

September 28, 2010

I pledge allegiance to the flag of the United States of America.

And to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

Commissioner Judah: Thank you, David.

We do have a green sheet here although mine's white.

It indicates that we have a revision on consent item 14-a.

[Reading from Agenda] motion to that effect?

Second?

No objection, motion passes and three walk-on items.

At this time we go to the ceremonial presentation read by Brian Bigelow representing be a hero month.

Commissioner Bigelow: Christopher Drake?

Good morning, Mr. Drake.

If you could, hang out there at the podium.

And let me read this.

This is good stuff.

Resolution to the board of county commissioners.

[Reading from Agenda].

Organizing blood drives in the month of November, 2010.

Florida's blood centers rates in 21 counties including ours, Lee County, whereas Florida's

blood centers are challenging other Florida counties to organize blood drives during be a hero month in November 2010.

Whereas our community requires a reliable blood supply statistics have shown that one pint of blood can save the lives of three individuals.

One pint can save the life of three individuals.

Wish we could do that with our tax dollars, make them go that far, making the donation of blood a simple way to positively impact the community.

Be a hero month and day will bring awareness to the gift of life to those self-sacrificing among us who volunteer to donate their blood for other members of the community.

Observation of be a hero month and day provide excellent opportunities for residents to work together to save life in our community.

Be it resolved that the Board of County Commissioners does hereby proclaim November, 2010 as be a hero month and November 15, 2010 as be a hero day.

We urge our citizens to donate blood for those in need.

Duly executed.

Signed by the chairwoman, Tamara hall.

Mr. Drake, if you would, please come forward.

Thank you.

Thank you.

We do a photo-op.

If you want to hold the resolution out there.

And hopefully we'll hear a few words.

Thank you, Commissioner Bigelow, and thank you members of the commission.

We deeply appreciate your support of and commitment to the cause of life and the cause of blood donations in your community and throughout the areas served by Florida's blood

centers.

We serve customers and hospitals and transfusion patients in 21 counties including Lee County.

We're very honored to have the support of you and your citizens.

Thank you so very much.

Thank you.

Commissioner Judah: Public comment on the consent administrative agenda.

Richard Pringle followed by Kathy Smith.

Good morning, Richard.

For the record, I'm attorney Richard Pringle here to talk about agenda item 2-a that relates to goal 26, the Alva community goal.

After working with the planning panel, I had a point or two I wanted to bring to your attention.

The first is, the goal 26 is the community plan for Alva.

You may want to consider having revision made to the vision statement, vision statement number one in your lee plan, which is the broader element in your lee plan related to the northeast lee county area.

That would be a good place to put common elements that apply to Alva.

That might be a better place to put amendments that recognize north Olga and all the things we have been talking about since forever.

That would be a suggestion I would make to you.

The other item that I want to bring to your attention is that at the last north Olga community planning meeting, last Thursday, county staff made their presentation of their activities so far.

I've not been involved of those, the planners have been handling those and I've not been involved, but at the panel meeting county staff made their presentation and then the panel took action to direct the planner, Alexis crossbow and me to get an application filed for the community panel.

We have done that.

That was filed yesterday.

That application is an effort on our part to make sure we cover all of our bases and all of our options are available this year.

If we don't file before September 30th, we have to wait until 2012 to be considered.

So we went ahead and filed.

The application contains a goal, objectives and policies that are the same as county staff reviewed and said was acceptable or checked off on last spring.

So, the other item that the panel did was made it clear they wanted to continue to work with county staff on the county staff effort to find the consensus.

What we have done is try to set everything up so all of our options are available and at the same time we'll continue to work with county staff on hopefully a vision statement revision as well as other revisions to the lee plan.

I have talked briefly to Matt noble and he'll have a comment later on when this item comes up.

We have filed that application.

Commissioner Judah: Thank you, Mr. Pringle.

Kathy Smith followed by Dan Moser.

Kathy, welcome.

Thanks for allow me a little time to speak.

I wanted to talk about item 3-a, the expansion of the public defender's office over to the sun trust building.

As some of you may know right now, I've got my administrative and H.R. staff at the sun trust building on the fourth floor.

I have my I.T. division on the second floor of sun trust, my Homicide Division in Cape Coral and the rest of the office is over on the sixth floor of the justice center.

So obviously it's going to create a lot more efficiencies for me to be under one roof or at least two roofs.

We will be giving up space, I think it's called pod a on the sixth floor of the justice center and also the cape coral space, which I think comes to about 19,000 square feet we can give back to the county for your use.

Basically I wanted to be here today in case you had any questions for me, but we are really excited about this move and we've been looking forward to it for probably six years at this point.

I'm here if you have any questions for me.

I just wanted to address them.

Commissioner Judah: Thank you, Kathy.

Dan Moser.

Is there anyone else that wants to comment on the agenda or walk-on items?

Dan, good morning.

I'm representing week balk lee.

As former lee chair this is close to my heart still, item 12-a and b.

The resurfacing projects.

I'm disappointed to hear there will be no paved shoulders added to roads that do not have them.

I think Lee County has made a commitment to complete street improvements. This is one of the things that needs to be done.

F-dot has a policy if there are no paved shoulders on a road they will install them.

We thought the same thing would apply here and it's not.

There are a couple of roads here that are woefully problematic --tic for pedestrians and bike else can alike.

One is palomino road.

B-PAC. Became aware there's no way to get on that road unless they drove a car.

I understand it adds cost when you add up the roads that need the shoulders.

However when you do the math and decide to put shoulders on later it will look at chump change.

Not to mention they're not always usable unless you resurface again.

I ask you not approve item 12-a as it exists but ask to you go back and add shoulders.

For 12-b I ask you approve that.

That is a paved shoulders project, money that came in to add those at quite a significant cost.

Commissioner Judah: Terry Stewart, do you wish to comment?

Thanks for being here, terry.

Commissioners, it's always a pleasure to appear before you and represent the beautiful town of Fort Myers beach.

The item you have before you today considering moving forward in an expeditious manner with work necessary to accomplish the beach re-nourishment, we strongly encourage you to do what is necessary to move this along as expeditiously as possible.

We have areas up near the point, properties along the peak shell.

The villas next door and pot on the north side of pink shell, as well.

I went up there after a tropical storm weeks ago and it was lapping almost at the door steps up there.

Coming down further down the beach there's almost no beach for them when the tide is up a little bit.

It's gotten pretty bad up there.

I can answer any questions for up

Commissioner Judah: Thank you, terry.

Commissioner Bigelow?

Commissioner Bigelow: Which item is that?

Commissioner Judah: Walk on number one.

Commissioner Bigelow: Lovers key beach restoration, thank you.

Commissioner Judah: Any other questions?

Can you stick around?

I will.

Commissioner Judah: Anyone else wish to comment on the consent or administrative agenda?

Seeing none, we move to items to be pulled from the consent agenda.

Commissioner Mann.

Commissioner Mann: 3-a, 7-c, 8-a.

Commissioner Judah: Commissioner manning.

Commissioner Manning: None.

Commissioner Bigelow?

Commissioner Bigelow: 12-c, 12-a.

Mr. Moser asked for that one.

13-a and 13-e.

Commissioner Judah: I'm going to ask to pull 14-a, 12-b and 10-a and 10-b and the chair entertain a motion on what's left.

Second by commissioner Mann.

Second by commissioner Bigelow.

Motion passes.

Commissioner Mann, the first is 3-a.

Commissioner Mann: I have no problem with it here.

I guess the question to be to Mr. Lavender.

I notice this is the third project that's been funded or partially funded by the clothing at the point ridge government complex.

I want to commend your department for the enormous amount of savings when we have been able to put together pine ridge out there.

Thank you so very much.

I move the item.

Commissioner Judah: Second by commissioner manning.

Discussion?Commissioner Bigelow.

Commissioner Bigelow: This is one I was going to pull for a different reason obviously.

This is an addendum to a construction manager agreement already in place for target builders for the justice center renovations.

We heard from our public defender and she's desirous we move forward quickly with this.

My problem is that I see some cost savings here potentially.

Can I ask Mr. Lavender, how many addendums, I guess we could call them change orders to that standing construction manager agreement have we already approved for target?

I don't know.

Commissioner Bigelow: You have Mr. Grant here.

Maybe he could answer.

Good morning.

The number of addendums for the annex, I would have to get back to you.

There's been several.

I don't have the exact number.

Commissioner Bigelow: I would put it in many change orders for this particular project.

This is \$2.3 million.

Let's call it.

\$111,000 or 6% is a C.M. fee for target.

Can you tell me, were all of their subs acquired through sealed competitive bid process, advertisement?

Yes, they were.

I believe the affidavit of publication was submitted with part of your blue sheet to show they were competitively and publicly bid.

Commissioner Bigelow: You provided the advertisement later and the subcontract bids? They have all been open so it's public record, right?

Yes.

I believe the news press was part of your blue sheet.

Commissioner Bigelow: That's the advertisement by target to seek the subcontractors.

I appreciate that.

Can I have the subcontracts?

The bids?

I'm sorry.

Yes.

Commissioner Bigelow: Mr. Chairman, I'm not moving this.

Commissioner Judah: Not a problem.

Motion passes 3-1, commissioner Bigelow dissenting.

7-b, commissioner Mann.

Commissioner Mann: This has to do with the medical examiner who does a superb job, no problem with that.

It appears that we are picking up the health insurance for the employees there.

And here is my question.

With any other consultants, structure manager, anybody else that we deal with, if they came to us with their normal consulting contract and suddenly, I mean we just adopted a budget for the year coming and said, well, my health insurance went up a whole lot, would you pick that up too?

Everybody's health insurance went up a whole lot.

Consultants have to deal with that.

Where did we feel the obligation to pick up a consultant's health insurance because it went up a lot?

Commissioner Judah: Pete?

Commissioners, they are joined in our plan which is self funded.

They play the same premiums that others pay to the plan.

Commissioner Mann: And we'll pay something to?

Our share of it?

No, commissioner.

They pay the premiums into our plan.

Commissioner Mann: What is the advantage?

Our plan is cheaper than theirs?

That could be.

There are a couple things here.

One is we are taking a look at this because when you are bringing in -- the advantage coming into the plan, it's a bigger plan, you spread the risk.

We have allowed the other constitutionals to come into our plan if they want to.

It's self funded.

They play the same premiums that the county does.

The clerk pays into the plan based on his employees and so on.

We are taking a look at this with entities other than the Constitutionals and court in that category, how many do we want to bring into the plan, but we committed to the medical examiner that we would recommend bringing them into the plan quite a while ago.

Because they are in the courts and constitutional historically we have wanted to spread the risk and make it a uniform plan.

Commissioner Mann: We have 2500 employees.

That's and bringing in 25 more.

That won't have any impact at all.

What I want to know is we under all of our employees the county pays a portion and the employees pay a portion.

Right.

Commissioner Mann: Now we're going to bring in the medical examiner's office.

And the medical examiner will pay the full premium.

How they split it between the employee and employer I'm not sure.

Commissioner Mann: We're not paying the county portion that we pay for every other employee.

No.

We only pay for our employees based on the allocation based on what employer and employee pays.

For the other entities they pay the full premium and there's a split for their employee but they remit to us --

Commissioner Mann: There's no additional cost to the county?

Based on premiums, that's correct.

There's no additional cost for the county.

Commissioner Mann: Thank you I move the item.

Commissioner Judah: Seconded by commissioner manning.

Commissioner Mann.

This has --

Commissioner Mann: This is there's a reduction in our pharmaceutical benefits?

Yes.

We just rebid the pharmacies portion of the plan and we expect to see significant savings based on that.

Commissioner Mann: That will be the only savings I've heard of in the last decayed in health insurance.

Pharmaceuticals.

That's correct.

Commissioner Mann: That's good news.

Now, tell me about -- we're continuing with the benefits consultant?

What is their role with us?

They are a benefits visor, because it's when we got the bids back you need an expert in the

field based on past experience and what they expect future experience to run the calculations to figure out what your savings are going to be.

We want them to continue with our number one ranked firm to continue to negotiate to see if we can get more cost savings from that.

Commissioner Mann: Move the item.

Commissioner Judah: Second by commissioner Manning.

Discussion.

Commissioner Bigelow?

Commissioner Bigelow: A couple questions here.

In your blue sheet it says all six proposals were continued at the meeting held September 13th, 2010.

Are you telling me here on the record that all six of these resulted opening all six of these resulted in Aetna becoming selected and that the overall cost reduction was the greatest?

That's correct.

In your back-up you should have a valuation of those proposals by the benefits consultant, Willis.

On page 2 it gives year one, two, and three savings, those are cumulative.

Commissioner Bigelow: Thank you.

Are human resources under your oversight?

Yes.

Commissioner Bigelow: So, Mr. Palopoli with human resources was on the committee so he's subordinate to you.

And Mary Lou Carol is also subordinate to you?

Their director reports to me.

That's correct.

Commissioner Bigelow: Are one of them subordinate to each other?

No.

Commissioner Bigelow: OK.

I'm not going to move the item.

The selection committee causes me concerns as I have expressed many times before.

Commissioner Judah: We are all subordinate to the people of this community.

We have a motion, discussion, discussion, objection, motion passes 13-Mr. Bigelow dissenting.

Commissioner Bigelow: Yes.

Commissioner Judah: Commissioner Mann, 8-a.

Commissioner Mann: One of my favorite topics here, buying semi trucks.

What have we been using to haul this same material?

For the record Lindsay Sampson, solid waste division.

We have 17 tractors in our fleet.

Because of the aging nature of the vehicles, many of the vehicles, down time, unscheduled maintenance is increasing and these are all fully required vehicles so the down time of the 17 combined is getting to a point where I need a vehicle, additional vehicle in this operation.

And diggally events occur such as happened last week where we had a person in a car that came in front of one of these trucks and has now put that truck out of service for probably the next two weeks.

Commissioner Mann: Like a wreck?

Yes.

That's an unscheduled event as we put it and that truck will have to be off the road.

If I can't make up for it in overtime with existing vehicles I will have to lease a vehicle.

Commissioner Mann: I'll let somebody else move this.

Commissioner Judah: Commissioner manning.

Second by Commissioner Bigelow.

Discussion?

Objection?

Motion passes 3-1, Commissioner Mann dissenting.

Commissioner Judah: We move on to Commissioner Bigelow, you start with commissioner 3-b.

Commissioner Bigelow: Yes.

Mr. Grant I appreciate in the blue sheet this is another change order for Stultz construction to continue their renovation work of the building east here of the Wachovia building.

A half a million dollars, C.M. fee, \$33,000.

I appreciate that you added all these various addendums.

It's a lot of work to one contractor.

Again, will you be able to provide for me the subcontractors field bids?

For this particular project because we have the C.M. with one building, we're going to continue to use the same subcontractors.

It made sense not to use a new set of subcontractors on and have I had floor when the A.C. unit and trillion did electrical is providing service to the entire building.

We'll carry on with the C.M. and subcontractors that worked on previous faces.

Commissioner Bigelow: I might accept continuity of C.M.s has some merit, but we're denying the opportunity to a lot of subs in this community if we don't bid this out and potentially shortchanging our taxpayers.

This is our money.

I'm not going to move the item.

I would like whatever they are using to substantiate how they are arriving at this half a million dollars.

However it is that they are justifying this half a million dollars, I'd like that back-up.

Commissioner Judah: Motion by commissioner Manning.

Second by Commissioner Mann?

Motion passes 3-1.

Commissioner Bigelow dissenting.

Commissioner Bigelow: Absolutely.

Commissioner Judah: Item 8-c.

Previously we have moved ahead to deep well inject at the lee Hendry landfill, coming Commissioner Judah, you have picked up and I think had concerns with.

Against the previous requests of the county management to move forward with that process.

This is executing a very bad idea to deep well inject very toxic materials as opposed to pursuing some alternative.

Commissioner Judah: Motion by commissioner manning.

Second by Commissioner Mann.

Lindsay if you could comment on the materials being deep weld.

I would comment that the material would not be permitted to be injected unless it meets

certain water quality requirements.

It's certainly not considerably toxic as commissioner Bigelow stated otherwise a permit would not have been I should.

Commissioner Judah: Other potential options and alternatives.

That's what we have been through looking at, a number of treatment alternatives and have found all to be completely infeasible.

Commissioner Judah: Motion, objection?

Motion passes 3-1 commissioner Bigelow dissenting.

Any others?

Commissioner Bigelow: This is a Paul win guard item to award resurfacing improvements to Ajax paving industries.

I'm pulling the item as Mr. Moser pointed out that we have a complete streets resolution.

This is not going to help us get to that goal.

I can't support it.

Commissioner Judah: Move item 12-a.

Second by Commissioner Mann.

Paul with regard to the paved shoulders, cost and impact on the timing?

The primary impact at this point in time is cost.

Several roads have drainage issues that do need to be addressed.

We are moving forward and agree with the I haddia of the complete streets but it makes it difficult because of the added cost of drainage.

Something we are looking at moving forward and evaluating the plan.

But on the road he mentioned, he made a good point, there are drainage ditches there and the cost would be cost prohibitive within this program if it.

Commissioner Bigelow: I appreciate that.

I know, Paul, you have made every effort and recognition of what Dan has steadfastly supported providing for complete streets where feasible with regard to paved shoulders.

In this particular instance you're saying the wild card is the drainage that would have to be addressed.

Commissioner Bigelow?

Commissioner Bigelow: You're talking about palomino road specifically?

That's correct.

Specifically that's the one that Dan mentioned and I am familiar with that road.

He makes a good point but there are drainage ditches along the road that we don't have a good plan to address but those are issues we're looking at as we move forward with the complete streets concept.

How do we get beyond that because of the cost of having to pipe in a long run of ditch?

Commissioner Bigelow: If we're not all familiar it's a long stretch of road, straight, inducing folks to drive quickly.

Not lit as far as I know.

It's a pedestrian, bicyclist nightmare in my district.

If you're in a car you have a chance.

On foot or any other mode, good luck.

There's a lot of new development with vested rights.

And other settlements that have a lot of units yet to sell.

The problem will become much more worse -- will become worse, for sure.

I'm very, very concerned with the day there's a fatality and I'll have to look back on this item here.

I tried to raise some concern.

Commissioner Judah: What about the other roads here with regard to paved shoulders?

Within this contract we have not included paved shoulders in any of them at this point in time.

Not in the overlay.

We're looking at that as a maintenance item.

We have been working with the bike peg committee.

Dave Logan had a meeting with their current chairman to look at cost issues.

It's something we need to look at but we have not addressed it in this contract.

Commissioner Judah: Let me ask you, Paul, I know there's a reluctance of change orders but will this board be amenable to having Paul analyze what the additional costs would be so we can work within the time frame to actually provide for these paved shoulders on the other roads?

I recognize palomino is separate with drainage but if it's not an issue on other roads this is

the time to put in the paved shoulders.

How would the board respond?

I don't mind coming back quickly but let's move the item so the contract can be undertaken.

That's my position.

Commissioner Judah: Do you think you can come back next week so we can stay in the time frame for the contract?

We can go to the contract and find out.

If you are looking at a change order.

If we come back next week or several weeks.

Commissioner Judah: It makes sense to put them in now if they don't have the drainage issues that palomino does.

Commissioner Mann: It will be the same dollars available.

You'll have to reduce some in order to do the widening.

Commissioner Judah: As I understand there's no additional cost to do the paved shoulders.

Paul would have to let us know where the money comes from.

Commissioner Mann: That's my point.

Is it coming out of this motion so we reduce others or do we have a pot of money

somewhere else?

The motion would be to move the contract without the paved shoulders but to come back at a later date with a change order, if necessary, to add to this contract if there's three votes up here.

Commissioner Judah: That's correct.

We don't know what the amount would be but this board would have an opportunity to vote in the near future, two weeks as to whether or not we wish to pay for the paved shoulders.

And we can address that funding at that time where it may or may not be available from.

Commissioner Mann: I would ask Mr. Chairman, are there a few dollars in this budget category that we might call upon to accomplish the goals here?

The pine ridge complex?

Commissioner Mann: We're bound to have some in the pine ridge complex.

I don't have a good handle for it right now what the cost would be varies greatly depending on the nature of the street if there are drainage issues or not, how steep the drop-off is to the ditch.

Commissioner Mann: But they are eligible for possible consideration for the bicycle?

Every one or every or one or two.

We have a million dollars contract here.

I think the only one would be whiskey creek drive.

Commissioner Mann: How many projects are we talking about?

There were none.

This is a maintenance contract.

We did not look at paved shoulders at this point in time.

The complete streets concept is something we're still vaulting right now.

We have not addressed it in this contract at all.

Commissioner Mann: This list of projects, which ones would perhaps be eligible for bicycle considerations?

Give us two weeks and we'll come back and let you know.

Commissioner Mann: I don't want to quadruple the contract here.

At least give us a chance to complete.

Two weeks time?

A couple weeks time.

I believe so, yes, sir.

Commissioner Bigelow: Paul I think I sent you an e-mail, did I not, asking for the status of arterial roads conditional status.

If I didn't send it I drafted it.

Like Daniels in particular, Daniels parkway, it's full of potholes, delaminating in many places.

We had someone file an informal complaint because they had car damage.

This reminds me of that request.

I would like to know the status.

You did send it.

We are pulling together the information and you should have it here shortly.

Commissioner Bigelow: Thank you.

Commissioner Judah: I believe we have a motion.

Commission by commissioner manning seconded by commissioner Mann and you'll be back in a couple of weeks.

I feel like I have to say one other thing.

Northbound our D.O.T. the director is considering our complete streets initiative?

I'm having a hard time with that, Paul, because it was a unanimous resolution of this board.

I think you can't get any more clear about the will of this board to move forward with the complete streets initiative and always be considering it in light of these requests that you

bring to us.

That's just an editorial comment.

You don't need to reply.

I think the consideration is to make it financially feasible.

Further discussion?

Objection?

Motion passes 3-1 commissioner Bigelow dissenting.

Is that it?

No just getting warmed up.

Commissioner Bigelow: This is a D.O.T. request to approve addendum with change order to construction management agreement with Westco builders of Florida.

A vertical contractor.

Yet, this is an addendum or change order to an annual contract to repave roads.

A road.

Commissioner Judah: Are you talking about 12-c?

Commissioner Bigelow: I am.

Mr. Chairman he pulled 13-a and 13-c.

Commissioner Bigelow that is correct?

I pulled 12-c.

Can you confirm it?

Who has the minutes?

12-c.

13-c he did not pull.

Maybe I misheard.

13-b.

OK.

Commissioner Judah: E as in elephant.

I had 13-e not 13-b.

OK.

So 12-c, this is a change order for Westco builders, a vertical contractor to repave the overlay project.

A \$210,000 guaranteed maximum price, a C.M. fee of \$16,000.

We have seen this before on corkscrew road where we have a vertical contractor overseeing road pavers.

I'm having a really tough time with that one and this one that we're going to have a C.M. oversee some world-class pavers.

It looks to me like money being spent for the sake of spending money.

I've seen it often.

Yet we were talking about how we're going to find money to complete our complete streets initiative.

This is extremely frustrating for me.

I'm not going to move the item.

Commissioner Judah: Motion by commissioner manning.

Second by Commissioner Mann.

Discussion objection.

Motion passes 3-1, Commissioner Bigelow dissenting.

13-a.

Commissioner Bigelow: This is another contract.

Fort Myers beach waste water treatment plant, affluent pipe replacement to J.P. Murphy.

This is an interesting process.

If we could hear from the public works director how this worked.

I would like, if you don't mind, to start with this sentence here on the blue sheet, the expected cost of construction required use of the formal advertised steel proposal process and yet you thin used -- then you used a selection committee.

If you could explain this.

I'm not familiar with it.

Doug meor.

It's a competitive bid process but there is a qualifying portion of this where we receive the

qualifications and the bid price.

You make sure that each contractor has submitted all the appropriate information bid bonds that type of thing in order to make them a qualified bidder.

Once they are deemed qualified, then you open the qualified bidders competitive bid.

That's the second step.

That's how this process was conducted.

Commissioner Bigelow: So you culled the list from eight to how many, four?

Four is that right?

Yeah.

Commissioner Bigelow: Only four qualified.

I don't recall on that one.

Commissioner Bigelow: Four of the eight qualified.

I suppose you had established criteria by which the selection committee, that is, analyzed their qualifications?

There are established criteria.

In this case I do remember there was one criteria having specific on-site plant pipeline experience similar to this.

It had to be submitted a certain number of jobs within a certain time frame.

Commissioner Bigelow: In all eight of the proposers submitting companies knew these qualifications?

Yes.

Commissioner Bigelow: So they knew coming into the selection process whether or not they could fit into the categories.

Yes, each of the qualifying questions.

Commissioner Bigelow: You jumped away from the question I hoped you address.
The cost of the proposal sale process.

What was your expected cost before you got these bids?

I don't know what the engineer's estimate was.

I know it was in excess of what the competitive bids were.

Commissioner Bigelow: So this is a total of \$-- nearly a million dollars but you had some figure in mind in order to determine this process, proposal process.

Yes.

Commissioner Bigelow: OK.

On the committee was yourself, your deputy director, Tom hill, subordinate to you, and Louis Soto subordinate to you and the deputy director.

Correct.

Commissioner Bigelow: I'm not moving it.

Commissioner Judah: Motion by Commissioner Mann, second by commissioner manning.

Commissioner Bigelow: Could we hear from Scott Cuvert?

Could you address the hang-up, the expected cost of construction required use of the formal proposed process, the last sentence in background?

I can tell you the expected cost was over \$1 million.

We that was a threshold at which we would have bid this project.

Commissioner Bigelow: So if it was under a million you would not have had to go out to public advertisement?

I think if it's under \$2 million that you can go with a C.M. process.

I could be misstating the details of that.

In this particular case there are two things that drove it to this process; it's not just the anticipated cost of the project.

It is also -- this is a definable construction project.

We knew what we were dealing with, our corridor.

We had our engineer do a detailed design.

This lent it Stoffel a competitive bid process of the most qualified contractors.

It wasn't just monetarily driven but also the process used in getting to the point of the bid.

Commissioner Bigelow: OK.

I appreciate that.

I would like to hear from you later as to what their expected costs newed mind.

You had to have some expected costs.

That could have been an early driver but again, some of this language is utilized from project to project.

That may not have been the single focus of why we used this process.

Commissioner Bigelow: Thank you.

The selection committee is a problem for me.

Actually I'm glad we had this conversation.

A lot of this I liked.

I think it's different and better than some of the things I have seen before.

But the selection committee still -- it's just that potential for the undue influence is still an eyebrow rater -- raiser for me.

On behalf of the folks of Fort Myers beach thank you for the placement of the affluent line.

Huge from a health standpoint.

Motion passes 13-commissioner Bigelow dissenting.

Commissioner Bigelow: The last is 13-e, utilities request, countywide contracting construction manager agreement under the countywide continuing contract for construction management.

This is where we have pooled all these C.M.s and then the staff county management will pick one of them.

Doug, can you tell me how it is that you picked Owen Ames for these projects?

Yes.

We take a look at the list, determine which C.M.s are qualified for this type of project and look at the volume of work that those particular C.M.s have had and try to distribute it to a C.M. who has not had the same level of work as the others.

Commissioner Bigelow: Is there predetermined criteria you put them through in order to come to the conclusion that toyen with Ames is the one.

They look at what the attributes of projects are.

The C.M. had experience in those areas and so, we look at the pool of C.M.s capable of managing that type of work and then the volume of work load that they have had.

Commissioner Bigelow: I conclude that your project manager has in his or her head the qualifications, predetermined qualifications or criteria that he or she decides to apply to that particular list.

Yes.

Commissioner Bigelow: Secondly, who is -- is it just this one project manager making the decision?

No.

It's a team effort.

Certainly the director or the manager of the engineering department works with the project managers on the criteria, the deputy director over operations also works with them and takes a look to make sure we're doing a good distribution of the work load to the continuing services list.

Commissioner Bigelow: This is not done in a publicly advertised selection committee process?

There's no recording of deliberations?

No.

Commissioner Bigelow: No minutes being taken.

It's privately discussed behind doors.

OK.

That's all.

I'm not going to support this.

Commissioner Judah: OK.

I believe if we don't the chair will entertain a motion to move 13-e, motion by commissioner manning.

Second by Commissioner Mann.

Discussion, objection?

Motion passes 3-1 commissioner Bigelow dissenting.

On 10-a if we could, John, I want to get a clarification here.

Looks like cape coral is requesting a return of monies collected in local agreement between the county and the cape and that money should have been and typically been designed to be spent on shelters, shirts, generators, etc., is that correct?

For the record John Wilson, public safety.

That's correct, commissioner.

Commissioner Judah: Given the deficit of shelter space and the need for adequate shelter for our community I'm at a little bit of a loss that a request would be made to pull money with the intended purpose to enhance safety?

Well, a couple things, commissioners.

First of all, they have met their -- back up.

The reason we are sending back the money, we didn't have any projects that would provide sheltering support for the city of Cape Coral as a result of the downturn of the economy.

This money was set aside on an expect that is there would be shelter projects that would benefit the city available in those two fiscal years.

Commissioner Judah: Notice schools to put shirts on no churches to coordinate with?

No, not in the city or close to the city that would have been of any value to them.

Commissioner Judah: Do you know what the shelter space deficit is in the cape?

No, sir, I do not.

Commissioner Judah: I think that would be a good bit of information to know given this is what the money was intended to address.

It's pretty extensive countywide?

Yes, sir, it is.

Commissioner Judah: OK.

Entertain a motion?

Motion by commissioner manning, second by commissioner Bigelow, hearing no objection, motion passes.

10-b.

As for that item I asked for that item to be pulled.

And that's because I want to make sure, are we dealing with a pole with no guy wires?

No, sir.

This is a redoing the current tower that's at the E. F. C. Facility it's a stand alone with.

Commissioner Judah: With no guy wires.

Motion passes.

Thank you, John.

Item 12-b.

The reason I pulled that item is because I wanted to make sure Paul, would you be answering this one.

Take your time.

This is a request -- identify the project on which funds are to be spent.

My question on the reinvestment act allows fiction dot -- f-dot to redistribute funds not spent.

Do we know if any funds will be not used on this project?

For the record, Paul Winguard.

I'm not sure where the money goes back to.

Once the award is awarded, it was awarded on September 14 for better roads, the money has to go back into the system but I don't know if it stays in Lee County or just what happens to it when it goes back.

I guess you're speaking of the \$61,000.

Correct.

Commissioner Judah: That is intended to be used in Lee County?

We can find that out but I don't know off the top of my head.

Commissioner Judah: We have some shaved shoulders to spend it on.

Second by Commissioner Mann.

Hearing no objection, motion passes.

That's it for -- no, it's not.

14-a.

Ed new administrative agenda, right?

Commissioner Judah: And I am trying to find it.

Barbara is on her way.

Good morning, commissioners.

Commissioner Judah: Hey, Barbara.

Trying to find 14-a here.

I'm creeping up on it.

Why don't you explain it?

This one is difficult to accept.

This is an amendment to lee county recreations ordinance to a public hearing and basically it will allow for people to bring concealed weapons to our parks.

Given the concern which certain parents express at sporting events and emotions that run high at times where it's very easy to pull out a weapon and instead of punching somebody shoot that person and having weapons in an area where there are children doesn't sit real well.

I know you probably may well feel the same way.

But there are laws that are out there.

What I'm most concerned about though is to acquiesce to endangering our children at our parks facilities and that's what we're doing if we allow or encourage people to bring weapons to our parks.

So, I guess I need to hear from our attorney's office.

I'm not going to support this and I challenge whatever ruling is forcing us to have to take this position.

Hi, David.

Good morning, Mr. Chairman, good morning, commissioners.

As you know, we have been sued on this issue.

The issue is fairly simple.

Commissioner Judah: Who sued us?

I don't remember the person's name to be honest.

Commissioner Judah: The lawsuit is to allow weapons to be carried by people to our parks where children recreate?

Thank you, David.

I just wanted to clarify that.

I hi I believe that's part of the lawsuit to have a legal right to bring their weapon to our parks.

Concealed firearms.

Commissioner Judah: Still a weapon.

When the legislature constructed that part of chapter 90 that deals with weapons in county law they did not include county parks in the long laundry list where you can bring an open

carry or concealed firearm so we're stuck with that.

We have been sued by and have I had, a lady to be specific.

Her husband is an attorney.

They have raised this issue several times.

We are bringing forward for your consideration in a couple weeks an amendment to our ordinance to correct our signage in our parks which will exclude the issue of carrying a concealed firearm into the parks which we now ban.

If you read our park signs strictly.

Commissioner Judah: What is the state law that did not include parks as an area --
Part of 790.

I don't remember the section.

I can get that to you.

I'll send that to you.

Commissioner Judah: I would rather raise the issue before the legislature to amend 790.

I recommend that too.

Commissioner Judah: That's the step we need to take not allow people to bring weapons to our parks.

I'm not going to support this.

But if other board members wish to go forward.

We're asking to bring it to a public hearing.

How you vote at that point is your choice.

Commissioner Judah: I think it's irresponsible to even take it to a public hearing.

I'd rather challenge 790 to modify that statute so people cannot bring weapons to parks.

I rem both.

It would be irresponsible not to bring to it a public hearing to hear about how the whole board feels about it.

Commissioner Judah: If we could bring the other issue of amending 790 to include parks as a location where people are not allowed to bring weapons I would be supportive of that.

We can do that.

Commissioner Judah: I don't know how the rest of the board feels.

Commissioner Bigelow: I have a question.

We can ban concealed weapons in some areas or --

The state does.

We really don't have any just diction with respect to firearms.

The state took over the entire arena back in the late 80s.

Commissioner Bigelow: But you said I thought there was law.

The state says there's a list of places where you can't bring a firearm.

Courthouses, this courthouse, public schools, there's a fairly comprehensive list but it doesn't include municipal or county parks.

Commissioner Bigelow: The fact you can't bring a concealed weapon in here doesn't apply to a police officer but --

Law enforcement is an exception.

Commissioner Bigelow: An exception.

But you're telling me you cannot bring a weapon concealed or otherwise into this building, that's county owned property.

Into these chambers where a public hearing is being held.

Commissioner Bigelow: Oh, into the chambers.

I don't have the statute but I seem to recall it says meeting chambers, a county meeting chambers, city hall, that type of thing.

Commissioner Bigelow: Downstairs it's OK but not in here.

Could you interpret it that way, yes, sir.

Commissioner Bigelow: What I'm hearing you say though is you're sure you can't bring in it this county owned building.

I would rather have in debate with the statute in front of me.

Commissioner Bigelow: Commissioner Judah is opposing this.

I'm open-minded to it.

Wait a minute.

We can prohibit weapons concealed or others in some county owned facilities.

Maybe that's a foot in the door to statement an argument that we can ban them on our county parks property, correct?

The state tells us where the concealed firearms are prohibited.

Period.

Commissioner Bigelow: Mr. Chairman, if you're interested -- if you're interested I'll support your effort if that's what you're doing here not to direct this to public hearing.

I know we can bring it back later, but by not doing it the county attorney's office request study is further and see if they can come back with something that might allow us to consider not doing this.

I appreciate that commissioner but what I'm hearing the county attorney saying and the flexibility he's offering us, we can take it to public hearing mandated by state law with regard to exempting weapons that are concealed, a person has an authorized concealed weapons permit which I don't support in parks and also approach the amendment to 790 to include parks as an area where concealed weapons would be prohibited.

That's what could be brought back to this board.

I was.

Commissioner Judah: Commissioner manning.

Moving in addition to the challenge to 790.

Second?

Discussion, Commissioner Mann?

Commissioner Mann: I want to make sure where we are headed here.

Let me restate and you tell me if I'm wrong.

It's your considered legal opinion that the signs in our parks prohibiting weapons --

Firearms

Commissioner Mann: Is in violation of state law.

That's the argument brought up in the lawsuit.

And that's a correct statement, yes, sir.

Commissioner Mann: Or it wouldn't be here Bruce.

We wouldn't have a lawsuit.

It's all inclusive.

Commissioner Judah: So the lawsuit would probably go away if this went to hearing and we adopted an amendment that would allow us to take the signs down?

We would correct the signs rather than take them down.

Commissioner Judah: We would take firearms off?

We would say firearms unless an have I had is properly licensed under chapter 790 to conceal a firearm.

We'll bring that verbiage to you.

Commissioner Judah: It's very complicated.

There's part of it that you cannot have the open carry.

We still have the right to prohibit open carry in a county park where you put a holster on your hip and open carry.

That's not concealed.

Open carry.

OK.

Commissioner Judah: Ready to go to public hearing including 7940 to include parks to prohibit firearms.

Motion passes.

Thank you, David.

Administrative agenda.

Thank you, Barbara.

Administrative item 2-a.

Can we get a clarification from Matt?

Mr. Pringle had raised an issue, if I could, commissioner manning on Alva and north Olga.

Are we going to separate people in at deal with them separately?

Matt noble division of planning.

Yes, that's the staff recommendations to separate that item into two separate, distinct items.

I would also.

Commissioner Judah: Motion by commissioner manning to move the item.

Commissioner Judah:

Commissioner Mann: If we're separating something out.

I want to know if we're going to separate it out as opposed to the motion that would move the whole agenda.

Commissioner Judah: The motion includes the amendment to --

They have filed an application, yes.

Commissioner Mann: Tell me what this means.

It would mean that it would go off on its own review path and appear as a plan amendment on its own with the rest of the cycle.

Each would have its own case number assigned to it and would be reviewed have I hardly.

The Alva community plan and the north Olga community plan.

Commissioner Mann: Mr. Chairman, let me be very clear about my thoughts on this.

It would be perfectly acceptable to me that neither the Alva nor the Olga plan went northward in cycle period.

How do I get there?

I think north Olga has already submitted their plan amendment.

Commissioner Mann: The County has to approve the submittal.

That's why we're here today, is it not?

Why are we here?

Had we not separated it would we be moving?

If I may interject, the item before you this morning is to authorize the board initiated amendments to the lee plan that's part of the cycle and what has happened by virtue of Olga filing their own separate plan amendment, that would not be considered a board initiated amendment, so Matthew is asking to you approve the list of items that would be considered county initiated amendments to the plan.

Commissioner Mann: As I'm looking at the first page it says update as necessary goal 26 of the Alva plan.

[Reading from Agenda] does that come out of this motion?

The staff was gently suggesting that we include both as publicly initiated amendments.

The north Olga community plan was funded by the board of county commissioners.

We're trying to treat that group similar to the other groups we have treated that the board

has provided funding to.

Commissioner Mann: I still don't understand.

North Olga doesn't need to be a part of this motion because they have independently moved forward on it doing what they need to do so it is not a county initiated plan amendment?

If I could, if it's not a board sponsored amendment they would be required to pay a filing fee, for example.

The staff is suggesting to you since the public helped fund with this effort that like it Alva community planning effort or any of the others that have come forward that it would be board sponsored and we would not charge the filing fee as we help fund the planning effort to begin with.

Commissioner Mann: Mr. Chairman, the fee is not my concern here.

Sending this proposal to Tallahassee is my concern here.

I don't think it's ready and I think there's more discussion that could be given to this proposal.

I'm not at all leap with the proposals I've sheared far on the north Olga.

And I think there's more discussion needs to be held in the community.

I can tell you that the overwhelming sentiment, overwhelming sentiment in the entire Olga area is against what proposals we have seen so far by the north Olga community, well represented here today, but a minority of minorities as far as public opinion in the whole general area.

There's an opportunity for us to sit down and work together and try to come up with a

proposal that fits well for the entire area from 31, state road 31 to the behind county line.
-- Hendry county line.

I'm not in favor of speeding up the process particularly in the light there is no need to do it.
We're talking about plan amendments for future development.

Right now there is zero future development planned in this area that I'm discussing.
Zero.

The last one was the Anita bay plan that went belly up and now there are no plans at all.
There's no immediacy here.

I'm suggesting we have time for reasonable people to sit down to have discussions which
have not occurred.

I'm not supporting anything that moves this process along when it doesn't need to be
moved along, where there's no pressure for moving this forward.

Secondly, as I mentioned, the overwhelming sentiment in the area is not to move this
along.

How do I get there from here?

Are you talking about -- when you talk about fees here?

I need my lawyers and planners to get me straight.

Sure.

That's fine.

Lawyers and planners can respond to your concerns.

If I could, Matt noble.

For us, it's somewhat difficult.

We attempted to try and do that, get the parties together to at least start talking about a unified planning effort but --

Commissioner Judah: I'm not trying to put the staff on the spot as to what they favor or don't favor.

I'm trying to find out what my options are here today.

Donna Marie Collins for the record.

Your option is to authorize this list or drop things off this list that you do not want the board to sponsor as a board sponsored amendment to the plan.

The Olga plan has been submitted now by individuals in the Olga community and that will be processed as a privately initiated plan amendment once they pay the fee.

The issue for you this morning is to look at this list and see if you want to authorize sponsoring all the amendments, some of them or add additional ones to the list.

Commissioner Judah: So it's a fee I'm the talking about?

No.

It's what the board is going to sponsor.

Olga is off the table now for you to sponsor or not sponsor.

It's been filed separately and independently by a group in the community.

Commissioner Judah: But I'm hearing they would like for us to pay the fee.

If it would be board sponsored we could take that as direction from the board like we would from the others that we would not charge the fee.

Commissioner Judah: But you said it's off the table.

That's not what my printed sheet says in front of me.

That's true.

If you decide it's going to be board sponsored we would treat it that way.

If it's decided by the board not to be board sponsored, then, yes.

I need to clarify.

I said it's off the table for you to say I don't endorse the Olga plan coming forward to be reviewed again.

That's no longer an option for you.

Whether you want to include it as part of a board initiated, then it would be processed and looked at as if it was put forward by the board.

Commissioner Judah: Frankly, Mr. Chairman, and my colleagues, the inclusion of it gives the appearance when it reaches the department of community affairs that it went up there with the blessing of the commission.

I just as soon not give it that blessing.

One commissioner is not going to give that blessing.

I'm sorry.

When is that public initiated expected to come before the board?

We have no idea at this point.

Probably springtime.

Commissioner Judah: And that's when Commissioner Mann would express his opinion?

Yes.

Commissioner Judah: I have a sheet here of everything that you guys recommend go forward.

Right in the middle it says north Olga.

I don't want to support that.

How do I vote for everything else and pull that out?

Commissioner Judah: It's not intended with Alva and north Olga working jointly.

This comes out and comes off the proposal.

I thought I heard the motion was to split it.

Commissioner Judah: That's the purpose and north Olga has made that perfectly clear.

Because they have already submitted their plan amendment.

They have.

Commissioner Judah: This item remains on the sheet which we are voting on when you said split it out that doesn't make it perfectly clear.

I want that off of there when I vote to put everything else forward.

You want to remove Alva.

Commissioner Judah: North Olga, Alva.

It's a moot point because Olga has submitted their plan.

Commissioner Judah: I understand that but I don't want the blessing of the commission.

Commissioner Judah: Remove the north Olga is what I'm hearing.

Remove the Alva and north Olga language.

Commissioner Judah: I don't have any problem with the Alva language.

That's just moving ahead it's been talked about for four years.

It's the Olga plan that happen came up later that doesn't have the public support.

There's a possibility for great progress out there.

If we send this up those comments will never get that chance.

I'm trying not to bless this even though it's moved forward.

I want the north Olga effort stricken from what I vote for now.

Commissioner Judah: I understand.

This is almost a place holder with the intention to get north Olga and Alva to work together on one amendment?

We're still hopeful of that.

Commissioner Judah: Since that is not the situation today this one item becomes a moot point.

Commissioner Judah: No, it does not.

It relates for the third time, Mr. Chairman, it relates to the blessing this commission gives when we send identity forward as part of the county collection.

I don't want to imply that it has been blessed by the county's actions.

Commissioner Judah: If this item were to be removed, from the proposed amendments, that doesn't give any blessing one way or the other.

No.

I would assume it would proceed forward as a privately initiated amendment.

Commissioner Mann: I understand that entirely.

It's the other part of the corollary I'm talking about.

I understand.

Commissioner Mann: We had a motion?

We did.

Commissioner Judah: I don't think we have a motion yet.

Commissioner Mann: I move we submit all of these with the exception of the north Olga community planning effort.

Commissioner Judah: To remove the entire line?

Commissioner Mann: No just what I stated, north Olga community planning effort.

Commissioner Judah: That implies that the Alva community plan absorbs the north Olga community.

Commissioner Mann: No, it just continues as it has for four years.

Commissioner Judah: Motion by Commissioner Mann.

A second?

Under discussion the issue here Donna Marie, the issue here is that the Olga plan needed to be submitted, correct?

If it was going to be a privately initiated.

Yes, sir.

So that's a moot point that we move that language out of that sheet.

Is that correct?

What it means is the board cannot prevent that amendment.

Commissioner Manning: Correct.

We no longer sponsor with Alva.

Alva can be removed separate so Commissioner Mann can ask the troops to get together and discuss these things.

Meantime, the process proceeds for Olga and they come back sometime in the spring for ratification or non-ratification of three members of this board.

Right.

My understanding there would be a period placed after community efforts and the clause, and the north Olga/Alva community efforts would be stricken.

Commissioner Manning: Right.

But the board would still sponsor.

Commissioner Manning: If he wants that to move forward.

I'm hearing he doesn't.

We can do that so they can still hold their discussions, correct?

Yes.

Commissioner Judah: Is that what you want to do?

Commissioner Mann: I don't want the period.

Commissioner Mann, perhaps you can clarify.

You would like the board to sponsor looking at the Alva community plan and updating that in accordance with the effort underway by the community for the last few years.

Commissioner Mann: Correct.

So you would like to keep that line on this list except that you would like to delete the part of that item that says, and the north Olga/.

--

Commissioner Mann: Stop right there.

And the north Olga.

Commissioner Mann: We used this language because there was a hope from the planning group, the department and me personally expressed even here and in private many times that I had hoped we could get a dialogue going between Alva and the north Olga communities, two separate groups.

That's how these things get thrown together.

The contention is with the north Olga group and its acceptance and my hope we can find harmony and move forward together.

The north Olga group has submitted their amendment privately.

Mr. Pringle?

Yes?

I'm OK with that.

I want to separate north Olga from anything we move here today and they can do their thing and it will be responded to.

But the Alva group working for four years I want them left in.

All I want to take out is north Olga and the rest of the sentence can remain the same.

Understood.

Commissioner Judah: So that takes care of everybody?

So I believe.

Commissioner Manning: That's my motion.

Commissioner Judah: I thought we had a motion by Commissioner Mann.

Commissioner Manning: It's been amended.

Commissioner Judah: Matt, let me ask you for clarification with this issue concerning Olga and Alva, Olga deleted, what is the intention of staff with regards to this bullet item concerning Alva's community plan?

They have been working.

I have attended many meetings over the summer.

They are going to be bringing forward their policy revisions they have been working on the

last couple of years.

It will be an amendment; it will be reviewed by the L.P.A. and come back to you in a transmittal hearing.

Commissioner Judah: How does that relate to north Olga?

They have been making sure their policies don't affect the area funded by the Board of County Commissioners, the north Olga area.

It would be a standalone piece that would only apply that Alva area that excludes the north Olga area.

Commissioner Judah: What the current language states before it was amended was to show a cooperative partnership with north Olga and Alva to work together and now with north Olga together it appears that it's Alva basically having oversight over the community planning that's right does in fact incorporate the Olga community?

I'm trying to get it clarified?

No.

The staff has been operating under the board direction at that funding hearing that there are basically two planning efforts.

I'm going there.

We have in our comments to the Alva planning panel have made that clear that we cannot support policies that violate that line at this moment given the previous poor direction.

Mr. Pringle if could you step forward for a second representing the Olga community.

I want a clarification.

Your understanding is there is not an encroachment or intrusion by Alva within the proposed language Bruce.

I understand that's Mr. Noble's comments.

I have not participated in the discussions.

Did you have the funding contract describing the areas?

We are working our application that we filed uses those same boundaries for the north Olga community plan efforts.

So that's what we have filed.

As I indicated earlier we continue to work with staff and participate with them.

I hope everybody understands that the problem is nobody knows where all of this is going to go.

I do not believe the north Olga community planning panel wants to remove one of their options from the list of options that they currently have by missing the September 30 deadline.

Commissioner Judah: I understand you have filed an amendment.

Yes, sir

Commissioner Judah: I want to clarify what Matt is saying the language before us today for the vote does in no way encroach or impede the north Olga planning effort as conducted by Alva.

Correct.

Further my understanding that what Mr. Noble was trying to accomplish was to treat everybody equitable ably to have an Alva planning effort board sponsored and a north Olgaerty that is board sponsored.

If that's the direction of the board they would be a part of this approval.

If not we'll have to proceed privately.

Commissioner Judah: Thank you, Mr. Pringle?

Questions?

Commissioner Bigelow: I have a question of somebody.

Taking north Olga out subjects them to the fee?

I heard that earlier.

Commissioner Mann: It will be privately initiated.

Which is inconsistent with the funding contract previously approved?

That's Matt noble's point.

To treat them equally.

A place holder is what we are attempting to accomplish.

We don't want to lose that choice, that option, that opportunity, if things do not work out otherwise.

So, we had hoped for a to be a part of and treated equally with Alva by being board initiate but if not the removal of the language puts us on our own and if we have to we have to.

Commissioner Judah: Subjects you to the fee.

Yes, sir.

Commissioner Judah: It's inconsistent with the past funding contract and past actions of the board to recognize our efforts but if that's how it has to be that's how it has to be. The ability to pursue planning this year.

I understand.

Commissioner Judah: Is the important goal here.

Commissioner Bigelow: You answered my question.

Since Commissioner Mann is not hung up on the fee, perhaps we ought to waive the fee.

Commissioner Mann: I'm sorry.

Commissioner Bigelow: I'm done.

Stand down.

We can always resolve the fee issue.

Matt?

I need to say a couple other things before you take action on the motion.

The list is somewhat ambitious.

Some items may be rolled over to the A.R. amendments due in 2011.

We have 18 months after that date to actually adopt the amendments based on the A.R. There's quite a lot of planning effort going on in Lee County at the moment. Some of these items might be better addressed through that E.A.R. round of amendments. We'll see how that goes.

The process might be modified by amendment four.

The list also contains a couple of items that the L.P.A. recommended the board continue in this year's round of amendments.

The staff is not recommending that you do that.

Looking at concurrency and level of service and adequate road capacity, that's better left with the E.A.R. round of amendments.

The flow ways map, there are a variety of issues regarding what the L.P.A. would like Lee county to do, not the least of which is time, money and access to property.

The county develops flow ways when a development comes forward.

We have generalized maps that depict the flow ways.

We believe now everything is adequate and we should continue on our current basis.

Those are my additional comments.

I would like the motion to reflect not including the local planning agency recommended amendments.

Reporter: Agreed.

Commissioner Judah: Further discussion?

Commissioner Bigelow?

Commissioner Bigelow: Matt, you said something there that gives me hope that these

sticky wickets we're talking about with Alva and Olga, the Hal Fields and the McCoy, actually helps me or gives me some encouraging hope that we can address this entire area east of i-75, north of the river because that's the area of the county most immediately prone to more sprawl if Mr. Kitsen exhibits his way north of the county line there as well as potentially within lee county.

You said some of the items may be more appropriately as we move forward included in the A.R.

Yes.

I'm vice president interested in that idea especially with respect to the northeast area rural lands of Lee County.

Because I've always believed, fellow board members, that the best way to deal with the debt from time to time impacts of -- detrimental impact of Mr. Kitsen developing the most pristine area of the state is to do a top down planning effort like we did in the G.R. area.

I would like to see if I could reach for the brass ring and grab it implement a moratorium in that area and authorize the allocation of significant funds to do a northeast area rural planning effort.

But I think this area of the county is begging for.

I won't try to do it here but I'm putting it out there as I did in the D.R.G. efforts first proposed and it didn't happen.

Maybe the day will come that it does come?

Commissioner Judah: Further discussion, objection?

No objection, motion passes.

On to item 8-a.

Moved by Commissioner Manning, seconded by Commissioner Bigelow.

Motion passes.

I think that takes care of the administrative agenda.

I don't believe we have anything on the public.

So we'll go to walk-on item number one regarding the beach re-nourishment contract?

Commissioner Manning: Move the item.

Commissioner Judah: Seconded by counsellor Bigelow.

It's obviously a critical project for Fort Myers beach.

Hearing no objection, motion passes.

Commissioner Mann: Great speech.

Reporter: Walk-on item two been discussion?

Commissioner Mann: I'm curious, current agreement expires September 30, a couple days away here.

We have talked about this a bunch.

It's my least favorite subject that y'all have to deal with.

If we didn't get this done, it's a walk-on.

To you think Motorola would walk away from this lucrative county?

I'm being mostly flippant but they're the only people doing the work.

They're not going to walk away from the contract, are they?

Probably not.

Sarcastic point made.

Commissioner Judah: Motion by Commissioner Mann?

I'm sorry. Commissioner Manning moved it, commissioner Bigelow seconded.

Motion passes.

Item three.

Second by Commissioner Bigelow, discussion, objection, hearing no objection, motion passes.

On to commissioner items.

Commissioner Mann.

Commissioner Mann: Yes, Mr. Chairman thank you very much.

I meant to do this prior to convening this morning and the prayer.

I would like to passengers in a citizen of Lehigh acres, Willard Baker passed away, and his funeral was this morning at 10:00 as we reconvened.

I visited with the family last night.

He was on our county bicycle committee.

He was very active in the Kiwanis club.

He had been on the community council there forever.

He was one of the most giving, caring citizens of Lehigh that you could hope to meet out there.

They need 10,000 more just like him.

He will be terribly missed by that community.

I felt we needed to take a second and mention all of his contributions.

Willard Baker.

Commissioner Judah: You this.

He was one of the strongest proponents of bicycle paths and sidewalks.

Commissioner Bigelow?

Commissioner Bigelow: I would like to ask Mr. Hammond on the Red Sox ground breaking originally scheduled for August 27th.

Have you heard when it is to be?

And secondly I would like a budget for the ground breaking.

Commissioner, we're still in a hold on that.

There are a number of things that need to be.

Commissioner Bigelow: I'm talking about the ground breaking ceremony consulted August 27th.

Mr. Lavender was overseeing that and he'll tell you we're waiting until fairly close to the end of the year before we're having that.

We're still negotiating and talking with the Red Sox and if Jim wants to add them to that.

Commissioner Bigelow: Talking and negotiating about?

The timing of having the ground breaking.

Commissioner Bigelow: Oh.

After the general election.

I don't know.

The ceremony has been on the back burner because we are at a critical and busy part of the project as far as the final construction drawings being completed and work is commencing at the site so there's a lot going on.

There are some issues with the upper management of the Boston Red Sox as far as scheduling.

There are things happening with those folks they wanted to delay and we were fine with it. It will be scheduled.

It's not holding up anything right now so --

Commissioner Bigelow: OK.

I didn't mean to say there was a major hold-up but ownership wants to be here for that and it's schedule around John Henry's schedule and there won't be world series time right now so --

Commissioner Bigelow: It had been previously scheduled August 27th after the primary.

Can you give me the budget since you have already done all the planning work to hold this event?

I would like to know what it's going to cost.

Absolutely.

Commissioner Bigelow: Pete, I appreciate you got an answer to us quickly about the recent Washington, D.C. trip.

There was some back-up by Greg burns, September 22nd, I guess he was justifying in a memo the need for the trip.

Can you tell me what Mr. Burns or if the cost to the county will be for that Bobbying effort as well as what they charged us to offer this memo?

That's all.

Thank you.

Commissioner Judah: Anything else?

Commissioner Bigelow: No.

Commissioner Judah: Fellow commissioners, last week commissioner hall and I put together a letter to Larry Kiker from Fort Myers regarding the sea fairer's building.

We have a draft that's going to go to the mayor and the council.

Within in 30 days give you an idea of options would you like us to pursue.

Commissioner Bigelow: This is a letter that Mr. Hammond just delivered?

Commissioner Judah: To Mayor Kiker.

Yes.

You it's basically requesting the time to give us their take on how to dispose of or utilize the sea fairer's village building.

Commissioner Bigelow: It sounds innocuous.

I'm scanning it.

Commissioner Judah: Look it over.

Continued partnership of the town.

Commissioner Bigelow: A question here.

I thought we were supposed to see these commissioner items when it's expecting the board to approve it prior to the board meeting.

Is that not true?

David, you authored those administrative -- oh, when possible.

If I can't do it it's OK to bring.

It was brought up last week and commissioner hall asked the letter be brought back today.

So that's therefore --

Commissioner Bigelow: Today is the 28th.

Commissioner Judah: All day.

Commissioner Bigelow: This letter is dated September 21st.

That's just the draft.

Commissioner Mann: A week ago.

Commissioner Bigelow: And we couldn't have had it before.

If we have administrative codes, the policy of this board and you're going to bring us this letter, you just dropped it on us, bill, you know as we were convening here.

If we're going to do this, let's do this.

I think the draft was put together by commissioner hall's office and this now comes before the board for final signoff and it's requesting again the time council give us suggestions as to how they would like to us move forward with the building.

That's it.

Commissioner Mann: Send it already.

Commissioner Judah: Let's have a motion.

Motion by Commissioner Mann.

Second by commissioner Manning.

Commissioner Bigelow: I'm going to object, not to the letter but the process.

I want to ask a question of the deputy county manager.

The County Manager Easley Ason to the city, point man with respect to coordinating this board meeting with five municipalities.

I would like to include Lehigh somehow, but could we at least get the cities meeting dates agreed to and work them out?

Or is that happening?

Commissioner Judah: That has nothing to do with it.

Commissioner Bigelow: It does.

The town of Fort Myers beach.

Commissioner Judah: You're right.

I understand you're working on those joint meetings.

It's up to them to get a time frame we can work with.

Now we move on to a couple other commissioner items.

One, it's my understanding that glade, Sarasota, Charlotte and Hendry have worked out a local bidders preference agreement.

What I'm going to ask this board I suspect you wouldn't disagree we have a reciprocity agreement.

It would be nice to have the counties in southwest Florida to get together.

I would like to coordinate the building association and the American institute of architects to work out a similar agreement with the other counties such as Hendry, glade, Sarasota with bidders preference so everybody is treated on a level playing field.

Commissioner Mann: It would include Sarasota?

Commissioner Judah: Yeah.

Commissioner Mann: I'm not sure I want to do that.

They didn't include us.

Commissioner Judah: We could approach them and see if when to like to be in a southwest Florida reciprocity agreement.

Commissioner Mann: I would like to talk about this.

Commissioners if I could, on this Monday we'll have an M. F. P. on the purchasing side and the reciprocity and also the things we are doing a in contracts throwing the net wider and distributing work.

Commissioner Judah: If that's included, that's great.

Takes care of that.

I would like to congratulate Lin say if he's still here from the solid waste department they have received a sustainable waste award generating enough electricity to power some 35,000 homes.

Lin say that, in addition to the phenomenal recycling efforts where we are competitive with the other counties in the state in excess of 30% reduction of the volume of our waste through recycling is to be commended but this is a heck of an acknowledgment to you and it's nice to have you recognized for the effort.

Would you like to comment?

Just on behalf of staff, we appreciate that recognition.

Commissioner Judah: Thank you.

Commissioner Mann: Until he saw the nature of what you were reading he jumped out.

Commissioner Judah: Commissioner Mann

Commissioner Mann: That's what we just did.

Commissioner Judah: Committee appointments, I apologize.

Commissioner Mann: I want to beg you, please, you are our number one baseball fan to say something nice about the twins.

Commissioner Judah: That was going to be brought forward anyway.

We need to send a letter of recognition.

They have clenched their division title quicker than any other major league division team.

The twins are a phenomenal organization.

To compete the way they do.

Mr. Chairman, I have spoken with Mr. Smith, the general manager and he begged me not to do that just yet until they get to the end of the tunnel.

And we have done that before and we have jinxed it so we're waiting.

Commissioner Judah: Send them some infield dirt.

Commissioner Mann: Draft a letter.

Commissioner Judah: I understand superstition reigns supreme in baseball.

We'll keep it sealed until they win the World Series.

Neal Montgomery to the attorney selection economy.

Commissioner Judah: A second?

No objection.

Motion passes.

Commissioner Bigelow.

Commissioner Bigelow: None.

Commissioner Judah: Bill Walsted.

Second motion by commissioner man.

Second by commissioner Manning.

Motion passes.

I've been asked that John Wilson --

Commissioner Judah: That needs to happen.

Thank you.

Commissioner man.

In

Commissioner Mann: Here's a point.

Fine with me.

How is that committee coming together?

Commissioner Judah: We each appoint to the selection committee.

We're supposed to get a list from the county manager.

Madam clerk I have no committee appointments.

Commissioner Judah: I'm sorry.

John?

>>Good morning again.John Wilson, public safety division for the record.

We have a rather large rainmaker out there just below Cuba that's trying to wrap itself around some sort of tropical system.

It's not looking like it will form into a hurricane by the time it comes close to us but there's a great deal of uncertainty in what it may eventually impact as far as any sort of storm surge or high winds for south Florida.

It will be a rainmaker over the next couple of days.

The for example seem -- forecasts flip and flop when they do them as far as how much rain southwest Florida might get.

Right now it's looking like a rainmaker for the east coast but a lot has to do with how quickly it moves through north Florida and continues down through the state.

That's where we're sitting.

Commissioner Judah: Do you need a declaration of emergency?

Not at this time but if we do we would probably invoke the ordinance that we put into effect so if we could not seat our quorum we would go to yourself or a member of the board that we can find and request it.

We have that option available to us.

Commissioner Judah: Always well prepared for could happen.

Thank you very much.

Do we have the North Fort Myers state of emergency?

No that one expired at the last commissioner meeting.

Commissioner Judah: Anything else?

Attorney's office?

OK.

We are adjourned.

Commissioner Judah: We are not adjourned.

We open to the final item on the agenda today, public presentation.

[Music playing]

I'm here representing Oakridge regarding the recycling.

I thank you for your referral today.

We'll stay tuned for next spring to see exactly what happens.

I had a couple letters to give to you, form letters but pretty much in compliance with what the residents think at this point in time.

There's a great deal of education to be learned from now until then and I would like to be aware of this and put on the e-mail list and help out with that if I can.

If I can submit this?

Commissioner Judah: Do you have an extra copy?

They should get.

Maybe you can copy us.

Commissioner Judah: Anyone else wishing to comment?

Seeing none, we are adjourned.