([Affidavit](#))

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

(b) **ACTION REQUESTED:**

Approve an [Interlocal Agreement between the City of Sanibel and Lee County for the operation of Bowman's Beach Park, Turner Beach, Sanibel Elementary School Park, and the Blind Pass Parking Area](#).

WHY ACTION IS NECESSARY:

Formalizes the Interlocal Agreement.

WHAT THE ACTION ACCOMPLISHES:

Provides an Interlocal Agreement between the City of Sanibel and Lee County. ([#20001045](#)-Parks and Recreation)

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

(c) **ACTION REQUESTED:**

Approve Project #PB-010039, the piggyback utilization of the Palm Beach County Sheriff's Office Bid #00-0721-254/DJA, which has gone through their competitive bidding process, for the procurement of Automatic External Defibrillators (AED), from Medtronic Physio-Control Corporation, for the Public Safety-EMS Division. The unit cost of a defibrillator is \$1,750.00, and the unit cost of a training defibrillator with charger is \$252.00. Lee County EMS has a total of \$97,640.00 to spend on defibrillators: \$73,230.00 from a State of Florida Grant, and \$24,410.00 from other public entities who have agreed to partner in the program with Lee County EMS. Also, approve budget resolution in the amount of \$24,410.00 for FY00/01.

WHY ACTION IS NECESSARY:

Lee County will be responsible for coordinating and implementing a County-wide public facility Automatic External Defibrillator program.

WHAT THE ACTION ACCOMPLISHES:

Allows Lee County to purchase automatic external defibrillators at a very reasonable price, and saves a great deal of time as well. ([#20001091](#)-Public Safety-EMS)

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

[RESOLUTION NO. 00-11-01](#)

(d) **ACTION REQUESTED:**

Execute [Amendment #1 to Grant Agreement C-10191, between the Lee County Board of County Commissioners/Lee County Parks and Recreation and the South Florida Water Management District \(SFWMD\)](#), for the Six Mile Cypress Slough Preserve Educational Video, to extend the term of the grant.

WHY ACTION IS NECESSARY:

To formally execute Grant Amendment #1 to the existing Agreement, for a time extension.

WHAT THE ACTION ACCOMPLISHES:

Allows Lee County to secure a time extension due to weather conditions in the Slough. ([#20001106](#)-Parks and Recreation)

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

8. SOLID WASTE-NATURAL RESOURCES

No requests received.

9. TRANSPORTATION

(a) **ACTION REQUESTED:**

Award [B-00-34](#), Annual Jack and Bore Services, for the Department of Transportation, to the low bidder meeting all bidding requirements, [Rodger Roberts, Inc.](#), based on the unit prices multiplied by the quantity used, for a total base bid not-to-exceed annual contract amount of \$170,000.00, with a contract period of one (1) year and an option to renew for two (2) additional one (1) year periods.

WHY ACTION IS NECESSARY:

Pursuant to Administrative Code AC-4-4, Lee County Contract Manual for Construction Projects, approved by the Board on April 21, 1993, construction projects estimated to be over level four authorization will be executed through the formal advertised sealed bid procedure.

WHAT THE ACTION ACCOMPLISHES:

Rodger Roberts Inc. will provide jack and bore services at utility crossings on an "as needed" basis. ([#20001067](#)-Transportation)

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

(b) **ACTION REQUESTED:**

Award [B-00-39](#), County-Wide Road Resurface/Rebuild Contract No. 2, for the Department of Transportation, to the lowest responsive, responsible bidder meeting all bidding requirements, [APAC-Florida Inc.](#), for a total not-to-exceed contract amount of \$1,178,414.95, with a contract completion time of 180 calendar days.

WHY ACTION IS NECESSARY:

Pursuant to Administrative Code AC-4-4, Lee County Contract Manual for Construction Projects, approved by the Board on April 21, 1993, construction projects estimated to be over level four authorization (\$50,000.00) will be executed through the formal advertised sealed bid procedure.

WHAT THE ACTION ACCOMPLISHES:

Rebuild and resurface work on various streets throughout Lee County. ([#20001074](#)-Transportation)

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

(c) **ACTION REQUESTED:**

Award [B-00-38](#), County-Wide Sidewalks Contract No. 3, for the Department of Transportation, to the lowest responsive, responsible bidder meeting all bidding requirements, [Gulf Paving Co. Inc.](#), for a total not-to-exceed contract amount of \$1,134,160.00, with a contract completion time of 210 calendar days.

WHY ACTION IS NECESSARY:

Pursuant to Administrative Code AC-4-4, Lee County Contract Manual for Construction Projects, approved by the Board on April 21, 1993, construction projects estimated to be over level four authorization (\$50,000.00) will be executed through the formal advertised sealed bid procedure.

WHAT THE ACTION ACCOMPLISHES:

To construct various sidewalks throughout Lee County. ([#20001083](#)-Transportation)

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

10. UTILITIES

No requests received.

11. COUNTY ATTORNEY

No requests received.

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.

15. COMMUNITY REDEVELOPMENT AGENCY

No requests received.

16. VISITOR AND CONVENTION BUREAU

(a) ACTION REQUESTED:

Award a [Service Provider Agreement to Vera Sommer, Touristik Marketing](#), to act as Marketing Representative for Germany (Germany, Austria and Switzerland), for a total not-to-exceed annual contract amount of \$162,000.00. This contract is for a one (1) year period, with the option to renew annually for up to five years. Funded by the Tourist Tax.

WHY ACTION IS NECESSARY:

In accordance with the Lee County Contract Manual for Professional Services, approved by the Board on April 21, 1993, expenditures in excess of \$50,000.00 must be approved by the Board.

WHAT THE ACTION ACCOMPLISHES:

Extends the reach of the Visitor and Convention Bureau in the international market for visitors to Lee County, and boosts Lee County's economy. ([#20001079-Visitor & Convention Bureau](#))

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

17. PUBLIC WORKS DIVISION

(a) ACTION REQUESTED:

Approve reconveyance of a portion of a 17-foot Perpetual Non-exclusive Right-of-Way Easement for Bike Path/Sidewalk, part of STRAP No. 30-43-22-01-00021.0000; authorize the Chairman to execute a [County Deed](#) to Joel M. and Genevera M. Koonce; and authorize the County Lands Division to handle and complete all documentation necessary to finalize this transaction.

WHY ACTION IS NECESSARY:

The property owner has requested the return of this property in an effort to correct a mutual error in the original conveyance.

WHAT THE ACTION ACCOMPLISHES:

Returns a portion of the easement that cannot be utilized for intended purposes. ([#20001068-County Lands](#))

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

(b) ACTION REQUESTED:

Accept the [donation](#), from Florida Income Properties, of Parcel 200, STRAP No. 07-46-25-00-00006.003A, a 5,862± square foot strip of land, at the southeast corner of US41 and 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 \$300.00; 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 needed for a sidewalk and a turn lane. ([#20001084-County Lands](#))

PULLED FOR DISCUSSION

Commissioner Albion thanked Florida Income Properties and Pick Kwik Corporation for this donation, which will provide a needed benefit for the County. Commissioner Judah moved approval, seconded by Commissioner Manning, called and carried.

ADMINISTRATIVE AGENDA

1. COUNTY MANAGER

No requests received.

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:**

Approve a settlement in the case of Lee County v. Joseph Simpson, et al., Case No. 99-6063-CA (Parcel 108/Miller), in the amount of \$57,176.00, exclusive of fees and costs.

WHY ACTION IS NECESSARY:

Board must approve settlement.

WHAT THE ACTION ACCOMPLISHES:

Resolves all claims except fees and costs. ([#20001135](#)-County Attorney)

Commissioner Manning moved approval, seconded by Commissioner Judah, 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

No requests received.

COMMISSIONER ITEMS

NORTH FORT MYERS ROAD PROJECT - Commissioner Coy announced that the Community Redevelopment Agency (CRA) project at Pondella Road and Business 41, originally scheduled to be done in 120 days, will be finished today after only 8 days of construction. He commended Economic Development Director Janet Watermeier and CRA Director Elcina McKuen for their efforts on this project, and noted that the additional cost for the accelerated completion time was only \$849.00.

TRAFFIC SIGNAL AT PINE WOODS ELEMENTARY SCHOOL - Referring to an accident that occurred last week at the school entrance on Corkscrew Road, Commissioner Judah requested Board direction to Department of Transportation (DOT) staff to install a traffic signal as quickly as possible at that location. In response to Commissioner Albion's questions, DOT Chief Traffic Engineer John Davis asserted that the recent analysis did not reveal conditions that warrant a traffic light at the school, that design and planning is already in progress for 10 other locations, and that this location could be added to that list. After Commissioner Manning stated his preference to review the entire package to be presented by DOT at next week's hearing, Commissioner Judah made a motion that the Board direct Department of Transportation (DOT) staff to move as quickly as possible to install a traffic signal at Pine Woods Elementary School on Corkscrew Road, seconded by Commissioner Coy for discussion. Commissioner Coy opined that something needs to be done, and that a signal would be better than re-routing truck traffic to Alico Road. MSTBU Coordinator Libby Walker reported that the Corkscrew Road Services Area (CRSA) might be willing to include the cost of a traffic signal in the road widening project. Commissioner St. Cerny pointed out that items with significant financial impact are not normally handled as Commissioner Items. After Commissioner Albion remarked that any traffic signal should be part of a larger plan to improve overall traffic conditions on Corkscrew Road, the motion was called and failed, with Commissioners Manning, St. Cerny, and Albion voting nay.

COMMITTEE APPOINTMENTS

Commissioner St. Cerny moved to reappoint Mattie Stevenson to the **HEIMAN/APOLLO STREETLIGHTING DISTRICT COMMITTEE**, seconded by Commissioner Manning, called and carried.

Commissioner Albion moved to reappoint Chief Cliff Paxson to the **CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS**, seconded by Commissioner Manning, called and carried.

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 10:10 a.m.

ATTEST:

CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission