

Lee County Board Of County Commissioners

Agenda Item Summary

Blue Sheet No. 20041667

1. REQUESTED MOTION: To establish 9 landscape projects funded by communications tax and amend FY 04/05-08/09 CIP accordingly. Also, approve budget transfer and budget resolution in the amount of \$9,000,000.

WHY ACTION IS NECESSARY: Requires BOCC approval for all amendments to CIP.

WHAT ACTION ACCOMPLISHES: Allows Lee County to proceed with landscaping projects on US 41 throughout Lee County.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

C9A

3. MEETING DATE:

01-04-2005

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Transportation
- C. DIVISION

BY: Scott M. Gilbertson

7. BACKGROUND:

Utilization of the excess communications taxes collected from FY 01-03 for the landscaping of US 41 was originally discussed at the August 19, 2003 Board meeting. It was later recommended by County Administration on a memorandum dated August 25, 2003. This was followed up on February 12, 2004 by a memorandum from the Director of the Department of Transportation to the board to update where DOT was with installing landscaping on US 41 throughout the County. At this time DOT respectfully requests that the \$9,000,000 excess communication tax funds be utilized to establish the following US 41 landscape projects:

CONTINUED ON PAGE 2

8. MANAGEMENT RECOMMENDATIONS: Approve the agreement.

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
<i>[Signature]</i> 12-10-04	NA	NA		<i>[Signature]</i>	OA <i>[Signature]</i> 12/14/04	OM <i>[Signature]</i> 12/15/04	Risk <i>[Signature]</i> 12/14/04	GC <i>[Signature]</i> 12/15/04
								<i>[Signature]</i> 12-10-04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *12/13/04*
Time: *11:25*
Forwarded To:
Admin
12/13/04

VERIFIED BY
COUNTY ADMIN:
[Signature]
12-14-04
1:00
COUNTY ADMIN
FORWARDED TO:
[Signature]
12/16/04
4:30

BLUE SHEET #20041667

7. BACKGROUND (Continued):

- 205043 LANDSCAPE-CHARLOTTE COUNTY TO RUNWAY ST - \$1,185,586
- 205044 LANDSCAPE-RUNWAY ST TO LITTLETON RD - \$1,115,360
- 205045 LANDSCAPE-LITTLETON RD TO HANCOCK BRIDGE - \$1,280,598
- 205046 LANDSCAPE-FT MYERS (S CITY LIMITS) TO COLLEGE - \$1,053,395
- 205047 LANDSCAPE-COLLEGE PKWY TO JAMAICA BAY - \$1,016,217
- 205048 LANDSCAPE-JAMAICA BAY TO ALICO RD - \$1,016,217
- 205049 LANDSCAPE-ALICO RD TO SAN CARLOS BLVD - \$1,032,740
- 205050 LANDSCAPE-SAN CARLOS BLVD TO CORKSCREW RD - \$532,741
- 205051 LANDSCAPE-CORKSCREW RD TO OLD 41 - \$767,146

At this time we will establish the budget for these projects by the transfer of \$9,000,000 from fund 155 Unincorporated MSTU into fund 30100 Capital Improvement.

The Communications Tax was deposited in Fund 15500.

JKW

RESOLUTION

Amending the Budget of Capital Improvements-Fund 30100 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2004-2005.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Capital Improvements-Fund 30100 budget for \$9,000,000 of the unanticipated revenue from Unincorporated MSTU Fund and an appropriation of a like amount for construction costs and;

WHEREAS, the Capital Improvements-Fund 30100 budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES

Prior Total:		\$88,600,407
Additions		
GC5890130100.381000.915500	Transfer from 15500	9,000,000

Amended Total Estimated Revenues \$97,600,407

APPROPRIATIONS

Prior Total:		\$88,600,407
Additions		
20504330100.503490	Other Contracted Services	1,185,586
20504430100.503490	Other Contracted Services	1,115,360
20504530100.503490	Other Contracted Services	1,280,598
20504630100.503490	Other Contracted Services	1,053,395
20504730100.503490	Other Contracted Services	1,016,217
20504830100.503490	Other Contracted Services	1,016,217
20504930100.503490	Other Contracted Services	1,032,740
20505030100.503490	Other Contracted Services	532,741
20505130100.503490	Other Contracted Services	767,146

Amended Total Appropriations \$97,600,407

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Capital Improvements-Fund 30100 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2004.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

DOC TYPE YA
LEDGER TYPE BA

OFFICE OF COUNTY ATTORNEY

Road Segments for Budgeting and Project Numbers
11-10-04

	Segment	Length (approx.)	Design Speed	Cross Section	Status	Project Number	Preliminary Cost Est.
1.	Charlotte County to Runway St.	15,200 l.f. 2.87 mi.	50 mph or greater ?	Rural	Available		\$1,185,586.00
2.	Runway St. to Littleton Rd.	14,300 l.f. 2.7 mi.	50 mph or greater ?	Rural	Available		\$1,115,359.70
3.	Littleton Rd. to River, less 1,650 l.f. between Pine Island Rd. and Hancock Bridge Pkwy. that are paved median	16,350 l.f. 3.1 mi.	50 mph or greater ?	Rural to Hancock. Suburban Hancock to river.	Available		\$1,280,598.20
4.	Ft. Myers southern city limits to College Pkwy.	13,500 l.f. 2.55 mi.	45 mph	Suburban	Paved		\$1,053,395.30
5.	College Pkwy. to Jamaica Bay	13,000 l.f. 2.46 mi.	45 mph	Suburban	Available		\$1,016,216.90
6.	Jamaica Bay to Alico Rd.	13,000 l.f. 2.46 mi.	45 mph	Suburban	Available		\$1,016,216.90
7.	Alico Rd. to San Carlos Blvd.	13,200 l.f. 2.5 mi.	50 mph	Suburban	Available		\$1,032,740.50
8.	San Carlos Blvd. to Corkscrew Rd.	13,200 l.f. 2.5 mi.	50 mph, except 45 mph from Broadway to Corkscrew	Suburban	FDOT Design, anticipate 200K/mi. = 500K		FDOT = Five hundred thousand. LCDOT = \$532,740.50
9.	Corkscrew Rd. to Old 41	19,000 l.f. 3.6 mi.	50 mph	Suburban	LCDOT Design, anticipate 200K/mi. = 720K	5024	FDOT = seven hundred twenty thousand. LCDOT = \$767,146.00
	Total	24.74 mi.					LCDOT \$9,000,000.00

FDOT funding: 200K/mi. = \$1,220,000. + \$9,000,000 LC = \$10,220,000/24.74mi. = 413,096.20/mi.
\$300K/mi. = 17,560 l.f./\$1million

MEMORANDUM
FROM
OFFICE OF THE COUNTY MANAGER

Date: August 25, 2003

To: Board of County Commissioners
Districts 1, 2, 3, 4 and 5

From: Donald D. Stilwell
County Manager

RE: Communications Services Tax Recommendation

Per the Board's direction, below is further analysis of the options for lowering the Communications Services Tax:

RECOMMENDATION:

LOWER THE RATE BY 25 PERCENT FROM 5.22 to 4.42. NEXT YEAR, IF THERE IS A CONTINUED INCREASE IN ASSESSED VALUATION FOR FY04-05, LOWER THE UNINCORPORATED MSTU TAX. USE THE CURRENT ACCRUED EXCESS FUNDS FOR IDENTIFIED COUNTYWIDE LANDSCAPING NEEDS.

Analysis:

Should the Board decide to lower the present Communications Services Tax rate by 25% from 5.22 to 4.42, an additional \$3.5 million would be collected above the revenue-neutral rate of 2.00. Lowering further to 50% (3.61), an additional \$2.3 million would be collected.

County Administration recommends that the Board adopt a lower rate this year and adjust the '04-05 Unincorporated MSTU millage by the corresponding amount to maintain revenue neutrality between these two funds.

The rationale is broaden the tax base by shifting more of the tax burden from property owners (Unincorporated MSTU) to more diverse and widely spread revenue sources (users of communications services).

The county has identified uses for the excess funds collected to date (FY '01-03), including:

- Landscaping, and its continuing maintenance, of U.S. 41 north of the Caloosahatchee River to Del Prado Boulevard Ext. (\$3 million).
- Landscaping, and its continuing maintenance, of U.S. 41 south of the Fort Myers city limits to the Bonita Springs city limits (\$8 million).

The Roadway Landscape Advisory Committee has continued to identify U.S. 41 and specifically these projects as the highest profile in need of landscaping. Addressing these areas would make a tremendous impact, especially in enhancing our community's character. Other projects will be identified for any funds available after continuing maintenance of these projects.



LEE COUNTY
SOUTHWEST FLORIDA

DVC	_____
BLF	_____
CWS	_____
JLC	_____

DEPARTMENT OF
TRANSPORTATION

RECEIVED

FEB 17 2004

DOT Operations

Memo

To: Board of County Commissioners

From: Scott M. Gilbertson 

Date: February 12, 2004

Subject: Landscaping on US 41

At the November 25, 2003 BOCC meeting, you asked for an update as to where we, DOT, are with installing landscaping on US 41 through the County. Attached is a memo that details some of our past attempts at partnering projects on US 41 (not successful), some of the constraints and problems that we have encountered to date, and our current plan to move forward from here. We are currently working on the design for several projects as outlined in the attachment. We have also included information as to how we anticipate funding the projects as discussed at the last budget workshops.

If there are any questions or we can provide additional information, please advise.

PWW/mlb

cc: Don Stilwell (w/attachment)
Holly Schwartz (w/attachment)
Jim Lavender (w/attachment)
Paul W. Wingard (w/attachment)
Amy Davies (w/attachment)
Operations (w/attachment)

Landscaping US 41 – *LeeScape*, Partnering, Design, Constraints, and Grants

This document was prepared at the request of the Commissioners based on questions raised at the November 25, 2003 BoCC meeting. The following is an update as to the current status of DOT's installation of landscaping on US 41. The areas to be considered for landscaping are:

- from north of the river to the County line
- and from the Fort Myers City limits to the Bonita Springs City limits.

This includes a brief summary of the *LeeScape* prioritizing criteria, past efforts at partnering in an attempt to accelerate the installation of landscaping, our current project status, design constraints and funding issues. Currently we propose to fund the projects utilizing funds, as direct by the BoCC during the 2003 budget hearings as a one time budget supplement of \$9,000,000, that will come from additional revenues generated from the communication tax. A brief summary is included at the end of the document.

***LeeScape*:** On October 27, 1998, the BoCC approved *LeeScape*, the Lee County Roadway Landscape Master Plan. By implementing this master plan, the County had begun a landscaping program that would provide core level (trees only) landscaping on major roadways within the County. In following the *LeeScape* guidelines, the County began landscaping its own roadways to allow staff and the Roadway Landscape Advisory Committee (RLAC) an opportunity to gain experience in working with the master plan, and to develop a feel for the dynamics involved in landscaping roadway corridors.

The master plan prioritized the roadways into three groups. Roadways listed under priority one are all County maintained roadways. Priority two roadways are approximately 30% County, and 70% State maintained roads. All remaining major roadways are included in the priority three roadways. During the process of developing a system to determine what order the roadways should be landscaped, the Roadway Landscape Advisory Committee (RLAC) and staff, developed prioritization criteria. This criterion is used annually to determine which roadways will receive funding for landscaping from the annual budget allotment (\$500K).

In using this prioritization criteria and ranking system, coupled with the planning strategies outlined in the master plan, landscaping on U.S. 41 was a lower priority than some major County roadways. This decision was sound, since at the time the master plan was prepared, all sections of U.S. 41 south of the Ft. Myers city limits that were feasible for landscaping, were either under construction or scheduled for construction.

Partnering: In the ranking system developed by the RLAC and staff, partnering became a viable option in the criteria for a group to pursue if they were interested in moving a low priority roadway up on the project list for consideration. An example of this success would be the project along McGregor Boulevard between Griffin Boulevard and Iona Road, where we partnered with WCI.

During construction of the recent U.S. 41 widening project between Daniels Parkway and Alico Road, some local groups expressed an interest in pursuing landscaping projects along the corridor near their business or residence. The first group included representatives from Bell Tower shopping center, Robb & Stuckey furniture, and Edison Bank. These individuals met with staff and representatives from the RLAC a few times to discuss a potential project. The result of these meetings was basically verbal support from the group for landscaping in the vicinity of their interests, but no financial commitment.

During this time period and shortly after construction was finished on the segment of U.S. 41 between Daniels and Alico, another group of citizens expressed an interest in landscaping further to the south near Island Park Road. Initially, this began with a representative of the Ethan Allen furniture store and members of The Forest Property Owners' Association. After several meetings with this group, various staff members, and RLAC representatives over a three-year period of time, the group became known as the South Lee Greenway. The group tried unsuccessfully to establish a taxing district that would finance the expenses associated with an enhanced (shrubs, groundcovers & improved turfgrass) level of landscaping. The group prepared a video of enhanced landscaping, which illustrated how landscaping would truly benefit the appearance of the roadway corridor. The group met with business owners and showed them the video while explaining the project. In addition

to working with DOT staff and the RLAC, the group worked with our MSTU/MSTBU office, and Keep Lee County Beautiful. The South Lee Greenway put together the enclosed letter and brochure, which was mailed to property and business owners along U.S. 41 between Briarcliff and Ten Mile Canal, and in an effort to further promote the project, a breakfast meeting was hosted by the Forest Property Owners' Association. The meeting was well attended. Most attendees were supportive of the proposed landscape improvements, however they did not support taxing their property (parcels adjacent to 41) for a project that would benefit the community in general, and other property owners with no frontage that were not contributing.

In 2002, the North Ft. Myers Civic Association and North Fort Myers Chamber of Commerce expressed an interest in partnering. A few RLAC members worked with them and they decided to focus on the medians between Hancock Bridge Parkway and the Caloosahatchee River. The limiting factors on this section included plans for future construction, and the medians being both urban (raised) and rural (swaled). The resulting proposal was to plant wildflowers. Florida Department of Transportation (FDOT) was contacted for assistance. The project was terminated because the local FDOT office was not interested in providing assistance and maintenance on the project as suggested by their district office.

Design: The following three landscape design contracts are currently underway:

1. Business 41 between Pine Island Road and Littleton Road. This project will be installed after the road widening project is completed in late 2004 or 2005.
2. U.S. 41 between Corkscrew Road and Old 41. This section of roadway is currently under construction, and will be landscaped after construction is completed in the fall of 2004.
3. U.S. 41 from College Parkway to San Carlos Boulevard. This section was recently widened and is ready for landscaping.

This leaves the section of U.S. 41 from Corkscrew Road to San Carlos Boulevard, which is currently in the planning and design process for road widening, as the only segment not being designed for landscaping south of the Caloosahatchee River. The exceptions to this are two small medians, one by Page Field, and the other by Sunrise Boulevard. The section of U.S. 41, south of Old 41 to the Collier County line, is in the City of Bonita Springs and will be their responsibility. We are working with City staff in an effort to provide a smooth transition between their landscape theme and ours.

Design Constraints: Items termed as a constraint, are items that typically do not affect a landscaping project on a County maintained roadway, but do so on U.S. 41 and other FDOT roadways.

Each of the three projects mentioned in the design section are impacted by one or more constraints. These constraints may cause the landscape design and plant material to be less appealing than on a comparable County maintained roadway. These constraints include the following items:

1. **Billboard view zones for outdoor advertising signs:** This is an issue on all three projects. FDOT requires us to provide 500' of unobstructed visibility from each face of a billboard. This distance is measured from the face of the sign to a point 500' before the sign face. On double sided signs, the distance is a 1000'. When the corridor contains several turn lanes, median openings, and billboards as U.S. 41 does, large unplatable spaces are created that cannot be landscaped due to this constraint. In an effort to reduce the impacts of this constraint, staff and members of the RLAC, hope to work with the sign owners to reach an agreement that will allow landscaping in the 500' view zone, by increasing the view zone to a cumulative of 500' over a longer distance of say 1000'. In order for us to achieve planting within this expanded view zone, we will likely end up giving the sign owners the same consideration on County roads, which we have not done in the past.
2. **Clear zone or clear recovery area:** This constraint will impact the segment from Corkscrew Road to Old 41, and the segment from San Carlos Boulevard to Alico Road. Currently, it does not affect the section from Alico Road to Daniels Parkway. However, this may change, since raising the speed limit, is now under consideration by FDOT. The net result of this constraint is that only frangible plant material will be allowed. Frangible plants are mature trees with less than a 4" diameter trunk, measured at 6" above the ground. The result is typically a large mature shrub that has been trained into a small tree. With this constraint, medium and large size trees will not be permitted.
3. **Limits of clear sight:** This constraint will impact all FDOT projects. The limits of clear sight is an area at an intersection or turn lane that has restrictions on trees and other plant material in order to provide

visibility of motorists and pedestrians. The items of concern include the distance between trees (tree spacing 40' apart for trees <11" in diameter, tree spacing 146' apart for trees >11" and ≤18" in diameter). Another issue is the turn lanes and turn lane taper areas located within the limits of clear sight. This area is further restricted to groundcovers only. We intend to request a variance where it is deemed appropriate on each project.

4. **Rural cross-sections:** This issue involves planting trees in the medians of roadways with swaled or depressed medians. This has already occurred on Bayshore Road and Pine Island Road. The concern here is that most trees will not survive the transition from the swaled median to a raised median with curbs. This is due to the backfill soil smothering the roots and restricting the available oxygen in the soil to those roots. This situation exists in most medians of U.S. 41 north of the Caloosahatchee River. The preferred conservative solution to this condition would be to concentrate our efforts elsewhere, and not plant these areas until construction is completed at some point in the future. If we do plant the medians soon, the plant choices should be limited to the very few plants tolerate of the grade change. Or plan on a short-term landscape, that is partially destroyed and the remainder transplanted at a later date when construction takes does take place.

Grants/Funding: When the BoCC appropriated two million dollars for intensified landscaping, the RLAC and staff proposed to allocate a portion of that money for landscape design on U.S. 41, at a minimum to complete the planning and design. The design contract discussed above, between College Parkway and San Carlos Boulevard is the result of this planning effort. At the time, it was suggested to install small segments of this project with beautification grants and County funds. Since that time, the additional one time funding of \$9,000,000 was appropriated from the communications tax for landscaping this corridor.

Other Issues: The east and west roadsides along the corridor contain items that should be dealt with in an effort to improve the appearance of the corridor. The length of time necessary to resolve these issues, may out weigh the benefits. These items include: bus stops, overhead utilities, open drainage ditches, and business signage. Our focus at this point is to concentrate on the medians, and maybe these other issues will be dealt with by others over time.

The current plan is to use the available funding for design and installation of landscaping all along the US 41 corridor. This would include the areas north of the river to the County line and the areas from the southern limits of the City of Fort Myers to the northern limits of the City of Bonita Springs, each where there are opportunities for plantings.

If we are successful in achieving cooperation from the billboard owners, and securing variances from FDOT on the needed items, the corridor medians will for the most part, provide ample room to tastefully landscape the roadway. Per the LeeScape Master Plan, our core level of landscaping is only trees, so the determination will still need to be made as to increasing the level to intensified (more trees) or enhanced (shrubs & groundcovers). Obviously these decisions will be impacted by available funding and also will have an impact on the continual maintenance costs. Attached is a graph showing how the landscape maintenance costs have been rising and what we predict them to rise to based on our current plans, excluding the impacts of maintaining the US 41 landscape.

Summary

The available funding, a one time supplement of \$9,000,000, will be utilized to provide the core level of landscaping on US 41, within the restrictions and constraints listed above. The areas to be address include North Fort Myers from the river north to the County line (approximately \$3,000,000) and south Fort Myers from the Fort Myers City limits south to the Bonita Springs City limits (approximately \$6,000,000). The various restrictions and constraints will be address during the design phase. Additional funding, to supplement the core level of landscaping, will be sought through state grants and partnering with public and private organizations.

Attachments:

South Lee Greenway's brochure information
Graph of landscape maintenance costs

PWW date, February 11, 2004