

OCTOBER 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 9:32 a.m. The Invocation was given by Commissioner Brian Hamman, followed by the Pledge of Allegiance.

## CEREMONIAL PRESENTATIONS

### 1. Manufacturing Awareness Month - Commissioner Sandelli

Commissioner Sandelli presented a [Ceremonial Resolution](#) proclaiming October 2021 as “*Manufacturing Awareness Month*” in Lee County and urge all citizens to join in recognizing the value of our manufacturers and the importance they serve in our county, state and the nation.

### 2. Red Ribbon Week - Commissioner Ruane

Commissioner Ruane presented a [Ceremonial Resolution](#) proclaiming October 23 through October 31, 2021 as “*Red Ribbon Week*”. Hundreds of Lee County students participate in Red Ribbon Week events in their schools led by their extraordinary teachers and principals.

### 3. Mobility Week - Commissioner Ruane

Commissioner Ruane presented a [Ceremonial Resolution](#) proclaiming the week of October 29 through November 5, 2021 as “*Mobility Week*”. Lee County Board of County Commissioner and Lee County Transit support Mobility Week by participation in transportation awareness campaigns focused on transit safety and other transit benefits.

## RECAP/ANNOUNCEMENTS

Referring to the [Recap](#) Agenda of October 19, 2021, the Chairman announced that:

- **Deferrals/Continuances:** Public Hearing Item Number 1 is being continued to the Public Hearing on November 16, 2021 at 9:30 A.M.
- **Revisions & Corrections:** Administrative Agenda Item A-2 is being moved to the Public Hearing as Public Hearing Number 2 and adding additional map views; demographic data and an additional map from NAACP.
- **Walk-Ons or Carryovers:** None
- **Commissioners Items:** Discuss Recent Efforts by the City of Fort Myers to Annex Property North of the Caloosahatchee River – Commissioner Hamman.
- **County Manager Items:** None
- **County Attorney Items:** None

## PUBLIC COMMENT ON AGENDA ITEMS

The Chairman called for public comment on any Consent Agenda items and there was [one \(1\) speaker](#):

C-4 Andrew Banyai, Executive Director Lee County Legal Aid Society

There were no items pulled for discussion by the individual Commissioners.

At this point in the meeting County Manager Roger Desjarlais asked to have C-17 deferred to the November 2, 2021 9:30 A.M. meeting.

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

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

## CONSENT AGENDA

### CLERK OF COURTS

#### 1. Approve and Record County [Disbursements](#) per Florida Law

**Item Summary:** Chapter 136.06(1), Florida Statute 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 Hamman moved approval, seconded by Commissioner Ruane, called and carried.

### COUNTY ATTORNEY

#### 2. Approve & Execute FY21-22 [Funding Agreement](#) with Florida Rural Legal Services

**Item Summary:** Approve and execute FY21-22 funding agreement in the amount of \$203,678 with Florida Rural Legal Services, Inc. to provide legal services to the poor and indigent residents of Lee County for landlord/tenant, family law matters, home foreclosures, etc. Florida Statutes Section 29.008 requires local government funding for indigent legal services. This is a \$3,010 increase from FY20-21.

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

#### 3. Approve & Execute FY21-22 [Funding Agreement](#) with State Attorney

**Item Summary:** Approve and execute FY21-22 funding agreement in the amount of \$1,368,000 with State Attorney's office. Chapter 29, Florida Statutes, provides that the County may contribute additional funding for the State Attorney's Office by contract. Approval of the Agreement provides funding for attorneys and support staff for enforcement of county ordinances and other services by the State Attorney.

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

#### 4. Approve & Execute FY21-22 [Funding Agreement](#) with Legal Aid Society, Inc.

**Item Summary:** Approve and execute FY21-22 funding agreement in the amount of \$537,430 with Legal Aid Society, Inc. to provide competent legal advice and representation to the poor and indigent residents of Lee County for family law matters. Florida Statutes Section 29.008 requires local government funding for indigent legal services. This is a \$7,942 increase from FY20-21.

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

#### 5. Approve & Execute FY21-22 [Funding Agreement](#) with Guardian ad Litem

**Item Summary:** Approve and execute FY21-22 funding agreement in the amount of \$82,185 with Guardian ad Litem to provide funding for 1 full-time 2 part-time equivalent state employees for Data Management for the local Guardian ad Litem Program.

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

#### 6. Approve & Execute FY21-22 [Funding Agreement](#) with Public Defender

**Item Summary:** Approve FY21-22 funding agreement in the amount of \$1,072,962 with the Public Defender's office. Chapter 27, Florida Statutes, provides that the County may contribute additional funding for the Public Defender's Office by contract. Approval of the Agreement provides funding for attorneys and support staff for defense of the indigent by the Public Defender.

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

#### 7. Direct to Public Hearing an Ordinance Creating Tropical Point Park Mangrove O&M MSBU

**Item Summary:** This item will authorize a public hearing to create the Tropical Point Park Mangrove Pruning Operation & Maintenance (O&M) Municipal Service Benefit Unit (MSBU) and will create the advisory committee associated with the unit. Tropical Point Park is a County Maintained park, located at 3401 Tropical Point Drive, Saint James City, FL 33956. Creation of the MSBU was approved by a majority of property owners within the proposed assessment roll boundaries.

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

### COUNTY LANDS

#### 8. Approve Conservation 20/20 [Purchase Agreement](#) for Bonita Springs Parcel

**Item Summary:** Approves the purchase of +/- 2.5 acres of land within the Corkscrew Regional Ecosystem Watershed Area, a 60,000 acre area of interconnected environmentally critical land for the Conservation 20/20 [Land Acquisition Program](#). This parcel contains cypress strand habitat and is heavily wooded with wetlands located throughout. The purchase price is \$3,500 with estimated closing costs of \$2,700.00, which include recording the warranty deed, title insurance, and environmental audit. At closing, the CREW Land & Water Trust has offered a donation in the amount of \$1,000. Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) recommended approval of this purchase agreement by unanimous vote.

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

**9. Approve [First Amendment to Lease Agreement](#) with Greyhound Lines**

**Item Summary:** Approve First Amendment to Lease Agreement between Greyhound Lines, Inc. and Lee County for use of Lee County property located at 2250 Widman Way, Fort Myers, known as Rosa Parks Transportation Center. The First Amendment extends the lease through August 31, 2022. The current annual lease rate is \$18,433.22 plus sales tax. The lease rate escalates annually at 2.5%.

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

**10. Adopt Resolution & Approve Land Exchange with SFW MD for Corkscrew Road Widening Project**

**Item Summary:** Adopts a resolution to repeal Resolution 19-01-07 and declare +/-96.08 acres available for conveyance. Approves conveyance of the +/-96.08 acres of [County land](#), which is located in the Corkscrew Regional Ecosystem Watershed (CREW), in exchange for +/-20.65 acres of [South Florida Water Management District](#) (SFWMD) land. Acquisition of the +/-20.65 acre parcel, located near the intersection of Corkscrew and Alico Roads, will provide land for stormwater management improvements and water quality benefits related to the Corkscrew Road Widening Project No. 0669 (Phase II).

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

[RESOLUTION No. 21-10-07](#)

**11. Approve [Agreement](#) to Purchase Easement for Ortiz Avenue Widening Project**

**Item Summary:** Acquires Parcels 104-SE and 104-DE (+/- 0.44 acre overlapping [slope](#) and [drainage](#) easements), in the amount of \$13,000, for the Ortiz Avenue Widening Project 0613 (between Colonial and Dr. Martin Luther King Jr. Boulevards). The easements provide for the placement of fill material to support the sidewalk facilities and for future drainage improvements of Ortiz Avenue, within the city of Fort Myers. Construction of this road project is funded in Fiscal Year 2021/2022.

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

**12. Accept Donations of Bike Path [Easement](#) and Deed for Road Right-of-Way**

**Item Summary:** Acquires donation of a +/- 2,637 square foot perpetual non-exclusive bike path easement, and +/- 2,144 square feet of road Right-of-Way (ROW) for a right-turn lane, from Mahaffey Associates Fort Myers, LLC, a Florida limited liability company. The easement and ROW conveyances will accommodate a multi-family residential development known as The Carlton at Fort Myers, located at 6170 Mahaffey Road, in Fort Myers, one-half mile south of Colonial Boulevard, between Metro Parkway and Plantation Road. The conveyances are developer contributed assets stipulated by Limited Development Order LDO2019-00289.

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

**13. Authorize Binding Offer for Temporary Construction Easement for Littleton Road Widening (310-TCE)**

**Item Summary:** Approves an offer of \$6,700 to acquire a temporary construction easement interest in Parcel 310-TCE (+/-1,065 square feet) for the Littleton Road Widening – Corbett Road to US 41, Project No. 5028. This offer is necessary to accommodate the construction schedule, should condemnation actions be required. The estimated cost to close this acquisition is \$1,500. The appraised value is \$5,200. The recommended increase of \$1,500 is to avoid condemnation and its costs and expenses.

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

**14. Authorize Binding Offer for Temporary Construction Easement for Littleton Road Widening (315-TCE)**

**Item Summary:** Approves an offer of \$5,900.00 to acquire a temporary construction easement interest in Parcel 315-TCE (+/- 3,123 square feet) for the Littleton Road Widening – Corbett Road to US 41, Project No. 5028. This offer is necessary to accommodate the construction schedule, should condemnation actions be required. The estimated cost to close this acquisition is \$1,500. The appraised value is \$4,400 (land and improvements). The recommended increase of \$1,500 is to avoid condemnation and its costs and expenses.

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

**15. Approve [Purchase Agreement](#) to Acquire Warehouse for County Operations**

**Item Summary:** Approves the purchase of a 12,000+/- square foot industrial warehouse to house disaster preparedness items, and general supplies and materials for County operational needs. The [purchase](#) price is \$1,100,000 plus costs to close. The structure is located at 4664 Elevation Way, Fort Myers.

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

**ECONOMIC DEVELOPMENT****16. Adopt Resolution Approving Issuance of IDA Revenue Bonds to Cypress Cove**

**Item Summary:** Approves for federal tax and state law purposes the issuance of \$100,000,000 of Industrial Development Authority (IDA) health care facilities Revenue Bonds for the benefit of Cypress Cove. Cypress Cove is using the proceeds to finance or refinance capital improvements to its retirement facilities. Neither the County nor the IDA will have any financial liability or responsibility for the financing.

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

[RESOLUTION No. 21-10-08](#)

DURING THE ANNOUNCEMENTS PORTION OF THE AGENDA, the County Manager announced that C-17 would be deferred until the November 2, 2021 9:30 A.M. meeting.

**FACILITIES CONSTRUCTION AND MANAGEMENT****17. ~~Approve Construction Contract for Library Administration Renovation and Relocation~~**

~~**Item Summary:** Approves a contract amendment with Manhattan Construction (Florida), Inc. to renovate the fourth floor of Admin East Building for the relocation of Library Administrative staff. The amendment establishes the Guaranteed Maximum Price (GMP) in the amount of \$1,620,878. The amount being approved is \$1,620,878 for construction and \$450,000 for IT, furniture and fixtures and equipment. The total estimated project cost of \$2,270,197 includes previously approved amounts of \$177,000 for design and \$22,319 for permits and pre-construction services. This planned and budgeted project will be fully funded through Library Capital Improvement Fund. The renovation will address Library Administration office space needs by adding approximately 3,000 square feet, improve operational efficiency, and reduce operating costs.~~

**18. Award [Construction Contract](#) for Ortiz Jail CORE I HVAC & Roof Replacement**

**Item Summary:** Awards contract to Advanced Roofing, Inc. to remove and replace five HVAC Roof Top Units (RTUs) and the roof for Ortiz Jail CORE I, in the amount of \$2,808,565.00. Advanced Roofing Inc. was determined to be the responsible bidder with the lowest responsive bid of four (4) proposals received. The total estimated cost to replace the RTUs and roof is \$3,048,782.00, which includes \$40,217.00 for design and permitting, \$2,808,565.00 for construction and \$200,000.00 for possible contingencies. Replacement of these items was planned and will be budgeted through General [Fund](#). Ortiz CORE I was built in 2003 and has the original RTUs and roof. The RTUs and roof have exceeded normal life expectancy due to remedial repairs over the years and need replacement.

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

**19. Amend Construction Manager Services Agreement for Renovations to Rosa Parks Facility**

**Item Summary:** Approves [contract amendment](#) with Chris-Tel Corporation to provide construction services to renovate Lee Tran Rosa Parks, authorizes Construction Phase Services and establishes the Guaranteed Maximum Price in the amount of \$3,220,978.00, plus \$293,224 for information technology equipment and \$50,500 for furniture and equipment. Chris-Tel Corporation was chosen by the evaluation committee as the most qualified firm of six (6) proposals received. This planned project will be funded by a State of Florida Department of Transportation Intermodal Access Development Program grant. The transportation center has outgrown its capacity to meet the demand and needs of its increased ridership. The renovations to Rosa Parks will improve daily operations by providing for four (4) new additional bus bays, interior remodeling to accommodate bus riders and ADA upgrades to the restrooms. These renovations will enhance the facility and create an improved user experience.

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

**20. Approve Change Order to Replace Downtown Jail Kitchen Flooring**

**Item Summary:** Approves Change Order No. 1 with Target Builders Construction Management, Inc. for repairs to the Downtown Jail kitchen flooring, in the amount of \$766,103.00. The total estimated cost of the project is \$2,477,273, which includes \$46,446 for design and miscellaneous costs, and \$2,430,827.00 for construction services. This project is funded through the General Fund. The ongoing project to replace the existing hard ceiling above the corridors and kitchen and the domestic water line pipes revealed damage of the kitchen flooring caused by moisture intrusion and rusting rebar. The flooring will be entirely restored by removing and replacing the existing sub-floor and flooring, cleaning and recoating of the steel rebar, and applying an epoxy floor coating.

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

**PROCUREMENT MANAGEMENT****21. Award Contracts for Lubricant Products - Countywide**

**Item Summary:** Awards competitively solicited contracts to Horseless Carriage Aficionado, LLC DBA [Mighty Auto Parts](#) and [Palmdale Oil Company, Inc.](#), for the purchase of lubricant products, on an as-

needed basis, as approved in the departments' annual adopted budgets. Departments that use this contract in previous years include Solid Waste, Fleet, and Transit. Total expenditures for these services for Fiscal Year 2020/2021 was approximately \$31,326.00.

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

**22. Approve Contract Amendment for Security & Parking Monitor Services - Countywide**

**Item Summary:** Approves a contract amendment with First Coast Security Services, Inc., under the solicitation for Security & Parking Monitor Services, to increase the hourly rate for security and parking monitor service as follows: Unarmed Base Security Service increasing from \$17.74 to \$18.18 per hour; Armed Security Guard increasing from \$19.06 to \$19.54 per hour; and Parking monitor increasing from \$17.74 to \$18.18 per hour. Total expenditures during Fiscal Year 2020-2021 for this vendor were \$249,221.25.

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

**PUBLIC SAFETY**

**23. Approve [Contract Change Order 2](#) for Licensing for Computer Aided Dispatch System**

**Item Summary:** This item approves Change Order 2 to the contract for Computer Aided Dispatching System, Records Management Systems from Intergraph Corporation d/b/a Hexagon Safety & Infrastructure in an amount not to exceed \$43,379. The new five-year contract total is \$5,776,143.50. The Change Order is necessary to implement an interface to local fire department software with the existing Computer Aided Dispatching system.

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

**TRANSPORTATION**

**24. Approve STA for Sidewalk Design on Hancock Bridge Parkway**

**Item Summary:** Approves a Supplemental Task Authorization (STA) to the contract with Cardno, Inc. for Miscellaneous Professional Services, providing for the design of a sidewalk addition and utility coordination on the north side of Hancock Bridge Parkway from SE 24th Avenue to the frontage road entrance east of Publix, in the negotiated amount of \$327,324.10. This project was ranked as the #4 priority by the Bicycle and Pedestrian Committee in 2017. Funding is available in the current fiscal year budget for design, construction is funded in FY 2023/24, and total project costs are estimated to be \$2 million.

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

**25. Approve [Agreement with FDOT](#) to Accept Land at Gunnery Road & Buckingham Road**

**Item Summary:** The Florida Department of Transportation and Lee County are partnering on a project to design, permit and construct a new roundabout at the intersection of Gunnery Road and Buckingham Road. Lee County is managing the design phase and FDOT is managing the right-of-way phase currently. The project team has identified three parcels that are needed for the project, FDOT will acquire said parcels and then transfer ownership to the County; this action allows FDOT to proceed with the acquisition. The costs associated with this action will be minimal, recording fees or transfer document fees. Total project costs for the project are estimated to be \$3.16 million and all funded by FDOT. Construction is anticipated to be funded in FY2024/25.

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

[RESOLUTION No. 21-10-09](#)

**ADMINISTRATIVE AGENDA**

**COUNTY MANAGER**

**1. Approve FDEO [Funding Agreements](#) to Harden Critical Facilities that Serve as Emergency Shelters**

**Item Summary:** Approve agreements with Florida Department of Economic Development to provide \$2,786,415 for Alico Arena and \$4,560,000 for Hertz Area to harden roofs, windows, and doors of both structures that serve as emergency shelters during evacuations tied to emergency declarations. Federal Community Development Block Grant – Mitigation funds to harden critical facilities will pay for 100% of the cost of hardening.

**Board Discussion:** Assistant County Manager Glen Salyer introduced the item. Commissioner Mann inquired as to what it is to harden a roof, windows and doors. Assistant County Manager Marc Mora explained that hardening means to reinforce and to bring up to current code for wind loads. The reinforcement/hardening will help the building to better withstand hurricane winds. Commissioner Mann asked who inspects the building to decide whether it is up to standards or not and what work needs to be done to bring it up to code. Mr. Mora explained that the county engages the service of a structural

engineer to do an analysis on the wind loads to ensure that it can stand the new wind loads that have been projected in the ICC 500 standards.

**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. 21-10-10](#)

THIS ITEM A-2 WAS MOVED TO THE PUBLIC HEARING AGENDA AS ITEM PUBLIC HEARING NUMBER 2 PER THE RECAP AGENDA

## 2. Consider 2021 Board of County Commissioners Redistricting Alternatives

**Item Summary:** ~~Continues a series of public meetings to be conducted during the 2021 Lee County Commission Redistricting process. Florida law requires that after each decennial census, the Board of County Commissioners adjust commission districts to reduce imbalances in population distribution. Lee County's Home Rule Charter dictates that Commission district boundaries can only be changed after notice and public hearing pursuant to general law. Historically, Lee County's redistricting process has begun in March or April of the year following the U.S. Census. While late release of Census data this year condenses the timeline for redistricting at both the state and local levels, the County has undertaken the same process it would have otherwise but on a schedule that allows redistricting to be completed in the statutorily required odd-numbered year. The sixth redistricting alternative attached to this agenda item was requested by the BoCC during its October 5, 2021 public hearing on redistricting. Demographic data was still being analyzed at the time of agenda publication and will be supplied with the Agenda Recap.~~

## 3. Authorize Phase One Investments for American Rescue Plan Act Funding

**Item Summary:** Directs staff to implement phase one of Lee County's American Rescue Plan Act (ARPA) Recovery & Resilience Plan using a portion of the \$149,675,549 in direct federal assistance provided to Lee County under ARPA. Investments will be made in allowable ARPA Expenditure Categories to address: Public Health, Negative Economic Impacts of the pandemic, Services to Disproportionately Impacted Communities, Infrastructure, and Administrative needs. The time horizon for obligating these funds extends through 2024, so additional investments will be approved by the BoCC as/when appropriate.

**Board Discussion:** Assistant County Manager Glen Salyer introduced the item. Commissioner Pendergrass asked if the mental health services would be handled by one agency or multiple agencies. Mr. Salyer stated the two items that relate to the Baker Act, would be Saluscare Specific because they are the designated unit for service in the community. Mr. Mac Mora confirmed that Saluscare is the local crisis stabilization unit designated by the state. They have been charged with addressing these mental health concerns with Baker Acts. Commissioner Pendergrass also inquired about the food distribution and if it was different food banks or just one. Mr. Salyer stated there are four (4) different food banks: Harry Chapin, Midwest, The Cooperative, and United Way. Commissioner Sandelli inquired as to when the second phase of money would be received. Mr. Salyer stated the second half of the funding is anticipated to come to Lee County in approximately May 2022. Commissioner Ruane asked if the county had until 2024 to utilize the money and Mr. Salyer confirmed that the county has through calendar year 2024 to obligate the funds. Commissioner Mann asked how the public could make suggestions if they wanted to. Mr. Salyer stated there is a web site where members of the public can go to submit specific funding ideas there is also a survey they can fill out. The web site to use should someone need assistance is: <https://www.leegov.com/dhs/fss>.

**Public Comment:** The Chairman called for public comment and there were [two \(2\) speakers](#).

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

## NATURAL RESOURCES

### 4. Approve ILA with Captiva Erosion Prevention District for Beach Nourishment Funding

**Item Summary:** Approve an Interlocal Agreement (ILA) with Captiva Erosion Prevention District (CEPD) to define cooperative roles for the ongoing 2021 beach nourishment project including formulas defining how the County financial contribution will be calculated. CEPD is completing beach nourishment in order to restore and maintain storm protection as well as recreational and environmental benefits along the state designated critically eroded shoreline of Captiva Island. As in prior projects, CEPD is requesting partial county funding for the project which includes design and permitting, beach nourishment, and permit required monitoring. The work was anticipated and is consistent with the State Strategic Beach Management Plan. The Interlocal Agreement includes formulas to calculate the County financial contribution based on public recreation and protection of County properties. Project was anticipated and is budgeted in the current 5-year CIP plan.

**Board Discussion:** Director of Natural Resources Roland Ottolini presented the item in detail. Chairman Ruane handed the gavel over to Vice-Chairman Pendergrass in order to speak on the item. Commissioner Ruane gave some background as to how this came to pass.

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

**Vote:** Commissioner Ruane moved approval of \$5.2 million with an additional \$1 million for a total of \$6.2 million and the necessary amendments required for the additional money, seconded by Commissioner Hamman, called and carried.

## **PARKS AND RECREATION**

### **5. Award Contract for Larry Kiker Preserve Planning, Design and Permitting**

**Item Summary:** This item awards a contract for Phase 1 of the planning, design and permitting for the Larry Kiker Preserve to [Kimley-Horn and Associates, Inc.](#) in an amount not to exceed \$1,766,704.

Kimley-Horn and Associates, Inc was selected through a competitive negotiation process. The multi-year scope includes developing regional water management features, public access, trails, campground, educational center and associated amenities. Funding is included in the budget.

**Board Discussion:** Parks & Recreation Director Jesse Lavender presented the item in detail. Commissioner Mann asked when the project will start and Mr. Lavender said they are hoping to start in late 2024 or early 2025. Commissioner Sandelli asked when public comment and input would be taken. Mr. Lavender stated as soon as this item is executed and Kimley-Horn and Associates, Inc. gets underway we can then start taking public input. Commissioner Hamman asked if the Board will get an opportunity to review the design at the 30% phase and provide input into the process and Mr. Lavender confirmed that is what will happen.

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

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

## **PUBLIC HEARING - 9:30 AM**

### **1. Conduct a Public Hearing to Create Heritage Farms O&M MSBU**

**Item Summary:** This item will create the Heritage Farms Operation & Maintenance (O&M) Municipal Service Benefit Unit (MSBU) and will create an advisory committee associated with the unit. Heritage Farms is a non-County maintained area located southeast of the intersection of Summerlin Road. And Gladiolus Drive. The purpose of the MSBU is to provide road and drainage maintenance of Heritage Farms Road, Heritage Lane, Liberty Lane, Liberty Square, and the northernmost 275'+/- section of Cindy Court.; street lighting, common area landscaping, and sign maintenance. Creation of the MSBU was approved by a majority of property owners.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the [Affidavit of Publication](#) for entry into the record and stated. County Attorney Richard Wm. Wesch asked to move the item to the November 16, 2021 Board of County Commissioner meeting in chambers at 9:30 a.m.

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

**Vote:** Commissioner Hamman moved approval of continuance as requested by the County Attorney, seconded by Commissioner Ruane, called and carried.

### **2. Consider 2021 Board of County Commissioners Redistricting Alternatives**

**Item Summary:** Continues a series of public meetings to be conducted during the 2021 Lee County Commission Redistricting process. Florida law requires that after each decennial census, the Board of County Commissioners adjust commission districts to reduce imbalances in population distribution. Lee County's Home Rule Charter dictates that Commission district boundaries can only be changed after notice and public hearing pursuant to general law. Historically, Lee County's redistricting process has begun in March or April of the year following the U.S. Census. While late release of Census data this year condenses the timeline for redistricting at both the state and local levels, the County has undertaken the same process it would have otherwise but on a schedule that allows redistricting to be completed in the statutorily required odd-numbered year. The sixth redistricting alternative attached to this agenda item was requested by the Board of County Commissioners (BoCC) during its October 5, 2021 public hearing on redistricting. Demographic data was still being analyzed at the time of agenda publication and will be supplied with the Agenda Recap.

**Board Discussion:** Assistant County Manager Glen Salyer introduced the item and a [PowerPoint Presentation](#). Mr. Salyer also introduced a map that was submitted by the NAACP. Commissioner Hamman also submitted an alternative map for consideration. County Attorney Richard Wm. Wesch stated that before the Chairman called for public comment he asked to give clarification on the process of what it is and what it is not. Mr. Wesch stated the charter was adopted by the residents of Lee County back in 1996 and carried forward setting the organizational structure for the Board of County Commissioners that is not set by State Law that is set by charter and is not up for review in this process or at this meeting. The next charter review committee will meet in 2024.

**Public Comment:** The Chairman called for public comment and there were [nine \(9\) speakers](#) and [nine \(9\) eComments](#).

Commissioner Hamman discussed the suggested alternative map he submitted for consideration. The commissioner named his map the "No Split Map." Commissioner Hamman read a list of criteria necessary to submit a proposed map stating that his map met all the required criteria on the list.

Commissioner Hamman asked the Board to allow his map to be presented as one of the alternatives at

the November 2, 2021 BoCC meeting at 6:00 p.m. The commissioner stated he would provide the map to Staff for analysis. Commissioner Pendergrass asked if the boundaries for a district where a commissioner currently resides were to change would it affect the commissioners with seats in office currently that live in that district and would they have to move before the term is over. County Attorney Richard Wm. Wesch stated pursuant to the current charter, if a boundary were to change midterm it does not dislodge that sitting commissioner. However, they would have to be able a resident of the new district should they choose to run for reelection.

There was clarification that the November 2, 2021 meeting will be to select a map and the November 16, 2021 meeting is a Public Hearing to adopt the chosen map. Commissioner Pendergrass asked County Manager Roger Desjarlais to call the City of Fort Myers to see if they have a geographical identifier. Mr. Desjarlais stated that his office would call to follow up.

**Vote:** Commissioner Hamman moved approval to direct Staff to bring to the November, 2, 2021 Public Hearing five (5) alternative maps that staff have created and in addition, bring the “No Split Map” proposed by Commissioner Hamman and the NAACP proposed map. However, it will not be necessary to bring map 6A and 6B, seconded by Commissioner Ruane, called and carried.

## **COMMISSIONERS ITEMS**

*Commissioner Hamman*

### **1. Discuss Recent Efforts by the City of Fort Myers to Annex Property North of the Caloosahatchee River**

Commissioner Hamman stated at the October 4, 2021 City Council meeting an item came up for discussion on their agenda regarding District 4 in North Fort Myers at the base of the Edison Bridge there is a marina called Prosperity Point Marina with floating docks. The owner of the marina has had a 30 year lease with the City of Fort Myers to lease the submerged lands underneath the Caloosahatchee River. During the meeting there was discussion about the renewal of the lease and it was suggested to not renew the lease unless he voluntarily annexes into the City of Fort Myers. Commissioner Hamman posed that question of how can he voluntarily annex the floating docks if they are holding the lease renewal over his head, this is pretty much black mail. Commissioner Hamman stated there was a 1915 state act that granted Fort Myers the ownership of the Caloosahatchee bottom. However, we do not know how far that goes and if it extends beyond the boundaries of the city or not. Commissioner Hamman is bringing three asks to the Board today:

- a. Direct the County Attorney’s office to monitor and oppose any efforts by the City of Fort Myers to annex property north of the Caloosahatchee River.
- b. Direct County Administration to prepare an analysis of the benefits for North Fort Myers remaining unincorporated and the disadvantages to incorporation by Fort Myers.
- c. Advocating to the local delegation potentially removing the ownership of the Caloosahatchee river bed from the City of Fort Myers.

County Attorney Richard Wm. Wesch clarified the intentions of Commissioner Hamman’s request. Mr. Wesch also pointed out that in any annexation scenario there are certain requirements that have to be met by the annexing entity and his office would monitor to make sure those requirements are being met and if not that might be a point of entry as well as the issue of ownership of the submerged lands, compactness and contiguosity with the existing city property. There was discussion about having a survey done and Mr. Wesch stated that would be part of the analysis.

**Vote:** Commissioner Hamman moved approval of the aforementioned request, seconded by Commissioner Ruane, called and carried.

*Commissioner Ruane*

### **1. Lake Okeechobee System Operating Manual (LOSOM) UPDATE**

Commissioner Ruane stated on October 26, 2021 there would be an update on the LOSOM. The Army Corp of Engineers sent over some models and Staff is currently analyzing them to see what improvements there have been, if any.

### **2. Flood Insurance**

Commissioner Ruane stated he had attended a Town Hall type meeting at the Cape Coral Yacht Club regarding flood insurance and just wanted to let to Board know he is staying up on the issue.

## **COMMISSIONERS APPOINTMENTS**

**Commissioner Mann:**

Moved approval to:



- Reappoint Veronica Martin to the Land Development Code Committee

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

**Commissioner Ruane:**

Chairman Ruane requested a motion of approval for:

- Reappoint Robert Johns to the District 8 Health Planning Council
- Reappoint Kevin Beichler to the Cherry Estates Operation & Maintenance MSBU Committee
- Reappoint John Kusche to the Cherry Estates Operation & Maintenance MSBU Committee

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

**Commissioner Pendergrass:**

Moved approval to:

- Reappoint David Wheaton to the Bicycle/Pedestrian Advisory Committee (BPAC)
- Reappoint Theodore Connor to the Bicycle/Pedestrian Advisory Committee (BPAC)
- Reappoint Lana Vail to the Fort Myers Villas Streetlighting Unit
- Reappoint Anne Gomez to the Pine Manor Streetlighting District Committee

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

**Commissioner Sandelli:**

Moved approval to:

- Reappoint Dennis Krsnak to the Northeast Hurricane Bay MSTU Committee
- Reappoint Randy Woods to the Northeast Hurricane Bay MSTU Committee
- Reappoint David Brower to the Northeast Hurricane Bay MSTU Committee
- Reappoint Steven Mortonson to the Northeast Hurricane Bay MSTU Committee
- Reappoint Andrew Shanahan to the Palmetto Point Special Improvement District Committee
- Reappoint William Prysi to the Land Development Code Committee
- Reappoint Joe Smith to the Historic Preservation Committee

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

**COUNTY MANAGER ITEMS**

County Manager Roger Desjarlais stated that last Friday, October 15, 2021 there was a meeting at Florida Gulf Coast University (FGCU) regarding the Southwest Florida Sea Level Rise Resiliency Compact. Mr. Desjarlais stated the agenda called for creating a Governance Committee. The entire group agreed to hold off on creating the committee until Lee, Charlotte and Collier County have all had the chance to meet with our East Coast counterparts who belong to the compacts in order to make sure there is a clear understanding of the issues. Such as mistakes and things that could have been done differently. Mr. Desjarlais stated that he and his Staff will report back to the Board before the next FGCU meeting.

**COUNTY ATTORNEY ITEMS**

County Attorney Richard Wm. Wesch had no additional items for discussion.

**PUBLIC PRESENTATION OF MATTERS BY CITIZENS**

The Chairman called for presentation of matters by citizens and [three \(3\) citizens](#) came forward.

The Chairman adjourned the meeting at 11:57 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

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

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