

FEBRUARY 5, 2019

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

Brian Hamman, Vice-Chairman
 Franklin B. Mann
 John E. Manning
 Cecil Pendergrass

Commissioner Kiker was absent

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Rabbi Bruce Diamond, Community Free Synagogue followed by the Pledge of Allegiance.

CEREMONIAL PRESENTATIONS

1. Presentation of the Pet of the Month (Commissioner Pendergrass)

Animal Services Public Information Specialist Karen Fordiani introduced Bella a 6 year old female Doberman Pinscher/Rottweiler mix, available for adoption. This month's promotion is in honor of Valentine's Day and the theme is; you can't buy love, but you can adopt it. All approved adoption applications are only \$14.00 for the month of February. You can check out their web site at leelostpets.com to see all the available pets for adoption. The site is up dated every hour.

2. Presentation Recognizing Children's Advocacy Center's CEO, Jill Turner (Commissioner Hamman)

Commissioner Hamman read and presented a [Ceremonial Resolution](#) to Chief Executive Officer of the Children's Advocacy Center of Southwest Florida Jill Turner. Ms. Turner was recognized for her 38 years of devoted service and for her team approach to putting an end to child abuse and neglect. She has played a very influential part in bringing awareness of child abuse to the community by advocating for children and providing them a safe place to be heard. Commissioner Hamman conveyed the Boards appreciation for her service and outstanding contributions to Lee County and thanked her for her hard work and commitment to our community. Ms. Turner accepted the Resolution and expressed her sincere appreciation to the Board.

3. Presentation Recognizing Stephen B. Russell Day (Commissioner Hamman)

Commissioner Hamman read and presented a [Ceremonial Resolution](#) to Stephen B. Russell. Mr. Russell was recognized as a dedicated and focused prosecutor with the Office of the State Attorney, Twentieth Judicial Circuit, prosecuting more than 2,000 criminal cases and supervising the prosecution of tens of thousands more. Mr. Russell's "victims first" attitude and tenacious support of law enforcement were rewarded in September 2002 when voters elected him as the State Attorney for the 20th Judicial Circuit, and then reelected him time-and-time again, until his retirement in 2018. Commissioner Hamman proclaimed February 5, 2019 as Stephen B. Russell Day and expressed recognition and respect for the invaluable contributions that he has made for our community. Mr. Russell said a few words and accepted the Resolution expressing his appreciation to the Board.

RECAP/ANNOUNCEMENTS

Referring to the [Recap](#) Agenda of February 5, 2019, the Chairman announced that:

- One (1) Item C33 removed from agenda
- One (1) Correction - Item C26
- One (2) Commissioner Items for Commissioner Hamman
- One (1) Walk-on - Heard with the other Ceremonial Presentations
- One (1) County Manager Item
- Two (2) County Attorney items

PUBLIC COMMENT ON AGENDA ITEMS

The Chairman called for public comment on agenda items and there were no speakers.

The Chairman requested a motion to approve the balance of the agenda items and Commissioner Manning so moved, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

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 Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

2. Present Report on Monthly Financial Summary for the Month of December 2018

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

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

3. Present Report on Driver Education Safety Trust Fund for the Month of December 2018

Item Summary: This is a monthly report from the Clerk of Court's Office that provides financial activity for the driver's education safety trust fund.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

4. Resolution Approving Recording Documents in a Bonita Branch Office

Item Summary: To better serve our community, the Clerk of Court ("Clerk") is partnering with the Lee County Tax Collector ("Tax Collector") to allow the Clerk to offer Recording services at the Tax Collector's Bonita Office. This Resolution fulfills the statutory requirement of Section 28.07, Florida Statutes, which requires that if the Clerk records documents in places other than the county seat, the governing body of the County must approve the recording of instruments pursuant to s. 1, Art. VIII of the State Constitution. Lee County established Ordinance 82-13 authorizing the Lee County Board of County Commissioners to establish, by Resolution, branch offices for County Officials and Agencies.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

[RESOLUTION No 19-02-03](#)

COMMUNITY DEVELOPMENT

5. Approve Bald Eagle Management Plan for Nest near Sun Trust Bank, 11620 Gladiolus Drive

Item Summary: Approve a bald eagle management plan for nest LE-71A on a property off Old McGregor Boulevard, in conjunction with a proposed building renovation by Sun Trust Bank within a 660-foot radius of the nest. The bald eagle management plan proposes no exterior construction within 660 feet of the nest during the Southern bald eagle nesting season, October 1 through May 15. Interior work may be conducted throughout the nesting season without eagle nesting monitoring. Board approval of the management plan is required under the County's Eagle Protection Ordinance; approval is recommended by the Eagle Technical Advisory Committee.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

6. Approve 17/18 & 18/19 State Housing Initiatives Partnership [\(SHIP\) Grant Award Agreements](#)

Item Summary: The State Housing Initiatives Partnership (SHIP) program is solely funded by the State through documentary stamp taxes and is locally governed by the strategies in the Local Housing Assistance Plan (LHAP) adopted by the Board on February 21, 2017. 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 agreements provide funding to nonprofit housing development organizations for affordable housing projects including new construction, disaster rehab of owner occupied homes, disaster rehab of rental units, housing counseling and rehabilitation of rental housing units. One of the recent funding allocations of \$239,224 for rental housing rehabilitation was returned and needs to be reallocated to ensure expenditures are made within required timelines. The available funding is recommended to be split between the next two highest scoring applicants, Dunbar Improvement Association, Inc. and SW Florida GW I Housing III, who will utilize the funds to rehabilitate existing very low income rental units.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

COUNTY ATTORNEY

7. Approve [Agreement for Traffic Control Enforcement](#) with Corkscrew Shores Master Association, Inc.

Item Summary: Florida law authorizes agreements between local government, law enforcement and law enforcement agencies to provide traffic control enforcement on private streets and roads. (Florida Statutes §316.006(3) (b)). Representatives of Corkscrew Shores Master Association, Inc. requested that the Lee County Sheriff patrol certain private roads within the Corkscrew Shores subdivision as provided in Florida Statutes. The County and Sheriff have examined the Corkscrew Shores Master Association's proposal and find that the proposal is acceptable. The County is named as an additional insured on all liability insurance policies relating to the Association's ownership, construction and operations and repairs to its roads. The association has agreed to maintain the streets owned by the association and signage consistent with applicable standards stated in the agreement. The Sheriff may charge the association if special services are requested by the association.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

COUNTY LANDS

8. Accept Donation of Road Right-of-Way for Plantation Road Turn Lane

Item Summary: Acquires road Right-of-Way ([Warranty Deed](#)) within a proposed residential development known as Bonavie Cove Subdivision, located along Plantation Road in Fort Myers. The road Right-of-Way will be utilized for a right- turn lane from Plantation Road accessing the subdivision.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

9. Approve Utility Easement Conveyance for the New Bonita Springs Library

Item Summary: Approves the conveyance of a + 1,742 square foot [utility easement](#) to Bonita Springs Utilities, Inc. to accommodate an on-site fire hydrant connection and backflow preventer servicing the new Bonita Springs Library.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

10. Approve Resolution Authorizing County Manager to Accept Temporary Construction Easements

Item Summary: Approves a resolution to give the County Manager, or his designee, necessary authority to enter into, accept and release temporary construction easement agreements for County projects. This resolution is intended to supplement and supersede Lee County Resolution No. 90-03-24.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

[RESOLUTION No 19-02-04](#)

11. Approve Second Amendment to Sprint Equipment License on Florida Gulf Coast University Tower

Item Summary: Approves the [Second Amendment to the License Agreement](#) between Sprint and Lee County to permit Sprint to upgrade and expand equipment on the Florida Gulf Coast University Tower. There is no monetary change to the license agreement.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

12. Approve Third Amendment to Verizon Equipment License on Lakes Park Antenna Tower

Item Summary: Approves the [Third Amendment to the License Agreement](#) between Verizon Wireless and Lee County to permit Verizon Wireless to add a generator at the Lakes Park Tower facility. There is no change to the annual license rate of \$27,345.65 and an annual escalation of 4%.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

13. Approve Sixth Amendment to Verizon Equipment License on Lee County Sports Complex Tower

Item Summary: Approves the [Sixth Amendment to the License Agreement](#) between Verizon Wireless and Lee County to permit Verizon Wireless to add a generator at the Lee County Sports Complex Tower facility. There is no change to the annual license rate of \$27,345.22, with an annual escalation of 4%.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

14. Authorize Binding Offer for Parcel 118 in the Burnt Store Road Widening Project

Item Summary: Approves an offer of \$13,250 to purchase Parcel 118, for the Burnt Store Road Widening Project. This offer is necessary in order to stay within construction schedules, should condemnation actions be required. This is a vacant residential property located at 217 Burnt Store Road South, Cape Coral.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

15. Authorize Binding Offer for Parcel 119 in the Burnt Store Road Widening Project

Item Summary: Approves an offer of \$13,250 to purchase 209 Burnt Store Road South/Parcel 119, for the Burnt Store Road Widening Project. This offer is necessary in order to stay within construction schedules, should condemnation actions be required. This is a vacant residential property located at 209 Burnt Store Road South, Cape Coral.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

16. Authorize Binding Offer for Parcel 119B in the Burnt Store Road Widening Project

Item Summary: Approves an offer of \$13,250 to purchase 205 Burnt Store Road South/Parcel 119B, for the Burnt Store Road Widening Project. This offer is necessary in order to stay within construction schedules, should condemnation actions be required. This is a vacant residential property located at 205 Burnt Store Road South, Cape Coral.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

17. Authorize Binding Offer for Parcel 132 in the Burnt Store Road Widening Project

Item Summary: Approves an offer of \$15,000 to purchase Parcel 132, for the Burnt Store Road Widening Project. This offer is necessary in order to stay within construction schedules, should condemnation actions be required. This is a vacant residential property located at 129 Burnt Store Road North, Cape Coral.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

18. Authorize Binding Offer for Parcel 141 in the Burnt Store Road Widening Project

Item Summary: Approves an offer of \$227,500 to purchase Parcel 141, for the Burnt Store Road Widening Project. This offer is necessary in order to stay within construction schedules, should condemnation actions be required. This is a vacant residential property located at 325 Burnt Store Road North, Cape Coral.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

19. Authorize Binding Offer for Parcel 144 in the Burnt Store Road Widening Project

Item Summary: Approves an offer of \$202,500 to purchase Parcel 144, for the Burnt Store Road Widening Project. This offer is necessary in order to stay within construction schedules, should condemnation actions be required. This is a vacant residential property located at 405 Burnt Store Road North, Cape Coral.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

20. Approve Granting a Temporary Use License to the City of Cape Coral

Item Summary: Conveys a [temporary use license](#) for 24 days, of approximately 1,000 square feet of land, to the City of Cape Coral for staging materials and performing a directional bore of pipe under Del Prado North. The subject area is adjacent to Del Prado Boulevard North, at the southwest corner of Yellow Fever Creek Preserve, a 2020 property.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

21. Accept Donation of [Affirmation of Drainage Easement Rights](#)

Item Summary: Accepts drainage easement rights, from fee owner, for former Iona Drainage District (IDD) Canals located adjacent to the west and south boundaries of Pinewood South Condominiums property. These canals are essential to the drainage system that channels surface and storm water away from Page Field Airport.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

COUNTY MANAGER

22. Approve FY17-18 Indirect Cost Plan and Charges

Item Summary: Approves the FY2017-2018 Indirect Cost Plans and authorizes payments to reimburse the General Fund for services it provides to other funds. These costs are known as “indirect costs” and pay for such things as legal services, financial services, administration, maintenance and repair and accounting systems. The amount recommended for General Fund reimbursement from the FY2017-2018 Indirect Cost Plan is \$12,760,957.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

FACILITIES CONSTRUCTION AND MANAGEMENT

23. Approve Purchase of Information Technology and Office Equipment for North Fort Myers Library

Item Summary: Approves purchases of ancillary items such as information technology equipment and office equipment in an amount not to exceed \$250,000 for the Lee County Public Library located in North Fort Myers. This project, along with purchases of related furniture and equipment, was planned and budgeted.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

24. Waive Section 3 of Lee County Ord 92-22 for Design Services for CenturyLink Sports Complex

Item Summary: Waives Section 3 of Lee County Ordinance 92-22 for the project to renovate and expand the CenturyLink Sports Complex. Section 3 of Lee County Ordinance 92-22 prohibits the County from soliciting a professional services firm to perform project design and/or construction services if the firm has or had been retained to perform the project feasibility or study analysis. Waiving this section allows Parker/Mudgett/Smith Architects, Inc., the firm that developed the CenturyLink Sports Complex master plan, the opportunity to submit a proposal for providing architectural design and/or construction services for the project.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

25. Waive Section 3 of Lee County Ord 92-22 for Design Services Within Justice Center Complex

Item Summary: Waives Section 3 of Lee County Ordinance 92-22 for the project to renovate and expand the Justice Center Complex. Section 3 of Lee County Ordinance 92-22 prohibits the County from soliciting a professional services firm to perform project design and/or construction services if the firm has or had been retained to perform the project feasibility or study analysis. Waiving this section allows BSSW Architects, Inc., the firm that developed the Justice Center Complex master plan, the opportunity to submit a proposal for providing architectural design and/or construction services for the project.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

FLEET MANAGEMENT

26. Approve Piggyback for Purchase of Fire Rescue Vehicles and Ambulances

Item Summary: Authorizes purchases from ETR, L.L.C., through the Florida Sheriffs Association Contract for Fire Rescue Vehicles and Ambulances, to provide fire rescue vehicles and ambulances, on an as needed basis, through the contract expiration date of March 31, 2020 and any renewals and/or extensions approved by the Florida Sheriffs Association. Authorize the purchase of six new 2019 Mercedes Sprinter Ambulances, including customization and extended warranties, in a total amount of \$1,066,404.00.

Board: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Item C-26 had a correction of fund type. The fund is to be changed to: General Fund.

HUMAN SERVICES

27. Approve Annual Action Plan Amendments for U.S. Department of Housing and Urban Development

Item Summary: [Letter Amending Lee County's 2017 and 2018 Annual Action Plans](#) ensures compliance with requirements for Community Development Block Grant funding and for funds to be expended in a timely manner to serve community needs for community development and affordable housing projects.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

[RESOLUTION No 19-02-05](#) and [RESOLUTION No 19-02-06](#)

PUBLIC SAFETY

28. Renewal of Fort Myers Beach Fire District [Certificate of Public Convenience and Necessity](#)

Item Summary: The Fort Myers Beach Fire Control District submitted an application for renewal of their COPCN to provide advance life support (ALS) transport services. Approval provides Fort Myers Beach Fire Control District with the necessary COPCN to satisfy the statutory requirements applicable to their State transport license that expires on April 27, 2019. Granting of the COPCN will allow the

District to continue operating as an ALS transport service provider in accordance with State law for two additional years.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

29. Renewal of Lee County EMS' Certificate of Public Convenience and Necessity

Item Summary: The Division of Emergency Medical Services has submitted an application for renewal of their COPCN to provide advance life support (ALS) transport services. Approval provides the Division of Emergency Medical Services with the necessary COPCN to satisfy the statutory requirements applicable to their State transport license that expires in April 10, 2019. Granting of the COPCN will allow the Division to continue operating as an ALS transport service provider in accordance with State law for two additional years.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

30. Renewal of San Carlos Park Fire Rescue District Certificate of Public Convenience and Necessity

Item Summary: The San Carlos Park Fire Protection and Rescue Service District submitted an application for renewal of their COPCN to provide advanced life support (ALS) non-transport services. Approval 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, 2019. 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 Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

31. Approve Piggyback Purchase for NICE Telephony Recording Capture Layer Upgrades

Item Summary: Approve piggyback to allow Public Safety to utilize pricing on the Lake County's contract to purchase NICE telephony recording licenses, channels, servers, installation, training, and first year software assurance from Word Systems Inc. for a total expenditure of \$303,320.00.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

32. Approve Purchase of Microwave Radio Backhaul Equipment, Engineering and Installation

Item Summary: Approve Single Source No. SS190113MKP for the purchase of microwave radio backhaul equipment, engineering and installation services from Aviat U.S., Inc., in the total amount of \$1,300,000.00. The microwave radio equipment connects towers within the radio network, and this equipment replacement will increase data transfer speeds and decrease latency across these network paths. This is a planned purchase to support the P25 radio network replacement.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

~~33. Revocation of Concierge Medical Transport Certificate of Public Convenience and Necessity~~

Item Summary: ~~In late December, the Department of Public Safety received information regarding Just Like Family Concierge Medical Transport, LLC's compliance with Lee County Ordinance 08-16. In accordance with the ordinance, an investigation and staff report was completed. The findings of the staff report support immediate revocation of the certificate.~~

Board Discussion: Assistant County Manager Christine Brady gave an update stating that a letter had just been received from Concierge Medical Transport stating that they were voluntarily surrendering their Certificate of Public Convenience and Necessity (COPCN) while they go through reorganization. Staff is asking the Board to remove the item as there is no action necessary.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Item C-33 would be removed from the agenda due to the voluntary surrender of COPCN.

SOLID WASTE

34. Approve Piggyback for Purchase of Volvo Wheel Loaders and Excavator

Item Summary: Authorizes Solid Waste to utilize pricing on the Florida Sheriff's Association Cooperative Purchasing Program contract to purchase the following equipment from Flagler Construction Equipment. Two Volvo L90H Standard Boom Wheel Loaders to replace existing equipment that is at the end of useful life. One Volvo L90H Long Boom Wheel Loader, one Volvo L120H Wheel Loader, and one Volvo EW160E Wheeled Excavator that is new equipment needed for the full time operation of the Buckingham Transfer Station due to growth in waste volumes accepted at the campus. The total for these purchases is \$1,157,031. This was planned and funded in the current operating budget.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

35. Approve Piggyback Purchase of John Deere Cab Tractor and Skid Steer

Item Summary: Authorizes Solid Waste to utilize pricing on the State of Florida contract for the purchase of one John Deere cab tractor from Deere & Company in the amount of \$89,258.55. Authorizes Solid Waste to utilize pricing on the Sourcewell Contract for the purchase of one John Deere skid steer from John Deere Construction Retail Sales a division of John Deere Shared Services, Inc. in the amount of \$61,586.12. The total expenditure will be \$150,844.67. This will replace equipment that is at the end of useful life. These are planned and funded in the current operating budget.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

36. Award Contract for Solid Waste Composting Facility Canopy Structure Replacements

Item Summary: Award contract to DEC Contracting Group, Inc., in the amount of \$3,194,296 for the replacement of Solid Waste composting facility canopy structures for three buildings. These structures were destroyed by Hurricane Irma. Construction is estimated to begin February 2019 for a duration of 120 days.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

TRANSPORTATION

37. Approve Contract for Sanibel Overhead Sign Structures

Item Summary: Award contract to Highway Safety Devices, Inc., for three sign structures, supported on drilled shaft foundations, installation of overhead signs and guardrail, and removal of existing signs, structures and guardrail. The project also includes removal of existing trees, maintenance of traffic, and installation/removal of erosion control measures for the Sanibel Toll Plaza, in the total amount of \$495,603.40. Construction is anticipated to begin in April.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

38. Execute Two Agreements with Dept. of Motor Vehicles for Toll Violation Enforcement

Item Summary: Approve [two new Memorandum of Understanding Agreements](#) with the Department of Highway Safety and Motor Vehicles to continue to allow Tolls the ability to identify registered owners of vehicles through the Violation Enforcement process. The estimated cost per year is \$60,000.00.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

39. Approve Contract for Resurfacing of Local Roads in Lee County

Item Summary: Award contract to Pavement Maintenance, LLC to perform resurfacing and roadway improvements of various local roads in Lee County in the total amount of \$1,563,775.00. Authorize an additional \$156,377.50 (10% of the total contract amount) in contingency funds to cover unforeseen expenses that may arise during the project. This project is anticipated to start in early March.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

40. Award Contract for Construction of Safety Improvements at Gunnery at 8th Street Southwest

Item Summary: Awards contract to Wright Construction Group, Inc., in the amount of \$838,779.73, to provide services to construct safety improvements at the intersection of Gunnery Road and 8th Street Southwest with signalization, adding a northbound right turn lane with a keyhole lane and widen the side street that approaches to add left turn lanes and on-road bike lanes on 8th Street on the west side of Gunnery Road. Authorizes an additional \$125,816.96 in contingency funds to cover possible unforeseen expenses that may arise during the project. Construction is funded with Federal safety grant funds and will begin in March.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

UTILITIES

41. Approve Construction Manager for Facility Chemical Secondary Containment

Item Summary: Approves an Amendment to the Construction Manager at Risk Services Agreement, establishing the Guaranteed Maximum Price of \$232,473.00 for the construction of the two concrete containment areas at the Fort Myers Beach Wastewater Treatment Plant. Total estimated project cost is \$377,910.13 with an anticipated construction start date in spring 2019.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

42. Award Contracts for Control, Telemetry, Security and SCADA Integration Services

Item Summary: Awards contracts to Blackburn Controls, Inc. dba BCI Technologies and McKim & Creed, Inc., to provide system wide control, telemetry, security and SCADA integration services for an initial period of two years, with the option to renew for three additional one-year periods. These services are used to perform repairs to existing equipment and for the installation of new equipment for the controls, telemetry and security systems at the water and wastewater facilities. Total expenditures for these services for Fiscal Year 2017 – 2018 were approximately \$140,442.50.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

43. Award Contract for Construction of Master Lift Station at Corkscrew Rd and Three Oaks Pkwy

Item Summary: Award contract to Southwest Utility Systems, Inc., to construct and install a master pump station including all appurtenances and associated piping facilities in the Village of Estero, at the intersection of Corkscrew Road and Three Oaks Parkway. The estimated total cost of the project is \$1,676,627.00 and construction is anticipated to begin this spring 2019. This master pump station will create additional capacity necessary for projected future growth.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

VISITOR AND CONVENTION BUREAU**44. Approve Interlocal Agreements with Beach and Shoreline Funding Recipients**

Item Summary: Finalizes Interlocal Agreements between Lee County and the [State of Florida/Gasparilla Island State Park](#), and [State of Florida/Koreshan State Park](#) for two (2) separate Lee County Beach & Shoreline projects receiving Tourist Development Tax funding in the total amount of \$50,000. There are a total of twelve (12) Beach and Shoreline projects for FY18-19 with total approved funding of \$3,908,446. These are the last two agreements that require BoCC approval.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

ADMINISTRATIVE AGENDA**COUNTY MANAGER****1. Approve a \$354,000 Economic Development Incentive for NeoGenomics Laboratories**

Item Summary: Provides part of a competitive incentive package to induce NeoGenomics Laboratories, Inc. to locate an expansion project in Lee County. This incentive is intended to increase the company's local workforce by an additional 295 employees with an average annual wage of at least \$59,900. The overall project currently calls for the construction of a \$25-\$30 million corporate headquarters and cancer diagnostics laboratory. The Qualified Target Industry Tax Refund incentive is a performance-based incentive that will be dispersed following the verification of performance requirements by Florida's Department of Economic Opportunity. ([Transfer of Funds](#))

Board Discussion: Assistant County Manager Glen Salyer presented the item and gave a brief description of the expansion project. Commissioner Pendergrass asked what safe guards we have in place for incentives in the future to protect the Lee County tax payers, if the company decides to leave town. Mr. Salyer stated that this is a particularly well structured performance based incentive. Meaning the company would not get any money from Lee County until they have hired the jobs in question and paid any tax liability that they generated. The company then gets that money back in the form of a tax refund from the State of Florida who handles all of the verification and then invoices Lee County for our local match. The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

[RESOLUTION No 19-02-07](#)

9:30 a.m. PUBLIC HEARINGS**1. Approve Petition to Vacate at 2932 22nd Street SW, Lehigh Acres, Florida**

Item Summary: Extinguishes the public interest in the unimproved portion of the public utility easement on platted lots at 2932 22nd Street SW to remove encumbrances to allow permitting and construction of additions to the home and/or garage. There were no objections from the public utility providers and no other affected property owners.

County Attorney: Senior Assistant County Attorney John Fredyma, entered the [Affidavit of Publication](#) into the record.

Board: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried with Commissioner Kiker absent.

[RESOLUTION No. 19-02-08](#)

2. Approve Petition to Vacate at 3843 Huntley Street, Fort Myers, FL

Item Summary: Extinguishes the public interest in the unimproved public utility and drainage easement between platted lots at 3843 Huntley Street in Fort Myers to remove encumbrances to create a unified building site for a proposed residence. There were no objections from the public utility providers and no other affected property owners.

County Attorney: Senior Assistant County Attorney John Fredyma, entered the [Affidavit of Publication](#) into the record.

Board: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried with Commissioner Kiker absent.

[RESOLUTION No. 19-02-09](#)

WALK-ON ITEMS

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: The WO Item from the recap would be heard with the other Ceremonial Presentations.

COMMISSIONERS ITEMS

Commissioner Hamman

1. Discuss sending a letter of support for the Governor's recent budget proposal.

Board Discussion: Commissioner Hamman asked for Board approval to send a letter of support to the Governor letting him know the Board of Lee County supports his very ambitious and bold budget with regard to water quality. All Board Members agreed to the request. Commissioner Hamman directed Staff to draft a letter for signature by the Chair or Vice Chair on behalf of the Board.

2. Discuss Army Corps of Engineers upcoming Lake Okeechobee System Operating Manual public meetings.

Board Discussion: Commissioner Hamman wanted to bring awareness of a meeting tonight with the Army Corps of Engineers. Director of Natural Resources Roland Ottolini elaborated on the meeting and what was to be expected. Mr. Ottolini stated that it will be a scoping meeting soliciting input and comments. Commissioner Hamman asked if they had to be verbal or written and Mr. Ottolini said he would more than likely do both. Commissioner Hamman asked the Board if they would be okay with him going to the meeting tonight representing the Board. All members were in agreement. County Manager Roger Desjarlais asked how many meetings will there be with the Army Corps of Engineers around the state. Commissioner Hamman had received a copy of a letter with those dates and stated that there are 7 upcoming meetings in the different Counties. Mr. Desjarlais also stated that he intended to send letters to the County Managers in those Counties where there are upcoming meeting. Mr. Desjarlais added that the letters will include copies of the comments by Commissioner Hamman that will be provided at tonight's meeting. In the letter Mr. Desjarlais will encourage those County Manager to do the same.

3. Discuss drafting an Ordinance regulating gas pumps.

Board Discussion: Commissioner Hamman addressed the issue of gas pump skippers. Stating it is an increasing problem in the area. Several other Counties have adopted an Ordinance that requires gas stations to lock their gas panels on their gas pumps, in order for people to not be able to tamper with them. Commissioner Hamman is asking for direction from the Board in order to have Staff draft an Ordinance similar to the other Counties for the Board to consider at a future meeting. Commissioner Mann asked why the Legislature has not adopted this policy. Mr. Salyer stated that he would get with the lobbying team in order to look into the issue. Commissioner Mann also asked if that point could be added to the draft. County Manager Roger Desjarlais deferred to County Attorney Richard Wm. Wesch in order to discuss current Florida Statue on the item. Mr. Wesch stated that passing the Ordinance would create an affirmative duty on a gas pump owner or proprietor to secure their gas pumps which would be enforced at the County level. Addressing Commissioner Mann's question Mr. Wesch stated there is already existing criminal law for the use of a skimmer which is a 3rd degree felony. There was some additional discussion between the Board and Attorney Wesch. The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

COMMISSIONERS APPOINTMENTS

Commissioner Mann moved to reappoint Tyler Woodby to the **LEHIGH ACRES STREETLIGHTING UNIT** and to reappoint Bernard “Butch” McGovern to the **CONSTRUCTION LICENSING ADVISORY COMMITTEE**, seconded by Commissioner Manning, called and carried with Commissioner Kiker absent.

Commissioner Hamman requested in Commissioner Kiker’s absence a motion to reappoint Ronald Blaszczynski to the **OLD PELICAN BAY CHANNEL/CANAL O&M MSBU COMMITTEE**, and to reappoint Walter Marion to the **HARLEM HEIGHTS STREET LIGHTING UNIT**, and to reappoint Oretha Marion to the **HARLEM HEIGHTS STREET LIGHTING UNIT**, and to reappoint Christopher Claussen to the **OLD PELICAN BAY CHANNEL/CANAL O&M MSBU COMMITTEE**, Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

COUNTY MANAGER ITEMS

1. **County Manager Roger Desjarlais suggested sending a letter to Congress expressing support for federal Harmful Algal Bloom legislation.**

Board Discussion: Assistant County Manager Glen Salyer presented the item. Mr. Salyer stated that there were two letters of election presented to the Board. One letter was from Senator Rubio concerning providing for additional research, monitoring and early warning for harmful algal blooms. The other letter was from Congressman Rooney making the Federal Harmful Algal Blooms (FHAB) an actual Federal Disaster and to make resources available under the Stafford Act. Staff is asking for Board approval to send a letter of support from the Board that would be sent to the entire Florida Delegation expressing the Board’s support with these issues. The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

COUNTY ATTORNEY ITEMS

1. **Extension of Algae Blooms and Red Tide/Dead Fish State Of Local Emergency (SOLE) Resolutions.**

County Attorney Richard Wm. Wesch requested Board approval of the 27th extension of the State of Local Emergency (S.O.L.E.) FOR Blue/Green Algae, and the 26th extension of the State of Local Emergency for the Red Tide/ Dead Fish.

Board: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried with Commissioner Kiker absent.

[RESOLUTION No 19-02-01](#) and [RESOLUTION No 19-02-02](#)

2. **Update on the Rambo Collection vs. Lee County Case.**

Board Discussion: Commissioner Hamman asked County Attorney Richard Wm. Wesch to give an update on the Rambo Collections vs. Lee County case. Attorney Wesch stated that The Rambo’s filed a 5 count complaint against Lee County which includes, Declaratory Action, Two (2) Copy Right Infringements, Conversation and a Replevin Action. Lee County moved to dismiss all five (5) counts. Lee County was successful in the fact that the Court dismissed the Conversation and the Replevin Action. Those actions can no longer be asserted against Lee County. This resolves the issue of ownership of the vehicle. The Court gave the Plaintiff seven (7) days to file an Amended Complaint and they have filed said complaint. Attorney Wesch stated that the continued defense of this matter does not foreclose the ability to settle the litigation should the opportunity present itself. Commissioner Hamman said to clarify; there is no question that Lee County has ownership of the car. Mr. Wesch agreed with the statement and said that is correct. Commissioner Mann stated that he had contacted Mr. Rambo and he said they are willing to go to mediation. Attorney Wesch stated if the Plaintiff would move away from their claim to what he believes to be exorbitant attorney’s fees, we could have a meaningful discussion on settlement of the litigation. Mr. Wesch stated that with that demand still on the table the likelihood of success at meditation is zero. There were additional comments made among the Board. Attorney Wesch concluded the discussion stating that he never wants to leave the impression to the Board that no matter how strong the case, that he is never unwilling to communicate or have a meaningful discussion with any Plaintiff that sues Lee County.

PUBLIC PRESENTATION OF MATTERS BY CITIZENS

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

Danny Ballard, North Fort Myers Civic Association [\(Hand-Out\)](#)

COMMISSIONERS’ WORKSHOP UPDATE

County Manager Roger Desjarlais reminded everyone of the Workshop at 1:30 p.m. today. Mr. Desjarlais stated that at the meeting Staff would like to discuss with the Board, the Unincorporated MSTU Fund.

The Chairman adjourned the meeting at 10:20 a.m.

ATTEST:
LINDA DOGGETT, CLERK

By: _____
Deputy Clerk

Vice-Chairman, Lee County Commission