

DECEMBER 17, 2019

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

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

The Chairman called the meeting to order at 9:30 a.m. Commissioner Mann was asked to give the Invocation, followed by the Pledge of Allegiance. Commissioner Hamman asked for a moment of silence for our Co-worker Janet Wilson who passed away.

### CEREMONIAL PRESENTATIONS

1. **Human Trafficking Awareness Month (Commissioner Sandelli)**  
 Commissioner Sandelli read and presented a [Ceremonial Resolution](#) stating that the Board of County Commissioners of Lee County, Florida does hereby proclaim the month of January 2020 as Human Trafficking Awareness and Prevention Month in Lee County. Lauren McCraney, Executive Director, Human Trafficking Awareness Partnerships (HTAP) accepted the Ceremonial Resolution and thanked the Board for their recognition.

### RECAP/ANNOUNCEMENTS

Referring to the [Recap](#) Agenda of December 17, 2019, the Chairman announced that:

- Items to be Deferred:** CO-4 Item to be pulled from the agenda
- Vote:** Commissioner Manning moved approval, seconded by Commissioner Sandelli, called and carried.
- Revisions & Corrections:** C17 – Add to the motion: *Authorize the County Manager or designee to execute any documents necessary for participation in the Sourcewell Contract, upon approval by the County Attorney.*
- Vote:** Commissioner Manning moved approval, seconded by Commissioner Pendergrass, called and carried.

### PUBLIC COMMENT ON AGENDA ITEMS

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

C7 and C8 Larry Gillis

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

### CONSENT AGENDA

#### CLERK OF COURTS

1. **Approve and Record County [Disbursements](#) per Florida Law**  
**Item Summary:** Chapter 136.06(1), Florida Statutes, requires that all County disbursements be recorded in the Minutes of the Board. This is for the check and wire registers viewable on the Clerk’s website.  
**Vote:** Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.
2. **Approve [IRS form 8038-CP](#)-Lee County, Florida Tourist Development Tax Revenue Bonds, Series 2010A**  
**Item Summary:** Request from the Department of Treasury via the IRS the April 1, 2020 interest payment subsidy for the Series 2010A Bonds.  
**Vote:** Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.

#### COMMUNITY DEVELOPMENT

3. **Award the 2019/2020 State Housing Initiatives Partnership [\(SHIP\) Grant Agreement\(s\)](#)**

**Item Summary:** The 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 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 the agreements provides funding totaling \$980,666 to nonprofit housing development organizations for affordable housing projects including new construction, and rehabilitation of rental housing units. The 2019/2020 grants will provide assistance to 15 very low and 25 low income households including 10 households with special needs.

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

### **COUNTY LANDS**

#### **4. Accept Right-of-Way Easement Donation on Homestead Road in Lehigh Acres**

**Item Summary:** Accept a donation of a Perpetual Right-of-Way [Easement](#) as part of a property owner's development condition. The easement area is located at 1160 Homestead Road and will allow public access to an existing sidewalk and traffic control facilities currently outside of the County right-of-way on the corner of Homestead Road and Taylor Lane.

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

#### **5. Amend Agreement with City of Cape Coral for a New Emergency Medical Services Station**

**Item Summary:** Approve an [amendment to the Interlocal Agreement](#) between Lee County and the City of Cape Coral to add a new Emergency Medical Services facility in Cape Coral at 1038 Burnt Store Road North. This expansion will provide enhanced emergency medical services delivery to the growing Burnt Store Road corridor, north to Burnt Store Marina. The additional facility rental is \$20,189.00 per year and brings the total yearly rental cost to \$128,189 for all seven stations (other terms and conditions of the agreement remain unchanged).

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

#### **6. Accept Donations of a Deeded Right-of-Way in Lehigh Acres**

**Item Summary:** Accept a donation of a deeded Right-of-Way as part of a property owner's development condition. The easement area is located at 4622 and 4624 Lee Boulevard and will allow public access on the corner of Lee Boulevard and Irving Avenue.

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

#### **7. Approve Office Leases for Legislative Delegation Members in County Buildings**

**Item Summary:** Provides office space in Lee County owned facilities for [State Senator Lizbeth Benacquisto](#), [State Representative Heather Fitzenhagen](#) and [State Senator Dane Eagle](#).

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

### **COUNTY MANAGER**

#### **8. Make Fund Balance Adjustments and Budget Carryovers for FY19-20**

**Item Summary:** Approve fund balance adjustments and budget carryovers for major maintenance and capital projects, grants and operating funds for FY19-20.

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

[RESOLUTION No. 19-12-06](#)

#### **9. Award Contract for Repairs to the Telegraph Creek Bridge**

**Item Summary:** Award a contract to [Manhattan Road & Bridge Company](#) to provide repairs to the Telegraph Creek Bridge, in an amount not to exceed \$238,394.90. This project is part of the Telegraph Creek Bridge Repair CIP Municipal Service Benefit Unit (MSBU) in Alva, which was created by Resolution 18-11-04.

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

### **FACILITIES CONSTRUCTION AND MANAGEMENT**

#### **10. Approve Contract for Restroom & Plumbing Upgrades at Melvin Morgan Constitutional Complex**

**Item Summary:** Approve an [amendment to the contract](#) with Brooks & Freund to upgrade 20 restrooms in the Melvin Morgan Constitutional Complex to current ADA standards and replace the original plumbing (26 years old) that has suffered extensive corrosion. Establishes the Guaranteed Maximum Price in the amount of \$1,372,874.52. The project was budgeted and construction will commence in February of 2020.

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

#### **11. Approve Contract for Ventilation System Installation at JetBlue Park**

**Item Summary:** Stultz, Inc. will install duct work and an exhaust hood in the existing player lounge at JetBlue Park for a cost of \$247,980.40. The total estimated project cost of \$260,000 includes the

previous purchase of some additional equipment. Funding for this Red Sox requested project will come from the JetBlue Airlines donation account (as opposed to Tourist Development Tax funds). The project was budgeted and construction will commence in January of 2020.

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

## **HUMAN RESOURCES**

### **12. Award Contract for Administration of the Employee Dental Benefits Plan**

**Item Summary:** Award a contract to Aetna Life Insurance Company to provide and administer the employee dental benefits plan, for a three year term. The contract can be renewed for up to two additional one-year terms, upon the agreement of both parties. Total expenditures for services for Fiscal Year 2018-2019 were \$107,636.48. Current rate is \$2.24 per employee per month. January 1, 2020 new rate reduced to \$2.12 per employee per month. Expected Fiscal Year expenditures for 2019 - 2020 are approximately \$111,757. Total employees 4,412. Total members 9,525.

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

## **HUMAN SERVICES**

### **13. Amend HUD Annual Action Plan to Reallocate Funding for CDBG and HOME Projects**

**Item Summary:** Amend Lee County's 2018 and 2019 [Annual Action Plan](#) will ensure timely expenditure of funds and continued compliance with grant funding requirements. Funds being amended will be used to increase capacity and improve capital for non-profit organizations providing services in Lee County. Approximately five non-profit organizations will benefit from the funds being moved through this amendment. Funding breakdown impacted by the reallocation is \$575,857 CDBG funds and \$57,504 HOME funds.

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

### **14. Accept \$4,241,413 in Grant Funds from U.S. Department of Housing and Urban Development**

**Item Summary:** Approval allows receipt of U.S. Department of Housing and Urban Development (HUD) entitlement funds in the fiscal year 2019-2020 budget. These grants are used primarily to provide homeless services, construct community development projects and fund affordable housing assistance as administered by Human and Veteran Services. This funding includes: [\\$3,047,518 - Community Development Block Grant](#); [\\$938,598 - HOME Investment Partnership funds](#), and [\\$255,297 - Emergency Solutions Grant](#).

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

[RESOLUTION No. 19-12-07](#); [RESOLUTION No. 19-12-08](#); [RESOLUTION No. 19-12-09](#); [RESOLUTION No. 19-12-10](#)

## **LIBRARY**

### **15. Approve Expenditures and Annual Spend for Lease of Books, New and Popular**

**Item Summary:** [Baker & Taylor](#) supplies leased books to the Lee County Library System to meet the public's demand for popular titles and subjects. Leasing allows the library system to obtain multiple copies to meet the requests-to-copies ratio and, when demand dies down, return extra copies that are no longer circulating or in demand. The library system is able to keep up to 50% of leased copies for the permanent book collection. These expenditures are included in the Fiscal Year 19-20 budget. Total expenditure for these goods and services for Fiscal Year 2018-19 was \$356,386.80.

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

## **PROCUREMENT MANAGEMENT**

### **16. Approve Amendment for Custodial Services for Lee County Central Zone - Countywide**

**Item Summary:** Approve a contract amendment with American Facility Services, Inc., under the solicitation for Custodial Services for Lee County Central Zone, to include semi-annual and annual cleaning services for the Sheriff Substation East District and the Sheriff's Gun Range on Exhibit A, Scope of Services, and Exhibit B, Fee Schedule. The amendment will increase the contract amount by \$1,270,000 annually. Total expenditures for American Facility Services, Inc. to provide cleaning services for Lee County Central Zone during Fiscal Year 2018-2019 were \$178,462.81. Future expenditures are not anticipated to exceed \$179,732.81 annually.

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

### **17. Approve Piggyback for the Purchase of Office Supplies - Countywide**

**Item Summary:** Approve purchases of office supplies utilizing the cooperative [purchase agreement with Staples](#), Inc. competitively solicited by Sourcewell. The cooperative purchase agreement provides volume pricing discounts, customization options to meet the County's specific needs, and an annual rebate of up to 5%, based on spend. Total expenditures in Fiscal Year 2018-2019 were \$572,332.76. Future expenditures are anticipated not to exceed \$575,000.00 annually. A market analysis was

completed comparing the available procurement options for these items. It was determined that Sourcewell was the best option for Lee County due to the addition of an annual rebate based on total spend.

DURING THE ANNOUNCEMENTS PORTION OF THE AGENDA, the Chairman announced that per the Recap Agenda, Consent Agenda Item C17 would add to the motion: *Authorize the County Manager or designee to execute any documents necessary for participation in the Sourcewell Contract, upon approval by the County Attorney.*

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

#### **18. Approve Price Increase for Custodial Services for Lee County South Zone - Countywide**

**Item Summary:** Approve Consumer Price Index increase of 1.7%, to United States Service Industries, Inc. for the renewal of the contract for Custodial Services for Lee County South Zone through November 30, 2020. The contract provides for annual consumer price index adjustments at the written request of the vendor. Total expenditures for United States Service Industries, Inc. to provide these services last year were approximately \$203,093.51. Future annual expenditures are for a not-to-exceed of \$206,546.13.

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

### **PUBLIC SAFETY**

#### **19. Approve an Interlocal Agreement for Emergency Communications with First Responders**

**Item Summary:** §365.179, Florida Statutes, was created on July 1, 2019, and requires that all agencies within a county agree to an [Interlocal Agreement](#) regarding emergency communications and call handling between 911 Public Safety Answering Points (PSAPs). The Charlotte County Sheriff's Office worked with Lee County and other stakeholders to develop the agreement, which will be presented to every first responder agency that responds within Charlotte County for execution. Lee County handles fire and EMS communications and EMS response on Boca Grande, including portions of Charlotte County. This is similar to the action taken with Lee County agencies on November 5, 2019.

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

#### **20. Accept \$143,439 in Grant Funds from the Florida Division of Emergency Management**

**Item Summary:** Approval will provide \$143,439 in [grant funding](#) to support Florida Urban Search and Rescue Task Force 6, and allow needed equipment and training to be obtained for the Urban Search and Rescue Team through the grant's expiration date of March 31, 2021. All equipment and training is procured by the County and donated to Florida Urban Search and Rescue Task Force 6. This grant agreement is subject to the availability of funds contingent upon an annual appropriation by the State, therefore it was not included in the FY19/20 budget.

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

[RESOLUTION No. 19-12-11](#)

### **TRANSIT**

#### **21. Approve Application for USC 5311 Formula Grant for Rural Areas Operating Funds**

**Item Summary:** Authorize Lee County to apply for \$521,059 in operating funds under the United States Code Section (USC) 5311 Formula Grant for Rural Areas. Currently, route 150 (Bonita Grande to Lovers Key), route 160 (Pine Island to Cape Coral) and route 50 (SW FL Airport to Summerlin Square) provide transit services in the rural areas of the County. The grant program requires a local match of the equal amount of \$521,059 which will be programmed in the FY 2020/2021 Transit operating budget. The term of this agreement will be for the fiscal year 2020/2021.

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

[RESOLUTION No. 19-12-12](#)

#### **22. Approve Agreement with FDOT for funding LeeTran's Trolley Circulator.**

**Item Summary:** Approve a Public Transportation [Grant Agreement](#) (PTGA) and authorizes a resolution with the Florida Department of Transportation (FDOT) for funding the eligible operating costs of LeeTran's Trolley Circulator in the amount of \$1,212,725 which requires a local match of the equal amount; and, allowing for acceptance of future funding and execution of necessary documents to accept the award.

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

[RESOLUTION No. 19-12-13](#)

#### **23. Approve Agreement & Authorize Resolution with FDOT to Fund LeeTran's Seasonal Tram Service**

**Item Summary:** Approve a Public Transportation [Grant Agreement](#) (PTGA) and authorizes a resolution with the Florida Department of Transportation (FDOT) for funding the eligible costs of LeeTran's seasonal Fort Myers Beach Tram service in the amount of \$998,573 which requires a local match of the equal amount; and, allowing for acceptance of future funding and execution of necessary documents to accept the award.



**Vote:** Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.  
[RESOLUTION No. 19-12-14](#)

## **TRANSPORTATION**

### **24. Approve Contract Change Order for Homestead Road Widening**

**Item Summary:** Approve a change order to the contract with Stevens and Layton, Inc. for the Homestead Road Widening project for necessary additional work caused by field changes in storm drainage, additional street lighting, and underground water main and force main adjustments for Florida Governmental Utility Association (FGUA). This change order brings the new contract total to \$14,314,864.96. FGUA will be reimbursing Lee County for \$82,594.64 of the added work. This change order is within the contingency funding approved by the Board when the original contract was approved on February 7, 2017, and after approval of this change order there is \$144,808.65 remaining in approved contingency. Funding for this item is included in the current budget.

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

### **25. Ratify Emergency Purchase of Services for Alva Drawbridge**

**Item Summary:** Ratify the purchase of services required for the emergency repair of the Alva Drawbridge. Work began at the end of May to repair the lock pins on the Alva Bridge, under Section 3.4 Emergency Procurement of Ordinance No. 18-22, in the total amount of \$150,864.67. The lock pins that keep the two deck sections of the Alva Drawbridge together needed immediate repair. Due to the urgency of the situation, the emergency procurement method was used, and the purchase was approved by County Management. Board ratification is required for emergency purchases of \$100,000 or more. Funding for this was included in the budget.

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

## **UTILITIES**

### **26. Approve Amendment for Pinewoods Water Treatment Facility Improvements**

**Item Summary:** Approve an [amendment to the contract](#) with Wright Construction Group, Inc. to authorize Construction Phase Services and establish the Guaranteed Maximum Price to repair damages in the acid storage room at Pinewoods Water Treatment Plant, for an amount of \$125,022. This project will repair damages to concrete, epoxy coatings and piping to ensure safe storage and handling of acid in the Acid Storage Room. The Board of County Commissioners approved the project funding as a part of the FY19 Utilities Capital Improvement Program. The total estimated cost of this project is \$129,022. Construction is anticipated to start in December 2019.

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

### **27. Approve Professional Engineering Services for FMB Reclamation Facility Improvements**

**Item Summary:** Approve a Supplemental Task Authorization (STA) to the contract with Jacobs Engineering Group, Inc. for Miscellaneous Utility Engineering to provide professional engineering services for the design of the Fort Myers Beach Water Reclamation Facility Reject Pump Station and Piping Improvements, for an amount of \$197,314. This project will provide the modifications needed to comply with the plant operating permit, renewed by the Florida Department of Environmental Protection on September 30, 2019. The Board of County Commissioners approved funding for compliance-related projects as part of the FY20 Utilities Capital Improvement Program. Total estimated project cost is \$1,397,314 with construction anticipated to start in late 2020.

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

### **28. Award Contract for Winkler Master Lift Station Design**

**Item Summary:** Award a [contract to Tetra Tech, Inc.](#), to provide the design of a new Master Lift Station on the west side of Winkler Road between Gladiolus Drive and Summerlin Road, with appropriately sized wet well, piping, generator, odor control, pumps and controls, for an amount of \$345,103. Construction of a new Master Lift Station would alleviate the mounting pressures in the collection system in the area created by the addition of service connections. The Board of County Commissioners approved the project funding as part of the FY20 Utilities Capital Improvement Program. The total estimated cost of this project is \$2,565,000. Construction is anticipated to start in 2022.

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

### **29. Approve Design for Decommissioned Plant and Equipment Demolitions**

**Item Summary:** Approve a Supplemental Task Authorization to the contract with GHD Services, Inc. providing for design and limited construction engineering and inspection services for decommissioned plant and equipment demolitions at the Waterway Estates Water Treatment Plant, Fort Myers Beach Wastewater Treatment Plant, and San Carlos Wastewater Treatment Plant, in an amount of \$198,050. This project is needed because the Waterway Estates Water Treatment Plant and San Carlos Wastewater Treatment Plant, and selected equipment at Fort Myers Beach Wastewater Treatment Plant are no longer

in use and have been decommissioned. The Board of County Commissioners approved the project funding as part of the FY20 Utilities Capital Improvement Program. The total estimated cost of this project is \$1,500,000. Construction is anticipated to start in Fiscal Year 2021.

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

### **VISITOR AND CONVENTION BUREAU**

#### **30. Approve Interlocal Agreements with Beach and Shoreline Funding Recipients**

**Item Summary:** Finalize Interlocal Agreements for FY2019-2020 between Lee County and the [Barrier Island Parks Society](#), [Captiva Erosion Prevention District](#), [City of Cape Coral](#), [City of Fort Myers](#), [Town of Fort Myers Beach](#) and [City of Sanibel](#) for thirteen (13) separate Lee County Beach & Shoreline Projects receiving Tourist Development Tax funding in the total amount of \$4,275,295.25.

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

## **ADMINISTRATIVE AGENDA**

### **ENVIRONMENTAL ITEMS**

#### **1. Consider Acquisition and Rejection of Various Conservation 20/20 Nominations**

**Item Summary:** Authorize staff to pursue acquisition of parcels recommended by the Conservation 20/20 Land Acquisition and Stewardship Advisory Committee (CLASAC): Nominations 80-2, 598, and 599. Accept CLASAC's unanimous recommendation to reject Nomination 596 (one-acre parcel). Acknowledge negotiation impasse for Nominations 068-3, 572, 580, and 591 and withdraw these parcels from further acquisition consideration at this time.

**Board Discussion:** County Lands Director Robert Clemens presented the item. The Chairman called for public comment and there were no speakers.

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

### **COUNTY LANDS**

#### **2. Approve [Purchase](#) of Parcel 531 for Three Oaks Parkway North Extension Project**

**Item Summary:** Acquire a ±44,214 square foot vacant strip of land (Parcel 531) from a larger parcel, located at 13401 Palomino Lane in Fort Myers, for \$310,000. The acquisition of this tract will provide land to construct intersection improvements for Three Oaks Parkway and Daniels Parkway.

**Board Discussion:** County Manager Roger Desjarlais presented the item. The Chairman called for public comment and there were no speakers.

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

#### **3. Approve [Agreement](#) to Purchase Land for Littleton-Kismet Realignment**

**Item Summary:** Acquire +/- 21,411 square feet of land in fee simple for the Littleton Road-Kismet Parkway Realignment (Project No. 200611) at a cost of \$108,233 plus an estimated \$135,000 for fees and costs (to include utility pole relocation). This parcel is located at 9981 Littleton Road in North Fort Myers.

**Board Discussion:** County Manager Roger Desjarlais presented the item. The Chairman called for public comment and there were no speakers.

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

### **COUNTY MANAGER**

#### **4. Approve Budget Amendment Resolution to Establish Water and Sewer Bonds Series 2019**

**Item Summary:** Approve Budget Amendment Resolutions and [Transfer of Funds](#) to establish the accounts necessary to receive the bond proceeds of \$104,835,000 for the Water and Sewer Revenue Bond Refunding Series 2019 (Taxable). The bonds were sold December 3, 2019 to refinance a portion of the Water and Sewer Bonds Series 2011, 2012A, 2012B, 2013A. The County refinanced outstanding bonds of \$94,670,000 for an aggregate net present value savings of \$9.7 million or 10.26%. The existing maturities were not extended.

**Board Discussion:** Assistant County Manager/Chief Financial Officer Pete Winton presented the item. Commissioner Hamman asked a question that Mr. Winton addressed. The Chairman called for public comment and there were no speakers.

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

[RESOLUTION No. 19-12-15](#); [RESOLUTION No. 19-12-16](#); [RESOLUTION No. 19-12-17](#); [RESOLUTION No. 19-12-18](#); [RESOLUTION No. 19-12-19](#)

### **TRANSPORTATION**

#### **5. Award Contract for Lehigh Acres Local Road Resurfacing 2020-A**

**Item Summary:** Award a contract to [Pavement Maintenance, LLC](#) to provide roadway improvements, including, but not limited to, resurfacing, excavation, installing drainage culvert pipes, sodding, and striping for local roads at various locations throughout Lehigh Acres in Lee County, in the total low bid amount of \$2,303,880. This is the first Lehigh Acres resurfacing contract of Fiscal Year 2020. The Board approved funding for resurfacing in Lehigh Acres at \$5 million/ year. Funding for this item is available in the current fiscal year budget.

**Board Discussion:** County Manager Roger Desjarlais presented the item. The Chairman called for public comment and there were no speakers.

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

## **UTILITIES**

### **6. Approve Refunds for Overcharges to Customer Service Monthly Utility Bills**

**Item Summary:** Authorize refunds to correct Lee County Utility service overcharges. The accounts affected by overcharges are Oakwood at Grande Oak (Oakwood) for a total amount of \$352,330.56, Avalon at Grande Oak (Avalon) for a total amount of \$166,993.89 and seven multi-family accounts for a total amount of \$30,000.00. The Oakwood and Avalon overcharges were identified during routine account reviews. The Oakwood account was established in 2002 and the Avalon account was established in 2001 by Gulf Environmental Services (GES). Both accounts have been over charged since they were established approximately 18 years ago. These Accounts were acquired by the Utilities from GES when the County acquired the utility in 2003. Per the Utilities Customer Services Operations Manual, reimbursements for four years from the date of discovery is required for identified service overcharges. A partial reimbursement to Oakwood and Avalon was made in October 2018 per County Policy and Florida Statutes. This item authorizes full reimbursement of the Accounts and will ratify the original partial reimbursements. Staff initiated a third party review of Multi-family accounts acquired by GES in 2003. The results of the review identified seven additional accounts that are over-billed and three accounts that are under-billed. This item also requests authorization to reimburse the seven over-billed Multi-family accounts beyond the four year period to the date of account establishment for consistency. The estimated net impact is a reimbursement in the amount of \$30,000.00. Expanded billing code descriptions on future invoices will increase transparency for the customers and reduce occurrences of inaccurate billing.

**Board Discussion:** Assistant County Manager Christine Brady presented the item. The Chairman called for public comment and there were no speakers.

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

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

### **1. 1st Public Hearing: Ordinance Amending LDC Chapters 6, 10 and 34**

**Item Summary:** First public hearing for amendments needed to comply with changes to Florida Statutes regarding the placing and maintaining of small wireless facilities within county Rights of Way; the time for the county to review development order applications, and for the applicant to respond to a deficiency; and the county's regulation of community gardens.

**County Attorney:** Assistant County Attorney Amanda Swindle asked the Board to hold a second public hearing regarding amendments to the land development code that are necessary to bring the code into compliance with recent changes to the Florida Statutes that were passed during the 2019 Legislative Session. The second public hearing will be held on January 21, 2020 at 5:05 p.m.

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

**Vote:** Commissioner Manning moved approval of the second hearing to be held on January 21, 2020 at 5:05 p.m., seconded by Commissioner Mann, called and carried.

### **2. Approve Petition to Vacate at 12761 & 12781 Penny Lane, Fort Myers, FL**

**Item Summary:** Extinguish the public interest in the unimproved Tract D (formerly part of Honeysuckle Road) along the rear of 12761 & 12781 Penny Lane as well as a portion of a platted 35 foot easement for public access and construction and operation & maintenance of sidewalks, drainage and public utilities, and a portion of a 25-foot drainage and public utility easement at 12781 Penny Lane. This action will remove encumbrances to allow approval of after-the-fact permitting of a shed and sports/recreation area. There were no objections from the public utility providers or governmental agencies. All affected property owners have been notified as required by administrative code.

**County Attorney:** Senior Assistant County Attorney John Fredyma entered the [Proof of Publication and the Affidavit of Posting](#) per the regulations of the State into the record. The County Attorney's office is asking the Board to continue the public hearing to January 21, 2020 at 9:30 a.m. in order to allow Staff to look into some concerns that have been raised by some of the residents in the neighborhood.

**Public Comments:** The Chairman called for public comment and there was one (1) speaker:

Colleen Yuergens, Resident of Honeysuckle Road (no card)

**Vote:** Commissioner Manning moved approval of continuing the public hearing to January 21, 2020 at 9:30 a.m., seconded by Commissioner Pendergrass, called and carried.

## **CARRY-OVER AGENDA**

### **CO1. Approve Supplemental Task Authorization for Brooks Park Improvements**

**Item Summary:** Approve a Supplemental Task Authorization (STA) to the contract with Kimley-Horn and Associates for Miscellaneous Professional Services in the amount of \$116,200. Kimley-Horn will provide design and engineering services for parking improvements, a new restroom facility and a shade structure for the tennis and pickle ball courts at Brooks Park. The total project was budgeted for \$1,022,000 and will be funded through Community Park Impact Fees.

**Board Discussion:** Parks and Recreation Director Jesse Lavender presented the item.

Commissioner Hamman had a question that Mr. Lavender addressed. The Chairman called for public comment and there were no speakers.

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

### **CO2. Approve Contract Change Order for JetBlue Stadium Repairs**

**Item Summary:** Approve a change order to the contract with HighSpans Engineering for Structural Engineering Services that: increases the contract time by 240 days (for a total of 600 days); provides additional engineering design for structural reinforcement of cracking and delaminating concrete walls, concrete repairs along public walkways, repairs to concrete where aluminum handrails are embedded, and areas where minor spalling has created corrosion issues; includes construction observation services; and increases compensation in the amount of \$130,752 for the added services (for a total of \$170,635). This project is estimated to cost \$1,670,000 and will be funded by Tourist Development Taxes.

**Board Discussion:** Parks and Recreation Director Jesse Lavender presented the item. There was a short Board discussion with Mr. Lavender addressing all the Boards questions and concerns. The Chairman called for public comment and there were no speakers.

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

### **CO3. Approve Supplemental Task Authorization for JY Linear Park Trailhead**

**Item Summary:** Approve a Supplemental Task Authorization (STA) to the contract with David Douglas and Associates for Miscellaneous Professional Services in the amount of \$145,035. The firm will provide engineering, design, permitting and post design services for the proposed trailhead at JY Linear Park that will provide restrooms, water fountains, parking, a bike repair station and picnic pavilions. This total project was budgeted for \$1,150,000 and is funded by Regional Park Impact Fees.

**Board Discussion:** Parks and Recreation Director Jesse Lavender presented the item. The Chairman called for public comment and there were no speakers.

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

### **~~CO4. Approve Price Increase and Renewal for the Purchase and Delivery of Bottled Water-Countywide~~**

**Item Summary:** ~~Approve a price increase for the renewal of the annual contract for purchase and delivery of bottled water to DS Water Services of America, Inc. through January 8, 2021. The contract provides for price adjustments at the written request of the vendor. DS Water Services of America, Inc. requested an increase in price for the 5-gallon purified water from \$3.50 to \$3.75, the 16.9oz purified and spring water cases from \$4.99 to \$5.49, and the 7oz. cups from \$2.99 to \$3.29. Total expenditures for DS Water Services of America, Inc. to provide these goods and services during Fiscal Year 2018-2019 were \$76,597.62. Future expenditures are not anticipated to exceed \$78,000 annually. The increase in the estimated annual expenditures provides for the increased prices for the select items Countywide. This was a formal bid, DS Services was the low submittal and the prices include delivery.~~

DURING THE ANNOUNCEMENTS PORTION OF THE AGENDA, the Chairman announced that per the Recap Agenda, Consent Agenda Item CO4 would be pulled from the agenda.

## **COMMISSIONERS ITEMS**

*Commissioner Hamman:*

### **1. Letter of Support on behalf of Intrepid Aerospace's Maintenance, Repair and Overhaul Facility**



Commissioner Hamman asked the Board for approval to sign and send a [letter](#) of support on behalf of Intrepid Aerospace's Maintenance, Repair and Overhaul Facility. All Board members were in agreement for the Chair to sign and send the letter.

## **2. Letter of Support for Lee MPO's Sun Trail Request for Funding**

Commissioner Hamman asked the Board for approval to sign and send a [letter](#) of support for Lee MPO's Sun Trail request for funding. All Board members were in agreement for the Chair to sign and send the letter.

## **COMMISSIONERS APPOINTMENTS**

### **Commissioner Mann moved approval for:**

- Reappointment of Suzy Valentine to the Partnering for Results Proposal Review Panel.
- New Appointment of Sean Hassett to the Waterways Advisory Committee.
- Reappointment of Rae Ann Wessel to the Historic Preservation Committee.
- Reappointment of Joe Rider to the Board of Adjustments and Appeals.
- Reappointment of James M. Ink to the Local Planning Agency.
- Reappointment of Alex Swails to the Russell Park Streetlighting Unit.

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

### **Commissioner Manning moved approval for:**

- Reappointment of Robbie Roepstorff to the Industrial Development Authority Committee.
- Reappointment of John Kusche to the Cherry Estates O&M Committee.
- Reappointment of Kevin Beichler to the Cherry Estates O&M Committee.
- Reappointment of Gerard Fowler to the Cherry Estates O&M Committee.
- Reappointment of Richard Durling to the Board of Adjustments and Appeals.
- Reappointment of Bernard McGovern to the Board of Adjustments and Appeals.

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

### **Commissioner Hamman:**

Requested a motion to:

- Reappointment of John Manning to the Value Adjustment Board.
- New Appointment of Frank Mann to the Value Adjustment Board.
- Reappointment of Scott Carter to the Board of Adjustments and Appeals.
- Reappointment of Richard Losee to the Board of Adjustments and Appeals.
- Reappointment of Wayne Kirkwood to the Board of Adjustments and Appeals.
- Reappointment of Donald Mayne to the Bicycle/Pedestrian Advisory Committee.

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

### **Commissioner Pendergrass moved approval for:**

- New Appointment of Fitzroy Alexander to the Whiskey Creek Club Estates MSTBU.
- New Appointment of Richard Parfitt to the Disaster Advisory Council.
- Reappointment of David Wheaton to the Bicycle/Pedestrian Advisory Committee.
- Reappointment of Theodore Connor to the Bicycle/Pedestrian Advisory Committee.
- Reappointment of Ray Blacksmith to the Local Planning Agency.
- Reappointment of Barbara Winkler to the Partnering for Results Proposal Review Panel.
- Reappointment of Ron Inge to the CLASAC Committee.
- Reappointment of Lana Vail to the Fort Myers Villas Streetlighting Unit.

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

### **Commissioner Sandelli moved approval for:**

- Reappointment of Stan Stouder to the Local Planning Agency.
- Reappointment of Henry Zuba to the Local Planning Agency.
- Reappointment of Steven Mortonson to the Northeast Hurricane Bay MSTU.
- Reappointment of Randy Woods to the Northeast Hurricane Bay MSTU.
- Reappointment of Dennis Krsnak to the Northeast Hurricane Bay MSTU.
- Reappointment of James "Matt" Bryant to the Northeast Hurricane Bay MSTU.
- Reappointment of David Brower to the Northeast Hurricane Bay MSTU.
- Reappointment of Andrew Shanahan to the Palmetto Point Special Improvement District.
- Reappointment of Carl Barraco, Sr. to the Conservation Land Acquisition & Stewardship.
- Reappointment of Sawyer Smith to the Conservation Land Acquisition & Stewardship.

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

**COUNTY ATTORNEY ITEMS**

County Attorney Richard Wm. Wesch stated that he had no further business to discuss. Mr. Wesch then stated that on behalf of the County Attorney’s office, he wanted to wish everyone a Merry Christmas and a Happy Hanukah.

**COUNTY MANAGER ITEMS**

County Manager Roger Desjarlais had no further business to discuss.

**PUBLIC PRESENTATION OF MATTERS BY CITIZENS**

The Chairman called for presentation of matters by citizens and no citizens came forward.

The Chairman adjourned the meeting at 10:21 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

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

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