

NOVEMBER 16, 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 Reverend Tim Adams of Park Alliance Church, followed by the Pledge of Allegiance.

## **ANNUAL REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS**

Administrative Code [AC-1-3](#), Section IV, Rule 4.01, calls for the annual reorganization of the Board to designate a “Chair and Vice-Chair”.

### **Annual Reorganization of the Board of Lee County Commissioners**

Chairman Kevin Ruane introduced Lee County Clerk of Courts and Comptroller, the Honorable Linda Doggett, officiated the FY21-22 Reorganization of the Board of County Commissioners. Ms. Doggett went on to review the voting process in accordance with the Administrative Code AC-1-3, Section IV, Rule 4.02, pointing out that a second would not be necessary, and opened the floor for nominations for Chairman. Commissioner Ruane nominated Commissioner Pendergrass, and Commissioner Hamman moved to close the nominations. Ms. Doggett requested a roll call vote and Commissioner Pendergrass was unanimously elected. Ms. Doggett turned the floor over to the newly-elected Chair. Chairman Pendergrass then called for nominations for Vice-Chairman. Commissioner Ruane nominated Commissioner Sandelli and Commissioner Hamman moved to close the nominations. Chairman Pendergrass requested a roll call vote and Commissioner Sandelli was unanimously elected Vice-Chairman.

## **CEREMONIAL PRESENTATIONS**

1. **[Retirement of Jennifer Galloway, Gulf Coast Humane Society](#) – Commissioner Pendergrass**  
 Commissioner Pendergrass read a Ceremonial Resolution that recognizing Jennifer Galloway’s service as the Executive Director for the Gulf Coast Humane Society since 2012, and offers the Board’s sincerest appreciation for her tireless advocacy and all that she has done for our animals in Lee County and Southwest Florida. Jennifer Galloway accepted the Ceremonial Resolution and thanked the Board for their recognition.
2. **[Farm-City Week – Commissioner Hamman](#)**  
 Commissioner Hamman read a Ceremonial Resolution that marks 2021 as the 66<sup>th</sup> year of the National Farm-City Partnership and proclaims the week of November 17-24, 2021 as FARM-CITY WEEK in Lee County and encourages citizens to pause and recognize the important impact that our local farmers, farmworkers, growers, and ranchers make to our regional economy, our food supply and our society. Dr. Fritz Roka accepted the Ceremonial Resolution on behalf of the Florida Gulf Coast University Agriculture Program, and informed the Board of FGCU’s upcoming Third Annual Agricultural Forum and Luncheon on November 17, 2021, where local students can see all of the Agricultural programs that FGCU has to offer incoming students.
3. **Recognition of Waste Pro Employee, Angel Veloz – Commissioner Pendergrass**  
 Commissioner Pendergrass called forth Waste Pro Employee, Angel Veloz, and his family. Born in Cuba, Mr. Veloz came to The United States as a refugee with his family when he was two years old and lived in California until he was eighteen years old. Mr. Veloz started working in refuse pick up roughly twenty years ago most recently working with RSW Airport. Seeing Mr. Veloz’s commitment to excellence, RSW recruited him to assist with the writing of the refuse collection safety guidelines used by the airport to this day. Mr. Pendergrass stated that every three years Waste Pro awards their Safety Officer Awards to individuals who come to work every day with no call offs or accidents. This month Mr. Veloz received his fifth consecutive Safety Officer Award. Mr. Veloz thanked the Board for their recognition and Waste Pro Services for the programs that have helped provide for his family.

## RECAP/ANNOUNCEMENTS

Referring to the [Recap Agenda](#) of November 16, 2021, the Chairman announced that:

- **Items To Be Pulled for Discussion:** Commissioner Ruane – C-19

### 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 Pendergrass – None  
 Commissioner Sandelli – None  
 Commissioner Hamman – None  
 Commissioner Mann – C-19  
 Commissioner Ruane – C-19

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.

#### 2. Adoption of Board Resolution to Record Authority for FY21 Disposal of County Tangible Property

**Item Summary:** Records authority for disposal of county-owned personal property by resolution in the Board meeting minutes as required by Section 274.07, Florida Statutes.

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

[RESOLUTION No. 21-11-17](#)

### COUNTY ATTORNEY

#### 3. Direct to Public Hearing an Amendment to the Medical Examiner Cremation Fee Ordinance

**Item Summary:** Sets the Public Hearing date for Tuesday, December 7, 2021, at 9:30 a.m. in order to amend Lee County Ordinance No. 05-07 increasing the cremation fee imposed on all funeral homes from \$50 to \$60 per Medical Examiner authorization for the cremation. The last time the fee was increased was April 2015. The Medical Examiner is requesting the increase to help defray costs of providing the cremation authorizations, including staff time of physicians and forensic investigators, and storage of records in accordance with state regulations. This increase will reduce the general subsidy for the authorizations as a cremation authorization, on average, is estimated to cost between \$163 and \$175.

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

### COUNTY LANDS

#### 4. Accept Donation of [Slope Easement](#) for Estero Boulevard Corridor Project

**Item Summary:** Acquires +/- 434 square foot slope easement for the Estero Boulevard Corridor Project. The easement will provide for the installation of fill material that will stabilize the back of sidewalk for this segment of Estero Boulevard, Town of Fort Myers Beach. The donated easement is located at 7840 Estero Boulevard (Parcel 630).

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

#### 5. Approve [Permissive Access License](#) Agreement with TPI-FMB, LLC

**Item Summary:** This Agreement allows TPI-FMB, LLC use of County owned property located at 1113 Estero Blvd., Fort Myers Beach, commonly known as Seafarers parcel when not needed by Lee County. TPI-FMB, LLC will use the property for material deliveries over the northerly portion of the site and construction worker parking. The term of this agreement is December 1, 2021 to May 31, 2022 and thereafter on a six-month basis if extended. It can be terminated with thirty (30) days written notice. The monthly license fee is a minimum of \$2,000.00, and a maximum of \$6,000.00 per month. A refundable security deposit of \$25,000.00 is required.

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

## 6. Adopt Resolution Requesting State Donation of an Easement for a Traffic Signal

**Item Summary:** Approves Resolution for submittal to the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (TIITF) requesting donation of an easement for a traffic signal across State-owned land identified as the FGCU campus. Approves the subsequent easement from the State for a Traffic Signal. The easement will allow for the construction and maintenance of a traffic signal to improve traffic control at the southeast corner of the intersection of Ben Hill Griffin Parkway and FGCU Boulevard.

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

[RESOLUTION No. 21-11-18](#)

### COUNTY MANAGER

## 7. Approve Year-End Adjustments to Funds

**Item Summary:** Provides FY20-21 budget in 41 funds, due to year-end adjustments, increased revenues, additional expenses, close out of accounts and fund accounting revisions. These adjustments must be made within 60 days of fiscal year end. The primary adjustments are to school and fire impact fee funds due to a change in government accounting standards, requiring the county to recognize those impact fees as county revenues and disburse them to the districts as an expense (Grants & Aid to Local Governments). Prior to this the revenues were treated as a pass-through (known as an "agency" fund). The other large adjustment is recognizing Solid Waste system surplus operating revenues and, per bond covenants, transferring the revenues to Solid Waste system reserve funds. There are no adjustments to the county's property tax funds (General Fund, Unincorporated MSTU, Library, and All Hazards).

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

[RESOLUTION No. 21-11-19](#)

## 8. Present Quarterly Expenditure Reporting 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 meetings. Expenditures for the quarter were \$27,382.37.

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

### FACILITIES CONSTRUCTION AND MANAGEMENT

## 9. Approve Design Change Order for Pine Island Commercial Marina

**Item Summary:** Approves Change Order No. 4 with Coastal Engineering Consultants, Inc. in the amount of \$26,342.00 for miscellaneous professional services for the Pine Island Commercial Marina Improvements project. The scope of the project has expanded to include a new fire standpipe system. The fire standpipe system will consist of a dry hydrant and a dry line that will have multiple fire department connections that can be used as a water source if fire protection should be needed. This planned project will be funded by the General Fund.

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

### FLEET MANAGMENT

## 10. Approve Use of Piggyback Pricing for Navistar OEM Parts & Supplies

**Item Summary:** Approves the use of Sourcewell Contract No. 101520 for the purchase of Navistar (OEM) Original Equipment Manufacture automotive parts and supplies through the contract expiration date of December 14, 2021, and any renewals or extensions approved by Sourcewell. Expenditures during Fiscal Year 20-21 were \$260,766.82. Expenditures of \$215,000 have been planned in the current budget.

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

## 11. Approve Contract to Purchase Sprinter Parts & Repair Service

**Item Summary:** Approves a contract amendment creating an additional category for the purchase of remanufactured/rebuilt Sprinter parts at a 12% discount for both [North Naples Mercedes Benz, LLC](#) and [SAI Fort Myers Mercedes Benz](#) under the solicitation for Parts and Repairs Service. The total expenditures for Fiscal Year 20-21 were \$327,710.00.

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

## 12. Approve Contract to Purchase Ford OEM Repair Parts & Supplies

**Item Summary:** Awards a competitively solicited contract to Sam Galloway Ford, Inc. for the purchase of original equipment manufacturer parts (OEM) and supplies on an as-needed basis, for an initial term of three (3) years as approved in the department's annual adopted budget. The expenditure total for these services for Fiscal Year 20-21 was \$298,647. Expenditures of \$298,000 are planned in the Fiscal Year 21-22 budget. Sam Galloway Ford, Inc. provides the highest discount percentage, after application of

local vendor preference of cost plus 10% and was determined to be the most responsible and responsive bidder.

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

### **HUMAN SERVICES**

#### **13. Approve Contract to Reconstruct Neighborhood Stabilization Program Property**

**Item Summary:** Awards contract to Big League Builders, Inc. to reconstruct a single family home located at 70 Becker Drive, North Fort Myers. Additional work will include septic, site prep, possible tree removal, drainage, final grading and a driveway. New construction costs will be paid for with Neighborhood Stabilization Program funds. The reconstructed home will be sold to an income qualifying homebuyer upon completion. This project was competitively bid through local general contractors. Total expenditures are anticipated not to exceed \$285,660.10.

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

#### **14. Approve Vendor Agreements to Provide Indigent Cremation Services**

**Item Summary:** Approves agreements with vendors to provide cremation services for deceased persons who have no family or whose family cannot afford private funeral arrangements. One hundred eleven (111) cremations were paid through using the Indigent Cremation Agreement during fiscal year 2021. Services will be provided at the established rate of \$350.00 per unclaimed or indigent remains. Contracted vendors will provide services through October 31, 2022, according to a monthly rotation list maintained by Human and Veteran Services. Expenditures will be on an as-needed basis as approved in the budget.

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

### **INNOVATION AND TECHNOLOGY**

#### **15. Approve Sole Source Purchase of Kronos Timekeeping & Reporting System**

**Item Summary:** Approves the sole source procurement of software, equipment support and training for the County time tracking and reporting system from Kronos, Inc. in the amount of \$165,630.31 through November 30, 2022. The hardware and software that comprise the system require on-going support and maintenance on an annual basis. The use of the sole source method of procurement was selected because the Kronos Timekeeping system is proprietary and cannot be maintained or serviced by any other company. Total expenditures for FY 2020-2021 were \$159,731.64. The increase in price is due to the county's growth which includes additional clocks and licenses, as well as a 3.7% increase in Kronos support services.

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

### **LIBRARY**

#### **16. Approve Library System FY21-22 Annual Plan for State Aid to Libraries Grant Application**

**Item Summary:** Approves the Library System's FY21-22 Annual Plan. To receive Chapter 257 funds, Florida Statutes requires this item be submitted as part of the application due on December 1, 2021. State Aid funds will supplement the Library System operating budget. On June 28, 2021, the Division estimated the FY21-22 grant award to Lee County Library System will be \$573,000.

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

### **NATURAL RESOURCES**

#### **17. Approve Single Source Purchase of Seal AutoAnalyzer, Supplies, Support & Parts**

**Item Summary:** Approve the purchase of AA500 AutoAnalyzer, including accessories, testing supplies, software, support and repair/replacement parts needed to maintain instruments purchased from Seal Analytical, Inc. for a one year period of \$115,000. The AutoAnalyzer is used to test water samples throughout the County for nitrogen pollutants (such as nitrites, nitrates and ammonia). The new machine is more accurate and requires less attention from an operator because of automation. These purchases were planned and budgeted in the current fiscal year.

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

#### **18. Provide Direction to Draft Manatee Slow Speed Zone Ordinance**

**Item Summary:** Provides staff direction to draft a County ordinance creating year round slow speed zones for manatee protection in bayside areas along Captiva Island (quarter-mile buffer including Roosevelt Channel), North Captiva (Safety Harbor), and Gasparilla Island (Boca Grande Bayou). Based upon the best available scientific information, manatees inhabit these areas on a regular basis and there is a need to post these areas as year round slow speed zones for manatee protection.

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

**PARKS AND RECREATION****19. Approve First Amendment to Telegraph Creek Preserve Land Stewardship Plan**

**Item Summary:** Approves the First Amendment to the Telegraph Creek Preserve Land Stewardship Plan. The amendment includes a regional well field expansion project plan that is vital for public use and benefit in the area. Well placement will have the least impact on the preserve and Lee County Utilities will mitigate any surficial impacts as a result of the project. Conservation 20/20 Land Acquisition and Stewardship Advisory Committee (CLASAC) recommended approval of the amendment by a vote of 5 to 4.

**PULLED FOR DISCUSSION**

**Board Discussion:** Parks and Recreation Director, Jesse Lavender presented the item to the Board. Commissioner Ruane commented that this was the first time there has been a proposed well on Conservation 20/20 lands. Natural Resources Director, Roland Ottolini stated that the proposed well would be on already disturbed land that is currently being used for cattle grazing and not on land that is being used for conservation. Mr. Ottolini went on to present the criteria for use of Conservation 20/20 lands for projects other than conservation. Commissioner Mann requested clarification and statistics on how long we could expect this well to provide water. Public Utilities Director, Pam Keys explained that the proposed well is needed for the future expected growth in the northern areas of Lee County and we could expect the well to provide water for decades to come. Commissioner Pendergrass, and Commissioner Mann both requested clarification on the legality of using Conservation 20/20 lands for drilling or any other activity outside the programs main purpose. County Attorney Richard Wm. Wesch informed the Board that the Conservation 20/20 program charter does allow for well drilling for the use of water utilities.

**Public Comment:** The Chairman called for public comment and there was [one \(1\) speaker](#).

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

**PROCUREMENT MANAGEMENT****20. Approve Contract Amendments for Temporary Personnel Services - Countywide**

**Item Summary:** Approves contract amendments with Tampa Service Company, Inc. dba Pacesetter Personnel Service of Florida, Inc., Kelly Services, Inc., and Randstad North America, Inc. dba Spherion Staffing LLC, increasing the rate for temporary personnel. The amendments authorize personnel rate increases because of increased costs of labor and cost of living adjustments for the staffing agencies as follows: Tampa Services Company Inc., dba Pacesetter Personnel Service increasing from \$10.88 to \$14.50 per hour for department temporary personnel and from \$15.66 to \$18.20 for Solid Waste temporary personnel; Kelly Services, Inc. increasing from \$14.49 per hour to \$14.92 per hour; Randstand North America, Inc. dba Spherion Staffing, LLC increasing rate of several position types with an average increase of 17.25%. Total expenditures during Fiscal Year 2020-2021 were approximately \$1,778,120.02.

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

**21. Approve Contract Amendment for Custodial Services South Zone**

**Item Summary:** Approves the renewal of the agreements for custodial services with American Facility Services and United States Service Industries (USSI) through November 30, 2022. Approves an amendment with USSI, providing for a Consumer Price Index increase of 4% for all items listed on the fee schedule of the amended contract. This is the final renewal for this contract.

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

**22. Approve ILA with City of Cape Coral to Allocate Additional [CARES Act Funding](#)**

**Item Summary:** Allows the City of Cape Coral to seek CARES Act reimbursement of COVID-19 related expenditures up to the full amount authorized by the Board in CY2020 (\$5,491,374.00). To date, the City has submitted reimbursement requests in the amount of \$2,818,454.33 and the original Interlocal has since expired. Board approval will authorize the City of Cape Coral to submit for additional reimbursement in accordance with the previously approved agreements, in the not to exceed amount of \$2,672,919.67, for expenditures through December 31, 2021.

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

**TRANSIT****23. Approve Purchase of FTA Grant Funded Paratransit Vehicles for LeeTran**

**Item Summary:** Approve the purchase of eight (8) 2021 Gas Ford E-450 23-foot Terra Transit body Cutaway Paratransit Vehicles from Freedom Bus Source, LLC. These vehicles shall replace eight (8) high mileage ADA/Paratransit vehicles, which have met the FTA useful life criteria. The vehicles to be purchased are completely funded by Federal Transit Administration (FTA) grants. The new vehicles are to replace existing vehicles that are beyond their useful life of five years or 150,000 miles. The purchase will reduce maintenance costs associated with the older, high mileage ADA Paratransit vehicles.

Utilizing the TRIPS contract provides competitive pricing, and the selected vendor provides an approximate 1% savings as compared to the next available unit under the TRIPS contract.

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

**24. Approve FTA Grant Application for Purchase of Fixed Route Service Electric Buses**

**Item Summary:** Approve the electronic submission of a grant application to the U.S. Federal Transit Administration (FTA) for \$4,256,987 to fund the purchase of three (3) electric buses for LeeTran's fixed route bus service, the associated charging stations and related infrastructure expenses.

Lee County Transit will request the use of Transportation Development Credits from the State of Florida Department of Transportation in the amount of \$586,728 as soft match, allowing the project to be 100% federally funded.

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

[RESOLUTION No. 21-11-20](#)

**25. Approve [Interlocal Agreement](#) with the City of Bonita Springs for FY22 Transit Services**

**Item Summary:** Approves an Interlocal Agreement with the City of Bonita Springs to share the cost of operating a Mobility on Demand (MoD) program within a designated area as outlined in Exhibit A of the agreement. The total annual cost of service for one (1) vehicle is \$289,043.00 (Exhibit B) with a contribution of \$100,000 coming from the City of Bonita Springs. Farebox revenue and Lee County funds will cover the remaining cost of \$189,043 for this service. The expenses are budgeted in the FY22 transit operating budget. The Interlocal Agreement is from January 30, 2022 to January 29, 2023

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

**TRANSPORTATION**

**26. Approve CPA for Milling and Resurfacing on Sunshine Boulevard**

**Item Summary:** Approves a County Project Authorization (CPA) to the contract with Ajax Paving Industries of Florida, LLC for Countywide Minor Paving, Drainage and Concrete, providing for milling, resurfacing, and ADA improvements to Sunshine Boulevard from 7th St. W to Able Canal, in the amount of \$306,954.82. This project is part of the \$5 million per year commitment that the Board has made to resurfacing roads in Lehigh Acres. Construction is expected to begin in January 2022.

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

**27. Approve [Agreement](#) with Miromar Lakes Master Association, INC for Mast Arm Paint Maintenance**

**Item Summary:** This Agreement defines the terms and conditions under which Miromar Lakes Master Association, Inc. will be responsible for the painting maintenance of the signal pole and mast arm on the South East corner of Ben Hill Griffin Parkway and the entrance to Florida Gulf Coast University. Miromar Lakes Master Association, Inc. will be responsible for the paint maintenance of the pole and repainting no less than once every ten (10) years. There is no cost to the County to execute this Agreement.

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

**28. Approve Change Order Design of Three Oaks Parkway**

**Item Summary:** Approves a Change Order to the contract with Avalon Engineering, Inc. for the Three Oaks Roadway Design Project, providing for design updates in the negotiated amount of \$1,356,975.00. The design updates include, but are not limited to, the design of a roundabout at the intersection of Fiddlesticks and Three Oaks Parkway, plan revisions to accommodate a shift in traffic on Daniels Parkway to align with the updated I-75 interchange, additional survey and environmental permitting, and the revision of the bid documents to combine the Box Culvert and South Segment into one bid package, and an updated alignment study to facilitate right-of-way acquisition. Approval of this Change Order will bring the contract total to \$6,374,190.00. Total project costs including design, right-of-way, landscaping and construction are expected to be \$105 million.

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

**UTILITIES**

**29. Award [Annual Contract](#) for Wastewater Solids-Sludge Disposal**

**Item Summary:** Approves a Supplemental Task Authorization (STA) to the contract with CW3 Engineering, Inc. for Miscellaneous Professional Services, to design a sidewalk and water main on Orange River Boulevard between State Road 80 and Lorraine Dr., in the negotiated amount of \$497,972.50. This project was ranked by the Bicycle and Pedestrian Advisory Committee as the #4 priority in 2016. Design and right-of-way is funded in the current fiscal year, construction is funded in 2023/24. Total project costs are estimated to be \$3,466,754.00

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

**VISITOR AND CONVENTION BUREAU****30. Approve Six Month Extension to the Annual Contact for Tourism Sales & Promotion**

**Item Summary:** Approves a six-month extension for Florida Travel Marketing, Inc., for the annual contract for Tourism Sales & Promotion Representative, through September 30, 2022. Total expenditures for Florida Travel Marketing, Inc., to provide these services during Fiscal Year 2020-2021 were approximately \$49,202. The low expenditure activity in the previous fiscal year reflects the majority of consumer and travel agent trade shows being cancelled due to the pandemic. In comparison, Fiscal Year 2019-2020 expenditures were approximately \$136,872 and Fiscal Year 2018-2019 expenditures were approximately \$233,863.

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

**ADMINISTRATIVE AGENDA****COMMUNITY DEVELOPMENT****1. Award [FY21-22 SHIP Grant Funds](#) to Nonprofit Housing Development Organizations**

**Item Summary:** The State Housing Initiatives Partnership (SHIP) program is solely funded by the State and is locally governed by the strategies in the Local Housing Assistance Plan (LHAP) adopted by the Board on March 17, 2020. The program places a priority on serving very low, low and special needs households and requires 65% of the funds be spent on homeownership activities.

Approval of the agreements provides funding totaling \$2,961,666 to nonprofit housing development organizations for affordable housing projects including new construction, and rehabilitation of rental housing units. The 2021/2022 grants will provide assistance to 52 very low and 17 low income households including 52 households with special needs.

**Board Discussion:** Community Development Director, David Loveland presented the item to the Board.

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

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

**2. Continue Twenty-Five Percent DCD Permit Fee Reductions for an Additional Year**

**Item Summary:** Provides a one-year extension of the 25% across-the-board reduction of Department of Community Development (DCD) related permit fees through November 30, 2022. Any DCD permit fee-funded budget shortfalls during this time would be covered by building permit fee fund (#15501) reserves. This continues efforts to reduce the building permit fee fund reserves through reduced collections and approved expenditures, while also allowing time to finalize a permit fee study underway that is intended to help better balance revenues with costs.

**Board Discussion:** Community Development Director, David Loveland presented the item to the Board. Commissioner Pendergrass requested a total of the money saved by contractors and Lee County citizens from the current twenty-five percent permit discount. Assistant County Attorney Glen Slayer informed the board that while he did not have year to date savings figures, there is to be an expected 3.5 Million dollars in savings for the 2021-2022 fiscal year. Commissioner Hamman requested information regarding the benefits or disadvantages of having surplus funds in the county's permitting accounts. County Attorney Richard Wm. Wesch informed the Board that Florida State Legislators regulating surplus building permit funds be forfeited back to the State of Florida, and that continuing the discount might allow staff the time to further review and revise the fee structure to avoid future surplus funds.

**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.

[RESOLUTION No. 21-11-21](#)

**HUMAN SERVICES****3. Accept HUD Grant Funds and Amend 2020 & 2021 HUD Annual Action Plans**

**Item Summary:** Amends Lee County's 2020 and 2021 Annual Action Plans to allocate \$3,802,106 in HOME funds received through the American Rescue Plan. Accepts \$4,646,091 in HUD entitlement funds for fiscal year 2021-2022. Funding is used for planning, homeless services, community development, and affordable housing projects administered by Human and Veteran Services. Amends the 2021 Annual Action Plan to accept HOME program income to provide rental assistance to persons who are homeless. An [Affidavit of Publication](#) was provided for this item.

**Board Discussion:** Human & Veteran Services Director, Roger Mercado presented the item to the Board. Mr. Mercado stated with the monies available roughly 175 families will benefit from rental assistance and housing development funds.

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

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

[RESOLUTION No. 21-11-22](#), [RESOLUTION No. 21-11-23](#), [RESOLUTION No. 21-11-24](#)

## PUBLIC HEARING – 9:30 AM

### 1. Incorporate FY21/22 Capital Improvement Program in the Lee Plan

**Item Summary:** Incorporate the 2021/2022 Capital Improvement Program approved by the Board of County Commissioners on September 21, 2021 and the Lee County School District's 2021 Facilities Work Plan approved by the School Board on September 8, 2021 into the Lee Plan by ordinance. This action is in accordance with Chapter 163 of the Florida Statutes.

The Ordinance adopted by the Board and filed is [LEE COUNTY ORDINANCE No. 21-12](#) entitled:

AN ORDINANCE ADOPTING AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE PLAN TO AMEND THE CAPITAL IMPROVEMENT PROGRAM; PROVIDING FOR PURPOSE, INTENT AND SHORT TITLE; AMENDMENTS TO TABLES 3A, 3B, 4 AND 5; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; SEVERABILITY; INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**County Attorney:** Deputy County Attorney Michael Jacob approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

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

### 2. Approve Petition to Vacate at 15001 Cemetery Road, Fort Myers

**Item Summary:** Extinguishes the public interest in the unimproved public utility and drainage easement centered along the common lot line between Lots 1 and 2 of the platted lots at 15001 Cemetery Road in Fort Myers (located in Unincorporated Lee County). This action will remove encumbrances in order to create a unified building site for a residence. There were no objections from the public utility providers and there are no other affected property owners.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

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

[RESOLUTION No. 21-11-25](#)

### 3. Conduct Public Hearing to Repeal Taxicab/Vehicle for Hire Ordinances

**Item Summary:** Repeal Ordinances 11-25 and 15-05 and no longer regulate taxicab and vehicle for hire companies. Repeal of Ordinance 15-05 does not affect Lee County Port Authority's Ground Transportation Policy Section 740, as amended by Lee County Board of Port Commissioners Resolution 20-11-08P. The Port Authority shall continue to have all rights to regulate ground transportation services at Southwest Florida International Airport and Page Field as authorized by the Airports Rules and Regulations Ordinance 94-09, as amended, and other applicable laws and regulations.

**County Attorney:** Assistant County Attorney Andrea Fraser approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

**Public Comment:** The Chairman called for public comment and there was [one \(1\) speaker](#).

**County Attorney:** Following Public Comment County Attorney Richard Wm. Wesch spoke before the Board and stated that repealing these ordinances has come before the Board because it is the County Attorney's opinion that they are outdated and no longer relevant in today's vehicle for hire market. Mr. Wesch informed the Board that these Lee County ordinances do not regulate popular drive share companies such as Uber or Lyft, and that those types of vehicle for hire companies are regulated at the state level. Mr. Wesch also noted that several counties including Collier County have rescinded their Taxicab / Vehicle for Hire ordinances recognizing that the ordinances have outlived their usefulness.

**Board Discussion:** Commissioner Pendergrass expressed his concern for the safety of tourist and visitors to the area if taxicab drivers were no longer regulated and pledged support of continuing this item to the December 7, 2021 meeting so that the Board and Staff might have more time to gather information.

Commissioner Hamman directed Staff to provide the Board with current regulations that Uber and Lyft currently use and the State mandates and regulations by the next Board meeting. Mr. Hamman expressed his concern in making sure that all vehicle for hire and taxicab companies are treated fairly and equally.

**Vote:** Commissioner Ruane moved to continue this item to the December 7, 2021 9:30 AM meeting of The Lee County Board of County Commissioners, seconded by Commissioner Pendergrass, called and carried.



**4. Conduct a Public Hearing to Create the Tropical Point Park Mangrove Pruning O&M MSBU**

**Item Summary:** This item will 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.

The Ordinance adopted by the Board and filed is [LEE COUNTY ORDINANCE No. 21-14](#) entitled:

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT (MSBU) FOR THE TROPICAL POINT PARK MANGROVE PRUNING OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; SETTING FORTH THE PURPOSE AND DEFINING THE BOUNDARIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE MSBU; PROVIDING FOR THE GENERAL POWERS FOR THE MSBU; NAMING AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SPECIAL ASSESSMENTS, LIENS AND COLLECTIONS; USE OF NON-AD VALOREM ASSESSMENTS; ESTABLISHING A REVERTER, PROVIDING FOR SEVERABILITY; ALTERNATIVE OR SUPPLEMENTAL AUTHORITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the Affidavit of Publication for entry into the record and summarized the request.

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

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

**5. Conduct a Public Hearing to Create the 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 the advisory committee associated with the unit. Heritage Farms is a non-County maintained area located southeast of the intersection of Summerlin Rd and Gladiolus Dr. Creation of the MSBU was approved by a majority of property owners.

The Ordinance adopted by the Board and filed is [LEE COUNTY ORDINANCE No. 21-11](#) entitled:

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT (MSBU) FOR THE HERITAGE FARMS OPERATION AND MAINTENANCE MUNICIPAL SERVICE BENEFIT UNIT; SETTING FORTH THE PURPOSE AND DEFINING THE BOUNDARIES; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE MSBU; PROVIDING FOR THE GENERAL POWERS FOR THE MSBU; NAMING AND CREATION OF A FUND; PROVIDING FOR THE POWER TO LEVY SPECIAL ASSESSMENTS, LIENS AND COLLECTIONS; USE OF NON-AD VALOREM ASSESSMENTS; ESTABLISHING A REVERTER, PROVIDING FOR SEVERABILITY; ALTERNATIVE OR SUPPLEMENTAL AUTHORITY; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the Affidavit of Publication for entry into the record and summarized the request. Mr. Halverson reminded the Board that this item was originally scheduled to be heard at the October 19, 2021 Board of County Commissioners Meeting and on that date was continued to the November 16, 2021 meeting. Mr. Halverson informed the Board that the entirety of Heritage Farms is not located inside the proposed unit and therefore those residing outside the proposed unit will not be effected by the Heritage Farms O&M MSBU assessments. Mr. Halverson went on to state that this MSBU was proposed after a majority of residents in the affected area of Heritage Farms approached the county, and that the proposed MSBU would not change ownership of entry, access or residential roads, emphasizing that the roads located inside of Heritage Farms are private roads and would remain private roads with work not being done without the approval of a resident advisory board.

**Board Discussion:** Commissioner Pendergrass requested confirmation that this MSBU was brought before the Board with the majority of the residents approval and that the residents approached the county requesting the MSBU. County Attorney William Wm. Wesch confirmed and clarified that when speaking of the majority of residents requesting the MSBU that they are speaking of the majority of residents inside the affected area and that those living outside the proposed unit were not notified and did not vote for or against the proposed MSBU.

**Public Comment:** The Chairman called for public comment and there were [ten \(10\) speakers](#).

**Board Discussion:** Commissioner Ruane requested clarification on the county's role in an MSBU. Assistant County Manager/Chief Financial Officer, Pete Winton stated that the counties only role is to collect funds and that of project manager, all decisions and approvals come from a resident advisory committee. Commissioner Hamman questioned what would happen if the MSBU did not raise enough funds to complete a project and Mr. Winton offered the possibility of securing a loan, however he did state that the money being collected is based off of an inflated estimate of cost and future road projects would possible cost less than expected.

**Vote:** Commissioner Sandelli moved approval, seconded by Commissioner Hamman, called and carried with Commissioner Mann voting nay.

## 6. Adopt [2021 Lee County Redistricting Map Alternative 5](#)

**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. Adopts the Alternative 5 redistricting map selected by the Lee County Commission during its November 2, 2021 public hearing.

**County Attorney:** Assistant County Attorney Michael Jacob approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request. Mr. Jacob confirmed the Board's request that Map Alternative No. 5 is in Staff's opinion, legal and does not violate redistricting laws, or discriminate against Lee County residents.

**Public Comment:** The Chairman called for public comment and there were [seven \(7\) speakers](#) and [fifty-six \(56\) eComments](#).

**Board Discussion:** Commissioner Mann expressed his concern over the legality of Alternative Map No. 5 and the possibility of future legal action against the Board. Commissioner Pendergrass commented that since all County Commissioners are voted on as At-Large members and serve all residents of Lee County, it is his opinion that members of a certain race cannot be discriminated against when adopting Alternative Map No. 5. Mr. Pendergrass also commented that a possible future change to the Lee County Charter in regards to single member district voting cannot be taken into account when voting for this year's redistricting. Mr. Mann questioned that if the Board is focusing only on the fact that Board members are At-Large Board members and therefore serve every resident of Lee County, why then was there a need to consider any of the eight redistricting criteria set forth by the Lee County Charter. Commissioner Hamman commented on his continued support for Alternative Map No. 7 and his lack of support for Alternative Map No. 5.

**Vote:** Commissioner Ruane moved approval, seconded by Commissioner Sandelli, called and carried with Commissioner Mann and Commissioner Hamman voting nay.

[RESOLUTION No. 21-11-26](#)

## PUBLIC HEARING – 5:00 PM

### 1. First Public Hearing: Ordinance Amending LDC Chapters 16, 33, 34 – Mobile Food Vendors

**Item Summary:** Hold first public hearing on November 16, 2021 for requested amendments which will provide for limited regulation of mobile food vending, including to define locations and provide standards of operation while mitigating impacts to surrounding locations. The second public hearing will be held on December 7, 2021, at 9:30 a.m. in the Commission Chambers.

FOR ACTION ON THE ABOVE ITEM PLEASE REFER TO THE MINUTES OF (111621S)

## COMMISSIONER ITEMS

*Commissioner Ruane*

### 1. Lake Okeechobee System Operating Manual (LOSOM) Update:

Commissioner Ruane stated that after being presented with multiple models and numerous rejections Mr. Ruane believes that during a conference call with the Army Corps of Engineers on November 16, 2021, there should be an agreement made that will benefit the Caloosahatchee and St. Lucie River's water quality.

**2. Captiva Island Transfer to Sanibel Island Sewer System Grant Update:**

Commissioner Ruane stated that during a feasibility study to see if Captiva Island could successfully transfer to Sanibel Island’s sewer system it was discovered that additional work will need to be done, requiring an increase in the amount of the original grant. Mr. Ruane has directed staff to draft an agenda item to increase the grant from the original \$100,000.00 to roughly \$160,000.00 to be heard at a future Board meeting.

**COMMISSIONERS APPOINTMENTS**

**Commissioner Mann:**

Moved approval to:  
· Reappoint James Ink to the Local Planning Agency

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

**Commissioner Hamman:**

Moved approval to:  
· Reappoint Alicia Olivo to the Local Planning Agency  
· Reappoint Dustin Gardner to the Local Planning Agency

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

**Commissioner Ruane:**

Moved approval to:  
· Reappoint Holly Milbrandt to the Coastal Advisory Council  
· Reappoint Don Schrotenboer to the Local Planning Agency  
· Reappoint Mark Masselink to the Gasparilla Island Municipal Service Benefit Unit

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

**Commissioner Hamman:**

Moved approval to:  
· Reappoint Stan Strouder to the Local Planning Agency

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

**Commissioner Pendergrass:**

Moved approval to:  
· Reappoint Carl Baxter to the Community Action Agency / Neighborhood District  
· Reappoint Ray Blacksmith to the Local Planning Agency  
· Reappoint Henry Zuba to the Local Planning Agency  
· Appoint Ileana Bracete to the Well Construction Advisory Board  
[RESO 21-11-27](#)

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

**PUBLIC PRESENTATION OF MATTERS BY CITIZENS**

The Chairman called for presentation of matters by citizens and there was [one \(1\) speaker](#) and [nine \(9\) eComments](#).

The Chairman adjourned the meeting at 11:59 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

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

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