



# Board of County Commissioners Meeting Agenda

**District #1**

John E. Manning  
Vice Chair

**District #2**

Brian Bigelow

**District #3**

Ray Judah

**District #4**

Tammy Hall

**District #5**

Frank Mann  
Chair

Karen B. Hawes  
County Manager

Michael D. Hunt  
County Attorney

**September 13, 2011**

If you plan to address the Board, please complete a blue "Request for Comment" card (located on the table outside the Chamber entrance) or you can submit your comment electronically by clicking [here](#).

Completed cards should be returned to the Staff table at the right of the podium prior to the start of the meeting.

All back up for this agenda is available on the Internet at <http://www.lee-county.com>. Additional information is available in the

**Public Resources Office**, 1<sup>st</sup> Floor, Administration Building, 2115 Second St., Fort Myers, FL

**PLEASE NOTE:** The Board may take action in its capacity as the Port Authority or Government Leasing Corporation.

**COMMISSION CHAMBERS, 2120 MAIN STREET, FORT MYERS, FLORIDA**

**9:30 AM**

Invocation: Pastor Wes Olds, Grace United Methodist Church of Cape Coral

Pledge of Allegiance

Ceremonial Presentations

Colonel Pantano, U.S. Army Corps of Engineers - Lake Okeechobee and Caloosahatchee River Update

Recap

Public Comment on the Consent and Administrative Agenda

**Consent Agenda**

- Items to be pulled for discussion by the Board
- Motion to approve balance of items
- Consideration of items pulled for discussion

**Administrative Agenda**

Public Hearings

Walk-ons and Carry-overs

Commissioners' Items/Committee Appointments

County Manager Items

County Attorney Items

Recess Until 5:00PM

### **9:30 AM CEREMONIAL PRESENTATION**

1. Ceremonial presentation recognizing Jackie Figueroa. (#20110720-Commissioner Judah)
2. Ceremonial presentation recognizing Constitution Week. (#20110721-Commissioner Mann)

## CONSENT AGENDA

### 1. COUNTY ADMINISTRATION

A) **ACTION REQUESTED/PURPOSE:**

Authorize the Chair to accept and execute the "Sign-Off" letter from Katie Haas, Director, Florida Business Operations, of the Boston Red Sox Baseball Club Limited Partnership, permitting the Sterling Mets, LP dba New York Mets to sublease the City of Palms Park for the term of September 14, 2011, to October 10, 2011. (#20110689-SPORTS DEVELOPMENT)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Acceptance of the letter grants Lee County the ability to sublease the City of Palms Stadium and equipment to the New York Mets for their Fall Instructional League with the anticipation of drawing residents to the area for additional events.

**MANAGEMENT RECOMMENDATION:**

Accept letter.

B) **ACTION REQUESTED/PURPOSE:**

Approve and execute a License between Lee County and the Sterling Mets, LP regarding use of the City of Palms Park for the term of September 14, 2011, to October 10, 2011. Additionally, approve budget resolution for FY11-12. (#20110691-SPORTS DEVELOPMENT)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Allows the Sterling Mets, LP use of the Licensed Premises and equipment for their Fall Instructional League for the term of September 14, 2011, to October 10, 2011. The Sterling Mets, LP will pay Lee County a facility rental fee of \$12,000 for use of City of Palms Park.

**MANAGEMENT RECOMMENDATION:**

Approve License and budget resolution.

### 2. COMMUNITY DEVELOPMENT

### 3. CONSTRUCTION AND DESIGN

### 4. COUNTY COMMISSIONERS

### 5. COUNTY LANDS

### 6. HUMAN SERVICES

### 7. INDEPENDENT

A) **ACTION REQUESTED/PURPOSE:**

Adopt Budget Amendment Resolution and accept donations totaling \$964.00 for use related to the LeeGrows program. (#20110586-PUBLIC RESOURCES)

**FUNDING SOURCE:**

Donations.

**WHAT ACTION ACCOMPLISHES:**

Allows the use of funds for LeeGrows.

**MANAGEMENT RECOMMENDATION:**

Approve.

7. **INDEPENDENT (Continued)**

B) **ACTION REQUESTED/PURPOSE:**

Request Board accept receipt of \$77,592.00 from two insurance carriers of the responsible parties to repair accident damage to 2010 Gillig Bus 503 in the amount of \$30,097, and accident damage to 2008 Gillig Bus #423 in the amount of \$47,495. Request Board approval for a budget amendment of \$77,592.  
(#20110568-TRANSIT)

**FUNDING SOURCE:**

No additional funds required.

**WHAT ACTION ACCOMPLISHES:**

Establishes a budget for both the revenue and expense to repair Bus 503 and Bus 423.

**MANAGEMENT RECOMMENDATION:**

Approve.

C) **ACTION REQUESTED/PURPOSE:**

Approve extension of the following two (2) MSTBU Interfund loans from 9/30/2011 to 9/30/2012: Palmona Park loans #178 and #188 (Fund 10228) for \$7,023 plus accrued interest; and San Carlos loan #174 (Fund 10234) for \$26,821 plus accrued interest. (#20110651-PUBLIC RESOURCES)

**FUNDING SOURCE:**

Palmona Park Streetlighting district and San Carlos Park loans provided by MSTBU Restricted Fund (10400).

**WHAT ACTION ACCOMPLISHES:**

Provides extension of loans until collection of revenues to reimburse for services.

**MANAGEMENT RECOMMENDATION:**

Approve.

8. **NATURAL RESOURCES/ SOLID WASTE**

9. **PARKS AND RECREATION**

A) **ACTION REQUESTED/PURPOSE:**

Request Board approve budget resolution for FY 10-11 in the amount of \$200,000. In accordance with the Purchase Agreement, the County received \$200,000 for future environmental restoration and management of Parcel 389, a Conservation 20/20 property located on Pine Island.  
(#20110701-PARKS AND RECREATION)

**FUNDING SOURCE:**

Fund-Capital Improvement-Environmentally Sensitive Land; Program-Parks and Recreation Operations; Project-Conservation 20/20-Parcel 389.

**WHAT ACTION ACCOMPLISHES:**

Allows funds to be identified for future environmental restoration and management of the property.

**MANAGEMENT RECOMMENDATION:**

Approve.

10. **PUBLIC SAFETY**

A) **ACTION REQUESTED/PURPOSE:**

Approve Extension to Interlocal Agreement with the City of Fort Myers for Fire Protection and Prevention Services to the Maravilla MSTU and Naravez for the period beginning October 1, 2011 through September 30, 2012, based on final taxable value provided by the Property Appraiser utilizing four mills as millage rate. (#20110550-PUBLIC SAFETY)

**FUNDING SOURCE:**

Non-Department, Maravilla Fire Protection, Other Contracted Services.

**WHAT ACTION ACCOMPLISHES:**

Continues fire protection services to the residents of Maravilla MSTU District by the City of Fort Myers Fire Department.

**MANAGEMENT RECOMMENDATION:**

Staff recommends approval.



11. **PUBLIC WORKS ADMINISTRATION**

12. **TRANSPORTATION**

A) **ACTION REQUESTED/PURPOSE:**

Approve entering into a Landscape Installation and Maintenance Agreement between Lee County and Worthington Community Master Homeowners Association, Inc. and authorize the Chair to execute the agreement. (#20110697-TRANSPORTATION)

**FUNDING SOURCE:**

None required by the County. Funding to be provided by the Worthington Community Master Homeowners Association.

**WHAT ACTION ACCOMPLISHES:**

Establishes the installation and maintenance responsibilities of both parties and allows the Worthington Community to landscape their community entrance on Bonita Beach Road at South Hampton Drive within the County right-of-way.

**MANAGEMENT RECOMMENDATION:**

Approve.

13. **UTILITIES**

A) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - San Marino (BS 20110674/20174, TAK/SDG): Approve final acceptance, by Resolution, as a donation of one 10" diameter master meter assembly to provide potable water service and fire protection to 'SAN MARINO', a recently constructed multi-family residential development. This is a Developer contributed asset project located on the southeast corner of Ben Hill Griffin Parkway and Marino Pointe Drive approximately 2/3 of a mile northwest of Estero Parkway. (#20110674-UTILITIES)

**FUNDING SOURCE:**

No funds required.

**WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Design Manual.

**MANAGEMENT RECOMMENDATION:**

Approval.

B) **ACTION REQUESTED/PURPOSE:**

1) Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-11-14 UTILITIES RATE FINANCIAL CONSULTANT, in the following order of ranking: (1) Public Resources Management Group, Inc. (PRMG); (2) Burton & Associates; and (3) Raftelis Financial Consultants, Inc.  
2) Authorize contract negotiations to commence with the number one ranked firm. (#20110684-UTILITIES)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Consultant will provide general utility financial consulting services and assistance for the Lee County Utilities Division.

**MANAGEMENT RECOMMENDATION:**

Approve.

14. **COUNTY ATTORNEY**

15. **HEARING EXAMINER**

16. **CONSTITUTIONAL OFFICERS**

A) **ACTION REQUESTED/PURPOSE:**

Request Board approves disbursements. The check and wire registers can now be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BOCC Minutes and Documents link. (#20110723-FINANCE)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Florida Statute Chapter 136.06 (1) requires that all County disbursements be recorded in the Minutes of the Board.

**MANAGEMENT RECOMMENDATION:**

Compliance with the requirements of FS 136.06 (1).

B) **ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of August 29 through September 2, 2011: August 29, 2011 (Budget Workshop), August 30, 2011 (Regular), August 31, 2011 (Executive Session). (#20110724-MINUTES)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Approval of the Board Minutes, pursuant to Florida Statute 286.011.

**MANAGEMENT RECOMMENDATION:**

Approve.

C) **ACTION REQUESTED/PURPOSE:**

Approve disbursement of excess funds resulting from the sale of tax deed certificates to a claimant verified and certified under Florida Statutes 197.582. (#20110725-DELINQUENT TAX)

**FUNDING SOURCE:**

Proceeds from a tax deed sale in excess of the taxes and/or liens owed are being held by the Board for disbursements in accord with Florida Statutes, Chapter 197.

**WHAT ACTION ACCOMPLISHES:**

Provides for disbursement of excess tax deed proceeds to an appropriate claimant in compliance with statutory rules and requirements.

**MANAGEMENT RECOMMENDATION:**

Approve disbursement to identified claimant.

17. **PORT AUTHORITY AND OTHER GOVERNING BOARDS**

## **ADMINISTRATIVE AGENDA**

1. **COUNTY ADMINISTRATION**
2. **COMMUNITY DEVELOPMENT**
3. **CONSTRUCTION AND DESIGN**
4. **COUNTY COMMISSIONERS**
5. **COUNTY LANDS**
6. **HUMAN SERVICES**
7. **INDEPENDENT**

A) **ACTION REQUESTED/PURPOSE:**

Authorize the continued ongoing utilization of Waiver W-060417, Gillig Bus Parts for Lee Tran, from the parts division of Gillig Corporation with an estimated annual expenditure of \$125,000.00.  
(#20110705-TRANSIT)

**FUNDING SOURCE:**

Independent Division, Transit Operating, Fixed Route, Equipment Repair Parts, Vehicle Maintenance.

**WHAT ACTION ACCOMPLISHES:**

Allows Transit to obtain bus parts from Gillig Corporation.

**MANAGEMENT RECOMMENDATION:**

Approve.

B) **ACTION REQUESTED/PURPOSE:**

1. Approve Addendum to the Construction Manager Agreement under project RFQ-11-05 ANNUAL CONTRACT FOR CONSTRUCTION MANAGEMENT, for the project known as Admin Building Re-Roof, to WestCo Builders of Florida, Inc. (a local contractor), Contract No. 5668, for a Guaranteed Maximum Price (GMP) of \$307,828.00 (includes CM Fee of \$22,915.00 or 8.65%), utilizing 100% local vendors, with a total project time of sixty (60) calendar days.

2. Request that the Board approve waiving of the formal process (if needed) and authorize the use of Direct Materials Purchase Order as provided for in the CM Agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.

3. Authorize Chair to execute Addendum upon receipt. (#20110708-FACILITIES MANAGEMENT)

**FUNDING SOURCE:**

Fund – General Fund; Program – Major Maintenance Project; Project - Re-Roof Administration Building.

**WHAT ACTION ACCOMPLISHES:**

Provides a Construction Manager for the re-roofing of the Administration Building.

**MANAGEMENT RECOMMENDATION:**

Approve.

8. **NATURAL RESOURCES/ SOLID WASTE**
9. **PARKS AND RECREATION**
10. **PUBLIC SAFETY**
11. **PUBLIC WORKS ADMINISTRATION**
12. **TRANSPORTATION**
13. **UTILITIES**

14. COUNTY ATTORNEY
15. HEARING EXAMINER
16. CONSTITUTIONAL OFFICERS
17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

## 9:30 AM PUBLIC HEARING

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing; adopt an ordinance amending the Lee County Parks and Recreation Ordinance No. 06-26, as amended. (#20110685-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and related components adopted by the Florida Legislature in Florida Statutes Chapter 790.

**MANAGEMENT RECOMMENDATION:**

Adopt ordinance.

**2. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing; adopt an ordinance amending Lee County Noise Ordinance No. 93-15, as amended. (#20110686-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and related components adopted by the Florida Legislature in Florida Statutes Chapter 790.

**MANAGEMENT RECOMMENDATION:**

Adopt ordinance.

## **WALK ON AGENDA**

1. Ceremonial presentation recognizing contributors to the Big Backpack Event. (#20110755-Commissioner Judah)

## **PUBLIC AGENDA - 5:00 PM**

### **1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing on the proposed redistricting of the Lee County Commission Districts. If after receiving public input a consensus on an alternative, or modified alternative, is reached, direct staff to set the necessary public hearing for the adoption of a Resolution establishing and changing the Lee County Commission Districts pursuant to the 2010 Census. (#20110687-COMMUNITY DEVELOPMENT)

### **FUNDING SOURCE:**

N/A.

### **WHAT ACTION ACCOMPLISHES:**

Establishes districts with approximately equal population, as required by the Florida Statute.

### **MANAGEMENT RECOMMENDATION:**

Select Alternative 1.

Public Presentation of Matters by Citizens

Adjourn

**Lee County Board Of County Commissioners**

**Blue Sheet No. 20110720**

**Agenda Item Summary**

**1. ACTION REQUESTED/PURPOSE:**

Ceremonial presentation recognizing Jackie Figueroa.

**2. FUNDING SOURCE:**

**3. WHAT ACTION ACCOMPLISHES:**

**4. MANAGEMENT RECOMMENDATION:**

**5. Departmental Category: CP1**

**6. Meeting Date: 9/13/2011**

**7. Agenda:**

Ceremonial

**8. Requirement/Purpose: *(specify)***

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** Ray Judah

**Department:** COUNTY COMMISSIONERS

**Division:**

**By:**

**10. Background:**

**11. Required Review:**


**12. Commission Action:**



**Lee County Board Of County Commissioners**

**Blue Sheet No. 20110721**

**Agenda Item Summary**

**1. ACTION REQUESTED/PURPOSE:**

Ceremonial presentation recognizing Constitution Week.

**2. FUNDING SOURCE:**

**3. WHAT ACTION ACCOMPLISHES:**

**4. MANAGEMENT RECOMMENDATION:**

**5. Departmental Category: CP2**

**6. Meeting Date: 9/13/2011**

**7. Agenda:**

Ceremonial

**8. Requirement/Purpose: *(specify)***

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** Frank Mann

**Department:** COUNTY COMMISSIONERS

**Division:**

**By:**

**10. Background:**

**11. Required Review:**


**12. Commission Action:**



# LEE COUNTY

SOUTHWEST FLORIDA

## *The Board of County Commissioners*

### RESOLUTION

**Whereas:** Two hundred and twenty-four years ago this September 17<sup>th</sup>, delegates to the Constitutional Convention in Philadelphia signed one of the most enduring documents in history: the Constitution of the United States of America; and

**Whereas:** It is vital that all citizens fully understand the provisions, principles and meaning of the Constitution in order to effectively support, preserve and defend it against encroachment; and

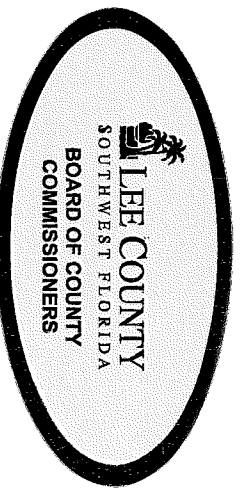
**Whereas:** The independence and freedom guaranteed by this cornerstone of the American system of self-government, should be celebrated by appropriate ceremonies and activities during Constitution Week, as designated by proclamation of the President of the United States in accordance with the joint resolution of Congress of February 29, 1952 [36 U.S.C. 106, as amended], and by joint resolution of August 2, 1956 [36 U.S.C. 108, as amended].

**NOW, THEREFORE BE IT RESOLVED THAT THE Board of County Commissioners of Lee County, Florida, does hereby proclaim September 17, 2011 as Constitution Day and Citizenship Day and September 17<sup>th</sup> through September 23<sup>rd</sup>, 2011 as:**

### **Constitution Week**

in Lee County. We encourage civic, social, and educational organizations, including the Caloosa Chapter, Sons of the American Revolution, Southwest Florida Chapters of the Daughters of the American Revolution, the Children of the American Revolution, and all area veteran's organizations, to conduct ceremonies and programs that celebrate our Constitution and reaffirm our rights and responsibilities as citizens of our great nation.

Duly Executed this 13<sup>th</sup> Day of September 2011.



BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

A handwritten signature in black ink, likely of the Chairman.

Chairman

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110689**

**1. ACTION REQUESTED/PURPOSE:**

Authorize the Chair to accept and execute the "Sign-Off" letter from Katie Haas, Director, Florida Business Operations, of the Boston Red Sox Baseball Club Limited Partnership, permitting the Sterling Mets, LP dba New York Mets to sublease the City of Palms Park for the term of September 14, 2011, to October 10, 2011.

**2. FUNDING SOURCE:**

N/A

**3. WHAT ACTION ACCOMPLISHES:**

Acceptance of the letter grants Lee County the ability to sublease the City of Palms Stadium and equipment to the New York Mets for their Fall Instructional League with the anticipation of drawing residents to the area for additional events.

**4. MANAGEMENT RECOMMENDATION:** Accept letter.

**5. Departmental Category:** C1A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose:** *(specify)*

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** SPORTS DEVELOPMENT

**Division:** No Divisions

**By:** Jeff Mielke

**10. Background:**

The Sterling Mets, LP, dba New York Mets Baseball met with staff of the Sports Authority in regards to leasing a portion of the City of Palms for their Fall Instructional League. A License will be presented to the BOCC meeting for approval at this meeting (September 13, 2011) as well.

The Boston Red Sox Baseball Club Limited Partnership has provided its consent to the sublease by the Mets for their Fall Instructional League for 2011, by separate Blue Sheet.

Attachment: Letter

**11. Required Review:**

<i>Jeff Mielke</i>	<i>Thelma Davis</i>	<i>Andrea Fraser</i>	<i>Anne Henkel</i>	<i>David Harris</i>	<i>Bill Hammond</i>
SPORTS DEVELOPMENT	Budget Analyst	County Attorney	Budget Analyst	Budget Services	County Manager

**12. Commission Action:**

**BOSTON**



**RED SOX**™

CITY OF PALMS PARK, 2201 EDISON AVE., FORT MYERS, FL 33901

P. 239-334-4700 F. 239-334-6060

August 23, 2011

Mr. Michael Hunt, Esq.  
Lee County Attorney  
PO Box 398  
Ft Myers, FL 33901

Dear Mr. Hunt:

The Boston Red Sox Baseball Club Limited Partnership ("Red Sox") and Lee County ("the County") are parties to a lease agreement dated February 22, 2005 pertaining to City of Palms Stadium located in the State of Florida. The lessee Red Sox has been granted certain exclusive rights for the duration of the lease by the lessor County to use City of Palms Stadium and its appurtenances, including the "Team's Exclusive Use Areas" for the "Team's Exclusive Baseball Activities."

The County has requested that the Red Sox provide its consent to allow the New York Mets organization to use the Leased Premises and equipment owned by the Red Sox for a limited time period which shall commence on September 17, 2011 and terminate on October 29, 2011.

The Red Sox hereby consent to the County's request subject to the County's agreement to the following conditions:

The County, at no cost to the Red Sox, shall promptly cause the repair or replacement of any damaged property, equipment, structures, water apparatus, electric lights, fixtures, appliances, furniture, lockers located on or about the Leased Premises resulting or arising from the New York Mets' use of the Leased Premises, including any property or equipment owned by the Red Sox, subject to ordinary wear and tear.

The County, at no cost to the Red Sox, shall cause the New York Mets to maintain insurance with a company or companies reasonably acceptable to the Red Sox, which company or companies shall have at least an A-Best rating. The minimum requirements of such insurance are:

- a. Workers' compensation insurance in an amount not less than is required by Florida law;
- b. Property damage insurance in an amount no less than \$1,000,000;
- c. Commercial general liability insurance with a limit of \$1,000,000; and

**BOSTON**



**RED SOX™**

CITY OF PALMS PARK, 2201 EDISON AVE., FORT MYERS, FL 33901  
P. 239-334-4700 F. 239-334-6060

- d. The New York Mets shall name the Boston Red Sox Baseball Club, NESV Florida Real Estate and NESV as additional insureds on all comprehensive general liability insurance policies as required herein and shall issue certificates evidencing such insurance policy to the Red Sox no later than September 10, 2010.

The County shall be solely responsible for the cost of all utilities, including but not limited to, electricity costs for any lighting used.

The County, at no cost to the Red Sox, shall be responsible for providing an adequate number and type of stadium personnel e.g. janitorial, security, etc. during the period of time that the New York Mets have use of City of Palms Stadium.

The County shall conduct a joint inspection of the Facility and equipment with representatives of the Red Sox and the New York Mets, prior to the New York Mets leaving City of Palms Park to ascertain whether any property, equipment, etc. is damaged or missing.

The Red Sox reserves all of its rights pursuant to the Lease.

Sincerely,

Katie Haas,  
Director, Florida Business Operations

Agreed to: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110691**

**1. ACTION REQUESTED/PURPOSE:**

Approve and execute a License between Lee County and the Sterling Mets, LP regarding use of the City of Palms Park for the term of September 14, 2011, to October 10, 2011. Additionally, approve budget resolution for FY11-12.

**2. FUNDING SOURCE:**

N/A

**3. WHAT ACTION ACCOMPLISHES:**

Allows the Sterling Mets, LP use of the Licensed Premises and equipment for their Fall Instructional League for the term of September 14, 2011, to October 10, 2011. The Sterling Mets, LP will pay Lee County a facility rental fee of \$12,000 for use of City of Palms Park.

**4. MANAGEMENT RECOMMENDATION:** Approve License and budget resolution.

**5. Departmental Category: C1B**

**6. Meeting Date: 9/13/2011**

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** SPORTS DEVELOPMENT

**Division:** No Divisions

**By:** Jeff Mielke

**10. Background:**

The Sterling Mets, LP, dba New York Mets Baseball met with staff of the Sports Authority in 2010, in regards to leasing a portion of the City of Palms for their Fall Instructional League. The Boston Red Sox Baseball Club Limited Partnership provided its consent to the Mets. A License Agreement was entered into between Lee County and the Sterling Mets, LP, regarding the City of Palms Park and approved by the Board of County Commissioners (BOCC) at the September 21, 2010, BOCC meeting.

Sports Authority staff was again contacted in regards to the Sterling Mets, LP, dba New York Mets Baseball leasing a portion of the City of Palms for their Fall Instructional League for the term of September 14, 2011 to October 10, 2011.

**ATTACHMENTS:**

License Agreement

Budget Resolution for FY 11-12

**11. Required Review:**

<i>Jeff Mielke</i>	<i>Andrea Fraser</i>	<i>Thelma Davis</i>	<i>David Harris</i>	<i>Peter Winton</i>	
SPORTS DEVELOPMENT	County Attorney	Budget Analyst	Budget Services	County Manager	

**12. Commission Action:**

**LICENSE**  
**BETWEEN LEE COUNTY AND**  
**STERLING METS, LP,**  
**FOR THE USE OF CITY OF PALMS PARK**

**September 14, 2011 thru October 10, 2011**

The purpose of this License is to state the mutual understandings between **LEE COUNTY**, a political subdivision and charter county of the State of Florida, hereinafter the "County", and **STERLING METS, LP**, hereinafter, "Mets", collectively, the "Parties", regarding the use of the City of Palms Park.

**WITNESSETH:**

**WHEREAS**, the County owns and operates athletic facilities known as the City of Palms Park, hereinafter, "Facilities", and Sterling Mets, LP, is desirous of using a portion of the Facilities for their Fall Instructional Leagues; and,

**WHEREAS**, the County entered into that certain Lease Agreement dated February 25, 2004, by and between the Boston Red Sox Baseball Club, and Lee County, and that certain Lease Agreement dated February 22, 2005, amending same; and,

**WHEREAS**, the County and Mets are mutually desirous of entering into a License Agreement regarding the Facilities.

**NOW THEREFORE**, in consideration of the above and the mutual obligations as set forth further herein, the Parties hereby agree as follows:

1. The Mets, will use a portion of the City of Palms Park for their Fall Instructional League.

2. The Boston Red Sox has an existing lease of the City of Palms Park and has agreed to allow the Sterling Mets, LP to use designated areas of the City of Palms Park to include both playing fields, the Major League Clubhouse, medical training rooms and equipment, washer/dryer facility, various clubhouse offices and workout areas.
3. Based on the Boston Red Sox agreeing to allow the County to license certain designated areas of the City of Palms Park pursuant to the term and conditions of this License, the County will license to the Mets certain designated areas of the City of Palms Park to include both playing fields, the Major League Clubhouse, medical training rooms and equipment, washer/dryer facility, various clubhouse offices and workout areas (collectively, the "Licensed Premises").
4. The Mets will use certain designated areas of the City of Palms Park for their Fall Instructional League for the term of September 14, 2011, up to and including October 10, 2011.
5. Mets will pay to Lee County TWELVE THOUSAND and 00/100 DOLLARS (\$12,000.00) for use of the Licensed Premises, no later than October 5, 2011.
6. Mets may not assign its rights hereunder, without the prior written consent of the County and the Boston Red Sox. Failure to comply with this section may result in immediate termination of the Agreement.
7. Mets shall at all times hereafter indemnify, hold harmless and, at the County Attorney's option, defend or pay for any attorney selected by the



County Attorney to defend Lee County, its officers, agents, servants, and employees from and against any and all causes of action, demands, claims, losses, liabilities and expenditures of any kind, including without limitation injuries or damage to persons and property (including reasonable outside attorney fees, court costs, and expenses) (collectively, "Losses"), to the extent that such Losses are caused by intentional or negligent act of, or omission of Mets, its employees, agents, servants, or officers.

8. The Mets, at no cost to the County, shall promptly cause the repair or replacement of any damaged property, equipment, structures, water apparatus, electric lights, fixtures, appliances, furniture, lockers located on or about the Licensed Premises resulting or arising from the New York Mets' use of the Licensed Premises subject to ordinary wear and tear.
9. The Mets, at no cost to the County, shall maintain insurance with a company or companies reasonably acceptable to the County, which company or companies shall have at least an A-Best rating. The minimum requirements of such insurance are:
  - a. Workers' compensation insurance in an amount not less than is required by applicable law;
  - b. Property damage insurance in an amount no less than \$1,000,000;
  - c. Commercial general liability insurance with a limit of \$1,000,000;
  - d. Mets shall provide insurance and name Lee County and the Boston Red Sox Baseball Club, NESV Florida Real Estate and NESV as

additional insured on all comprehensive general liability insurance policies as required herein and shall issue certificates evidencing such insurance policy to the County no later than September 14, 2011.

10. This License and all Mets obligations hereunder are subject to the Major League Rules and the Professional Baseball Agreement, to the extent such Major League Rules and the Professional Baseball Agreement are applicable.

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**IN WITNESS WHEREOF**, the Parties hereto have caused this License executed on this \_\_\_\_\_ day of \_\_\_\_\_, by their respective officers, therein duly authorized.

Sterling Mets, LP

BY: \_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

BY: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Date

Lee County Board of County  
Commissioners

BY: \_\_\_\_\_  
Chair

Approved as to Form

BY: \_\_\_\_\_

# RESOLUTION #

Amending the Budget of the General Fund, Fund #00100 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2011-2012.

**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 General Fund, Fund #00100 budget for \$12,000 of the unanticipated revenue from the sublease of the City of Palms, and an appropriation of a like amount for additional maintenance and;

**WHEREAS**, the General Fund, Fund #00100 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$600,983,639
Additions		
KH5722000100.347290.9023	Special Events	\$12,000
Amended Total Estimated Revenues		\$600,995,639

## APPROPRIATIONS

Prior Total:		\$600,983,639
Additions		
KH5722000100.504690	Maintenance & Repairs	\$12,000
Amended Total Appropriations		\$600,995,639

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the General Fund, Fund #00100 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 \_\_\_\_\_, 2011.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

DOC TYPE YA  
LEDGER TYPE BA

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110586**

**1. ACTION REQUESTED/PURPOSE:**

Adopt Budget Amendment Resolution and accept donations totaling \$964.00 for use related to the LeeGrows program.

**2. FUNDING SOURCE:**

Donations

**3. WHAT ACTION ACCOMPLISHES:**

Allows the use of funds for LeeGrows.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** C7A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

☐ Statute

☐ Ordinance

☒ Admin Code AC3-12

☐ Other

**9. Request Initiated**

**Commissioner:** All

**Department:** PUBLIC RESOURCES

**Division:** No Divisions

**By:** Peter Winton

**10. Background:**

The Lee Grows Partnership Program began in 1990 with the purpose to help defray the cost of LeeGrows. There have been 320 partners contributing to the program over the years. This year LeeGrows received 9 donations with the largest single contribution received this year from Ms. Carolyn Murphey.

Adopting the Resolution and acceptance of the donations received this year will allow proceeds to be utilized for the program expenses.

Attachment: Budget Amendment Resolution

Funds to be available in KD5191500100.366900.9031

**11. Required Review:**

<i>Peter Winton</i>	<i>Anne Henkel</i>	<i>David Harris</i>	<i>Andrea Fraser</i>	<i>Peter Winton</i>	
PUBLIC RESOURCES	Budget Analyst	Budget Services	County Attorney	County Manager	

**12. Commission Action:**

# RESOLUTION #

Amending the Budget of General Fund, Fund 00100, to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2010-2011.

**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 General Fund, Fund 00100, budget for \$964 of the unanticipated revenue from Donations and an appropriation of a like amount for County Sponsored Functions and;

**WHEREAS**, the General Fund, Fund 00100, budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total: \$600,983,639

Additions \$964

Amended Total Estimated Revenues \$600,984,603

## APPROPRIATIONS

Prior Total: \$600,983,639

Additions \$964

Amended Total Appropriations \$600,984,603

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the General Fund, Fund 00100, 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 \_\_\_\_\_, 2011 \_\_\_\_\_

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

DOC TYPE YA  
LEDGER TYPE BA

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110568**

**1. ACTION REQUESTED/PURPOSE:**

Request Board accept receipt of \$77,592.00 from two insurance carriers of the responsible parties to repair accident damage to 2010 Gillig Bus 503 in the amount of \$30,097, and accident damage to 2008 Gillig Bus #423 in the amount of \$47,495. Request Board approval for a budget amendment of \$77,592.

**2. FUNDING SOURCE:**

No additional funds required.

**3. WHAT ACTION ACCOMPLISHES:**

Establishes a budget for both the revenue and expense to repair Bus 503 and Bus 423.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** C7B

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☐ Ordinance  
☒ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** All  
**Department:** TRANSIT  
**Division:** No Divisions  
**By:** Steve Myers

**10. Background:**

On June 4, 2011, Bus 503 was involved in an automobile accident. LeeTran obtained three quotes to repair the bus and the low bidder, ABC Companies, was awarded the quote for parts, labor, and body work to restore the bus to "like new" condition in the amount of \$30,097. The insurance carrier of the responsible party is reimbursing LeeTran in the amount of \$30,097 to repair 2010 Gillig Bus #503, VIN#15GGB3010A1176750.

On August 3, 2011, Bus 423 was involved in an automobile accident. LeeTran obtained three quotes to repair the bus and the low bidder, Coach Crafters, Inc., was awarded the quote for parts, labor and body work to restore the bus to "like new condition" in the amount of \$47,495. The insurance carrier of the responsible party is reimbursing LeeTran to repair 2008 Gillig Bus 423, VIN#15GGD271681176031 in the amount of \$47,495.

The budget amendment in the amount of \$77,592 is needed to establish a budget for both the revenue and expense.

Revenue: KI5440148600.369300.9001 (Independent Div, Fixed Route, Transit Operating, Insurance Proceeds)

Expense: KI5440148600.504620.41 (Independent Div, Fixed Route, Transit Operating, Vehicle Maintenance)

Attachment: Budget Amendment Resolution

**11. Required Review:**

<i>Steve Myers</i>	<i>John Fredyma</i>	<i>Jim Lewin</i>	<i>Mike Figueroa</i>	<i>David Harris</i>	<i>Holly Schwartz</i>
TRANSIT	County Attorney	Budget Analyst	Risk	Budget Services	County Manager

**12. Commission Action:**

# RESOLUTION #

Amending the Budget of the Lee County Transit Operations Fund 48600 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2010-2011.

**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 Lee County Transit Operations Fund 48600 budget for \$77,592 of the unanticipated revenue from Insurance Proceeds and an appropriation of a like amount for Vehicle Maintenance Expenses and;

**WHEREAS**, the Lee County Transit Operations Fund 48600 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$23,329,374
Additions		

KI5440148600.369300.9001	Independent Div, Fixed Route Transit Operating, Insurance Proceeds	<u>77,592</u>
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Amended Total Estimated Revenues		\$23,406,966
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## APPROPRIATIONS

Prior Total:		\$23,329,374
Additions		

KI5440148600.504620.41	Independent Div., Fixed Route, Transit Operating, Vehicle Maintenance	<u>77,592</u>
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Amended Total Appropriations		\$23,406,966
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**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Lee County Transit Operations Fund 48600 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 \_\_\_\_\_, 2011.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

DOC TYPE YA  
LEDGER TYPE BA



**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110651**

**1. ACTION REQUESTED/PURPOSE:**

Approve extension of the following two (2) MSTBU Interfund loans from 9/30/2011 to 9/30/2012: Palmona Park loans #178 and #188 (Fund 10228) for \$7,023 plus accrued interest; and San Carlos loan #174 (Fund 10234) for \$26,821 plus accrued interest.

**2. FUNDING SOURCE:**

Palmona Park Streetlighting district and San Carlos Park loans provided by MSTBU Restricted Fund (10400).

**3. WHAT ACTION ACCOMPLISHES:**

Provides extension of loans until collection of revenues to reimburse for services.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** C7C

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose:** *(specify)*

- ☐ Statute  
☐ Ordinance  
☒ Admin Code      2-3  
☐ Other

**9. Request Initiated**

**Commissioner:** All  
**Department:** PUBLIC RESOURCES  
**Division:** No Divisions  
**By:** Peter Winton

**10. Background:**

For the last four (4) years the Palmona Park Streetlighting district has had a short fall in Ad-Valorem taxes collected. This continuous shortfall in collections has left this unit unable to meet the associated expenses. The current two (2) loans will cover expenses for the remainder of this fiscal year. Until delinquent collections are received, we are unable to determine when repayment of these loans will be made.

Interfund loan for San Carlos Park is for the building of the arches that took place in 2006, which was funded by MSTBU Restricted fund and to be satisfied through collection of Ad-Valorem tax. We anticipate paying off the San Carlos Park loan in fiscal year 2011/2012.

**11. Required Review:**

<i>Peter Winton</i>	<i>Anne Henkel</i>	<i>David Harris</i>	<i>Jed Schneck</i>	<i>Peter Winton</i>	
PUBLIC RESOURCES	Budget Analyst	Budget Services	County Attorney	County Manager	

**12. Commission Action:**

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110701**

**1. ACTION REQUESTED/PURPOSE:**

Request Board approve budget resolution for FY 10-11 in the amount of \$200,000. In accordance with the Purchase Agreement, the County received \$200,000 for future environmental restoration and management of Parcel 389, a Conservation 20/20 property located on Pine Island.

**2. FUNDING SOURCE:**

Fund-Capital Improvement-Environmentally Sensitive Land; Program-Parks and Recreation Operations; Project-Conservation 20/20-Parcel 389

**3. WHAT ACTION ACCOMPLISHES:**

Allows funds to be identified for future environmental restoration and management of the property.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** C9A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose:** *(specify)*

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☒ Other

**9. Request Initiated**

**Commissioner:**

**Department:** PARKS AND RECREATION

**Division:** No Divisions

**By:** Barbara Manzo

**10. Background:**

On April 19, 2011, the Board of County Commissioners approved the purchase of parcel 389, representing approximately 190 acres for environmental protection on Pine Island through the Conservation 20/20 program. The property is located on the east side of Stringfellow Road approximately 3 miles south of Pine Island Road. It is adjacent to approximately 230 acres of existing conservation land, owned by the Conservation Foundation of the Gulf Coast/Sarasota Conservation Foundation.

In accordance with the Purchase Agreement, the County received \$200,000 for future environmental restoration and management of the property.

Funds will be made available in the following accounts:

KH5722030105.337700.9014 \$200,000

KH5722030105.503190.294 \$200,000

**Attachments:**

1) Budget Resolution

**11. Required Review:**

<i>Barbara Manzo</i>	<i>Dawn Perry-Lehnert</i>	<i>Anne Henkel</i>	<i>David Harris</i>	<i>Holly Schwartz</i>	
PARKS AND RECREATION	County Attorney	Budget Analyst	Budget Services	County Manager	

**12. Commission Action:**

# RESOLUTION #

Amending the Cap Imprv-Environ. Sen Land Mgmt(20/20) fund #30105 Budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2010-2011.

**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 Cap Imprv-Environ. Sen Land Mgmt(20/20) fund #30105 budget for \$200,000 of the unanticipated revenue received in accordance with purchase agreement of Pine Island Parcel 389 and an appropriation of a like amount for additional restoration and management and;

**WHEREAS**, the Cap Imprv-Environ. Sen Land Mgmt(20/20) fund #30105 budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$37,800,552
Additions		

KH5722030105.337700.9014	Culture/Recreation	\$200,000
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Amended Total Estimated Revenues		\$38,000,552
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## APPROPRIATIONS

Prior Total:		\$37,800,552
Additions		

KH5722030105.503190.294	Other Professional Services	\$200,000
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Amended Total Appropriations		\$38,000,552
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**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Cap Imprv-Environ. Sen Land Mgmt(20/20) fund #30105 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 \_\_\_\_\_, 2011.

ATTEST:  
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

\_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

Doc Type YA  
Ledger Type BA

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110550**

**1. ACTION REQUESTED/PURPOSE:**

Approve Extension to Interlocal Agreement with the City of Fort Myers for Fire Protection and Prevention Services to the Maravilla MSTU and Naravez for the period beginning October 1, 2011 through September 30, 2012, based on final taxable value provided by the Property Appraiser utilizing four mills as millage rate.

**2. FUNDING SOURCE:**

Non-Department, Maravilla Fire Protection, Other Contracted Services

**3. WHAT ACTION ACCOMPLISHES:**

Continues fire protection services to the residents of Maravilla MSTU District by the City of Fort Myers Fire Department.

**4. MANAGEMENT RECOMMENDATION:** Staff recommends approval.

**5. Departmental Category: C10A**

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☒ Other

**9. Request Initiated**

**Commissioner:**

**Department:** PUBLIC SAFETY

**Division:** Emergency Medical Services

**By:** John Wilson

**10. Background:**

The County has previously entered into an Interlocal Agreement with the City of Fort Myers (Contract No. 765) to provide fire prevention service to the Maravilla area and Naravez. The extension provides a millage within the MSTU to be levied at the same rate as the fire protection assessment for the City of Fort Myers. This millage rate will be based on the final taxable value provided by the Property Appraiser utilizing 4 mills as the millage rate.

Funds will be available in Account GC5220110223.503490 (Non-Department, Maravilla Fire Protection, Other Contracted Services).

Attachments (3) Extensions of Interlocal Agreement

**11. Required Review:**

<i>John Wilson</i>	<i>Andrea Fraser</i>	<i>Reginald Kantor</i>	<i>Tricia Jackson</i>	<i>David Harris</i>	<i>Holly Schwartz</i>
PUBLIC SAFETY	County Attorney	Budget Analyst	Budget Analyst	Budget Services	County Manager

**12. Commission Action:**

**EXTENSION TO INTERLOCAL AGREEMENT**

**THAT CERTAIN INTERLOCAL AGREEMENT**, made and entered into between the CITY OF FORT MYERS, FLORIDA ("CITY"), and LEE COUNTY ("COUNTY"), as of October 1, 1987, is hereby further extended as follows:

1. The period to be covered by this extension is from October 1, 2011, through September 30, 2012.
2. For the period of this extension and pursuant to Section Two of the Agreement the millage rate to be levied in said Maravilla and Marvaez (Narvaez) areas which will generate a contract payment for fire protection, in the amount of \$22,874.00 will be based on the final taxable value provided by the Property Appraiser utilizing 4.000 mills as the millage rate to be paid by the County to the City.
3. All other terms and conditions of the INTERLOCAL AGREEMENT shall remain unchanged.

DATED \_\_\_\_\_ 2011.

LEE COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Lee County Attorney's Office

ATTEST:

\_\_\_\_\_  
Marie Adams, CMC, City Clerk

CITY OF FORT MYERS, FLORIDA

BY: \_\_\_\_\_  
Randall P. Henderson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Grant W. Alley, City Attorney

BY: \_\_\_\_\_  
William P. Mitchell, City Manager



# Fort Myers Fire Department

Date: June 27, 2011  
To: Christine Tenney, City of Fort Myers Budget Manager  
Reginald Kantor, Lee County Budget Services  
From: Kenny Dobson, Fire Chief  
Subject: Maravilla Area Interlocal Agreement

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After reviewing the Maravilla Area Interlocal Agreement, I am proposing the Maravilla Fire MSTU remain at 4.0000 mils for fiscal year 2011/2012.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth D. Dobson".

Kenneth D. Dobson  
Fire Chief  
Fort Myers Fire Department

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110697**

**1. ACTION REQUESTED/PURPOSE:**

Approve entering into a Landscape Installation and Maintenance Agreement between Lee County and Worthington Community Master Homeowners Association, Inc. and authorize the Chair to execute the agreement.

**2. FUNDING SOURCE:**

None required by the County. Funding to be provided by the Worthington Community Master Homeowners Association.

**3. WHAT ACTION ACCOMPLISHES:**

Establishes the installation and maintenance responsibilities of both parties and allows the Worthington Community to landscape their community entrance on Bonita Beach Road at South Hampton Drive within the County right-of-way.

**4. MANAGEMENT RECOMMENDATION:** Approve.

**5. Departmental Category:** C12A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

☐ Statute

☐ Ordinance

☐ Admin Code

☒ Other LeeScape

**9. Request Initiated**

**Commissioner:** All

**Department:** TRANSPORTATION

**Division:** Operations

**By:** David Loveland

**10. Background:**

Worthington Community representatives have prepared a landscape plan to enhance the appearance of their main entrance off Bonita Beach Road. Their representatives have worked closely with DOT to address drainage and visibility concerns associated with their proposed project. The project should assist the community in maintaining their property values while adding aesthetic character to their community, along with enhancing the drivers' view from this section of the Bonita Beach Road corridor. The Worthington Community is responsible for the cost of installing and maintaining this landscaping.

**11. Required Review:**

<i>David Loveland</i>	<i>Scott Coover</i>	<i>Reginald Kantor</i>	<i>David Harris</i>	<i>Doug Meurer</i>	
TRANSPORTATION	County Attorney	Budget Analyst	Budget Services	Public Works Director	

**12. Commission Action:**

## **LANDSCAPE INSTALLATION AND MAINTENANCE AGREEMENT**

THIS AGREEMENT entered into this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between LEE COUNTY, a political subdivision and charter county of the State of Florida, hereinafter referred to as "County", and WORTHINGTON COMMUNITY MASTER HOMEOWNERS ASSOCIATION, INC. a Florida corporation, hereinafter referred to as "Association".

### **RECITALS**

WHEREAS, the Association and County desire to enter into an Agreement regarding their respective duties and responsibilities for the installation and maintenance of the landscape improvements installed within the right-of-way of Bonita Beach Road, hereinafter referred to as "Right-of-Way", in Section 5, Township 47S, Range 26E, which runs from the south edge of Bonita Beach Road, south ward approximately 80' to the property line of the Worthington Community subdivision and the beginning of the subdivision entrance road named Southampton Drive; and

WHEREAS, Association will be responsible for the installation and maintenance of the installed roadway improvements including but not limited to trees, shrubs, groundcovers, turfgrass, irrigation system and any other plant material or hard scape items located within the said right-of-way, hereinafter referred to as "landscape improvements", as described on Exhibits "A" attached hereto. Association will be responsible for all costs associated with the installation and maintenance of the roadway landscape improvements; and

WHEREAS, it is in the public's interest for the County and Association to enter into this Agreement; and

WHEREAS, the Association has agreed to improve and landscape the right-of-way and maintain the landscape improvements and replace dead or damaged plant material and other items incidental to the landscaping as necessary at the Association's expense.

NOW, THEREFORE, in consideration of the above premises and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties, the Association and the County hereby agree as follows:



1. The Recitals as set forth above are incorporated into the terms of this Agreement as if set out herein at length.
2. The County and the Association agree to enter into this Agreement concerning installation and maintenance of landscape improvements within said County right-of-way.
3. Reference to the Association includes all assigns and successors in interest.
4. The Association agrees to landscape the right-of-way of Bonita Beach Road including the installation of plant materials and irrigation system within the right-of-way in accordance with plans and specifications approved by Association and Lee County Department of Transportation, hereinafter referred to DOT (see attached plans marked Exhibit "A", and by reference, made a part hereof). All costs for construction, initial landscaping and maintenance of the landscape improvements as described on Exhibits "A" shall be at the Association's expense.
5. The Association will install and maintain the landscape improvements in an acceptable manner to DOT. DOT reserves the right to reject any plant material for sub-standard quality, improper planting/pruning or maintenance practices, and unsound tree structure. Trees shall be pruned in a manner that will provide a structurally sound street tree, in order to minimize storm damage and tree/branch failure. Should the Association fail to provide such care; the County will do so with its resources, and pursue reimbursement compensation from the Association for all expenses incurred.
6. The Association agrees to maintain the landscape improvements and all other items incidental to the landscaping, including all plant materials and hard scape items, during the installation and on-going maintenance of the landscape improvements.
7. The Association agrees to prevent obstructions or conditions which may be dangerous to the public through the exercise of its rights of the performance of its installation and maintenance duties. This includes providing clear visibility for motorists and pedestrians and the avoidance of wetting the adjacent roadway or bike paths/sidewalks.

8. The Association agrees to indemnify, hold harmless and defend the County and all of its officers, agents, consultants and employees from and against all losses, claims, demands, payments, suits, actions, recoveries, and judgments of every nature and description brought or recoverable against it or them by reason of any act or omission of the Association, its agents, consultants, employees, or subcontractors, during the installation of landscape improvements or their maintenance contemplated by this Agreement; and also agrees to assume any related costs or fees. Association further agrees to carry and maintain in full force and effect liability insurance so as to indemnify the County in all respects. A copy of the Certificate of Insurance provided by the Association is attached as Exhibit "B". This insurance must remain in effect until such time as any assign or successor in interest provides similar proof of insurance to the satisfaction of the County Attorney's Office.
9. The Association assumes all risk and bears any loss or injury to property or persons occasioned by neglect or accident arising from the exercise of its rights or the performance of its maintenance duties.
10. The Association also assumes full responsibility for loss by reason of neglect or violation of any state or federal law or local government rule, regulation or order. The Association will give all required notices relating to the landscaping or maintenance contemplated by this Agreement to the proper authorities. In addition, Association will obtain all official permits and licenses, and pay all proper fees.
11. The Association agrees to repair, restore, or rebuild any damage caused to County property by installing or maintaining the landscape improvements in the described right-of-way.
12. Failure to maintain the landscape improvements as stated above, or keep the certificate of insurance current, shall constitute a default on the part of the Association. Failure of the Association to maintain the landscape improvements, or keep the certificate of insurance up to date will result in the County removing the landscape improvements and invoicing the Association for the removal and restoration costs. Association agrees to pay the County all of the County's costs for the removal of the landscape improvements and restoration of the areas to pre-construction conditions.

13. Failure of the Association to pay the County the invoiced removal and restoration costs owed under this Agreement within thirty (30) days following receipt of the invoice shall constitute a material breach of this Agreement by the Association.
14. This Agreement will continue in full force and effect until such time as the road is widened, repaired, closed, abandoned, vacated, discontinued, reconstructed, or until the Association receives written notice of the County's termination of this Agreement, or until such time as Association notifies the County in writing of the intent to terminate this Agreement. At the County's option, the Association may be required to remove or relocate all of the landscape improvements placed within the right-of-way by virtue of this Agreement, and restore those areas to pre-construction conditions within thirty (30) days of the Association's receipt of written notice. The cost of relocation or removal of the landscape improvements and restoration of those areas to pre-construction conditions will be paid entirely by the Association.
15. The Association agrees that if the placement, repair, relocation or reconstruction of public utilities, including but not limited to water, sewage, gas, power, telephone located within the right-of-way, requires the relocation or removal of the landscape improvements referenced herein, then the Association will move or remove the landscape improvements and restore those areas to pre-construction conditions within thirty (30) days of the Association's receipt of written notice at no cost to the County or utility.
16. This Agreement binds and inures to the benefit of the parties as well as their respective legal representatives, successors and/or assigns. In the event Association assigns its obligations hereunder to successor Owners, Association, or Homeowner's Association, all of Association's obligations and agreements made herein shall be fully and completely assigned to such assignee in full as if such assignee were mentioned by name instead of Association herein. In the event the Association desires to transfer its rights and obligations hereunder to a third party such as a homeowner's association, County agrees to cooperate with respect to modifying this Agreement in accordance with Section 19 below provided that prior to such assignment being binding on County, Association will demonstrate to County that the association to become the assignee has the authority to undertake the obligations and responsibilities herein contemplated.

17. The Association may assign the rights and obligations set forth herein to successor Owners, Association, or Homeowner Associations, except that Association will remain responsible under the terms of this Agreement until such time as the Association or successor in interest can provide written documentation to the satisfaction of the County Attorney's Office, which confirms that its success in interest has assumed responsibility for the compliance with the terms and conditions of this Agreement with respect to the landscape improvements.
18. This Agreement must be construed, and its performance enforced under Florida law.
19. This Agreement is the entire agreement between the parties and shall not be modified or replaced except by another signed written Agreement.
20. The Parties recognize and agree that this Agreement is of a unique nature inuring principally to the benefit of the Association and that money damages may not be an adequate or appropriate remedy for either Party for breach of the terms herein. As a result, the Parties specifically agree that a non-defaulting Party may raise in any pleadings, without objections from the alleged defaulting Party, the extraordinary remedy of specific performance, in order to protect the public's interest in this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

Witnesses:

WORTHINGTON MASTER COMMUNITY ASSOCIATION, INC.

Nancy C. Plageman  
Signature

By: Paul Mankowsky

Nancy C. Plageman  
Name Printed, Stamped or Typed

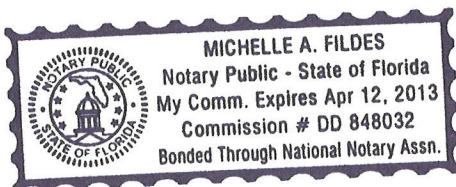
Paul Mankowsky  
Name Printed, Stamped or Typed

Andrea T. Frey  
Signature

ANDREA T. FREY  
Name Printed, Stamped or Typed

STATE OF FLORIDA  
COUNTY OF Lee

The foregoing agreement was acknowledged before me this 3rd day of August, 2011, by Paul Mankowsky as General Manager of Worthington Master Community Association Inc. He is personally known to me or has produced \_\_\_\_\_ as identification.



Michelle A. Fildes  
Notary Public, State of Florida at Large

Michelle A. Fildes  
Name of Notary Printed, Stamped or Typed

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

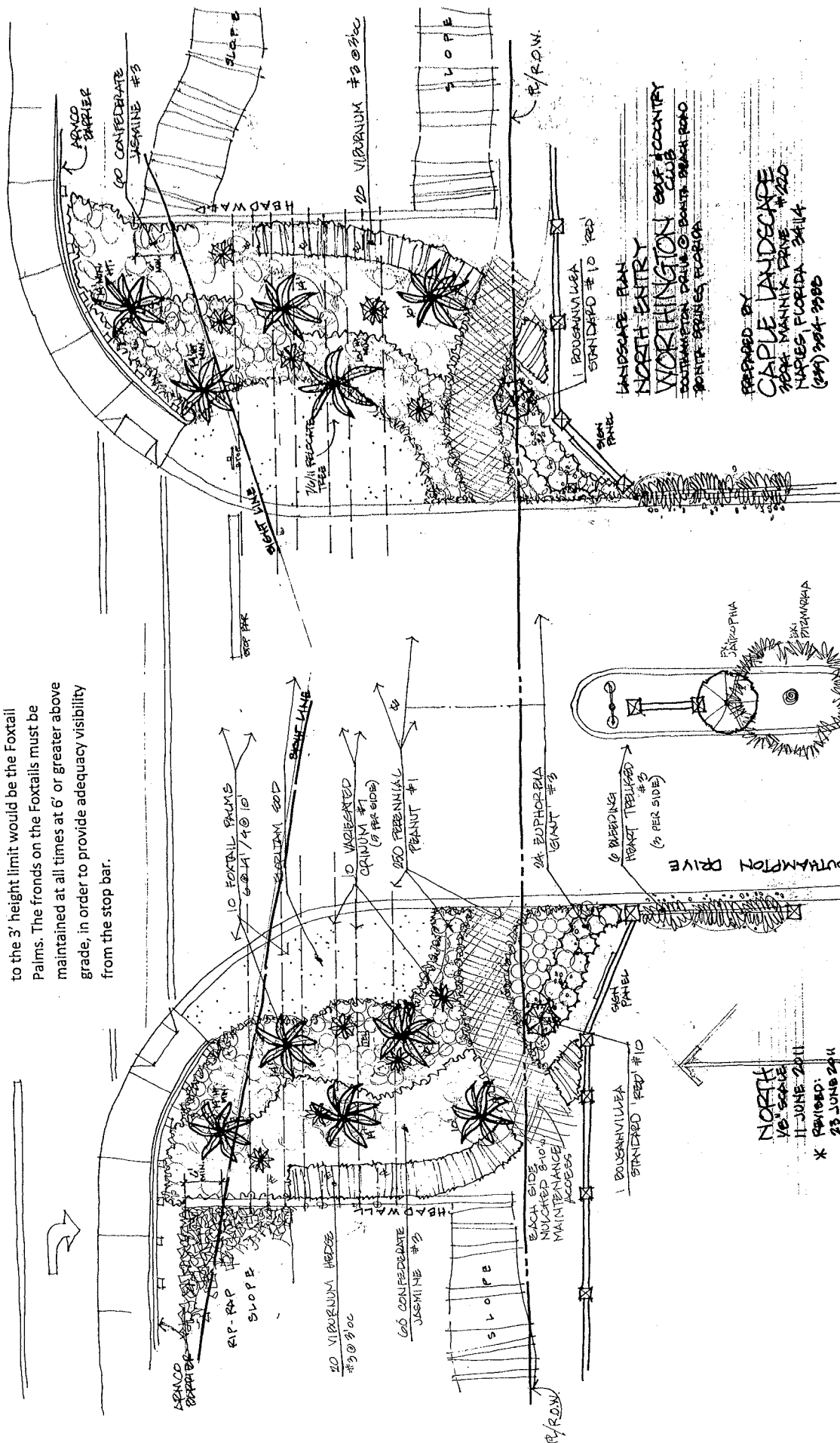
By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM BY:

\_\_\_\_\_  
Office of the County Attorney

BONITA BEACH ROAD



LANDSCAPE PLAN  
NORTH ENTRY  
WORTHINGTON  
SOUTH BRANCH PARK  
SOUTH BRANCH PARK  
SOUTH BRANCH PARK

PREPARED BY  
CAPLE LAUDCAPE  
3604 MANHIX DRIVE #320  
NAPLES, FLORIDA 34114  
(239) 254-3388

KEY LANDRY  
FLORIDA # 716  
2/7/11

44-1117-100

NORTH  
VE" SCARCE  
11 JUNE 2011

\* REVIDED:  
23 JUNE 2011  
PER E-MAIL

\* REVISED:  
6 JULY 2011: PIPES LOCATED &  
SHIFT TRESS/EAST SIDE  
PER E-MNL.

# ACORD™ CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)  
07/15/2011

PRODUCER

Serial # 6761

TMK RISK MANAGEMENT INC DBA  
KALLMAN INSURANCE AGENCY  
PO BOX 266736  
WESTON FL 33326

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

WORTHINGTON COUNTRY CLUB  
WORTHINGTON MASTER ASSN. INC D/B/A  
13500 WORTHINGTON WAY  
BONITA SPRINGS, FL 34135

## INSURERS AFFORDING COVERAGE

NAIC#

INSURER A: ZURICH INSURANCE COMPANY

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

SR TR	ADD'L NSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	CP02780097-08	11/13/2010	11/13/2011	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A		<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> COMP \$500 DED <input checked="" type="checkbox"/> COLLISION \$500 DED	CP02780097-08	11/13/2010	11/13/2011	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
A		<b>EXCESS/UMBRELLA LIABILITY</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  <input type="checkbox"/> DEDUCTIBLE RETENTION \$	AUC594411002	11/13/2010	11/13/2011	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ \$ \$
		<b>WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> EL EACH ACCIDENT \$ EL DISEASE - EA EMPLOYEE \$ EL DISEASE - POLICY LIMIT \$
A		<b>OTHER</b> EQUIPMENT FLOATER INCLUDE CONTENTS	CP02780097-08	11/13/2010	11/13/2011	DEDUCTIBLE 5,000 EXCEPT NAMED STORM 790,000. PER OCCURRENCE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

EXCEPT 10 DAYS FOR NON PAYMENT OF PREMIUM

LEE COUNTY, A POLITICAL SUBDIVISION AND CHARTER COUNTY OF THE STATE OF FLORIDA, ITS AGENTS, EMPLOYEES, AND PUBLIC OFFICIALS NAMED AS ADDITIONAL INSURED ON THE GENERAL LIABILITY POLICY INCLUDING PRODUCTS AND COMPLETED OPERATIONS COVERAGE

## CERTIFICATE HOLDER

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
PO BOX 398  
FORT MYERS, FLORIDA 33902

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL \*30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Thomas M Kallman

EXHIBIT B  
1/3





**ZURICH**

## **Additional Insured – Automatic – Owners, Lessees Or Contractors – Scheduled Person Or Organization**

Policy No.	Eff. Date of Pol.	Exp. Date of Pol.	Eff. Date of End.	Producer	Add'l. Prem	Return Prem.
					\$	\$

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**Named Insured:**

**Address (including ZIP Code):**

This endorsement modifies insurance provided under the:  
**Commercial General Liability Coverage Part**

### **SCHEDULE**

<b>Name Of Additional Insured Person(s) Or Organization(s)</b>	<b>Location And Description Of Covered Operations</b>

Information required to complete this **SCHEDULE**, if not shown above, will be shown in the Declarations.

- A. WHO IS AN INSURED (Section II)** is amended to include as an insured the person or organization shown in the **SCHEDULE** above, whom you are required to add as an additional insured on this policy under a written contract or written agreement.
- B.** The insurance provided to the additional insured applies only to "bodily injury", "property damage" or "personal and advertising injury" covered under **SECTION I, Coverage A, BODILY INJURY AND PROPERTY DAMAGE LIABILITY** and **Coverage B, PERSONAL AND ADVERTISING INJURY LIABILITY**, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:
1. Your acts or omissions; or
  2. The acts or omissions of those acting on your behalf; and resulting directly from:
    - i. Your ongoing operations; or
    - ii. "Your work" completed as included in the "products-completed operations hazard", performed for the additional insured at the location designated and described in the **SCHEDULE**.
- C.** However, regardless of the provisions of paragraphs **A.** and **B.** above:
1. We will not extend any insurance coverage to any additional insured person or organization:

EXHIBIT B  
213

- a. That is not provided to you in this policy; or
  - b. That is any broader coverage than you are required to provide to the additional insured person or organization in the written contract or written agreement; and
2. We will not provide Limits of Insurance to any additional insured person or organization that exceed the lower of:
    - a. The Limits of Insurance provided to you in this policy; or
    - b. The Limits of Insurance you are required to provide in the written contract or written agreement.
- D. The insurance provided to the additional insured person or organization does not apply to:
- "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering or failure to render any professional architectural, engineering or surveying services including:
1. The preparing, approving or failing to prepare or approve maps, shop drawings, opinions, reports, surveys, field orders, change orders or drawings and specifications; and
  2. Supervisory, inspection, architectural or engineering activities.
- E. The additional insured must see to it that:
1. We are notified as soon as practicable of an "occurrence" or offense that may result in a claim;
  2. We receive written notice of a claim or "suit" as soon as practicable; and
  3. A request for defense and indemnity of the claim or "suit" will promptly be brought against any policy issued by another insurer under which the additional insured may be an insured in any capacity. This provision does not apply to insurance on which the additional insured is a Named Insured, if the written contract or written agreement requires that this coverage be primary and non-contributory.
- F. For the coverage provided by this endorsement:
1. The following paragraph is added to 4. Other Insurance of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, under a. Primary Insurance:

This insurance is primary insurance as respects our coverage to the additional insured person or organization, where the written contract or written agreement requires that this insurance be primary and non-contributory. In that event, we will not seek contribution from any other insurance policy available to the additional insured on which the additional insured person or organization is a Named Insured.
  2. The following paragraph is added to 4. Other Insurance of SECTION IV – COMMERCIAL GENERAL LIABILITY CONDITIONS, under b. Excess Insurance:

This insurance is excess over:

Any of the other insurance, whether primary, excess, contingent or on any other basis, available to an additional insured, in which the additional insured on our policy is also covered as an additional insured by attachment of an endorsement to another policy providing coverage for the same "occurrence", claim or "suit". This provision does not apply to any policy in which the additional insured is a Named Insured on such other policy and where our policy is required by written contract or written agreement to provide coverage to the additional insured on a primary and non-contributory basis.

Any provisions in this Coverage Part not changed by the terms and conditions of this endorsement continue to apply as written.

EXHIBIT B  
313

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

**Blue Sheet No. 20110674**

**1. ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset – San Marino (BS 20110674/20174, TAK/SDG): Approve final acceptance, by Resolution, as a donation of one 10” diameter master meter assembly to provide potable water service and fire protection to ‘SAN MARINO’, a recently constructed multi-family residential development. This is a Developer contributed asset project located on the southeast corner of Ben Hill Griffin Parkway and Marino Pointe Drive approximately 2/3 of a mile northwest of Estero Parkway.

**2. FUNDING SOURCE:**

No funds required.

**3. WHAT ACTION ACCOMPLISHES:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Design Manual.

**4. MANAGEMENT RECOMMENDATION:** Approval.

**5. Departmental Category:** C13A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose:** *(specify)*

☐ Statute

☐ Ordinance

☐ Admin Code

☒ Other Approval

**9. Request Initiated**

**Commissioner:** All

**Department:** UTILITIES

**Division:** No Divisions

**By:** Pam Keyes

**10. Background:**

The Board granted permission to construct on 09/21/04, Blue Sheet #20041109.

The installation has been inspected for conformance to the Lee County Utilities Design Manual.

Satisfactory pressure and bacteriological testing has been completed.

Record drawings have been received.

Engineer’s Certification of Completion has been provided—copy attached.

Project Location Map—copy attached.

Warranty has been provided—copy attached.

Waiver of Lien has been provided—copy attached.

Certification of Contributed Assets has been provided—copy attached.

100% of the connection fees have been paid.

Sanitary sewer service is provided by Lee County Utilities via a privately owned and maintained on-site waste-water collection system which connects to existing LCU infrastructure located within the Marino Pointe Drive right-of-way.

No funds required.

SECTION 23 TOWNSHIP 46S RANGE 25E DISTRICT #5 COMMISSIONER MANN  
 ORIGINAL (OUTSIDE SIGNATURE) DOCUMENTS TO FOLLOW (0)

**11. Required Review:**

<b><i>Pam Keyes</i></b>	<b><i>Scott Coovert</i></b>	<b><i>Reginald Kantor</i></b>	<b><i>David Harris</i></b>	<b><i>Doug Meurer</i></b>	
UTILITIES	County Attorney	Budget Analyst	Budget Services	Public Works Director	

**12. Commission Action:**

RESOLUTION NO.

RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF  
DEVELOPER CONTRIBUTED ASSETS  
IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of "San Marino at Miromar Lakes Condominium Association, Inc." owner(s) of record, to make a contribution to Lee County Utilities of water facilities (**one 10" diameter master meter assembly**), serving the "**SAN MARINO**" project; and,

WHEREAS, Lee County Utilities requires proof of a Release of Lien, a Warranty (one-year) on all labor and materials, an accurate value of contributed assets, and right-of-way and/or easement-indemnity granted for all systems being contributed to Lee County Utilities; and,

WHEREAS, all of the above information has been received and approved as complete by Lee County Utilities; and,

WHEREAS, Lee County Utilities has recommended to the Board of County Commissioners that the above-named system be accepted for ownership, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of **\$6,840.75** is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner \_\_\_\_\_ who moved for its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Commissioner John Manning:	_____	(1)
Commissioner Brian Bigelow:	_____	(2)
Commissioner Ray Judah:	_____	(3)
Commissioner Tammara Hall:	_____	(4)
Commissioner Frank Mann:	_____	(5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
DEPUTY CLERK

By: \_\_\_\_\_  
CHAIR

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

**BS NO. 20110674 - UTL**

LETTER OF COMPLETION

DATE: 8/12/11

Department of Lee County Utilities  
Division of Engineering  
Post Office Box 398  
Fort Myers, FL 33902

Gentlemen:


This is to certify that the Master-Meter Assembly(ies) located in  
San Marino  
(Name of Development/Project)

was designed by me and have been constructed in conformance with:  
the approved plans and the approved specifications

Upon completion of the work, we observed the following successful tests of the facilities:  
Bacteriological Test , Pressure Test(s) - Water Main and Final Inspection

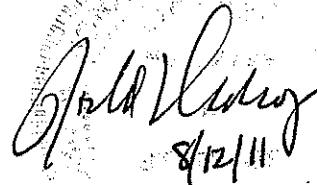
Very truly yours,

Waldrop Engineering, P. A.  
(Owner or Name of Corporation/Firm)

  
(Signature)

Ronald Waldrop President  
(Name and Title)

(Seal of Engineering Firm)



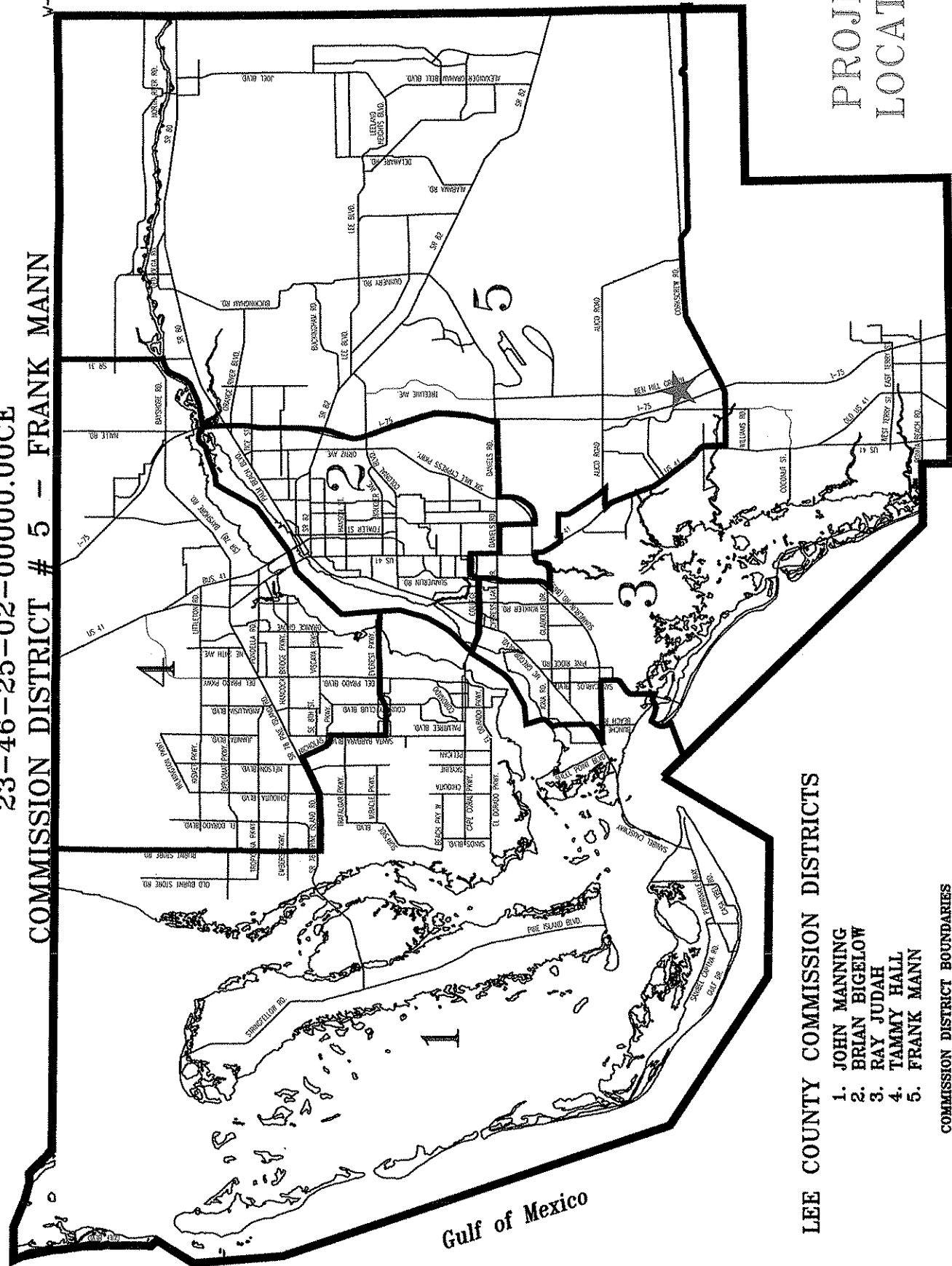
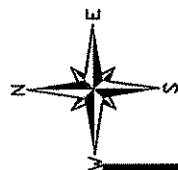


LEE COUNTY  
SOUTHWEST FLORIDA  
(Forms - Letter of Completion - Minor Revision May 2007)

X:\108-02 Tract C-2 - San Marino\AutoCAD\Sent Out\Lee County\2011-08-12 (wr) Letter of Completion\San Marino - LETTER OF COMPLETION.doc



**SAN MARINO**  
**23-46-25-02-00000.00CE**  
**COMMISSION DISTRICT # 5 - FRANK MANN**



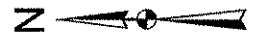
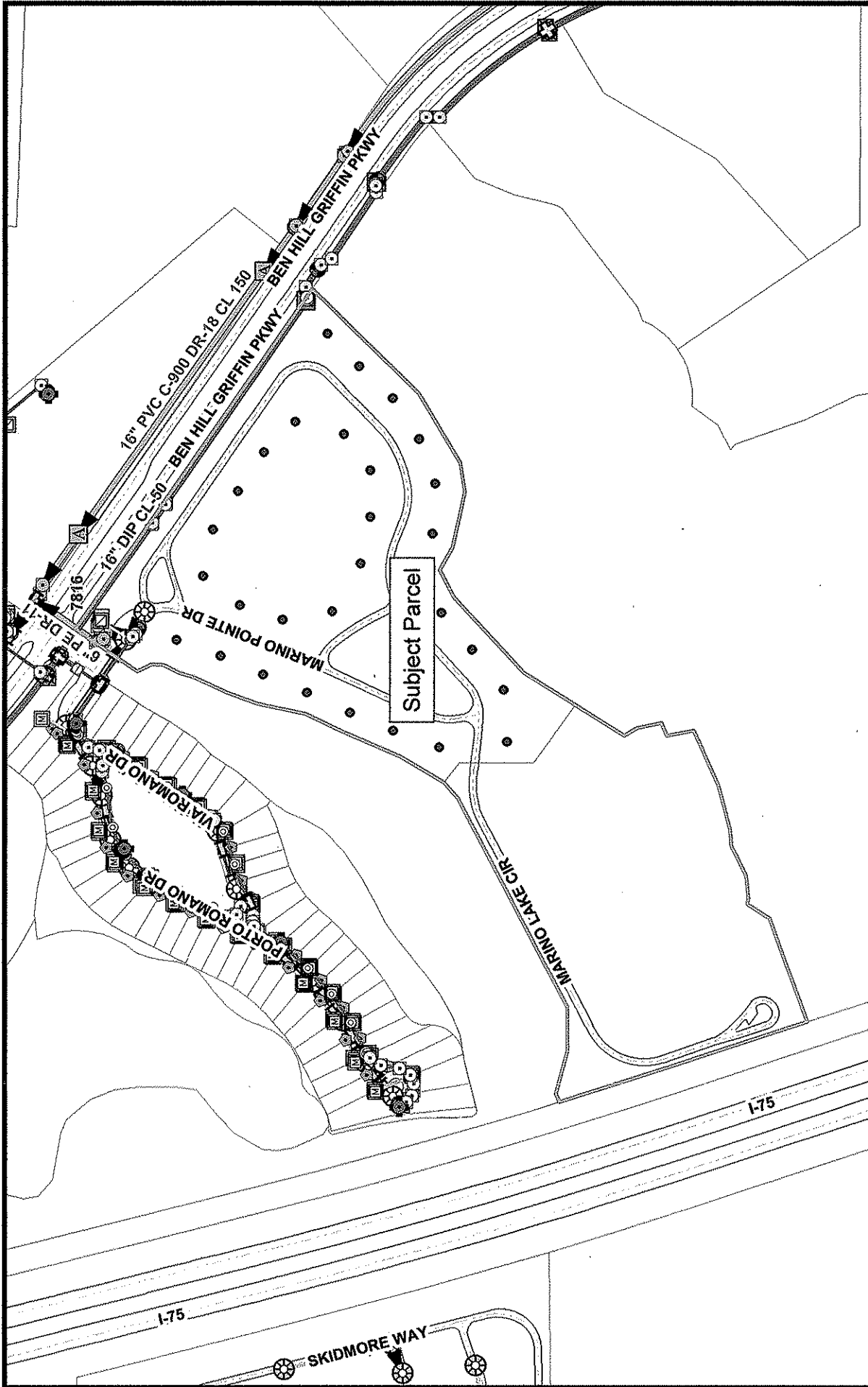
**PROJECT  
LOCATION**

**LEE COUNTY COMMISSION DISTRICTS**

1. JOHN MANNING
2. BRIAN BIGELOW
3. RAY JUDAH
4. TAMMY HALL
5. FRANK MANN

**COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000**

**Gulf of Mexico**



Developer Contributed Asset Project

San Marino  
23-46-25-02-00000.00CE  
Ben Hill Griffin Parkway & Marino Pointe Drive  
Commission District #5 - Mann

UTILITIES



LEE COUNTY  
1500 Monroe St.  
Fort Myers, FL 33901  
(239)533-8531

# WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water system of San Marino to be free from defects in material and workmanship for a period of one (1) year from the date the project was cleared to be placed into service &/or issuance of a satisfactory Final Inspection by Lee County Utilities. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Jensen Underground Utilities, Inc.  
(Contractor/Company Name)

Kevin Jensen, President  
(Authorized Representative, Title)

BY:   
(Signature)

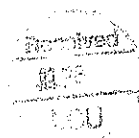
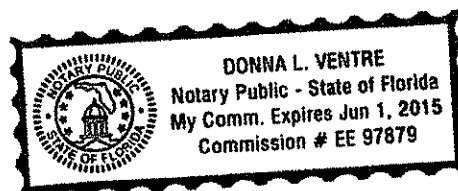
STATE OF FL )  
 ) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 22 nd day of July, 2011 by Kevin Jensen who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Donna L. Ventre  
Printed Name of Notary Public

(Notary Seal & Commission Number)





**WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT**

The undersigned lienor, in consideration of the final payment in the amount of Six Thousand Eight Hundred Forty Dollars and 75/100(\$6,840.75) hereby waives and releases its lien and right to claim a lien for labor, services, or materials furnished to San Marino at Miromar Lakes Condominium Association, Inc. on the job of San Marino to the following described property:

San Marino

(Name of Development/Project)

Porto Romano Drive & Marino Pointe Drive  
(Location)

Master-Meter Assembly(ies)

(Facilities Constructed)

23-46-25-02-00000.00CE  
(Strap # or Section, Township & Range)

Dated on: July 22, 2011

By: [Signature]

(Signature of Authorized Representative)

By: Kevin Jensen

(Print Name of Authorized Representative)

Title: President

Jensen Underground Utilities, Inc.

(Name of Firm or Corporation)

5585 Taylor Rd.

(Address of Firm or Corporation)

Naples, FL 34109-

(City, State & Zip Of Firm Or Corporation)

Phone #: (239)597-0060 Ext.

Fax#: (239)597-0061

STATE OF FL )

) SS:

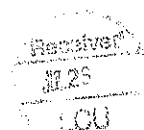
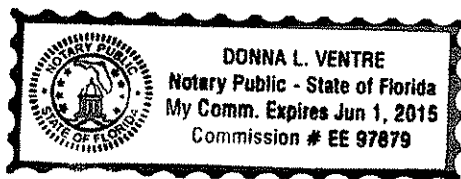
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 22 nd day of July, 2011 by Kevin Jensen who is personally known to me - \_\_\_\_\_, and who did not take an oath.

[Signature]  
(Notary Public Signature)

Donna L. Ventre  
(Printed Name of Notary Public)

(Notary Seal & Commission Number)





I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

X

(Signature of Certifying Agent)

Kevin Jensen, President

(Name & Title of Certifying Agent)

Jensen Underground Utilities, Inc.

(Name of Firm or Corporation)

5585 Taylor Rd.

(Address of Firm or Corporation)

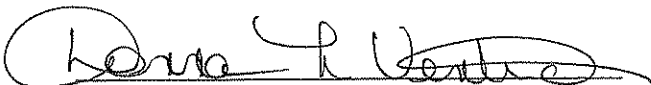
Nplaes, FL 34109 -

STATE OF FL )

) SS:

COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 22 nd day of July, 2011 by Kevin Jensen who is personally known to me - \_\_\_\_\_, and who did not take an oath.



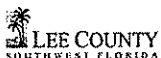
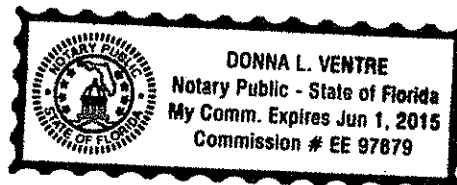
Notary Public Signature

Donna L. Ventre

Printed Name of Notary Public

\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)



Contractor's Certification of Contributory Assets – Form (Minor Revision May 2007)



**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110684**

**1. ACTION REQUESTED/PURPOSE:**

- 1) Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-11-14 UTILITIES RATE FINANCIAL CONSULTANT, in the following order of ranking: (1) Public Resources Management Group, Inc. (PRMG); (2) Burton & Associates; and (3) Raftelis Financial Consultants, Inc.  
2) Authorize contract negotiations to commence with the number one ranked firm.

**2. FUNDING SOURCE:**

N/A

**3. WHAT ACTION ACCOMPLISHES:**

Consultant will provide general utility financial consulting services and assistance for the Lee County Utilities Division.

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** C13B

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☐ Ordinance  
☒ Admin Code AC-4-4  
☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** UTILITIES

**Division:** No Divisions

**By:** Pam Keyes

**10. Background:**

Letters of Interest were solicited on behalf of the Board of County Commissioners for financial services for the Utilities Rate Financial Consultant.

The deadline for receipt of Letters of Interest was July 18, 2011. A total of five (5) Letters of Interest were received by the established deadline. All five (5) Letters of Interest were considered at the Competitive Negotiations Committee meeting held on July 26, 2011. The Competitive Negotiations Committee consisted of the following staff members: Douglas Meurer, Assistant County Manager as Chair; Pam Keyes, Utilities Director; and Carolyn Andrews, Utilities Deputy Director Business Operations. Based on the information submitted by the Consultants in their Letters of Interest, it was the consensus of the Committee to invite three (3) firms for telephone interviews.

On the basis of the information submitted by the firms in their Letters of Interests and after conducting telephone interviews on August 16, 2011, with the "short list" firms, the Committee agreed to recommend to the Board the following order of ranking of Consultants: (1) Public Resources Management Group, Inc. (PRMG); (2) Burton & Associates; and (3) Raftelis Financial Consultants, Inc.

The negotiated agreement will be brought back to the Board for their approval.

Attachment: Committee Overall Ranking Sheet

**11. Required Review:**

<i>Pam Keyes</i>	<i>Reginald Kantor</i>	<i>David Harris</i>	<i>Gregory Hagen</i>	<i>Doug Meurer</i>	
UTILITIES	Budget Analyst	Budget Services	County Attorney	Public Works Director	

**12. Commission Action:**

COMPETITIVE NEGOTIATIONS COMMITTEE  
OVERALL RANKING SHEET  
TELEPHONE INTERVIEWS  
FOR  
CN-11-14 UTILITIES RATE FINANCIAL CONSULTANT  
Tuesday, August 16, 2011  
3:30 PM

COMPANY NAME	RANKING
Burton & Associates	2
Public Resources Management Group, Inc	1
Raftelis Financial Consultants, Inc.	3

COMMITTEE MEMBER

SIGNATURE: Carolyn B Andrews

DATE: 8/16/11

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110723**

**1. ACTION REQUESTED/PURPOSE:**

Request Board approves disbursements. The check and wire registers can now be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BOCC Minutes and Documents link.

**2. FUNDING SOURCE:**

N/A.

**3. WHAT ACTION ACCOMPLISHES:**

Florida Statute Chapter 136.06 (1) requires that all County disbursements be recorded in the Minutes of the Board.

**4. MANAGEMENT RECOMMENDATION:** Compliance with the requirements of FS 136.06 (1).

**5. Departmental Category:** C16A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☒ Statute 136.06(1)  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** All

**Department:** CONSTITUTIONAL OFFICERS

**Division:** Clerk of Courts

**By:** Donna Harn

**10. Background:**

**11. Required Review:**

*Donna Harn*

FINANCE

**12. Commission Action:**

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

**Blue Sheet No.** 20110723

**1. ACTION REQUESTED/PURPOSE:**

Request Board approves disbursements. The check and wire registers can now be viewed on the Clerk's Website at [WWW.LEECLERK.ORG](http://WWW.LEECLERK.ORG) by accessing the BOCC Minutes and Documents link.

**2. FUNDING SOURCE:**

N/A

**3. WHAT ACTION ACCOMPLISHES:**

Florida Statute Chapter 136.06 (1) requires that all County disbursements be recorded in the Minutes of the Board.

**4. MANAGEMENT RECOMMENDATION:** Compliance with the requirements of FS 136.06 (1)

**5. Departmental Category:**

C14A

**6. Meeting Date:** September 13, 2011

**7. Agenda:**

☒ **Consent**  
 \_\_\_\_\_ **Administrative**  
 \_\_\_\_\_ **Appeals**  
 \_\_\_\_\_ **Public**  
 \_\_\_\_\_ **Walk-On**

**8. Requirement/Purpose: (specify)**


☒ **Statute** 136.06 (1)  
 \_\_\_\_\_ **Ordinance**  
 \_\_\_\_\_ **Admin. Code**  
 \_\_\_\_\_ **Other**

**9. Request Initiated:**

**Commissioner** \_\_\_\_\_  
**Department** CONSTITUTIONAL OFFICERS  
**Division** Clerk of Courts  
**By:** Donna G. Harn

**10. Background:**

**11. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P. W. Director
					Analyst	Risk	Grants	Mgr.	
									

**12. Commission Action:**

\_\_\_\_\_ **Approved**  
 \_\_\_\_\_ **Deferred**  
 \_\_\_\_\_ **Denied**  
 \_\_\_\_\_ **Other**

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110724**

**1. ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of August 29 through September 2, 2011: August 29, 2011 (Budget Workshop), August 30, 2011 (Regular), August 31, 2011 (Executive Session).

**2. FUNDING SOURCE:**

N/A.

**3. WHAT ACTION ACCOMPLISHES:**

Approval of the Board Minutes, pursuant to Florida Statute 286.011.

**4. MANAGEMENT RECOMMENDATION:** Approve.

**5. Departmental Category:** C16B

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☒ Statute 286.011  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** All

**Department:** CONSTITUTIONAL OFFICERS

**Division:** Clerk of Courts

**By:** Lisa Pierce

**10. Background:**

The summary of each of the above Minutes were provided to the Board members sitting at those meetings within one week of the meeting. Any comments from the Commissioners were taken into consideration in the development of the final minutes now presented for approval.

Attached is a listing of all documents that have not been received as of the date the Blue Sheet approval request was submitted for the Agenda.

**11. Required Review:**

*Lisa Pierce*

MINUTES

**12. Commission Action:**



**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20110724

**1. ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of August 29 through September 2, 2011.

August 29, 2011 (Budget Workshop)      August 30, 2011(Regular)  
August 31, 2011 (Executive Session)

**2. FUNDING SOURCE:**

Not Applicable.

**3. WHAT ACTION ACCOMPLISHES:**

Approval of the Board Minutes, pursuant to Florida Statute 286.011

**4. MANAGEMENT RECOMMENDATION:**

Approve.

**5. Departmental Category:**

C/O B

**6. Meeting Date:**

9/13/11

**7. Agenda:**

☐ Consent  
☐ Administrative  
☐ Appeals  
  
☐ Public  
☐ Walk-On

**8. Requirement/Purpose:  
(specify)**

☐ Statute  
☐ Ordinance  
☐ Admin.  
☐ Code  
☐ Other

**9. Request Initiated:**

**Commissioner**  
**Department** Minutes Office  
**Division**

By: Lisa L. Pierce,  
Minutes Office Manager

**10. Background:**

The summary of each of the above Minutes were provided to the Board members sitting at those meetings within one week of the meeting. Any comments from the Commissioners were taken into consideration in the development of the final minutes now presented for approval.

Attached is a listing of all documents that have not been received as of the date the Blue Sheet approval request was submitted for the Agenda.

**11. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<u>Lisa L. Pierce</u>					Analyst	Risk	Grants	Mgr.	

**12. Commission Action:**

☐ Approved  
☐ Deferred  
☐ Denied  
☐ Other

**REGULAR MEETING NEEDS LIST - AUGUST 30, 2011**

ITEM NO.	BLUE SHEET	DESCRIPTION	COPY	ORIGINAL	SCAN
C3A	20110640	Budget Transfer-Fund #15500-\$34,650.00 + \$248,872.00 (JY Linear Park); Budget Reso No. 11-08-40 Form 8-Commissioner Bigelow Vote Conflict		08/31/11 km	km
C5A	20110655	Donation Agreement (from Lowe's); Quit Claim Deed (req. Recording); and closing docs			
C5B	20110657	Easement Purchase Agr (w/Crown Castle); Right of Entry Deed & Closing Docs			
C5C	20110658	Easement Purchase Agr (w/B. Bassine, Ttee) Deed & Closing Docs			
C8A	20110664	Professional Services Agr w/Coastal Tech; Transfer of Funds-Fund #30101-\$136,144.00			
C16B	20110678	Disbursements	ONLY		km
A12A	20110654	Transfer of Funds-Fund #00100-\$140,000.00			
A14B	20110642	Reso No. 11-08-41 (of Necessity – Parcel 3)			
A14C	20110643	Amended Reso No. 11-08-42 (of Necessity - Parcel 1); Amended Reso No. 11-08-43 (of Necessity – Parcel 4) (SCAN TOGETHER)			
Comm Item		Letter to US Fish & Wildlife – R. Judah	ONLY		
Comm Item		Letter to Gulf of Mexico Fndtn. – R. Judah	ONLY		
Comm Item		Letter to Rep. Connie Mack on PACE	ONLY		
Cmtees	N/A	Hsg Fin Auth Certificate-M. Villalobos			
Cmtees	N/A	Reso No. 11-08-44 Equal Opportunity Review Cmtee – Armando Jorge			

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110725**

**1. ACTION REQUESTED/PURPOSE:**

Approve disbursement of excess funds resulting from the sale of tax deed certificates to a claimant verified and certified under Florida Statutes 197.582.

**2. FUNDING SOURCE:**

Proceeds from a tax deed sale in excess of the taxes and/or liens owed are being held by the Board for disbursements in accord with Florida Statutes, Chapter 197.

**3. WHAT ACTION ACCOMPLISHES:**

Provides for disbursement of excess tax deed proceeds to an appropriate claimant in compliance with statutory rules and requirements.

**4. MANAGEMENT RECOMMENDATION:** Approve disbursement to identified claimant.

**5. Departmental Category:** C16C

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Consent

**8. Requirement/Purpose: (specify)**

- ☒ Statute 197  
☐ Ordinance  
☒ Admin Code 12D-13  
☐ Other

**9. Request Initiated**

**Commissioner:** All

**Department:** CONSTITUTIONAL OFFICERS

**Division:** Clerk of Courts

**By:** Christine Lardieri, Mgr.

**10. Background:**

F.S. Chapter 197 establishes the process for the sale of delinquent tax deed certificates and disbursement of the sale proceeds. Subsequent to the sale, the Clerk disbursed funds to pay the outstanding property taxes, costs of the sale and recorded governmental liens. A balance in excess of these liabilities remains and is being held by the County in compliance with F.S. 197.582.

In accord with F.S. 197.582, a verified claim has been filed by an appropriate beneficiary for the excess tax deed sale proceeds.

The claimant's entitlement to the identified funds has been verified by the Lee County Clerk and Lee County Attorney's Office and approval of the disbursement is recommended for the following claimant:

**11. Required Review:**

<i>Donna Harn</i>	<i>Jed Schneck</i>				
FINANCE	County Attorney				

**12. Commission Action:**

**Lee County Board Of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20110725

**1. ACTION REQUESTED/PURPOSE:** Approve disbursement of excess funds resulting from the sale of tax deeds, to a claimant verified and certified under Florida Statutes §197.582.

**2. FUNDING SOURCE:** Proceeds from a tax deed sale in excess of the taxes and/or liens owed are being held by the Board for disbursement in accord with Florida Statutes, Chapter 197.

**3. WHAT ACTION ACCOMPLISHES:** Provides for disbursement of excess tax deed proceeds to an appropriate claimant in compliance with statutory rules and requirements.

**4. MANAGEMENT RECOMMENDATION:** Approve disbursement to identified claimant.

**5. Departmental Category:** 06

**6. Meeting Date:**

**7. Agenda:**

☒ **Consent  
Administrative**

☐ **Appeals**

☐ **Public**

☐ **Walk-On**

**8. Requirement/Purpose: (specify)**

☒ **Statute 197  
Ordinance**

☒ **FL Admin. 12D-13  
Code**

☐ **Other**

**9. Request Initiated:**

**Commissioner** Clerk of Courts  
**Department** Finance/Records  
Dept.

**Division** Tax Deed Sales  
Office

**By:** Christine Lardieri, Mgr.

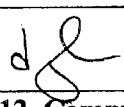
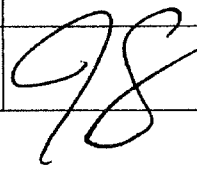
**10. Background:**

F.S. Chapter 197 establishes the process for the sale of delinquent tax deed certificates and disbursement of the sale proceeds. Subsequent to the sale, the Clerk disbursed funds to pay the outstanding property taxes, costs of the sale and recorded governmental liens. A balance in excess of these liabilities remains and is being held by the County in compliance with F.S. §197.582.

In accord with F.S. §197.582, a verified claim has been filed by an appropriate beneficiary for the excess tax deed sale proceeds.

The claimant's entitlement to the identified funds has been verified by the Lee County Clerk and Lee County Attorney's Office and approval of the disbursement is recommended for the following claimant:

**11. Review for Scheduling:**

Dept. Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr	

**12. Commission Action:**

☐ **Approved**  
☐ **Deferred**  
☐ **Denied**  
☐ **Other**

**10. Background:** Pursuant to Florida Statute Chapter 197; the Board is holding overbid funds from Delinquent Tax Sales. The Clerk has received a verified claim for these funds, within the two year period, and request that you release them for the following tax deed.

**Strap #:**

10-45-26-05-00059.0120

**Tax Deed #:**


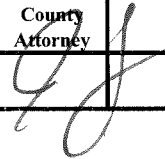
2010002716

**Claimant:**

First American Mortgage, Inc  
4704 Harlan Street, Ste 430  
Denver, CO 80212

**Amount:**

\$32.44

Dept. Director				County Attorney						
										

**10. Background:** Pursuant to Florida Statute Chapter 197; the Board is holding overbid funds from Delinquent Tax Sales. The Clerk has received a verified claim for these funds, within the two year period, and request that you release them for the following tax deed.

**Strap #:**

17-44-23-C4-03916.0230

**Tax Deed #:**


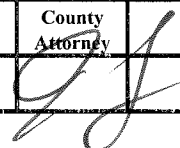
2010002918

**Claimant:**

ECA Fund 100 LLC  
12800 University Dr #275  
Ft Myers, FL 33907

**Amount:**

\$34.65

Dept. Director				County Attorney						
										

**10. Background:** Pursuant to Florida Statute Chapter 197; the Board is holding overbid funds from Delinquent Tax Sales. The Clerk has received a verified claim for these funds, within the two year period, and request that you release them for the following tax deed.

**Strap #:**

17-44-23-C4-03916.0290

**Tax Deed #:**


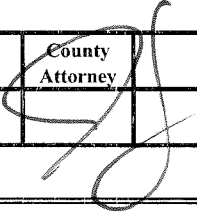
2010002928

**Claimant:**

ECA Fund 100 LLC  
12800 University Dr, Ste 275  
Ft Myers, FL 33907

**Amount:**

\$34.65

Dept. Director				County Attorney								
												

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110705**

**1. ACTION REQUESTED/PURPOSE:**

Authorize the continued ongoing utilization of Waiver W-060417, Gillig Bus Parts for Lee Tran, from the parts division of Gillig Corporation with an estimated annual expenditure of \$125,000.00.

**2. FUNDING SOURCE:**

Independent Division, Transit Operating, Fixed Route, Equipment Repair Parts, Vehicle Maintenance

**3. WHAT ACTION ACCOMPLISHES:**

Allows Transit to obtain bus parts from Gillig Corporation

**4. MANAGEMENT RECOMMENDATION:** Approve

**5. Departmental Category:** A7A

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Administrative

**8. Requirement/Purpose: (specify)**

☐ Statute

☐ Ordinance

☒ Admin Code AC-4-1

☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** TRANSIT

**Division:** No Divisions

**By:** Steve Myers

**10. Background:**

Procurement Management had previously provided Transit in 2006 with a waiver for the purchase of bus parts from Gillig Corporation and on August 24, 2011 Transit informed procurement that the expenditures for the parts will now exceed \$100,000 annually prompting the need for a Board approved blue sheet.

Account string: K15440148600.504635.41

Attachment:

- (1) Department Blue Sheet Request
- (2) 2006 Justification for Sole Source and/or Waiver Purchase
- (3) Vendor Sole Source Letter

**11. Required Review:**

<i>Steve Myers</i>	<i>Robert Franceschini</i>	<i>Jim Lewin</i>	<i>Mike Figueroa</i>	<i>David Harris</i>	<i>Scott Coover</i>
TRANSIT	Purchasing	Budget Analyst	Risk	Budget Services	County Attorney
<i>Holly Schwartz</i>					
County Manager					

**12. Commission Action:**



# ATTACHMENT

**Jeffcoat, Chris**

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**From:** Franceschini, Robert  
**Sent:** Thursday, August 25, 2011 1:01 PM  
**To:** Riley, Susan  
**Cc:** Ralston, Lawrence; Myers, Steve; Love, Cateria; Jeffcoat, Chris  
**Subject:** RE: Gillig W-060417 for OEM Parts

**Importance:** High

8/25/11

Susan...thank you...we will proceed.

Mr. Jeffcoat...would you please process this blue sheet as requested below by Susan...thanks.

Bob

Robert D. Franceschini, C.P.M., CPPB  
Procurement Manager  
Division of Procurement Management  
P - 239-533-5457  
F - 239-485-5460  
[rfranceschini@leegov.com](mailto:rfranceschini@leegov.com)

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**From:** Riley, Susan  
**Sent:** Wednesday, August 24, 2011 4:40 PM  
**To:** Franceschini, Robert  
**Cc:** Ralston, Lawrence; Myers, Steve; Love, Cateria  
**Subject:** Gillig W-060417 for OEM Parts

Hi Bob-

Lee County Transit has a bid waiver in place to purchase OEM parts from Gillig, the manufacturer of our buses. This bid waiver #W-060417 was approved by the County Manager on April 4, 2006. LeeTran will exceed \$100,000 in expenditures this fiscal year, so we will need BOCC approval for this bid waiver.

Please prepare a blue sheet requesting BOCC approval for this waiver with an estimated annual expenditure of \$125,000.00. Funds have been budgeted in K15440148600.504635.41. (Independent Division, Transit Operating, Fixed Route, Equipment Repair Parks, Vehicle Maintenance).

Thank you for your assistance.

Susan Riley, Fiscal Manager  
Lee County Transit  
6035 Landing View Road  
Ft. Myers, FL 33907  
Phone 239-533-0331  
Fax 239-931-6804 NEW

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

APPROVED: 7/9/02

## JUSTIFICATION FOR SOLE SOURCE AND/OR WAIVER PURCHASE

REQUISITION NUMBER \_\_\_\_\_

DATE 4-3-06DEPARTMENT TRANSITBUSINESS UNIT LEE TRAN  
MAINTENANCE DEPARTMENT

SUGGESTED VENDOR

Gillig CorporationITEM DESCRIPTION AND REASON FOR SOLE SOURCE AND/OR WAIVER:  
(MAY ALSO BE ATTACHED AS A MEMO)SEE ATTACHED LETTER from the Gillig Corporation,  
MANUFACTURE of Gillig BUSES.

## TECHNICAL CHARACTERISTICS:

ALL the parts used in these Gillig buses must meet  
specific and demanding standards of design, material,  
tolerance and processing standards such as FMVSS and the  
F.T.A. A.D.B regulations and standards.

REASON FOR REQUESTING SOLE SOURCE:

(X) ITEM MUST MATCH EXISTING EQUIPMENT, WHICH IS:

Gillig 29 foot AND Gillig 35 foot Transit BUS

(X) ITEM IS A REPAIR PART FOR EXISTING EQUIPMENT, WHICH IS:

Gillig 29 foot AND Gillig 35 foot Transit BUS

(X) ITEM IS TO BE ATTACHED TO EXISTING ITEM, WHICH IS:

Gillig 29 foot AND Gillig 35 foot Transit BUS

Revision Date:

APPROVED: 7/9/02

☒ TECHNICAL CHARACTERISTICS OF REQUESTED ITEM ARE ESSENTIAL TO OUR NEEDS  
BECAUSE:

SOLE SOURCE MANUFACTURE of Gillig Buses

☒ NO OTHER MANUFACTURER OF THIS TYPE OF PRODUCT EXISTS

☐ OTHER MANUFACTURERS OF THIS TYPE OF PRODUCT DO NOT MEET OUR MINIMUM  
REQUIREMENTS:

MANUFACTURER'S NAME: \_\_\_\_\_

REASON: \_\_\_\_\_

MANUFACTURER'S NAME: \_\_\_\_\_

REASON: \_\_\_\_\_

MANUFACTURER'S NAME: \_\_\_\_\_

REASON: \_\_\_\_\_

☐ OTHER \_\_\_\_\_

MUST PERFORM PRICE OR COST ANALYSIS OR ATTACH NEGOTIATED PRICE QUOTE  
FROM VENDOR; LETTER FROM MANUFACTURER STATING SOLE SOURCE.

A) PRICE ANALYSIS PERFORMED

BASED ON:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Revision Date:

APPROVED: 7/9/02

B) COST ANALYSIS PERFORMED:

BASED ON:

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July Robert MAINTENANCE MANAGER  
SIGNATURE AND TITLE OF REQUESTER

I, R. Scott D. Franceschini, AUTHORIZED BUYER,  
CONCLUDE THE FOLLOWING:

☒ SOLE SOURCE JUSTIFICATION IS ADEQUATE AND PURCHASE IS AUTHORIZED  
WITHOUT COMPETITIVE BIDDING.

☐ SOLE SOURCE JUSTIFICATION IS INADEQUATE AND REQUISITION IS  
RETURNED TO DEPARTMENT.

☐ DUE TO TIME RESTRAINTS PURCHASE IS AUTHORIZED WITHOUT  
COMPETITIVE BIDDING.

☐ COMPETITIVE/NON-COMPETITIVE BID WAIVER APPROVED.

[Signature]  
BUYER

Janet K. Sheehan 4-18-06  
PURCHASING DIRECTOR

Revision Date:



## PARTS DIVISION

MAIN OFFICE  
25864 CLAWITER ROAD  
HAYWARD, CA 94545  
TELEPHONE 800/735-1500  
FAX # 510/887-0981

April 4, 2006

Susan Riley  
Lee Tran  
6035 Idlewild Road  
Ft. Myers, FL 33907

Re: Sole Source Vendor

Dear Ms. Riley,

The Gillig Corporation is a major U.S. manufacturer of purpose-built buses, and we respectfully wish to be classified by Lee Tran as a **sole source supplier of transit bus parts**.

Gillig's transit buses are specifically designed, tested and manufactured to suit the severe duty cycles of transit operation. All the parts used in these buses must meet specific and demanding standards of design, material, tolerance and processing, **in addition** to other normal vehicle standards such as FMVSS and the FTA ADB regulations and standards. Consequently, the performance levels of these parts are significantly superior to non-OEM parts not designed to meet the same demanding requirements.

**We believe Gillig is uniquely qualified to supply the proper parts for Gillig buses used in transit service. The purchase and use of non-Gillig parts invalidates any assurance of transit bus performance. Consequently, we request your consideration to recognize that Gillig is the only and proper sole source of uniquely designed Gillig Parts.**

Your consideration and approval of our request will be greatly appreciated. If you have any further questions, please do not hesitate to call me or our Vice President, Brian Macleod at (800) 735-1500.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eiji Kinoshita".

Eiji Kinoshita  
Director of Sales, Parts Division

EK:nd

cc: Sally Head  
Sue Matson

APR 10 2006

Western:  
25864 Clawiter Road  
Hayward, CA 94545  
Phone: 800/735-1500 • Fax: 510/887-0981

REGIONAL PARTS SALES OFFICES:  
Central/Northeast:  
6943 Lexington Park Blvd.  
Mason, OH 45040  
Phone: 800/410-8614 • Fax: 513/336-9345

Central/Southeast:  
1020 Karens Way  
Hendersonville, TN 37075  
Phone: 800/934-6818 • Fax: 615/826-9409

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110708**

**1. ACTION REQUESTED/PURPOSE:**

1. Approve Addendum to the Construction Manager Agreement under project RFQ-11-05 ANNUAL CONTRACT FOR CONSTRUCTION MANAGEMENT, for the project known as Admin Building Re-Roof, to WestCo Builders of Florida, Inc. (a local contractor), Contract No. 5668, for a Guaranteed Maximum Price (GMP) of \$307,828.00 (includes CM Fee of \$22,915.00 or 8.65%), utilizing 100% local vendors, with a total project time of sixty (60) calendar days.
2. Request that the Board approve waiving of the formal process (if needed) and authorize the use of Direct Materials Purchase Order as provided for in the CM Agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.
3. Authorize Chair to execute Addendum upon receipt.

**2. FUNDING SOURCE:**

Fund – General Fund; Program – Major Maintenance Project; Project - Re-Roof Administration Building

**3. WHAT ACTION ACCOMPLISHES:**

Provides a Construction Manager for the re-roofing of the Administration Building.

**4. MANAGEMENT RECOMMENDATION:** Approve.

**5. Departmental Category: A7B**

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Administrative

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☐ Ordinance  
☒ Admin Code      AC-4-4  
☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** FACILITIES MANAGEMENT

**Division:** No Divisions

**By:** Rich Beck

**10. Background:**

On June 14, 2011, the Board approved the award of RFQ-11-05 ANNUAL CONTRACT FOR CONSTRUCTION MANAGEMENT with a total of nine (9) firms. As approved under that blue sheet, each projects' Guaranteed Maximum Price (GMP) will be brought back for Board approval.

It is being recommended that an Addendum to the Construction Manager Agreement be approved to WestCo Builders of Florida, Inc. (a local contractor) in the Guaranteed Maximum Price (GMP) of \$308,828.00 for the Admin Building Re-Roofing project.

Funds are available in the following account: 40860300100.503190

Attachments: 1) Price Proposal From WestCo Builders of Florida, Inc. Dated August 17, 2011

**11. Required Review:**

<i>Rich Beck</i>	<i>Robert Franceschini</i>	<i>Emma Wolf</i>	<i>Mike Figueroa</i>	<i>Scott Coover</i>	<i>David Harris</i>
FACILITIES MANAGEMENT	Purchasing	Budget Analyst	Risk	County Attorney	Budget Services
<i>Peter Winton</i>					
County Manager					

**12. Commission Action:**



Builders of Florida, Inc.

Lic. No. CG-CO48616

Mr. Jim Taylor  
Lee County Facilities Services  
1765 Henderson Ave.  
Ft. Myers, FL 33916

August 17, 2011

RE: CM Services for County Admin Re-roof

Dear Sir:

We have reviewed the project plans and specs, visited the site and discussed the work with staff. Based upon this we offer the following proposal.

Westco Builders of Florida, Inc. will act as Construction Managers for the project for the Guaranteed Maximum Price of Three Hundred Seven Thousand Eight Hundred Twenty-eight Dollars (\$307,828.00).

#### BUDGET SUMMARY

Subcontracted Cost	\$229,885.00
Contingencies	\$24,000.00
Bonds & Insurance	\$10,978.00
Subtotal	\$264,863.00
General Conditions	\$20,050.00
CM Fee	\$22,915.00
Total GMP	\$307,828.00

Westco Builders of Florida, Inc. proposes a fee of \$22,915.00 for the construction management of the project. The fee does not apply to general conditions.

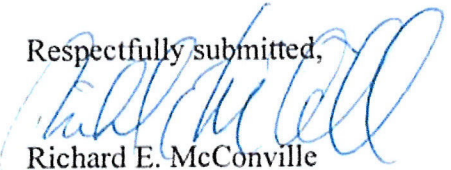
This proposal is based upon a scope of work including the re-roof of the main six story roof and penthouse of the Lee County Administration Building on Second Street, as well as the reroofing of the lower roof areas adjacent to the structure and the generator room as indicated on the Atlas Structural Engineering, LLC plans titled *Re-Roof County Administration Building* issued 7/1/11.

The work is to be performed using a Fibertite roof system as specified (including tapered insulation, cap sheet, flashings) and the work is to be performed by a roofer certified by Fibertite to install the product. The existing roof obstructions are to be removed as indicated. A roof drain is to be added and the lightning protection system is to be maintained. Access for the roof will be from outside the building. Sidewalk protection for pedestrian traffic is included for the anticipated duration of work. An allowance has been made for permit fees.

The project is planned to take 60 days to complete. The actual roof work will comprise 30 of those days. Lee County is to provide a staging area in the parking lot next to the site. Drain work and device removal will require access from the sixth floor office area during non-business hours. No work is planned on Tuesdays when the BOCC is scheduled to meet.

It is understood that the site will be under the control of Westco Builders of Florida, Inc. for the duration of the construction process. The cooperation of the County, their consultants and agents is vital to the success of the schedule.

Respectfully submitted,



Richard E. McConville  
President



8/17/11

**PROJECT NAME:**  
County Admin Building Re-roof

**DATE:** 8/12/11  
8/17/11

**FINAL BUDGET**

<b>'A'</b> <b>COST</b> <b>CODE</b>	<b>'B'</b> <b>DESCRIPTION</b>	<b>'C'</b> <b>CONTRACT</b> <b>AMOUNT</b>	<b>'D'</b> <b>CHANGE</b> <b>ORDERS</b>	<b>'E'</b> <b>REVISED</b> <b>CONTRACT</b>
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**1-000 GENERAL REQUIREMENTS**

<b>1-380</b>	<b>PHOTOS</b>	<b>\$250</b>		<b>\$250</b>
<b>1-516</b>	<b>TEMPORARY TOILETS</b>	<b>\$300</b>		<b>\$300</b>
<b>1-517</b>	<b>FIRST AID</b>	<b>\$200</b>		<b>\$200</b>
<b>1-540</b>	<b>SECURITY AND THEFT</b>	<b>\$1,500</b>		<b>\$1,500</b>
<b>1-571</b>	<b>SIGNAGE</b>	<b>\$750</b>		<b>\$750</b>
<b>1-600</b>	<b>TOOLS &amp; EQUIPMENT</b>	<b>\$250</b>		<b>\$250</b>
<b>1-705</b>	<b>MISCELLANEOUS</b>			<b>\$0</b>
<b>1-740</b>	<b>BOND PREMIUM</b>	<b>\$8,728</b>		<b>\$8,728</b>
<b>SUB TOTAL 1-000</b>		<b>\$11,978</b>	<b>\$0</b>	<b>\$11,978</b>

**7-000 THERMAL & MOISTURE PROTECTION**

<b>7-300</b>	<b>ROOFING</b>	<b>\$221,185</b>		<b>\$221,185</b>
<b>SUB TOTAL 7-000</b>		<b>\$221,185</b>	<b>\$0</b>	<b>\$221,185</b>

**16-000 ELECTRICAL**

<b>16-060</b>	<b>GROUNDING &amp; BONDING - LIGHTNING PROT.</b>	<b>\$8,700</b>		<b>\$8,700</b>
<b>SUB TOTAL 16-000</b>		<b>\$8,700</b>	<b>\$0</b>	<b>\$8,700</b>

**17-000 OTHER FEES**

<b>17-100</b>	<b>PLAN REVIEW</b>			<b>\$0</b>
<b>17-110</b>	<b>BLUEPRINTS</b>	<b>\$200</b>		<b>\$200</b>
<b>17-150</b>	<b>BUILDING PERMIT</b>	<b>\$350</b>		<b>\$350</b>
<b>17-200</b>	<b>R.O.W. PERMIT</b>	<b>\$250</b>		<b>\$250</b>
<b>17-675</b>	<b>BUILDERS RISK</b>			<b>\$0</b>
<b>17-700</b>	<b>LIABILITY INSURANCE</b>	<b>\$2,250</b>		<b>\$2,250</b>
<b>17-900</b>	<b>PAYROLL - SUPER</b>	<b>\$16,000</b>		<b>\$16,000</b>
<b>17-950</b>	<b>BUILDERS CONTINGENCY</b>	<b>\$24,000</b>		<b>\$24,000</b>
<b>SUB TOTAL 17-000</b>		<b>\$43,050</b>	<b>\$0</b>	<b>\$43,050</b>

**99-000 OVERHEAD & PROFIT**

<b>99-100</b>	<b>CONSTRUCTION FEE</b>	<b>\$22,915</b>		<b>\$22,915</b>
<b>SUB TOTAL 99-000</b>		<b>\$22,915</b>	<b>\$0</b>	<b>\$22,915</b>

<b>TOTAL COST</b>	<b>\$307,828</b>	<b>\$0</b>	<b>\$307,828</b>
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8/17/11

**BUDGET SUMMARY**

Subcontracted Cost	\$229,885.00
Contingencies	\$24,000.00
Bonds & Insurance	\$10,978.00
Subtotal	\$264,863.00
General Conditions	\$20,050.00
CM Fee	\$22,915.00
Total GMP	\$307,828.00

**FEE CALCULATION**

\$125,000	9.5%	\$11,875
\$125,000	8%	\$10,000
\$14,863	7%	\$1,040
	6%	\$0
\$264,863		\$22,915

8/18/11

**PROJECT NAME:**

County Admin Building Re-roof

**BID TABULATION**

COST CODE	DESCRIPTION	SCENARIO A	SCENARIO B	SCENARIO C
7-300	ROOFING	\$221,185	\$241,950	\$295,080
16-060	GROUNDING & BONDING	\$8,700	INC	\$11,620
7-175	STRUCTURAL	INC	\$8,173	\$4,350
	<b>TOTAL SUBCONTRACTOR COST</b>	<b>\$229,885</b>	<b>\$250,123</b>	<b>\$311,050</b>

**SCENARIO A**

ROOFING  
LIGHTNING PROTECTION  
STRUCTURAL

SUTTER ROOFING  
LIGHTNING PROTECTION SYSTEMS  
SUTTER ROOFING

**SCENARIO B**

ROOFING  
LIGHTNING PROTECTION  
STRUCTURAL

LATTITE ROOFING  
LATTITE ROOFING  
GREENWELL WELDING

**SCENARIO C**

ROOFING  
LIGHTNING PROTECTION  
STRUCTURAL

WEST COAST ENTERPRISES  
WEST COAST ENTERPRISES  
WEST COAST ENTERPRISES

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110722**

**1. ACTION REQUESTED/PURPOSE:**

Presentation by Colonel Pantano, Army Corps of Engineers, to update on Lake Okeechobee and Caloosahatchee River.

**2. FUNDING SOURCE:**

**3. WHAT ACTION ACCOMPLISHES:**

**4. MANAGEMENT RECOMMENDATION:**

**5. Departmental Category: 9:30 Presentation**

**6. Meeting Date: 9/13/2011**

**7. Agenda:**

Presentation

**8. Requirement/Purpose: *(specify)***

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** All

**Department:**

**Division:**

**By:**

**10. Background:**

**11. Required Review:**


**12. Commission Action:**

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110685**

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing; adopt an ordinance amending the Lee County Parks and Recreation Ordinance No. 06-26, as amended.

**2. FUNDING SOURCE:**

N/A

**3. WHAT ACTION ACCOMPLISHES:**

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and related components adopted by the Florida Legislature in Florida Statutes Chapter 790.

**4. MANAGEMENT RECOMMENDATION:** Adopt ordinance.

**5. Departmental Category:** 9:30 PH1

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Public

**8. Requirement/Purpose: (specify)**

☐ Statute

☒ Ordinance                      06-26

☐ Admin Code

☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** COUNTY ATTORNEY

**Division:** No Divisions

**By:** Dawn Perry-Lehnert

**10. Background:**

The Parks and Recreation Ordinance was recently amended by Lee County Ordinance No. 10-41, in an effort to settle litigation against the County regarding a violation of the concealed weapons regulations set forth in Section 790.06, Florida Statutes. Subsequent to adoption of this ordinance the Legislature adopted House Bill 45 amending Section 790.33, Florida Statutes.

For the reasons outlined below, staff is proposing to amend the provisions pertaining to weapons to eliminate all references to firearms and clarify that the "weapons" controlled by the ordinance do not include firearms or ammunition. In conjunction with this amendment, County staff is actively changing all signs located on County park property and Conservation 20/20 lands to eliminate text and symbols that may constitute a violation of Section 790.33, Florida Statutes.

The stated purpose of House Bill 45 is to strengthen the statutory preemption regarding state regulation of firearms and to remove any local discretion with respect to the regulation of firearms. To this end the preemption provision was amended to read as follows:

Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinance, rules, or regulations are hereby declared null and void.

In addition to the refining the preemption, the Legislature clarified the intent of the new provisions as follows:

**11. Required Review:**

<i>Michael Hunt</i>	<i>David Harner</i>	<i>Tricia Jackson</i>	<i>Anne Henkel</i>	<i>David Harris</i>	<i>Holly Schwartz</i>
COUNTY ATTORNEY	PARKS AND RECREATION	Budget Analyst	Budget Analyst	Budget Services	County Manager

**12. Commission Action:**

It is further the intent of this section to deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

The Legislature also established civil and criminal penalties to be imposed against any person, county, agency, municipality or district for knowingly or willfully violating the preemption. [Civil penalties: a personal fine of up to \$5,000.00 and specifically disallowing use of public funds to defend or pay the fine and/or termination of employee or removal from office; Criminal penalty: third-degree felony]

Based upon the above, and the balance of House Bill 45, staff conducted a review of the County regulations pertaining to firearms, ammunition and related components in order to determine whether amendment of the regulations were necessary to avoid potential violation of the statutory preemption. In accord with this review, County staff recommends adoption of the amendments as proposed.

Attachment - Draft Ordinance  
Financial and Administrative Impact Statement (FAIS)

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 06-26, KNOWN AS THE LEE COUNTY PARKS AND RECREATION ORDINANCE TO AMEND SECTION 6.1 PERTAINING TO WEAPONS; PROVIDING FOR EFFECT OF RECITALS, CONFLICTS, INCLUSION IN THE CODE, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the recreational use of the public parks is a treasured asset of this County that is afforded to the public at large, including residents of and visitors to the County; and

**WHEREAS**, it is in the interest of the public health, safety and welfare that certain controls and regulations be placed on persons using public park resources in order to ensure maximum enjoyment of the resources by the general public, while affording protection and preservation of natural and manmade resources, and reducing the risk of injury to park patrons; and

**WHEREAS**, as part of House Bill 45, adopted in 2011, the Florida Legislature amended Florida Statutes §790.33 to strengthen the provisions preempting any and all regulation of firearms to the state and established penalties for enacting or enforcing regulations pertaining to firearms, ammunition or components thereof, even if enacted in good faith or under color of law; and

**WHEREAS**, the Board finds amending the provisions of Lee County Ordinance No. 06-26, as amended, to eliminate any potential violation of Florida Statutes Chapter 790, is prudent and appropriate.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lee County, Florida, that an amendment to Lee County Ordinance No. 06-26 is hereby adopted as follows:

**SECTION ONE: EFFECT OF RECITALS**

The above recitals are incorporated by reference into the body of this ordinance and adopted as Findings of Fact.

**SECTION TWO: AMENDMENT OF SECTION 6.1**

Lee County Parks and Recreation Ordinance No. 06-26, Section 6.1 pertaining to weapons is hereby by amended as follows, with deleted text identified by strike-through and additional text identified by underlining.

## 6.1 WEAPONS

~~(A) — Florida Statutes §790.33(3)(a) requires the County to enforce State firearms laws. Consistent with Florida Statutes, the use or possession of weapons or firearms while on County park properties is prohibited, except in compliance with F.S. Ch. 790. Any person carrying a concealed weapon or firearm in a County park must possess on their person a valid Florida Concealed Weapon or Firearm License issued by the Department of Agriculture and Consumer Services and valid identification, or otherwise be exempt from the provisions of F.S. Ch. 790.~~

(A) Consistent with Florida Statutes §790.01(14), the term “weapon” as used in this section specifically excludes firearms and ammunition.

(B) The use or possession of certain weapons on county park property may be permitted for specific activities requiring the use of particular weapons as or other specialized equipment to engage in the permitted activity or special event affirmatively authorized by law enforcement officials or the Parks and Recreation Director.

(C) The use or possession of BB guns, air rifles, air guns and paint guns are prohibited on County park property.

~~(D) — *Penalties.* Consistent with F.S. Ch. 790:~~

~~(1) — A person upon park property carrying a concealed weapon or firearm without also carrying both the license issued under F.S. §790.06 and proper identification commits a non-criminal violation subject to a civil penalty of \$25.00.~~

~~(2) — A person upon park property carrying a concealed weapon or electronic weapon/device on or about his/her person without a proper permit issued under F.S. §790.06 commits a first degree misdemeanor punishable as provided in F.S. §§775.082 or 775.083.~~

~~(3) — A person upon park property carrying a concealed firearm on or about his/her person without a proper permit issued under F.S. §790.06 commits a third degree felony punishable as provided in F.S. §§775.082, 775.083 or 775.084.~~

~~(4) — Unless specifically exempt under F.S. Ch. 790, a person upon park property openly carrying a firearm or electronic weapon/device that is not deemed appropriate equipment to engage in an activity permitted consistent with section 6.1(B), commits a second degree misdemeanor punishable as provided in F.S. §§775.082 or 775.083.~~

~~(E-D)~~ Enforcement of the provisions set forth in this section is the responsibility of



~~may be through the Lee County Sheriff's Office or the Lee County Park Rangers, as appropriate, and in accordance with the provisions of this Ordinance and/or Florida law.~~

### **SECTION THREE: CONFLICTS OF LAW**

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

### **SECTION FOUR: SEVERABILITY**

It is the Board of County Commissioners' intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

### **SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or designee, without the need for a public hearing.

### **SECTION SIX: EFFECTIVE DATE**

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner \_\_\_\_\_ made a motion to adopt the foregoing ordinance,  
seconded by Commissioner \_\_\_\_\_. The vote was as follows:

JOHN E. MANNING	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANK MANN	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

S:\GS\DPL\Ordinances\Parks & Rec\firearms repeal.wpd

DRAFT FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
AUGUST 2, 2011

**LEE COUNTY, FLORIDA**

**FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT**

**PROPOSED COUNTY ORDINANCE:**

**NAME OF ORDINANCE:** Lee County Parks and Recreation Ordinance

**A. Statement of Purpose**

The purpose of this ordinance is to amend Lee County Ordinance No. 06-26, as amended, in order to comply with the statutory preemption set forth in Florida Statutes §790.33.

**B. Narrative Summary of Ordinance (Several Sentence Summary)**

Amends the ordinance to clarify term “weapons” as used in the ordinance does not include “firearms”; eliminates provisions tending to reiterate or reenforce the provisions of Chapter 790.

**C. Principal Division(s) or Department(s) Affected (List)**

Lee County Parks and Recreation

**LEE COUNTY, FLORIDA  
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT  
PROPOSED COUNTY ORDINANCE:**

II. Fiscal impact on County Agencies/County Funds (This section to be completed by OBS).

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs? N/A

	1st Year \$'s		2nd Year \$'s	
	<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>New</u>
Personnel	N/A			
Fringe	N/A			
Operating	N/A			
Capital Outlay	<u>N/A</u>			
Total	N/A			

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following;

1. What is the basis (rationale) for the fee? N/A

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? N/A

E. Give a brief narrative analysis of the information contained in II, A-D, above.

Amendment of Section 6.1 pertaining to weapons as proposed will bring county regulations into compliance with Florida Statutes, Chapter 790. There is no budgetary impact.

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20110686**

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing; adopt an ordinance amending Lee County Noise Ordinance No. 93-15, as amended.

**2. FUNDING SOURCE:**

N/A

**3. WHAT ACTION ACCOMPLISHES:**

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and related components adopted by the Florida Legislature in Florida Statutes Chapter 790.

**4. MANAGEMENT RECOMMENDATION:** Adopt ordinance.

**5. Departmental Category:** 9:30 PH2

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Public

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☒ Ordinance                      93-15  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:**

**Department:** COUNTY ATTORNEY

**Division:** No Divisions

**By:** Dawn Perry-Lehnert

**10. Background:**

The Board adopted the Lee County Noise Ordinance in April of 1993 as Lee County Ordinance No. 93-15. The ordinance was subsequently amended by Lee County Ordinance Nos. 94-17 and 96-13.

For the reasons outlined below, staff is proposing an amendment to the definition of "Impulsive Sound" to eliminate the reference to "discharge of firearms". By amending the definition in the manner proposed, the county can avoid a claim that the Noise Ordinance is knowingly or willfully being enforced in violation of Section 790.33, Florida Statutes.

During the 2011 session, the Legislature adopted House Bill 45, which amended Section 790.33, Florida Statutes. The stated purpose of this House Bill is to strengthen the statutory preemption regarding state regulation of firearms and to remove any local discretion with respect to the regulation of firearms. To this end the preemption provision was amended to read as follows:

Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinance, rules, or regulations are hereby declared null and void.

In addition to refining the preemption, the Legislature clarified the intent of the new provisions as follows:

It is further the intent of this section to deter and prevent the violation of this section and the violation of rights protected under the constitution and laws of this state related to firearms, ammunition, or components thereof, by the abuse of official authority that occurs when enactments

**11. Required Review:**

<i>Michael Hunt</i>	<i>Tricia Jackson</i>	<i>David Harris</i>	<i>Karen Hawes</i>		
COUNTY ATTORNEY	Budget Analyst	Budget Services	County Manager		

**12. Commission Action:**

are passed in violation of state law or under color of local or state authority.

The Legislature also established civil and criminal penalties to be imposed against any person, county, agency, municipality or district for knowingly or willfully violating the preemption. (Civil penalties: a personal fine of up to \$5,000.00 and specifically disallowing use of public funds to defend or pay the fine and/or termination of employee or removal from office; Criminal penalty: third-degree felony)

Based upon the above, and the balance of House Bill 45, staff conducted a review of the county regulations pertaining to firearms, ammunition and related components in order to determine whether amendment of the regulations were necessary to avoid potential violation of the statutory preemption. In accord with this review, County staff recommends adoption of the amendment as proposed.

Attachment - Draft Ordinance

Financial and Administrative Impact Statement (FAIS)

**LEE COUNTY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE LEE COUNTY NOISE CONTROL ORDINANCE NO. 93-15, AS AMENDED BY ORDINANCE NOS. 94-17 AND 96-13 TO AMEND THE DEFINITION OF “IMPULSIVE SOUND”; PROVIDING FOR EFFECT OF RECITALS; PROVIDING FOR CONFLICTS OF LAW SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Lee County, Florida is the governing body in and for Lee County; and

**WHEREAS**, the Board of County Commissioners has enacted the Lee County Noise Control Ordinance; and

**WHEREAS**, as part of House Bill 45, adopted in 2011, the Florida Legislature amended Florida Statutes §790.33 to strengthen the provisions preempting any and all regulation of firearms to the state and established penalties for enacting or enforcing regulations pertaining to firearms, ammunition or components thereof, even if enacted in good faith or under color of law; and

**WHEREAS**, the definition of “impulsive sound”, as set forth in the Noise Control Ordinance, uses the discharge of a firearm as an example, which could arguably constitute a violation of the statutory preemption; and

**WHEREAS**, the Board finds amending Lee County Ordinance No. 93-15, as amended, to eliminate any potential violation of Florida Statutes Chapter 790 is prudent and appropriate.

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Lee County, Florida, that an amendment to Lee County Ordinance No. 93-15 is hereby adopted as follows:

**SECTION ONE:     EFFECT OF RECITALS**

The above recitals are incorporated by reference into the body of this ordinance and adopted as Findings of Fact.

**SECTION TWO:     AMENDMENT OF LEE COUNTY ORDINANCE NO. 93-15**

The definition of “Impulsive Sound”, as set forth in Section Three of Lee County Ordinance No. 93-15, as amended, is hereby amended as follows with strike-through

indicating deleted text and underlining indicating additional text. The balance Lee County Ordinance No. 93-15, as amended, remains unchanged.

*Impulsive Sound* - A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions; and drop forge impacts; ~~and the discharge of firearms.~~

### **SECTION THREE: CONFLICTS OF LAW**

Whenever the requirements or provisions of this ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements will apply.

### **SECTION FOUR: SEVERABILITY**

It is the Board of County Commissioners' intent that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance. The Board of County Commissioners further declares its intent that this ordinance would have been adopted if such unconstitutional provision was not included.

### **SECTION FIVE: CODIFICATION AND SCRIVENER'S ERRORS**

The Board of County Commissioners intend that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or designee, without the need for a public hearing.

### **SECTION SIX: EFFECTIVE DATE**

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.



Commissioner \_\_\_\_\_ made a motion to adopt the foregoing ordinance,  
seconded by Commissioner \_\_\_\_\_. The vote was as follows:

JOHN E. MANNING	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANK MANN	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chair

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

S:\GS\DPL\Ordinances\Noise Control - Firearms\Noise Control\_firearm.wpd

DRAFT FOR DISCUSSION PURPOSES ONLY  
LEE COUNTY ATTORNEY'S OFFICE  
AUGUST 2, 2011

**LEE COUNTY, FLORIDA**  
**FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT**

**PROPOSED COUNTY ORDINANCE:**

**NAME OF ORDINANCE:** Lee County Noise Control Ordinance

**A. Statement of Purpose**

The purpose of this ordinance is to amend Lee County Ordinance No. 93-15, as amended, in order to amend the definition of "Impulsive Sound" to eliminate reference to "discharge of firearms". This should eliminate any potential conflict with the statutory preemption in Section 790.33, Florida Statutes, regarding regulation of firearms and ammunition.

**B. Narrative Summary of Ordinance (Several Sentence Summary)**

See above.

**C. Principal Division(s) or Department(s) Affected (List)**

Sheriff's Department

**LEE COUNTY, FLORIDA  
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT  
PROPOSED COUNTY ORDINANCE:**

II. Fiscal impact on County Agencies/County Funds (This section to be completed by OBS).

A. What is estimated Demand? (Develop Indicators) N/A

B. What is estimated Workload? (Develop Indicators) N/A

C. What are estimated costs? N/A

		1st Year \$'s		2nd Year \$'s	
		<u>Existing</u>	<u>New</u>	<u>Existing</u>	<u>          </u>
<u>New</u>					
Personnel	N/A				
Fringe	N/A				
Operating	N/A				
Capital Outlay	N/A				
Total					

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following;

1. What is the basis (rationale) for the fee? N/A

2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? N/A

E. Give a brief narrative analysis of the information contained in II, A-D, above. This amendment to Lee County Ordinance No. 93-15, as amended, is to amend the definition of "Impulsive Sound" by eliminating reference to "discharge of firearms" with the intent to eliminate any potential conflict with the statutory preemption in Section 790.33, Florida Statutes, regarding regulation of firearms and ammunition. There is no budgetary impact.

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

**Blue Sheet No. 20110755**

**1. ACTION REQUESTED/PURPOSE:**

Ceremonial presentation recognizing contributors of the Big Backpack Event.

**2. FUNDING SOURCE:**

**3. WHAT ACTION ACCOMPLISHES:**

**4. MANAGEMENT RECOMMENDATION:**

**5. Departmental Category: WO1**

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Walk-On

**8. Requirement/Purpose: (specify)**

- ☐ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** Ray Judah

**Department:** COUNTY COMMISSIONERS

**Division:**

**By:**

**10. Background:**

**11. Required Review:**


**12. Commission Action:**



***The Board of County Commissioners***

**RESOLUTION**

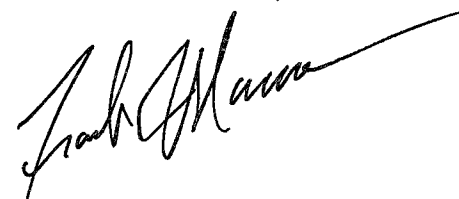
- Whereas:** For the past 12 years, the Multicultural Centre of SW Florida, Inc., founded by Mr. Leonardo Garcia and Mr. Jim White, has provided over 25,000 Lee County school students with brand new backpacks and school supplies; and
- Whereas:** This annual program, The Big Backpack Event, allows families to send their children to school with confidence, pride and on an even footing with their classmates; and
- Whereas:** This herculean effort for the students of Lee County could not be accomplished without the work of many dedicated volunteers; and
- Whereas:** Mr. Leonardo Garcia has done a phenomenal job, year in and year out, of assembling a truly multicultural group of volunteers to help; and
- Whereas:** As we bid farewell to several of those volunteers, we would like to recognize them for their outstanding contributions to the Big Backpack Event; and
- Whereas:** Ms. Connie Ramos-Williams has donated hundreds of hours serving as event chair for the last six years; and
- Whereas:** Mr. Ron Morgan has donated hundreds of hours serving as chair of the School Supply Drive Committee for over eight years; and
- Whereas:** Ms. Pat Morgan has also donated hundreds of hours serving as chair of the Church Outreach Committee for over eight years.

**NOW, THEREFORE BE IT RESOLVED BY THE Board of County Commissioners of Lee County, Florida, that we do hereby extend our heartfelt appreciation to Leonardo García, Connie Ramos-Williams, and Ron and Pat Morgan for their passion and commitment to making a difference in the academic lives of so many Lee County students – our future leaders.**

**Duly executed this 13<sup>th</sup> day of September, 2011.**



**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA**

  
Chairman

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

**Blue Sheet No. 20110687**

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing on the proposed redistricting of the Lee County Commission Districts.

If after receiving public input a consensus on an alternative, or modified alternative, is reached, direct staff to set the necessary public hearing for the adoption of a Resolution establishing and changing the Lee County Commission Districts pursuant to the 2010 Census.

**2. FUNDING SOURCE:**

NA

**3. WHAT ACTION ACCOMPLISHES:**

Establishes districts with approximately equal population, as required by the Florida Statute.

**4. MANAGEMENT RECOMMENDATION:** Select Alternative 1.

**5. Departmental Category: 5:00 PH1**

**6. Meeting Date:** 9/13/2011

**7. Agenda:**

Public

**8. Requirement/Purpose: (specify)**

- ☒ Statute  
☐ Ordinance  
☐ Admin Code  
☐ Other

**9. Request Initiated**

**Commissioner:** All

**Department:** COMMUNITY DEVELOPMENT

**Division:** Planning

**By:** Paul OConnor

**10. Background:**

In accordance with Chapter 124, Florida Statutes, the board is required to fix the boundaries of the commission districts so as to keep them as nearly equal in proportion to population as possible. Planning staff has prepared a report that contains five alternatives that meet the statutory and other common redistricting practices. At the Management & Planning meeting on August 8, 2011, the Board narrowed the five choices down to three, Alternative 1, Alternative 4 and Alternative 5, and directed staff to schedule a public hearing for further refinement of the alternatives.

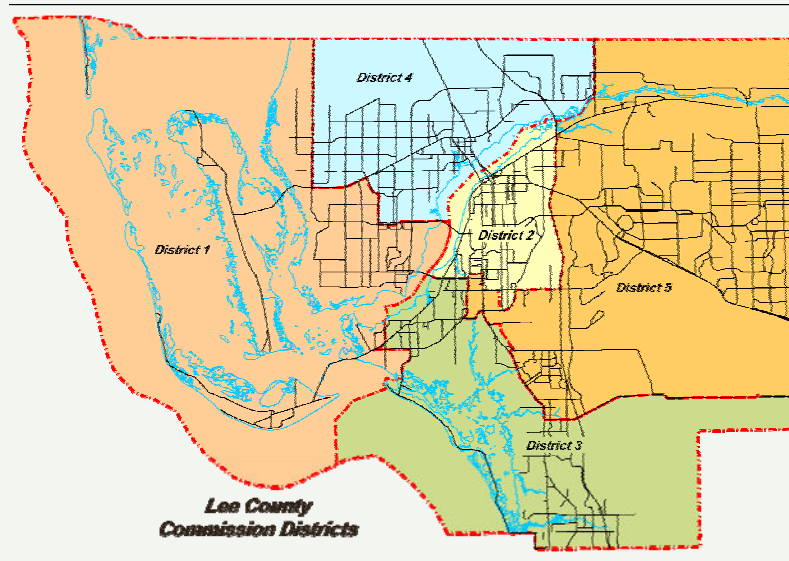
Following a consensus by the Board, staff will create an accurate description of the boundaries of the new districts and schedule a final public hearing for adoption of the changes by Resolution.

Attachments : 2011 Lee County Commission Redistricting Report, with all maps

**11. Required Review:**

<i>Mary Gibbs</i>	<i>Thelma Davis</i>	<i>David Harris</i>	<i>Donna-Marie Collins</i>	<i>Holly Schwartz</i>	
COMMUNITY DEVELOPMENT	Budget Analyst	Budget Services	County Attorney	County Manager	

**12. Commission Action:**



# 2011 Lee County Commission Redistricting Report

July 28, 2011

Prepared by  
Lee County Community Development  
Planning Division



# **2011 Lee County Commission Redistricting**

## **Introduction**

The county commission redistricting process is mandated by Florida State Statutes, Chapter 124.01 (3), which stipulates that “The board of county commission shall from time to time, fix the boundaries [commission district boundaries] so as to keep them as nearly equal in proportion to population as possible...” The statutes provide for these changes to be made only in odd-numbered years.

This report presents five alternatives for the 2011 redistricting of the commissioner districts. The district boundaries were last updated in 2001 using the population figures obtained from the 2000 Census. In the same manner, the 2010 U.S. Census population information has been used to redraw the Lee County commissioner districts. The 2010 U.S. Census population figures show considerable population growth in certain areas of the county. This growth has not occurred evenly throughout each commission district causing an imbalance in population figures between districts. The alternatives presented here are just five possible ways in which the current district boundaries can be redrawn. Other redistricting proposals can be put forth or modifications can be made to any of the five alternatives. Each of the alternatives presented in this report meet or exceed the standards for redistricting that have been set forth by case law precedents for equal population.

## **Lee County Population Change**

The U.S. Census Bureau population counts for the 2010 Census signify a 40.3 percent increase in the Lee County population since the 2000 Census. The increase in population did not, however, occur evenly across the county or across the five existing County Commission Districts. All 5 of the districts reported an increase in population. District 5, which includes Lehigh Acres, Gateway, and the area surrounding Florida Gulf Coast University, had the largest population increase (95.77%) while District 2 had the lowest (6.68%) increase between the two Census reports.

Before redrawing the new district boundaries, a comparison of the 2010 U.S. Census population was made to that of the 2000 U.S. Census population figures. The 2001 district boundaries were utilized for this comparison and the population distribution is presented in Table 1 below. The targets for district populations in 2000 and 2010 equal the total census population of that year divided by the number of districts.

**Table 1**

<b>Commission District Population Figures, 2000 &amp; 2010</b>				
<b>Commission District</b>	<b>2000 Population</b>	<b>Deviation from 2000 Target</b>	<b>2010 Population</b>	<b>% Deviation from 2010 Target</b>
1	89,975	2.0%	111,416	-10.0%
2	88,713	0.6%	94,635	-23.5%
3	86,904	-1.4%	120,976	-2.2%
4	87,918	-0.3%	120,663	-2.5%
5	87,378	-0.9%	171,064	38.2%
<b>Total</b>	<b>440,888</b>		<b>618,754</b>	
2000 Target Commission District Population = 88,176				
2010 Target Commission District Population = 123,751				
(Target Population = Total County Population/5 Districts)				
Source: U.S. Census Bureau				



## The Redistricting Process

The redistricting process involves redrawing the Lee County commissioner district boundary lines in such a manner that all five districts achieve a population close to the target population figure of 123,751 persons.<sup>1</sup> Additionally, a number of criteria are used as guidelines while redrawing the boundary lines to produce new commission districts. The equal population objective is statutorily mandated while the other criteria are drawn from case law precedents or common redistricting practices. Given the growth patterns since the last Census, each alternative addresses the need to allocate considerable population from district 5, which received 47% of the county population increase, to districts 1 and 2, which collectively received only 15% of the county population increase. Districts 3 and 4 grew the closest to the county average with both receiving nearly 20% of the county population increase. The attached maps depict 5 Alternative redistricting approaches created by staff.

Each of the five alternatives was devised to adhere to the following redistricting practices as closely as possible. As such, all of the alternatives can be considered to have:

- an equal population distribution,
- compact boundaries,
- alignment with Census geography,
- boundaries that follow prominent physical features,
- limited splitting of established neighborhoods,
- similar boundaries to existing districts,
- avoided packing and diluting minority population, and
- considered population growth for future population equity.

These criteria are discussed in greater detail in the following sections. Additionally, the Lee County School Board stated its desire to adopt the same alternative used by the County Commission Districts as the School Board Districts.

**Equal Population Distribution** – The primary goal of redistricting every 10 years in is to establish commission districts that are “as nearly equal in proportion to population as possible..” (F.S. 124.01 [3]). For state level redistricting, case law precedent generally requires that district populations do not vary by more than 2.5 percent of the target population - that is 2.5 percent more or less than the target population. This measure is calculated by taking the difference between the actual population of each district and the target population and dividing the difference by the target population. Therefore, the range for acceptable commission district populations is between 120,657 and 126,845. Table 2 shows that all five of the alternatives proposed by staff adhere to this criterion. It also shows that the current districts do not meet the equal population distribution criteria, and therefore must be amended.

**Table 2**

<b>Population Distribution by Commission District – Relative Range</b>						
<b>Commission District</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Current District Boundaries	Population	111,416	94,635	120,976	120,663	171,064
	% Deviation from Target	10.0%	-23.5%	-2.2%	-2.5%	38.2%
Alternative 1	Population	124,503	124,101	124,203	122,890	123,057
	% Deviation from Target	0.6%	0.3%	0.4%	-0.7%	-0.6%
Alternative 2	Population	123,266	123,772	123,933	124,079	123,704
	% Deviation from Target	-0.4%	0.0%	0.2%	0.3%	-0.0%
Alternative 3	Population	123,492	123,745	123,764	123,669	124,084
	% Deviation from Target	-0.2%	0.0%	0.0%	-0.1%	0.3%
Alternative 4	Population	124,058	123,807	124,052	123,526	123,311
	% Deviation from Target	0.3%	0.1%	0.2%	-0.2%	-0.4%
Alternative 5	Population	123,130	123,926	123,756	123,629	124,313
	% Deviation from Target	-0.5%	0.1%	0.0%	-0.1%	0.5%
Source: U.S. Census Bureau						

<sup>1</sup> Target Population (123,751) = Total county population(618,754)/number of districts (5)

Several other methods exist for measuring equal population. In addition to the relative range figure, a simple calculation of the overall range can also be used. This figure is calculated by subtracting the district with the smallest population from the district with the largest population. The results of these calculations are shown in table 3. Using the 2.5% variation criteria, the greatest acceptable overall range between the high and low population is 6,188. However, neither the high nor the low commission district population should vary more than 3,094 persons from the target population. While alternative 3 does have the smallest population difference between districts, all of the alternatives are within an acceptable range.

**Table 3**

<b>Population Distribution by Commission District – Overall Range</b>			
	<b>High</b>	<b>Low</b>	<b>Difference</b>
Current District Boundaries	171,064	94,635	76,429
Alternative 1	124,503	122,890	1,613
Alternative 2	124,079	123,266	813
Alternative 3	124,084	123,492	592
Alternative 4	124,058	123,311	747
Alternative 5	124,313	123,130	1,183
Source: U.S. Census Bureau			

Another measure that is used in redistricting is known as the percent relative mean deviation. This measure is calculated by adding up the absolute deviations of each district (how far off each district is from the target population) and dividing that number by the number of districts, in this case five. This value is then divided by the target population figure. The percent relative mean deviation is a more stable form of measurement because in the case of range calculations, a large value can be obtained because of substantial deviations between just two districts, thus providing a deceptive notion of the results at first glance. Table 4 contains the deviation of each commission district population from the target population for each alternative. The percent relative mean of each the alternatives are within the accepted standards.

**Table 4**

<b>Population Distribution by Commission District - Percent Relative Mean</b>						
	District 1	District 2	District 3	District 4	District 5	Percent Relative Mean
Current Districts	12,335	29,116	2,775	3,088	47,313	15.29%
Alternative 1	752	350	452	861	694	0.38%
Alternative 2	485	47	21	182	328	0.17%
Alternative 3	259	6	13	82	333	0.11%
Alternative 4	307	56	301	440	225	0.21%
Alternative 5	621	175	5	122	562	0.24%
2010 Target Commission District Population = 123,751 (Target Population = Total County Population/5 Districts)						
Source: U.S. Census Bureau						

**Compactness** – A compact district minimizes the perimeter of the district relative to the size of the district. Compactness is an important criterion since absence of this factor, or districts with meandering or serpentine boundaries, may be interpreted as a gerrymandered redistricting solution and thus may be subject to legal challenge.

Compact districts limit the potential for gerrymandering, whether for political advantage, racial and ethnic considerations or to achieve other objectives. Political factors are not considered in this redistricting effort; all alternatives are developed without regard to political party affiliation, or the location or concentration of any political group.

An analytical measure of compactness is used in this report to describe each district's compactness in each alternative. The most common measure of the “compactness”<sup>2</sup> of the polygon representing the district compares the enclosed area of the shape to the area that would be enclosed by a circle with the same perimeter (circumference). A circle is used for this calculation since it is the most compact geometric shape possible. The results of this test would be a number greater than 0 and less than 1. A compactness figure of 1 would be the result of a district that was a circle. There are no established standards of compactness, but the figures are useful in evaluating compactness of the various districts between the alternatives. The measure of compactness for the five alternatives and the existing districts are shown in Table 5.

**Table 5**

<b>Measure of Compactness</b>					
	District 1	District 2	District 3	District 4	District 5
Current Districts	.56	.55	.33	.53	.60
Alternative 1	.45	.52	.46	.57	.47
Alternative 2	.45	.46	.55	.59	.36
Alternative 3	.45	.49	.29	.40	.38
Alternative 4	.55	.34	.32	.33	.49
Alternative 5	.55	.35	.33	.34	.55
Source: Lee County Planning/GIS shapefile					

**Alignment of District Boundaries with Census Geography** – In order to accurately record the population in each district, it is important that the district boundaries follow Census geography. Without this, it would be much more difficult to determine the population distribution or use any of the census information in analyzing each district. Census geography serves as important spatial units for statistical purposes, as well as a separator of prominent physical features. All of the Commission District alternatives follow Census geography at the Census Block level to create districts with as equal a distribution of population as feasible.

**Alignment with Prominent Physical Features** – In dividing the districts, prominent features such as the Caloosahatchee River, Interstate 75, US 41, and other major roads were used. This criterion serves multiple purposes. First, aligning commission district boundaries along major physical features reinforces the criterion of retaining established neighborhoods since, as noted, these areas are often delineated using prominent features. Second, this criterion allows commission districts to be more easily described and conceptualized. Finally, prominent features are frequently used by the Census Bureau and the Supervisor of Elections in designating census tract lines and voting precinct lines and in drawing other statistical boundary areas.

When possible, each of the five alternative's district boundaries mirrors prominent physical features. District boundaries do deviate from these features in each of the alternatives in order to adhere to other redistricting practices, primarily equal population and following Census tract lines. In each alternative, as in the past, there are districts that span the Caloosahatchee River to equalize the population within the

<sup>2</sup> The compactness (C) of a given polygon can be calculated as  $4\pi$  times the area (a) divided by the perimeter (p) squared ( $C = 4\pi a/p^2$ )

commission districts. Currently, over 62% of the residents of Lee County live “south” of the river while approximately 34% live “north” of the river and the remaining 4% live on the islands.

**Retention of Established Neighborhoods and Communities** – Whenever possible, the redrawing of the commissioner boundaries was done so that established communities and neighborhoods were kept intact and not split between districts. This helps to ensure that communities with a common set of issues or needs are able to unite under single district leadership. The City of Fort Myers is currently split between districts 2 and 5. Two of the alternatives include Fort Myers within a single district. The City of Cape Coral has a total population larger than the target district population it must be split into multiple districts in all 5 of the proposed alternatives. Three of the alternatives keep the City of Bonita Springs within a single district and two alternatives split the city between districts 3 and 5. All of the alternatives keep the City of Sanibel and the Town of Fort Myers Beach within a single district.

**Retaining Existing District Boundary Lines** – In each of the five alternatives, the redistricting was done so that each Commissioner resided in their assigned district. This was an important criterion because it facilitates better communication and understanding of what is going on in each commissioner’s own district. Because drastic changes in district boundaries can lead to disruption of representative government and the orderly and expeditious provision of governmental services, it was important to align the new district boundaries so they would be closely related to the old boundaries. Alternatives 1 and 2 most closely match the existing district boundaries. Alternative 3 deviates most from the existing district boundaries. The attached maps include a dashed line representing the existing commission districts. Furthermore, each alternative was drawn to include the school board member currently residing in each district.

**Long Term Population Equity** – This criterion is identified in an attempt to avoid the substantial inequities in district populations that may arise in coming years. An attempt was made to include areas targeted for future development within all districts in each alternative. This criterion must however be balanced against the statutory requirement of equal population, a requirement that essentially provides a “snapshot” view of the current population distribution and the measure of compactness.

**Avoidance of Minority “Dilution” or “Packing”** - This criterion is of great importance in the redrawing of district boundary lines. The concerns surrounding this issue have received a great deal of legal scrutiny, especially when the issues are related to the provisions of the 1965 Voting Rights Act and the subsequent amendments.

Minority dilution means the intentional redrawing of lines so that minority populations are divided into two or more districts, thereby diluting minority-voting strength. Minority packing on the other hand entails the redrawing of district boundary lines to include a greater number of minorities into what are already “safe” minority districts, thus effectively relegating minority representation to a limited number of districts. As defined by case law precedent, a “safe” minority district is one in which a minority group that is “geographically compact” and “politically cohesive” constitutes 60 to 65 percent of the total population of that district. In this instance, a minority group may be composed of more than one racial or ethnic minority, provided they meet the cohesive and compactness tests noted earlier.

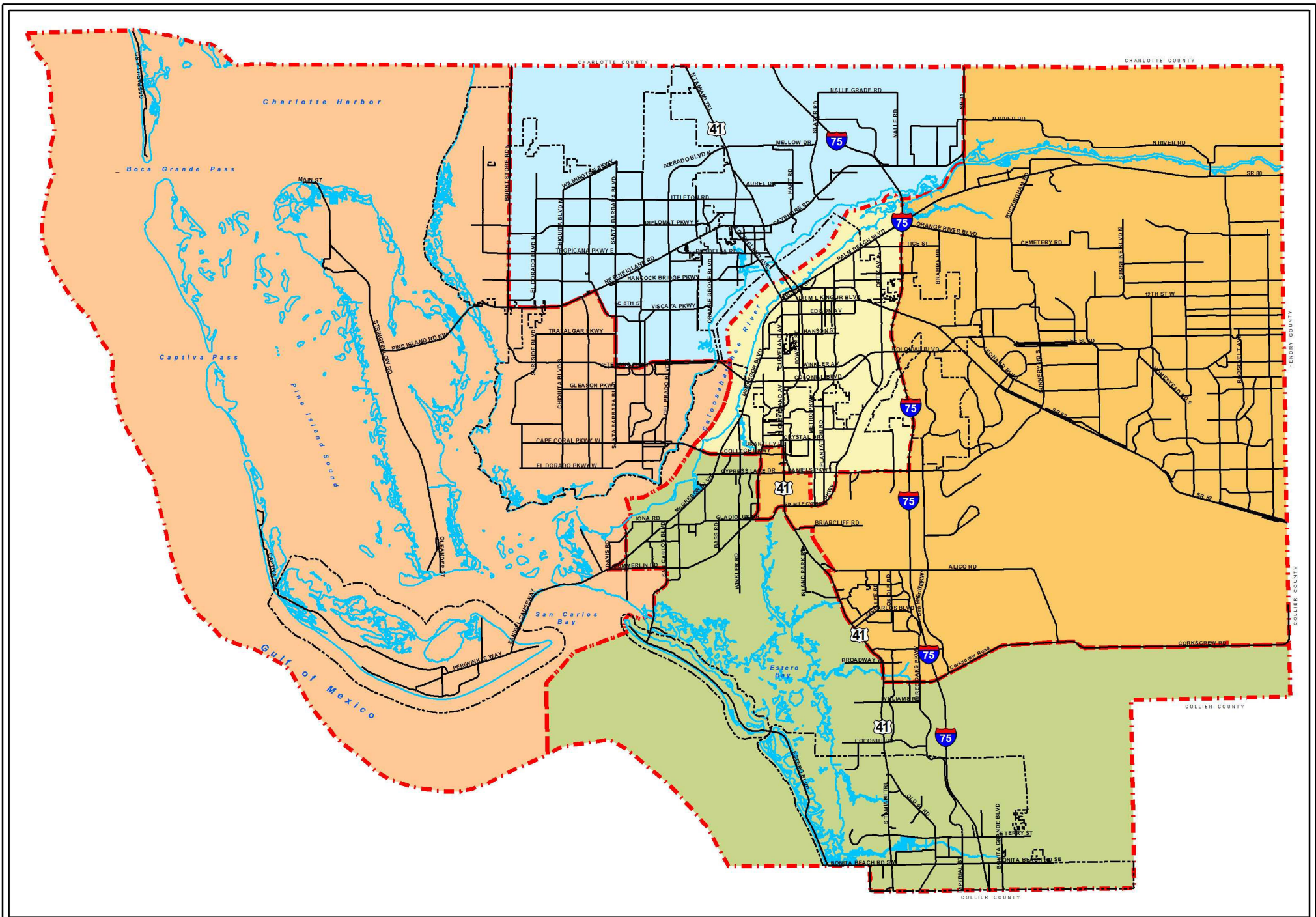
Lee County has a relatively low minority population. Of the 618,754 total population count in the 2010 Census count, 105,258 are listed as minority (non-white). Of the 113,308 persons of Hispanic or Latino origin, 74,448 are listed as white. Adding the white Hispanic population to the minority population yields a minority/ethnic population of 179,706 persons in Lee County. This represents 29.04 percent of the total county population. Table 6 shows the distribution of the minority and Hispanic/Latino population in each of the alternatives and the current commission districts. In all of these instances, district 2 contains the highest concentration of non-white and/or Hispanic population. Given the compactness of the districts, it is clear that neither “packing” nor “dilution” of this population segment has occurred in any of the alternatives.

Table 6

Minority (non-white) and Hispanic Population by Commission District							
		District 1	District 2	District 3	District 4	District 5	County Total
Current Commission Districts	Minority Population	8,089	35,641	10,148	14,054	37,326	105,258
	Percent Minority	7.26%	37.66%	8.39%	11.65%	21.82%	17.01%
	Hispanic or Latino	13,667	21,165	16,449	20,837	41,190	113,308
	Hispanic or Latino/White	10,575	10,403	10,405	14,924	28,141	74,448
	Percent Minority or Ethnic	16.75%	48.65%	16.99%	24.02%	38.27%	29.04%
Alternative 1	Minority Population	9,891	38,226	11,100	13,909	32,123	105,258
	Percent Minority	7.94%	30.80%	8.94%	11.32%	26.11%	17.01%
	Hispanic or Latino	15,785	23,597	18,071	20,681	35,174	113,308
	Hispanic or Latino/White	11,368	12,281	11,613	15,537	23,947	74,448
	Percent Minority or Ethnic	17.07%	40.70%	18.29%	23.46%	45.57%	29.04%
Alternative 2	Minority Population	9,671	39,255	10,786	14,335	31,211	105,258
	Percent Minority	7.85%	31.71%	8.70%	11.55%	25.23%	17.01%
	Hispanic or Latino	15,251	25,329	17,674	21,507	33,547	113,308
	Hispanic or Latino/White	11,368	13,279	11,272	15,537	22,992	74,448
	Percent Minority or Ethnic	17.07%	42.44%	17.80%	24.08%	43.82%	29.04%
Alternative 3	Minority Population	12,472	26,090	9,027	27,053	30,616	105,258
	Percent Minority	10.10%	21.08%	7.29%	21.88%	24.67%	17.01%
	Hispanic or Latino	21,736	16,583	15,030	25,726	34,233	113,308
	Hispanic or Latino/White	16,774	10,152	9,651	14,677	23,194	74,448
	Percent Minority or Ethnic	23.68%	29.29%	15.09%	33.74%	43.37%	29.04%
Alternative 4	Minority Population	12,572	15,228	9,805	35,341	32,312	105,258
	Percent Minority	10.13%	12.30%	7.90%	28.66%	26.16%	17.01%
	Hispanic or Latino	21,745	17,602	15,901	23,783	34,277	113,308
	Hispanic or Latino/White	16,736	11,656	9,996	12,590	23,470	74,448
	Percent Minority or Ethnic	23.62%	21.71%	15.96%	38.87%	45.16%	29.04%
Alternative 5	Minority Population	12,461	15,219	9,795	35,148	32,635	105,258
	Percent Minority	10.12%	12.28%	7.91%	28.43%	26.25%	17.01%
	Hispanic or Latino	21,570	17,617	15,882	23,522	34,717	113,308
	Hispanic or Latino/White	16,592	11,666	9,982	12,628	23,580	74,448
	Percent Minority and/or Hispanic	23.60%	21.69%	15.98%	38.64%	45.22%	29.04%
Source: U.S. Census Bureau							

## Summary

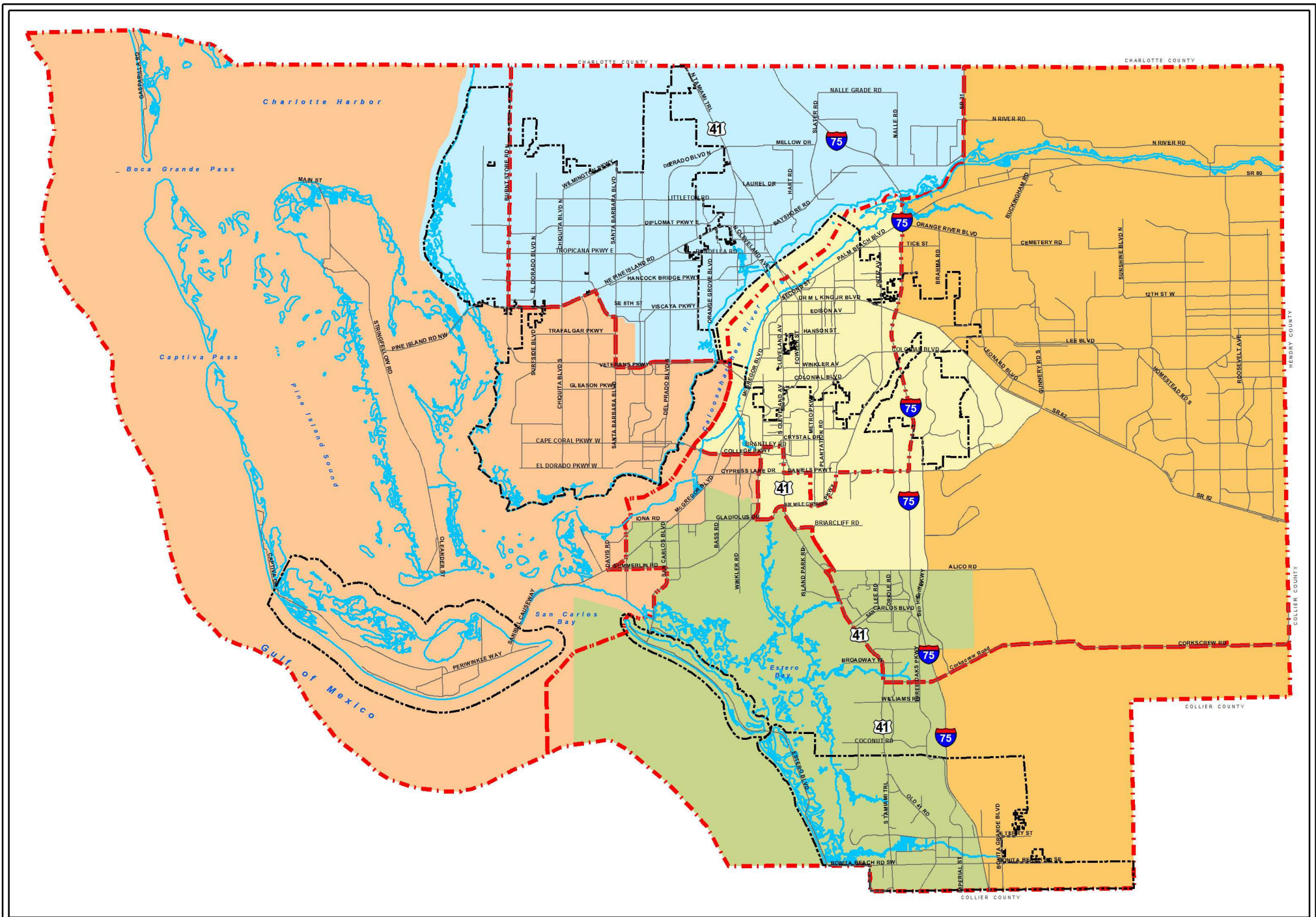
In summary, Planning Staff believes that all of the alternatives presented meet or exceed all of the statutory and case law precedents or common redistricting practices. Staff recommends Alternative 1 as best meeting the established redistricting criteria. However, any of the alternatives meet these criteria and may be selected as presented or with minor modifications. Significant changes to the alternatives may require additional staff evaluation for compliance with the statutes and case law precedents.



- |  |  |   |
|--|--|---|
|  District 1 |  District 4         |  City Limits |
|  District 2 |  District 5         |   |
|  District 3 |  Existing Districts |   |

## Existing Lee County Commission Districts



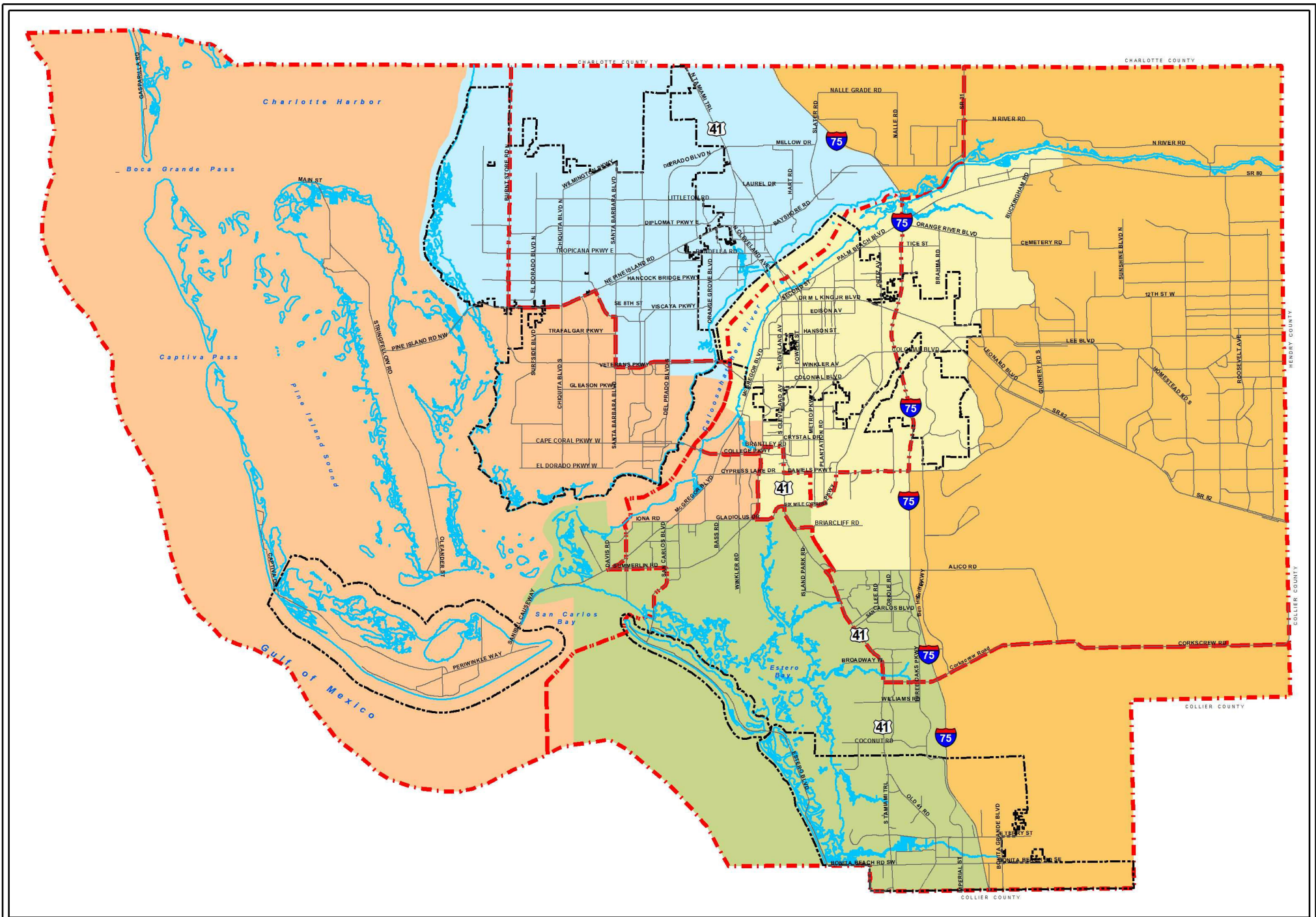


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|---|--|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> District 1 | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> District 4 | <span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black;"></span> City Limits |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> District 2 | <span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> District 5    |   |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> District 3  | <span style="display: inline-block; width: 15px; height: 15px; border: 2px dashed red;"></span> Existing Districts                       |   |

## Proposed Lee County Commission Districts

### Alternative 1

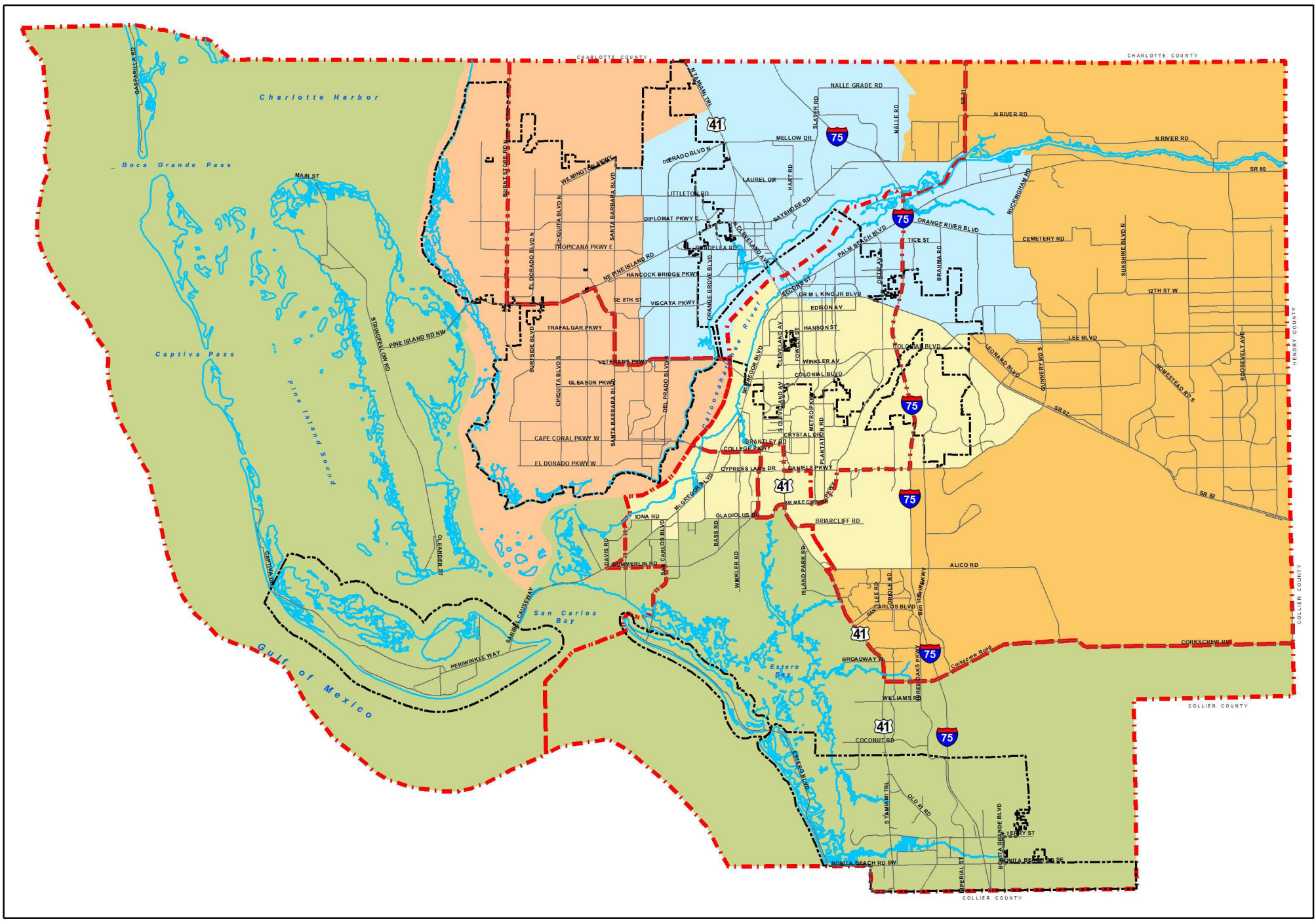





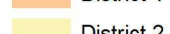
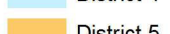
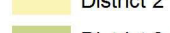
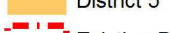


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|---|--|---|
| <span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> District 1 | <span style="display: inline-block; width: 15px; height: 15px; background-color: lightblue; border: 1px solid black;"></span> District 4 | <span style="display: inline-block; width: 15px; height: 15px; border: 1px dashed black;"></span> City Limits |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: yellow; border: 1px solid black;"></span> District 2 | <span style="display: inline-block; width: 15px; height: 15px; background-color: orange; border: 1px solid black;"></span> District 5    |   |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: green; border: 1px solid black;"></span> District 3  | <span style="display: inline-block; width: 15px; height: 15px; border: 2px dashed red;"></span> Existing Districts                       |   |

## Proposed Lee County Commission Districts Alternative 2

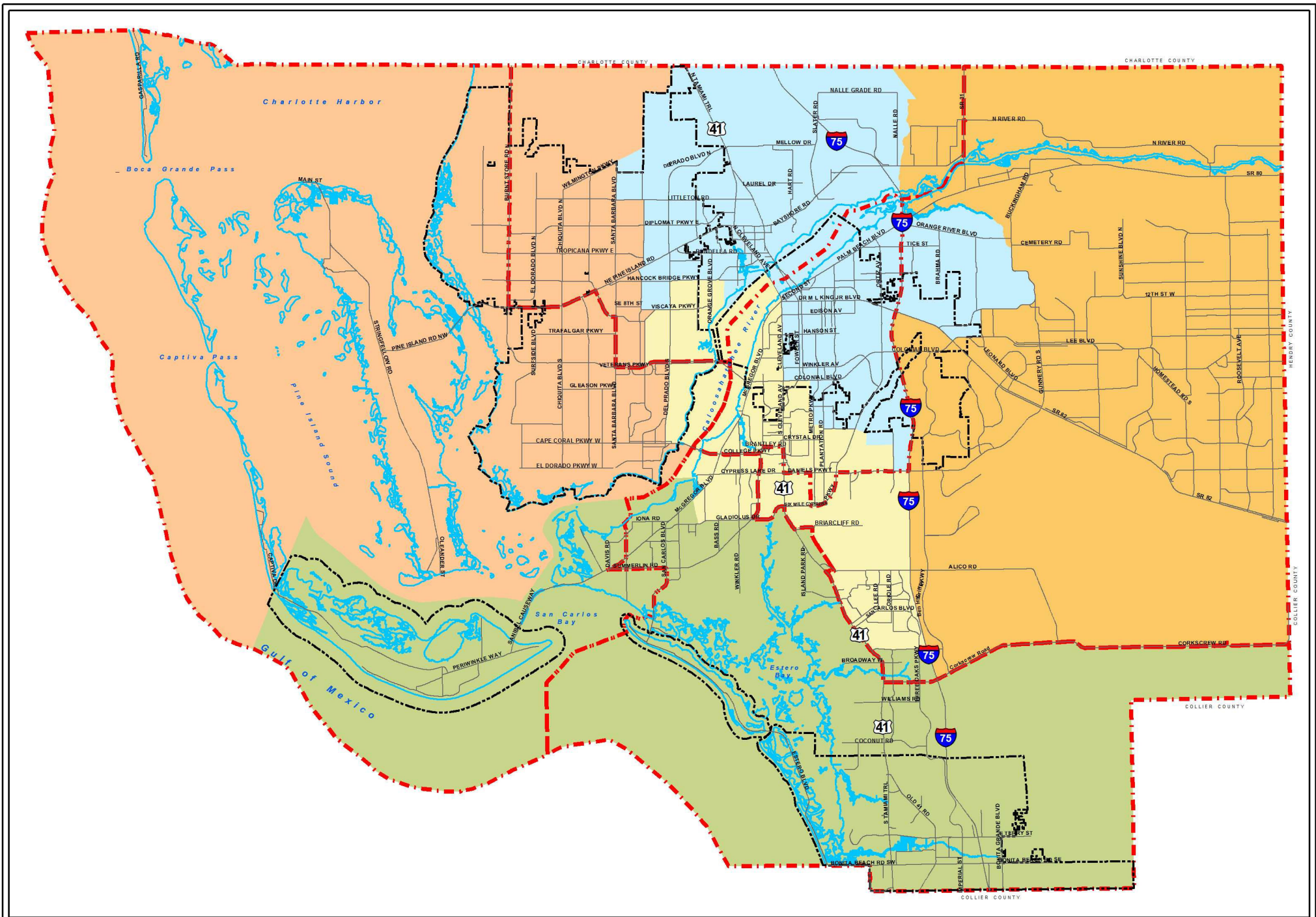




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|--|--|---|
|  District 1 |  District 4         |  City Limits |
|  District 2 |  District 5         |   |
|  District 3 |  Existing Districts |   |

# Proposed Lee County Commission Districts Alternative 3

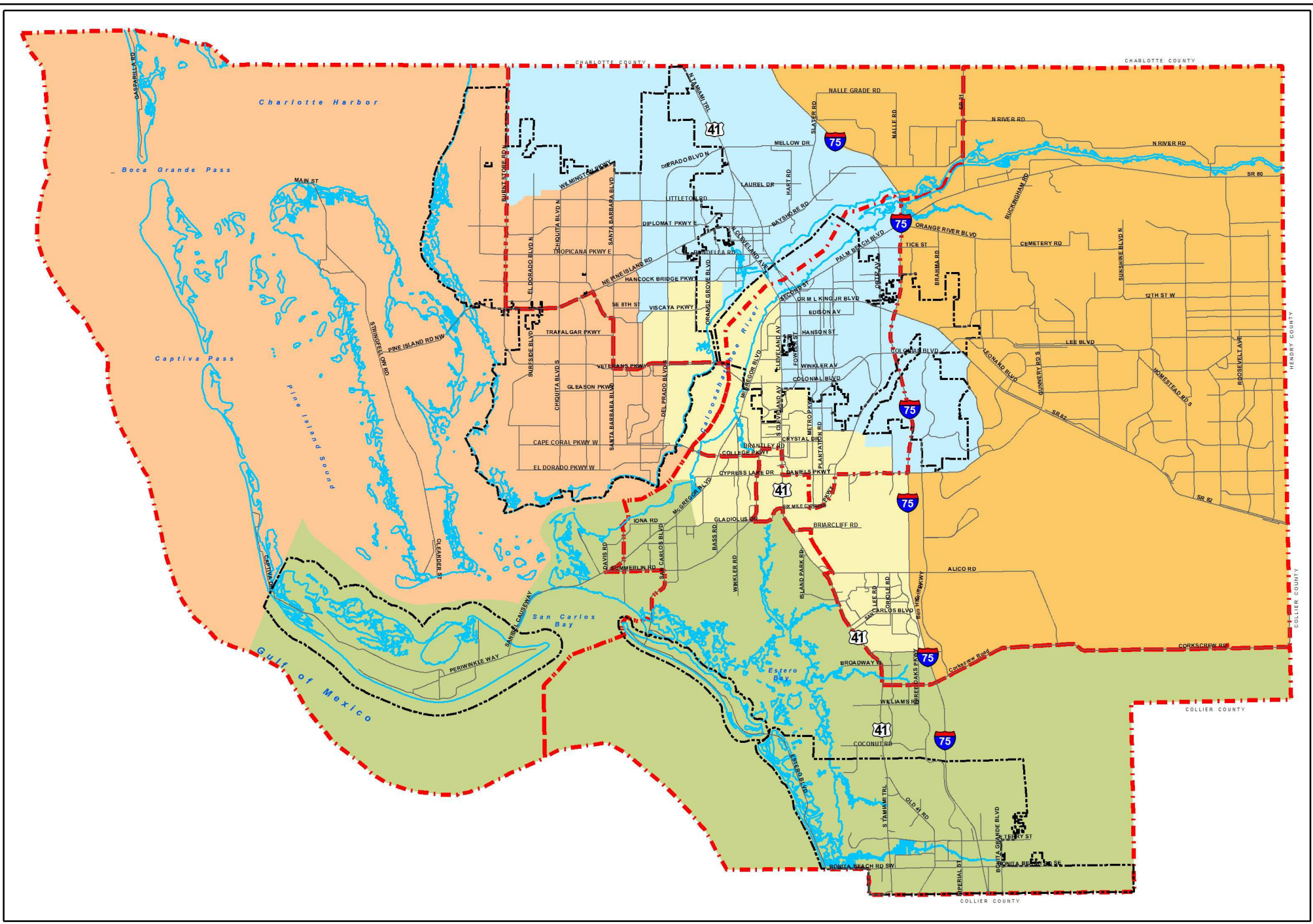





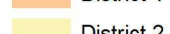
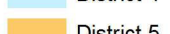
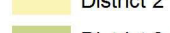
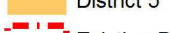


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|------------|--------------------|-------------|
| District 1 | District 4         | City Limits |
| District 2 | District 5         |             |
| District 3 | Existing Districts |             |

## Proposed Lee County Commission Districts Alternative 4





- |  |  |   |
|--|--|---|
|  District 1 |  District 4         |  City Limits |
|  District 2 |  District 5         |   |
|  District 3 |  Existing Districts |   |

# Proposed Lee County Commission Districts Alternative 5