

JANUARY 19, 2021

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

Kevin Ruane, Chairman  
 Cecil Pendergrass, Vice-Chairman  
 Ray Sandelli  
 Brian Hamman  
 Franklin B. Mann

The Chairman called the meeting to order at 9:30 a.m. Commissioner Ruane requested a Moment of Silence to honor the memory of Cape Coral Mayor Joe Coviello who passed away last week. Pastor Bob Ossewaarde of Emmanuel Baptist Church gave the Invocation, followed by the Pledge of Allegiance.

## RECAP/ANNOUNCEMENTS

Referring to the [Recap Agenda](#) of January 19, 2020, the Chairman announced that

- Revisions & Corrections: C-25-Approve Purchase of Computer-Aided Dispatch and Records System; Move to Administrative Agenda as A-4
- County Manager: Vaccinations Update
- County Attorney: 44<sup>th</sup> Extension of the COVID-19 SOLE Resolution #21-01-03

## PUBLIC COMMENT ON AGENDA ITEMS

The Chairman called for public comment on any Consent Agenda items and there were no speakers.

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

Commissioner Ruane–None  
 Commissioner Pendergrass–None  
 Commissioner Sandelli–None  
 Commissioner Hamman–None  
 Commissioner Mann–C-11

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

## CONSENT AGENDA

### CLERK OF COURTS

#### 1. Approve and Record County Disbursements per Florida Law

**Item Summary:** Chapter 136.06(1), Florida Statutes 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.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### 2. Present Report on Monthly Financial Summary for the Month of November 2020

**Item Summary:** This is a monthly, information report from the Clerk of Court's Office that provides interim information on selected revenues, expenditures, deb reserves and investments.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### 3. Present Report on Driver Education Safety Trust Fund for the Month of November 2020

**Item Summary:** This is a monthly report from the Clerk of Court's Office that provides interim information on selected revenues, expenditures, debt reserves and investments.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

### COMMUNITY DEVELOPMENT

#### 4. Execute Maintenance/[Hold Harmless Agreement](#) for Coconut Road Retaining Wall

**Item Summary:** Execution of the agreement transfers the rights and obligations of WCI Communities, LLC related to the construction and maintenance of a retaining wall built within the realigned Coconut Road right-of-way, as originally outlined in the Retaining Wall Construction and Maintenance Hold Harmless Agreement executed November 22, 1999 to L.B. Raptor Investments, LLC (a/k/a Raptor Bay). Raptor Bay is purchasing portions of the Pelican Landing Development of Regional Impact (DRI) from

WCI/Lennar and assuming this obligation as part of the purchase. Under the terms of the 1999 agreement, formal County approval through execution of a new agreement is required for the transfer to be completed.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **5. Rescind Approved Minimum Use Determinations on Boca Grande**

**Item Summary:** On November 17, 2020, the Board of County Commissioners entered into a mediated settlement agreement with the Gasparilla Island Conservation and Improvement Association (GICIA) to settle litigation regarding the Board's approval of three Minimum Use Determinations (MUDS) for properties located at 143, 151, and 161 Damifiwill Street, Boca Grande. The terms of the settlement agreement require the Board to direct the Department of Commerce to direct the Department of Community Development to rescind the approved MUDS FOR 143 AND 151 Damifiwill Street (MUD2018-10045 and MUD2018-10046, respectively), and instead provide for and issue a single MUD to allow for the development of 143 and 151 Damifiwill Street as a consolidated property.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **6. Approve Bald Eagle Management Plan for a Nest within Mangrove Estates Subdivision**

**Item Summary:** Approve a new Bald Eagle Management Plan for bald eagle nest LE-040B in conjunction with the construction of a residential subdivision, known as Mangrove Estates, located within a 660-foot radius of the nest. The Plan proposes to allow exterior construction activities during the nesting season, October 1 – May 15, using the U.S. Fish & Wildlife Service Bald Eagle Monitoring Guidelines with the exception of the lake being constructed during the non-nesting season. Board approval of the Plan is required under the County's Eagle Protection Ordinance; approval is recommended by the Eagle Technical Advisory Committee.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

### **COUNTY ATTORNEY**

#### **7. Ratify Approval of Opioid Allocation Agreement with Florida Attorney General**

**Item Summary:** On May 15, 2018, the Florida Attorney General's Office filed action in state court against some of the nation's largest opioid manufacturers and distributors for their role in the opioid crisis. On July 9, 2019, Lee County filed a complaint against pharmaceutical companies in federal court. In an effort to streamline litigation, reduce potential conflicts among the state, counties and municipalities involved in opioid litigation, and encourage settlement, the Attorney General seeks to create a class action allowing the state, cities and counties to join together in settlement negotiations

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **8. Award Contract for Conservation 20/20 Lands Program Appraisal Services.**

**Item Summary:** Award contracts to four firms to provide Conservation 2020 Lands Program real estate appraisal services for two years. The four firms are: DL Valuation, LLC; Maxwell, Hendry & Simmons, LLC; R & W Enterprises, Inc., and RKL Appraisal and Consulting PLC. Total expenditures for these services during the fiscal year 2019-2020 were approximately \$64,600.00.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **9. Approve Office Lease for Legislative Delegation Members in County Buildings**

**Item Summary:** Provide office space in Lee County-owned buildings for [State Senator Ray Rodrigues](#), [State Representative Mike Giallombardo](#); [State Representative Jenna Persons](#), and [United States Congressman Byron Donalds](#). The term of all leases runs through December 31, 2021.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **10. Approve Sale of [County-owned Surplus Parcel](#) in Lehigh Acres**

**Item Summary:** Authorize the public sale and conveyance of a County-owned surplus parcel of land, identified as STRAP 13-44-26-03-00023.0010, located at 3017 38<sup>th</sup> Street W., in Lehigh Acres, and accepts the terms and conditions set forth in the Real Estate Sales Agreement and County Deed for consideration of \$7,100. The sale is in accordance with Florida Statutes and County Ordinances for a public sealed bid sale. This purchase price is at the top of the range for recent lot sales in the area, ranging from \$5,000 to \$7,000 per lot. The County acquired this property through the escheatment process (non-payment of real estate taxes).

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **11. Award Contract for Population Control Services for Black Spiny-Tailed Iguanas**

**Item Summary:** Award a competitively solicited [contract](#) to George Cera for the population Control Services for Black Spiny-Tailed Iguanas (*Ctenosaura Similis*) on Gasparilla Island, on an as needed basis, for an initial term of three years, as approved in the departments' annual adopted budgets, not to exceed \$133,022.00. The contract can be renewed up to three years, upon the agreement of both parties.

**PULLED FOR DISCUSSION**

**Board Discussion:** Commissioner Mann asked whether there were other bidders for the contract and asked why compensation is based on an hourly rate. Assistant County Manager/Chief Financial Officer Pete Winton responded there was only one contract bidder and the contract has been hourly for a number of years.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Mann moved approval, seconded by Commissioner Pendergrass, called and carried.

## 12. Quarterly Reporting of Expenditures for County-Sponsored Functions

**Item Summary:** Lee County Ordinance #90-18 requires quarterly reporting of expenditures on county-sponsored functions. Some of these expenditures are funded through grants and donations. These include workshops, training, seminars, receptions, ribbon cuttings, and meals related to county-sponsored events and meeting. Expenditures for the quarter were \$1,523.04.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

## ECONOMIC DEVELOPMENT

### 13. Extend Economic Development Agreement Performance Periods Due to Covid-19

**Item Summary:** Modify existing economic development incentive agreements for those companies negatively affected by the economic impacts of Covid-19. These approvals would provide work from home capabilities for Gartner employees and adjust certain performance dates as well as authorize the County Manager to make extension modifications to the terms of those QTI agreements approved for modification by the State of Florida.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 21-01-05](#)

## FACILITIES AND CONSTRUCTION MANAGEMENT

### 14. Approve [Contract](#) for Lehigh Acres Senior Center Renovations

**Item Summary:** Award construction services to Gates Group, LLC to provide renovations to the Lehigh Acres Senior Center in the amount of \$441,745. Gates Group, LLC will provide renovations to the interior and exterior of the facility to include new plumbing, new rooftop air conditioning units and ADA upgrades that include restrooms and parking lot. This project is partially funded with State funding through the Florida Department of Elder Affairs in the amount of \$350,000. The total estimated cost to renovate the Senior Center is \$485,000, allocating \$34,490 for design, \$441,745 for construction, and \$8,315 for miscellaneous costs. Lee County's contribution is \$135,000. The project is anticipated to take four months to complete.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

## HUMAN SERVICES

### 15. Accept Additional U.S. Department of HHS Low Income Home Energy Assistance Funds

**Item Summary:** Approve acceptance of an additional \$273,338 in Low Income Home Energy Assistance funds from the U.S. Department of Health and Human Services to assist households with incomes at or below 150% of the federal poverty level with electrical expenses. Approximately 683 households will be assisted during the grant term, October 1, 2019 to March 31, 2021. This modification increases the entire amount of this cost reimbursement agreement to \$9,110,039.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.  
RESOLUTION No. 21-01-06

### 16. Approve Single Source Purchase for Annual Client Service Network Software Platform Licenses

**Item Summary:** Approval of license purchase from [Bell Data Systems, Inc.](#) in the amount of \$59,400 for a one-year period which allows for the continued operation of the Client Services Network software platform used as the County's Homeless Management Information System. The system is the local technology used to collect client data and information for provisional housing and services to persons experiencing or at risk of homelessness.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

### 17. Approve Edward Byrne Memorial JAG funds for Bob Janes Triage Center Operations

**Item Summary:** Approve acceptance of \$24,526 Edward Byrne Memorial Justice Grant (JAG) Grant funds to support operations of the Bob Janes Triage Center Low Demand Shelter. Funds will be administered through a one-year contract with The Salvation Army. The Triage Center provides diversions from the criminal justice system and/or the undue use of emergency departments for individuals with behavioral health issues. During fiscal year 2019-2020, 685 individuals were served at the Triage Center.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 21-01-07](#)

**18. Approve [FDEP Grant for Estero Bay Regional Inlet Management Study](#)**

**Item Summary:** Accept a grant from Florida Department of Environmental Protection (FDEP) for the Estero Bay Regional Inlet Management Study in the amount of \$32,404 (50% FDEP and 50% local match). The study area is three interdependent Estero Bay barrier island inlets in Southern Lee County. The primary focus of the study is to determine the volume and location of beach-eroded sand in each of the inlets. The result will then be used to determine the best method for dredging each inlet and nourishing the adjacent eroded beaches. The local match of 50% will come from the Beach Renourishment Trust Fund project. ([Budget Transfer - \\$16,202](#))

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried. [RESOLUTION No. 21-01-08](#)

**NATURAL RESOURCES****19. Approve [MOU with City of Cape Coral for Yellow Fever Creek Hydrological Restoration Project](#)**

**Item Summary:** Approve a Memorandum of Understanding (MOU) with the City of Cape Coral that outlines roles, responsibilities and costs associated with transporting the excavated fill material from the Yellow Fever Creek Hydrological Restoration project construction site to an off-site storage location specified by the City. The original interlocal agreement specified the excavated fill to be stored at a city prepared site within the preserve. Due to the grant construction deadline, and environmental/permitting constraints encountered, an offsite location has been identified to store all excess fill material for future City use. The MOU addresses this change which does not increase the County's estimated cost of constructing the project. The project consists of constructing a reservoir with a well between Yellow Fever Creek and Gator Slough Canal in Northeast Cape Coral. Currently, award of a contract for construction of the project is being brought to the Board for approval. The County received two FDEP grants totaling \$992,000 toward the cost of the project. The construction costs are budgeted in the current fiscal year.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**PARKS AND RECREATION****20. Award Contract for Design of Alico Road Drainage Improvements**

**Item Summary:** Award a contract to Johnson Engineering for design and permitting of drainage improvements along Alico Road in the amount of \$115,970.00. The area to be improved is located along both sides of Alico Road from Corkscrew Road to Green Meadows Road. This area has a history of flooding during heavy rain events and the proposed improvements were identified by AIM Engineering in the Phase 3 Southern Lee County Flood Mitigation Plan. Also approves a [budget transfer](#) of \$115,970 from the Flood Remediation project in order to create a budget for the project.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**21. Approve Emergency Purchase of Sand for Lynn Hall Memorial Park**

**Item Summary:** Authorize emergency purchase of imported compatible beach sand to Earth Tech Enterprises Inc., the lowest responsive responsible bidder. Bids were formally requested on November 25, 2020 from four companies and two were received on December 4, 2020 to restore the dune and upper beach area at Lynn Hall Memorial Park. Tropical Storm Eta came through southwest Florida on November 11, 2020 with a combination of surge and high waves. This caused dune impacts and beach erosion at the park. These conditions removed an estimated 6,000 tons of beach sand along 600 linear feet at the park. The project began on December 12, 2020 and was completed on December 24, 2020. The cost was \$174,982. Funding for this expenditure is available in the Beach Renourishment Trust Fund project.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**22. Approve Management Agreement with FDEP for Mound Key**

**Item Summary:** The County owns a nine acre parcel within the Mound Key Archaeological State Park Optimum Boundary that was acquired in October 2019 through the Conservation 20/20 program. The State of Florida Department of Environmental Protection (FDEP) currently manages the surrounding 100 +/- acres on Mound Key. This agreement formalizes their management in accordance with the state approved Mound Key Archaeological State Park Unit Management Plan and prevents duplicative management by the County. No funding required.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**23. Adopt Administrative Code Providing for Direct Materials Purchase**

**Item Summary:** Approve a Resolution to establish a new Administrative Code providing for the tax exempt direct purchase of construction materials, supplies, and/or equipment incorporated into a construction project pursuant to Florida Statutes, Section 212.08(6), and Florida Administrative Code, Rule 12-A-1.094. The Direct Material Purchase process will provide cost savings through tax exempt purchases for County construction projects.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.  
RESOLUTION No. 21-01-09

### **PUBLIC SAFETY**

#### **24. Accept [Grant from FDEM](#) to Support Florida Urban Search & Rescue Task Force 6**

**Item Summary:** Accept grant funds in the amount of \$94,309 from the Florida Division of Emergency Management (FDEM) to support Florida Urban Search and Rescue Task Force 6, and allow needed equipment and training to be obtained for the Urban Search and Rescue Team through the grant's expiration date of March 31, 2022. All equipment and training is procured by the County and donated to Florida Urban Search and Rescue Task Force 6. This grant agreement is subject to the availability of funds contingent upon an annual appropriation by the State, therefore it was not included in the FY20/21 budget.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.  
[RESOLUTION No. 21-01-10](#)

#### **25. Approve Purchase of Computer Aided Dispatch and Records Systems**

**Item Summary:** In September representatives from the Lee County Sheriff's Office and County Administration met to discuss a joint project to expand the County's licensing to include the Sheriff's Computer Aided Dispatching and Records Management System needs, and to work toward a common technology solution managed by County Innovation & Technology. This item approves the single source purchase of Computer Aided Dispatch from Intergraph Corporation d/b/a Hexagon Safety & Infrastructure for \$5,176,106.87. Hexagon was awarded the initial solicitation in 2018 for the Public Safety Computer Aided Dispatch Replacement project. Public Safety has been on the Hexagon Platform since the fall of 2019.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 25 would be moved to the Administrative Agenda as Item A-4. Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **26. Renew Bonita Springs Fire Rescue District [Certificate of Public Convenience & Necessity](#)**

**Item Summary:** The Bonita Springs Fire Control & Rescue District submitted an [application for renewal](#) of their COPCN to provide advanced life support (ALS) non-transport services. Approval of this item provides Bonita Springs Fire Control & Rescue District with the necessary COPCN to satisfy the statutory requirements applicable to their Florida Department of Health license that expires on March 7, 2021. Granting the COPCN will allow the District to continue operating as an ALS non-transport service provider in accordance with State law for two additional years

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **27. Renew San Carlos Park Fire Rescue District [Certificate of Public Convenience & Necessity](#)**

**Item Summary:** The San Carlos Park Fire Protection and Rescue Service District submitted an [application for renewal](#) of their COPCN to provide advance life support (ALS) non-transport services. Approval of this item provides San Carlos Park Fire Protection and Rescue Service District with the necessary COPCN to satisfy the statutory requirements applicable to their State non-transport license that expires on September 2, 2021. Granting the COPCN will allow the District to continue operating as an ALS non-transport service provider in accordance with State law for two additional years.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

#### **28. Direct to Public Hearing a COPCN Application for Rapid Response Ambulance**

**Item Summary:** Rapid Response Medical Transportation, LLC, DBA Rapid Response Ambulance, has applied for a Certificate of Public Convenience and Necessity. In accordance with Lee County Ordinance 08-16, new applications for a Certificate of Public Convenience and Necessity (COPCN) may only be granted based on competent evidence and after a public hearing. The Public Hearing will be scheduled for February 16, 2021.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

### **RISK MANAGEMENT**

#### **29. Approve Public Officials Performance Bonds**

**Item Summary:** Florida Statute §137.05 requires that bonds be examined for sufficiency at its regular meetings in January and June of each year. In 1998, Lee County Board of County Commissioners adopted Ordinance 98-22, which requires Commissioners to provide a Faithful Performance Bond based on Florida Statute §137.01. The Ordinance was later amended (00-25) to include other Lee County elected officials. This is a surety bond that serves as statutory obligation requiring faithful performance, fidelity and integrity of public official's duties to the public.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**TRANSIT****30. Approve FTA Grant Funded Purchase of 35' Diesel Buses and 35' Trolleys**

**Item Summary:** Approve the piggyback purchase of five 35' low floor diesel buses (including options), and three 35' low floor diesel trolleys (including options) from Gillig, LLC. At a total cost of \$4,247,000. The purchase will replace five heavy duty transit buses and three trolleys that have exceeded their useful life. Federal Transit Administration's (FTA) useful life requirement is 12 years or 500,000 miles for heavy duty buses, and 10 years or 350,000 miles for trolleys. The buses to be purchased are fully funded 100 percent funded by FTA grants. The purchase is planned and budgeted in the current fiscal year. Vehicle useful life chart is included in the background information.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**TRANSPORTATION****31. Approve Sole Source Contract for Pavement Condition Rating Services**

**Item Summary:** Approve the continued sole source procurement of pavement condition rating services including pavement management software licenses, from Applied Research Associates, Inc. (ARA) in the amount of \$139,739.18. This sole source will authorize ARA to rate the conditions of all of the arterial roadways and bike paths within Lee County. A sole source method was pursued because ARA holds the proprietary rights to its RoadCare software that links the ratings performed by ARA with the pavement management database in the County's Cartegraph system. RoadCare is the Software currently used by the County for pavement rating services and pavement improvement planning, and the only known software for these services that links this information with Cartegraph. Funding is available in the budget.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**32. Approve Change Order for CEI Services for Gateway Blvd. & Commerce Lakes Dr. Roundabout**

**Item Summary:** Approve a Change Order to a Supplemental Task Authorization with Johnson Engineering, Inc. for Construction Engineering and Inspection (CEI) services for the Gateway Boulevard and Commerce Lakes Drive roundabout project, increasing compensation in the amount of \$177,060.00, bringing the new STA total to \$345,760.00. This Change Order increases CEI services from part-time to full-time and accommodates for a longer construction timeframe. Construction is underway and funding for this additional work is included in the budget.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**33. Approve Waiver of Lee County Ordinances for Design Services of Alico Connector**

**Item Summary:** Waive Section 3 of Lee County Ordinance 92-22 and Section 5.5.2 of Procurement Ordinance 18-22 for the Alico Road Connector Design (Alico Road to SR 82) project. These sections prohibit the County from soliciting a professional services firm to take part in project design or construction services if the firm was retained to perform the project feasibility or study analysis. Waiving this section allows for qualified and knowledgeable firms that worked on the 2009 Alico Connector Alternate Study to submit proposals for the Alico Connector Design project.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**UTILITIES****34. Award [Annual Contract for Purchase of Chemicals for Water Treatment Process](#)**

**Item Summary:** Award an annual contract to Florida Chemical Supply Inc., as a primary vendor, and Hawkins Water Treatment Group Inc. as a secondary vendor, as a result of a competitive bid solicitation to supply Hydrofluosilicic Acid 23% for Lee County Utilities. The County received three bids and selected the two lowest unit cost per gallon for the primary and secondary vendors. The contracts do not allow automatic price increases and only allow for negotiated price increases in the event of significant industry-wide market changes. The initial contract is for a three-year period, with the option to renew for three additional one-year periods. This product is used at all water treatment facilities for the fluoridation of the finished water prior to distribution. Total expenditures for these services for the prior twelve-month period was \$61,000.00.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

**ADMINISTRATIVE AGENDA****FACILITIES CONSTRUCTION AND MANAGEMENT****1. Approve Contract for JY Linear Park Trailhead Improvements**

**Item Summary:** Award construction services contract of the JY Linear Park Trailhead improvement project in the amount of \$1,030,583 to [Fowler Construction and Development, Inc.](#) The project will provide on-site parking and ADA accessible restrooms, water fountains, a bike repair station and picnic pavilions at 14608 Ben C. Pratt/Six Mile Cypress Parkway, Fort Myers, FL 33912. The total estimated

cost for the improvements is \$1,246,103, which includes \$197,520 for design, \$18,000 for miscellaneous services and \$1,030,583 for construction.

**Board Discussion:** Director of Facilities Construction and Management Ehab Guirguis summarized the request and detailed improvements planned to be made to the park.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

## 2. Award Contract for Design Services for LeeTran South County Park-and-Ride Station

**Item Summary:** Award Competitive Negotiation Request to [Cardno, Inc.](#) to provide design, engineering, and post-design services to build a new and improved LeeTran South Park-and-Ride/Transfer Station to be located on an existing parking lot at the Lee County Elections Office located at 13180 S. Cleveland Avenue, Fort Myers, FL 33907, in the amount of \$537,372. The project will provide seven new covered bus park-and-ride/transfer stations, ADA restrooms, custodial and electrical facilities, a technology room, as well as loading and unloading ramps with ADA accessibility that will provide higher level of service, security and comfort for LeeTran employees and riders. The design, engineering, and post-design services for this project will be funded through a State of Florida Department of Transportation (FDOT) Service Development matching grant up to \$160,000 and local funds. State-funded project procurement and construction mandates apply.

**Board Discussion:** LeeTran Director Robert Codie noted the location for the new Park and Ride Station to be located on an existing parking lot at the Lee County Elections Office, and gave a brief overview of the planned improvements and design for the ride station.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

## NATURAL RESOURCES

### 3. Approve [Construction Contract](#) for Yellow Fever Creek Hydrological Restoration Project

**Item Summary:** Approve a contract with Cougar Contracting, LLC for construction of the Yellow Fever Creek/Gator Slough hydrological restoration project in the amount of \$1,507,709.00. The project is located within the City of Cape Coral near Averill Blvd. & Del Prado Blvd North and consists of constructing a surface water transfer pump station and reservoir with a weir between Yellow Fever Creek and Gator Slough Canal. The goal of the project is to improve water quality by diverting excess surface water from Gator Slough Canal system into the reservoir, then treating and releasing the water into Yellow Fever Creek which is a tributary to the Caloosahatchee River. The project will provide Total Maximum Daily Load (TMDL) credit for total nitrogen and is partially funded by two grants from the Florida Department of Environmental Protection (FDEP) totaling \$992,000. The cost of constructing the project is budgeted in the current fiscal year.

**Board Discussion:** Director of Natural Resources Rolland Ottolini gave a brief description of the item and indicated the goal of the project is to improve water quality by diverting excess surface water from Gator Slough Canal System into the reservoir and then treating and releasing the water into Yellow Fever Creek. The project will provide Total Maximum Daily Load (TMDL) credits for total nitrogen and is partially funded by two grants from the Florida Department of Environmental Protection (FDEP).

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Hamman moved approval, seconded by Commissioner Mann, called and carried.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 25 would be moved to the Administrative Agenda as Item A-4. Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

### 4. Approve Purchase of Computer-Aided Dispatch and Records Systems (*formerly known as Item C-25*)

**Item Summary:** In September, representatives from the Lee County Sheriff's Office and County Administration met to discuss a joint project to expand the County's licensing to include the Sheriff's Computer Aided Dispatching and Records Management System needs, and to work toward a common technology solution managed by County Technology and Innovation. This item approves the Single Source purchase of Computer Aided Dispatch and Records Management software from Intergraph Corporation d/b/a Hexagon Safety & Infrastructure for \$5,176,107. Hexagon was awarded the initial solicitation in 2018 for the Public Safety Computer Aided Dispatch Replacement project. Public Safety has been on the Hexagon platform since the fall of 2019.

Costs will be paid through various funding sources, including Public Safety General Fund, E911, and the Sheriff's Office operating budget. Costs in the next fiscal year for the initial project will be accommodated in the Department's annual operating budget. The initial software and first-year maintenance cost occur over the next two fiscal years. This total is \$3,226,734, which includes software, installation, and first-year maintenance. The agreement before the Board also has four additional years of maintenance. This cost is \$465,952.84 in the year after the system goes live and escalates by 3 percent in successive years. The total for this support in years two through four is \$1,949,372.87. This ongoing maintenance agreement with Hexagon to support this proprietary system will also be a part of the annual operating budget. The combined system maintenance is consistent with both parties' maintenance contracts with existing vendors but is less than the costs had

the projects been done independently. This payment will be managed by Public Safety in the General Fund budget starting in FY22/23. ([Budget Transfers \\$1,291,812; \\$208,188](#))

**Board Discussion:** County Manager Roger Desjarlais described the purchase of computer-aided dispatch and records system software in partnership with the Lee County Sheriff's office to be one of the most important endeavors in department history. He called on Assistant County Manager Christine Brady for an overview and the anticipated impact it will have toward the departments' efficiency. Ms. Brady noted this was one of three projects Staff will bring to the Board relating to partnerships with LCSO, and responded to Commissioner Mann's question about Sole Source purchasing. Ms. Brady invited Under Sheriff John Holloway to the podium for comments on behalf of Sheriff Marceno and described the software as a "force multiplier" and a win-win for all of Lee County.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried. [RESOLUTION No. 21-01-11](#)

## PUBLIC HEARING - 9:30 AM

### 1. Authorize issuance of HFA Multi-Family Revenue Bonds for Crossings at Cape Coral Apartments

**Item Summary:** Adoption will allow the Housing Finance Authority of Lee County to issue its Multi-Family Mortgage Revenue Bonds in an amount not to exceed \$17,396,000 for a project known as the Crossings at Cape Coral Apartments, a proposed 168-unit multi-family project in Cape Coral, FL. Ratification of such action by Lee County BOCC is required under Chapter 159 F.S. There are no financial or administrative costs to Lee County BOCC.

**County Attorney:** Assistant County Attorney Amanda Swindle approved the Affidavit of Publication for entry into the record and briefly reviewed the request. Attorney Swindle responded to a question by Commissioner Mann, and noted the Board's oversight of Housing Finance Authority is limited solely to appointment of the members.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Manning, called and carried. RESOLUTION No. 21-01-12

### 2. Conduct First Public Hearing Approving Amendment to Verdana Village Development Agreement

**Item Summary:** Consider executing a Development Agreement Amendment between Lee County, and TPL-LAND-SUB, LLC ("Landowner"), CAM Village Development, LLC ("Developer"), TP2-LAND-SUB, LLC ("Consenting Landowner"), and TPCOM-LAND-SUB, LLC ("Consenting Landowner") for the Verdana Village Project. The Developer is requesting that the proportionate share payment deadline be amended from a single lump sum payment due March 31, 2021 to two separate payments due by March 30, 2021 and December 29, 2021. This Amendment is being requested due to the COVID-19 pandemic and the resulting impacts to the project. Additionally, the amendment adds two consenting landowners to the agreement. Board direction is requested for a second public hearing on February 16, 2021 at 9:30 a.m. or as soon thereafter as may be heard.

**County Attorney:** Assistant County Attorney Joseph Adams approved the Affidavit of Publication for entry into the record and gave a synopsis of the request for extension due to the impacts of COVID-19 and the addition of two consent landowners to the agreement.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Pendergrass moved approval, seconded by Commissioner Hamman, called and carried.

## COMMISSIONERS ITEMS

### Commissioner Pendergrass:

Commissioner welcome everyone back for the first meeting in the New Year, and remarked "the Board is off and running for 2021." He thanked County Manager Roger Desjarlais and Staff for their continuing efforts on behalf of the Board and the Community.

## COMMISSIONERS APPOINTMENTS

### Commissioner Mann moved approval on behalf of Chairman Ruane

Reappoint Danny Brawley to the Well Construction Board

Reappoint Thomas Evenson to the Well Construction Board

**Vote:** Commissioner Pendergrass seconded and the motion was called and carried

### Commissioner Mann moved approval:

Reappoint Tyler Woodby to the Lehigh Acres Streetlighting Committee

Reappoint Mohamed Yasin to the Lehigh Acres Streetlighting Committee

Reappoint Clarence Bowman to the Morse Shores Streetlighting Committee

**Vote:** Commissioner Hamman seconded and the motion was called and carried.

**Commissioner Pendergrass moved approval:**

Reappoint Kelly Greenfield to the Fort Myers Villas Streetlighting Unit

**Vote:** Commissioner Hamman seconded and the motion was called and carried.

**Commissioner Sandelli moved approval:**

Reappoint Ronald Blaszczynski to the Old Pelican Bay Channel Canal O&M MSBU

Reappoint Thomas Leonard to the San Carlos Island Streetlighting Unit

**Vote:** Commissioner Hamman seconded and the motion was called and carried.

**COUNTY MANAGER ITEMS**

***Distribution of Covid-19 Vaccine Update:***

County Manager Roger Desjarlais discussed recent statistics on the COVID-19 vaccine distribution and stated the bottom line is there simply is not enough vaccine to accommodate the huge demand. He emphasized the COVID-19 Vaccine Distribution is a State of Florida program and not a County program. He then introduced Health Officer/Administrator for the Lee County Florida Department of Health Angela M. Smith, BS, MHA. Ms. Smith discussed statistics for vaccines administered in Lee County, and reiterated Mr. Desjarlais’ statement that the only limitation for getting the vaccine into the arms of the public is the limited supply chain. Responding to a question by Commissioner Hamman as to whether Lee County is receiving its appropriate share, she said that Lee County is receiving more doses than any other county in the state and the reason for that is because the County is dispensing that amount. Ms. Smith commented that the vaccine is a federal asset so no decision can be made locally to prevent people from other states getting shots here. Chairman Ruane remarked on the importance of people due for a second dose and urged anyone scheduled to get the second dose to make certain to get it at the slated time. Chairman Ruane also reiterated the statement by Mr. Desjarlais that the program is a State of Florida program and thanked Ms. Smith for today’s presentation and for her invaluable assistance throughout the process. Ms. Smith responded to questions and comments by the Commissioners. (Note: Statistics discussed by Ms. Smith are available in a PowerPoint presentation on the Lee County website ([www.leegov.com\Covid19\Vaccine](http://www.leegov.com/Covid19/Vaccine))). In response to a question by Commissioner Pendergrass, Ms. Smith advised that people should get their vaccines in their home base where they currently reside. Commissioner Mann expressed his gratitude to Ms. Smith for all she has done to help in the Covid-19 Vaccine efforts. County Manager Desjarlais advised of an update to the Call Center for those calling in to make appointments, and Assistant County Manager Christine Brady advised of a new solution forthcoming by the State for a web-based scheduling system. Assistant County Manager Glen Salyer gave an overview of the site on Chamberlin Parkway in Lee County, pointing out the exact location and detailing the operation there. Assistant County Manager Marc Mora provided an update on getting the vaccine distributed to Lee County’s underserved communities, describing an outreach plan in collaboration with the LeeTran System offering complimentary transportation for LeeTran Passport Program customers to get their vaccines. He discussed major takeaways from meetings with the Florida Department of Health-Lee (FDOH-Lee) and LeeTran, a partnership with FDOH- Lee and the Lee County Housing Authority, and FDOH-Lee with community and faith-based leaders for the purpose of addressing misinformation and vaccine hesitancy.

**COUNTY ATTORNEY ITEMS**

**COVID-19 STATE OF LOCAL EMERGENCY DECLARATION**

Deputy County Attorney Michael Jacob requested a motion for the Forty-fourth (44<sup>th</sup>) Extension of the Covid-19 State of Local Emergency (SOLE) Declaration.

**Public Comment:** The Chairman called for public comment and there were no speakers.

**Vote:** Commissioner Mann moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 21-01-03](#)

**PUBLIC PRESENTATION OF MATTERS BY CITIZENS**

The Chairman called for public presentation of matters by citizens and there were three (3) speakers and eight (8) [e-Comments](#).

The Chairman adjourned the meeting at 10:39 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_ Chairman, Lee County Commission