

**May 18, 2010**

Chairwoman Hall: Our Hearts And Prayers Need To Go Out To Their Family For Strength While They Deal With This Tragedy, And Commissioner Judah.

Comm. Judah: I Think You All Realize That We've Lost A Valued Member Of Our Community, And D.J.Petricelli, Long-Time Director Of The Chamber Of Commerce -- In Fact, The Founder Of The Fort Myers Beach Chamber Of Commerce Died Last Week.

A Wonderful Family.

Wonderful Member Of Our Community.

Did So Much To Enhance The Lives Of Businesses And Retirees And Certainly Visitors To Fort Myers Beach, And I Would Like To Keep Also D.J. And His Family In Our Thoughts.

Chairwoman Hall: David.

Good Morning, Everyone.

Let Us Be Mindful Of D.J. In Our Prayers.

Good Morning, Lord.

We Thank You For Bringing Us This Day.

Let Us Make Wise Decisions And Give Us The Justice And Truth To Make Wise Decisions.

Amen.

Chairwoman Hall: Amen.

I Pledge Allegiance To The Flag Of The United States Of America And To The Republic For Which It Stands, One Nation Under God, Indivisible With Liberty And Justice For All.

This Morning We Have One Ceremonial Presentation, And That's Recognizing Emergency Medical Services Week.

Who Is With You.

I Would Like To Read The Resolution, And Then We Would Like To Take A Photograph With You, And Then If You Could Introduce Everyone That's With You, And We'll Hear A Few

Words From You.

We Can't Thank Enough Our Emergency Medical Services.

We See You In Action On A Regular Basis, And Today Your Response Time And What You Do For This Community Is Very Much Appreciated, So It's My Honour On Behalf Of The Board To Read This To You.

Whereas, Emergency Medical Services Is A Vital Public Service And Whereas, The Members Of Emergency Medical Services Team Are Ready To Provide Life-Saving Care To Those In Need 24 Hours A Day, Seven Days A Week, And, Whereas, Access To Quality Emergency Care Dramatically Improves Survival And Recovery Rate Of Those Who Experience Sudden Illness Or Injury And, Whereas, The Emergency Medical Services System Consists Of Emergency Physicians, Emergency Nurses, Emergency Medical Technicians, Paramedics, Firefighters, Indicators, Administrators, And Others, And Whereas, The Members Of Emergency Medical Services Teams Engage In Thousands Of Hours Of Specialized Training And Continuing Education To Enhance Their Life-Saving Skills.

Whereas, It Is Appropriate To Recognize The Value And The Accomplishments Of Emergency Medical Service Providers By Designating Emergency Medical Services Week.

Come On Up.

Now, Therefore, Be It Resolved By The Board Of County Commissioners Of Lee County, Florida, That We Do Hereby Proclaim The Week Of May 16th To The 22nd, 2010, As Emergency Medical Services Week In Lee County And The E.M.S., Any Time Anywhere We'll Be There, And We Encourage The Community To Observe This Week With Appropriate Programs, Ceremonies, And Activities.

Dually Executed This 18th Day Of May, 2010, Signed By Myself, The Claire Woman, Tammy Hall.

I Would Like To Present This To All Of You.

I Would Like All Of You To Come Up.

Chairwoman Hall: If You Could Introduce Your Team There.

My Name Is Dominic Watts, I'm A Paramedic With Lee County.

My Name Is Bob Johansson.

I'm An E.M.T. With Lee County Ems.

John, Lee County Ems, Emt.

Lainie Briscoe, Captain, Ems.

Good Morning, Commissioners.

My Name Is Kim Dickerson, Deputy Director Of Public Safety And Captain Of Lee County Ems.

Sore For My Delayed Response In Here.

We Were A Little Busy Outside.

Thank You For The Recognition.

Our Employees, Roughly 300 Strong Of Emts And Paramedics Serve 24 Hours A Day, Seven Days A Week, And We Respond To Approximately 76,000 Calls For Help Last Year.

It Couldn't Be Possible Without Your Help And Support To Give Us The Tools, The Technology, And The Funding And Support To Be Able To Pull This Off.

I Would Also Like To Thank Our County Add Min.

They Help Us Put The Pieces Of The Puzzle Together To Help Provide Our Residents And Citizens With The Best Ems Possible Within Lee County.

Thank You.

Chairwoman Hall: Thank You, Kim.

Great Job.

[ Applause ] Comm. Mann: Back To Work, Folks.

Comm. Judah: Thank You, All.

Chairwoman Hall: Next We'll Go To The Recap, And We Have A Couple Of Revisions.

A-16-A Is To Revise The Action To Appoint Two Board Members Of County Commissioners Since We Appointed The Citizens On May 1 19, And A-16-B Is To Revise The Action To Include Approval Of The Minutes For The Government Leasing Corporation.

Can I Have A Motion To That Affect? I Have A Motion By Commissioner Judah.

A Second By Commissioner Bigelow.

Further Discussion? All Those In Favor? Opposed? The Motion Carries.

And Then We Have A Walk-On And A Carry-Over Item We'll Deal With At The End Of The Agenda.

Next We Have Public Comment On The Consent.

The Administrative Or Walk-On And Carry-Over, And I Have One Card.

Carl, Take Those.

Come On Up And State Your Name, And The Item Which You Would Like To Address Us On.

The Little Lights Tell You Have Three Minutes, And When It Gets To Yellow, Then You Have A Minute Left.

Ok.

Chairwoman Hall: Good Morning.

My Name Is Carl Karakas, I'm A Professional Engineer From The State Of New Jersey That Moved Down Here Three Years Ago To Work For Drnp To Head Up Their Civil Engineering Department In Fort Myers.

I Recently Manage The Streetscape Project And Won Project Of The Year Award.

I Have To Say That.

Chairwoman Hall: Congratulations.

Yes.

I'm Here Representing Iak Florida Builders Regarding The San Sushi Bay Development And Particularly In Regard To Addressing Comments Concerning The Board's Letter Of Denial -- Or Letter To The Cape Coral Council.

There Are Six Issues I Would Like To Briefly Address, For The Record.

The First Issue I Would Like To Go On Record Regarding The Marina That Was Initially Recommended For Inclusion In The Development That Was Never True.

Iak Builders Never Requested A Marina Be Part Of That Project, And I Think That's Been Acknowledged By Your 2020 Committee Group.

Second Issue Had Also To Do With The Comprehensive Plan And A Statement That The Comprehensive Plan Would Have Had To Be Changed.

That Is Also Not True.

That Is, I Think, Acknowledged As Well.

Mike, The Planning Manager For City Of Cape Coral, Has Acknowledged This As Us Being In Compliance With The Comprehensive Plan.

The Third Issue I Wanted To Deal With Has To Do With Sheet Flow Regarding Impact To 2020 Properties.

As A Site Engineer, We've Evaluated That Property.

There Are Existing Ditches On Site, And Just Briefly To State, We Are Not Going To Be Negatively Impacting Any Of The Surrounding Properties.

Any Of The Project Development We Would Do Would Have To Meet The South Florida Water Management Department Requirements Or We Will Not Get A Site Plan Approval.

Is That Three Minutes? You Have A Minute Left.

Ok.

Just To Make It Clear, We Will Not Be Able To Build This Project If We Do Not Comply With These State Requirements P, Development Requirements.

As Far As The Burning Regime, I Have A Letter Here From Bill Conrad Who Has 31 Years Experience And 14 Years Expertise In Prescribed Burns, And I Really Can't Speak On His Behalf, But I Have A Letter That I Can Send To You.

Fifth Issue Is Wetlands.

We Have A Report From Dexter Beenly Who States Clearly That There Are No Wetlands On The Property, And The Last Issue Has To Do With Emergency Services.

I Have An E-Mail From Ellen Davis, Who Is The Emergency Management Coordinator Stating They Are Now Satisfied With The Requirements Of The And Ppd Have Been Satisfied To Their Satisfaction.

I'm Here Just To Go On Record And State That, And I Have Documents If You Want Me To Submit Them.

I Can.

Chairwoman Hall: Thank You Very Much.

I Have No Other Blue Cards.

Is In Anyone Else From The Public Who Would Like To Comment On Consent, Administration, Walk-On, Carry-Over Items? Seeing No One, We'll Close Public Comment.

I'll Go To The Board For Items To Be Pulled On Consent Agenda.

Commissioner Bigelow? Comm. Bigelow: Nope.

Comm. Judah: None, Madam Chair.

I Have None.

Comm. Judah: Move The Entire Consent Agenda, Madame Chair? Chairwoman Hall: I Have

A Motion And Second By Commissioner Mann.

Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

We're Going To Go On To The Administrative Agenda, Which Is 1-A.

Approve Resolution Authorizing Issuance Of Loan From Bank Of America For The Construction Of Matt Leche Bridge.

I Have A Motion By Commissioner Judah.

I'll Second The Motion For Further Discussion.

Further Discussion? Comm. Bigelow: Just Somebody Please Walk Me Through The Pay Back And What The Dollars Are That Are Going To Be Used For The Repayment Of This.

Jim With Our Office And Kelly Reimand To Answer Those Questions.

Kelly With Dunlap And Associates.

The Pledge To The Loan Is Going To Be The 6 Cent Gas Tax, And You Should Have In Your Package A Set Of Numbers That Show The Payback.

It's Going To Be Annual Principal Payments With Semi-Annual Interest.

Comm. Bigelow: How Is That Penny Used Normally Year After Year? Currently It's Not Pledged.

Comm. Bigelow: Is That Crp Or Just Accumulates? Jim Lowan, This Is The 6 Cent Local Option Gas Tax.

It Formerly -- A Portion Used To Be Used To Pay Off Bond Issues That Is Paid Off, But It's Used For -- It's Used For Capital Projects, Transportation Projects.

Comm. Bigelow: So We're Just Designating The Matt Leche Bridge Loan And Totally For This One Penny, So What We -- There Won't Be -- No, The Amount Of Money That Actually Comes In Every Year Is The Total Amount Of The 6 Cent Local Option Gas Tax That's In Excess Of What The Debt Payment Will Be, And This Will Only Be For A Three-Year Period.

Comm. Bigelow: So That Can Be Used For Other C.I.P. Projects.

We Have Been Ordered Evacuate.

Chairwoman Hall: Ok.

We Have A Motion And A Second.

Further Discussion? All Those In Favor? Motion Passes.

We Need To Evacuate Through The Building.

We'll Escort You Out.

[Standby For Captions – Building Evacuated] To Better Delineate Responsibilities Between Utilities And Natural Resources On Some Water Resource Issues, And Another One Was To Review Our Procedures And Policies For Local Better Preference And Trying To Utilize Local Companies And Venders And Resources As Much As Possible, Which We Will Do Throughout The Year. Those Are Two Modifications, And With That We Will -- We Ask That They Be Proved.

Okay.

Are There Any Questions? We Will Have A Motion To Move The Item.

Motion By Commissioner.

And It Has Been Seconded.

Discussion? Objection? Hearing No Objections, The Motion Passes. We Will Move On To Item 5-A.

Motion? Yes.

Do We Have A Second? It Has Been Seconded.

Any Objection? Hearing No Objection, The Motion Will Pass.

On To Ministry Of Item Number 9-A.

And This Is The -- Do You Have A Comment To Make? This Is The Letter To Cape Coral Considering The Development And The Impact On The Conservation Land? North Record, Parks And Recreation Commission. They Are The Items Before You, Because The Class Act Committee Has Requested That The Chair Of The Board Write A Letter To The City Of Cape Coral Expressing The Concern Over The Issue Of Development, Which You Have In Front Of You.

It Is A Draft Of The Letter, As Well As The Back Up Documents From Our Staff Who Have Made Comments At The Various Meetings With The Staff Of Cape Coral And Planning And Zoning.

That Coastal High Hazard Area Is Being Potentially Readjusted By The Natural Hurricane Centre.

And So I Would Like If This Board Was In Agreement To, At Least Express Concern About This Development Being In A Coastal High Hazard Area, Particularly In That We Have Got Our Policy To Try To Reduce And Minimize The Amount Of Development In Other Coastal High Hazard Areas. The Other Thing Is This Is All Residential, Which Is The Last Thing That The Cape Needs.

They Really Need To Be Focused On Commercial, But Anyway, I Leave It To The Board.

If You Are In Agreement To Move Forward With The Letter With That -- I Would Move An Add On, And With That Addition, That If We -- Part Of Our Concern Is Based Upon The Fact That This Property Is In The Coastal High Hazard Area.

Have We Got A Motion? Do We Have A Second? Yes.

Commissioner Bigelow? Just To Be Sure, The Record Indicates That Letter -- We Will Actually Be Sending The May 18 Letter.

Are We All On The Same Page With Respect To The Letter That We Are Sending, Not The Parks And Rec Former Letter? Do You Have That One, Mr. Chairman? That Just Arrived.

To Is Not Anything That Was In Our --.

I Have Not Been -- What Year? Thank You For That Clarification.

What We Are Looking At Is Where Commissioner Hall's Name Is Listed? That's Correct.

I Think With The Inclusion Of The Concern About The Coastal High Hazard Area.

We Have Noted That.

We Will Redo That.

And Then, Also Just To Be Sure That Nothing We Are Doing Here Precludes County Parks And Rec From Still Appearing If They Choose To At The Monday Zoning Hearing Before The Counsel.

I Think It Will Be Helpful If They Would.

I Suspect They Are, But I Agree With You, Commissioner.

All Right.

Send The Letter And Add The Coastal High Hazard, And Still Give Permission And Authority To Speak For Yourself And On Behalf -- Yes.

Thank You, Commissioner.

Can We Appear On The Zoning Hearing? We.

We Can, Yes, Commissioner.

Okay.

Yes.

I Am For It.

All Right.

For Discussion? Any Objection? I Hear No Objection.

The Motion Passes.

Thank You.

Thank You, Commissioner.

We Will Move On To Item 12-A, Modified Award.

This Is A Change Order.

This Is Actually The Award Of The Contract. It Is A Change Order As Well As An Award, Right? Let's Go Over It For The Record.

Can You Just Bring Us Up To Speed? I Guess This Is Part B Of The Loan Agreement You Approved Before The Recess Here.

This Is The Bid From I.R.

We Brought It Back To The Board In March.

The Financing Was Not In Place, But The Bid Was About To Expire So The Board Gave A Conditional Award With A Subject That We Could Get Financing And That The Contractor Would Extend The Bid.

The Contractor Agreed To Extend The Bid, But He Did Ask For An Increase Of 465,000 In The Base Bid Due To Material Price Escalation Over The Intervening Period Of Time.

So, We Do Have An Agreement To Extend The Low Bid, Plus The 465,000? So, If The Board Finds That Agreeable, If You Award The Contract, Then, We Have Got Financing In Place, And We Are Good To Go With The Construction Of The Project Then.

Okay.

So -- Okay.

Okay.

Then We Did Have Motion By The Commissioner For Item 12-A.

And It Has Been Seconded.

Discussion? Objection? Hearing No Discussion Or Objection, The Motion Will Pass.

We Will Go On To Item 12-B.

There Is One Here To -- This Is One That, Yes, We Need To To Through.

A \$200,000 For Contract For Smith And Associates.

We Probably Need To Hear From Paul.

Paul, You Have Been Working Closely With Wilbur Smith And Associates. They Have Done Some Work For A Lot Of Our Projects.

Yes, Sir, That's Correct.

For The Record I Am Paul Wingard. This Item Extends Our Contract To Look At Some Additional Things, One Of Which You Had Been Briefed On Previously.

The Research That I Am Talking About -- You Know, It Is Looking At Several Different Options To Potentially Pursue Some Additional Grants To Help Bring That To Fruition.

They Really Have Got Us On A Roll Right Now.

So I Know You Have Been Keeping Tabs With The Renewable And Alternative Fuel Grants.

Hopefully, We Can Move Forward.

This Is A Great Opportunity.

Mr. Backy And Rich? This Is Really Not New Funding. If You Look At The Blue Sheet, This \$200,000 Was Actually Approved For Restructure By The Board A Year Or So Ago When We Applied For The Initial Deal We Granted.

The Board Did Move That Money And Make It Available, So We Can Go After That Grant.

That Money Has Now Been Returned Back To The County Through The Grant Programme.

So We Really -- What We Are Doing Here Is Recycling That Money, Putting It Back Out. We Need A Motion Commissioner? Short Of This 200,000, That You Are Here Asking Us To Approve Today, We Are At About A Million Dollars Paid To Wilbur Smith, And Just A -- It Seems Like -- That's A Whole Lot Of Money.

I Mean, My Gosh, We Planned All Of The Drgr Area With About A Million And A Half.

If We Approved This Today, We Are At 1.1 Million And Possibly Rising. The Way The Change Order Listed Is Starting To Develop.

And I Am Having A Difficult Time Trying To Figure Out, Is This A Department Of Transportation Initiative? So I Need A Little Bit Of Help Here.

Well, If Can I Go And Explain The History A Little Bit. To Begin With This, The Contract Was Really Put Out For Wilbur Smith To Prepare The Annual And Semi Annual Reports That Are Necessary For Us To Do For The Transportation Bonds For The Toll Facilities.

So If You Go Back In And Look, The First Two Pieces Of The Contract Were For Three Years Worth Of That Effort.

A Little Less Than \$200,000 A Year. We're Currently In Our Third Year.

As Part Of That Contract, We Had A Team For Additional Services, And -- It Might Be Necessary To Help Support Other Avenues, That Really D.O.T. Or Tolls Would Be Looking At.

You Are Right. It Is Kind Of Unusual That A Department Of Transportation Would Be Looking At Energy Grants, But It Was Because Of Some Of The Earlier Work, Some Things We Were Looking At Doing As Far As The Helping To Reduce Travel And Our Carbon Footprint In Regards To Transportation.

We Actually Started Looking At At First For The Toll Plaza.

That's Kind Of How I Initially Got Involved With It.

When The Opportunity Came Along For The First D.O.E. Grant, I Had Been Working With Chris Swanson Who Works For Wilbur Smith, To Look Some Possible Option Would Explore For The Departments Of Transportation.

So We Reid Had A Head Starts On Will Doe Grant Plus When We The Avenue Through That Original Contract, To Look At Additional Studies And Things Such As This.

That's How It Became Part Of The Contract.

So, You Are Right, We Are Over A Million Dollars In Total On This Contract, But Over Half Of That Money Is For Our Transportation Bond Support.

And I Am -- Well, I Got An E-Mail From County Manager Last Friday, Which Is A Follow Up To Requests I Had Made Previously Trying To Find Out What It Is That We Are Spending On Wilbur Smith's Consulting Efforts.

And I Appreciate That She Did Send It To Me.

But It Does Not Help Me Any More Than Before The Request, Because I Don't Know To What End We Are Spending This Money Other Than Seeking Grant Dollars, Which We Could Be Doing Ourselves.

I -- It Seems To Me -- This Looks Like Over A Million Dollars To One Particular Engineering Firm To Do Something That Has Not Been Proven To Me To Be.

For A Bit Of Clarification, It Is Not Quite Over A Million Dollars Yet.

They Added The Change Order Number 8, Which Is That 200,000 On The Bottom.

That's Today's Request.

Yes. And Then There Is \$5,000 That Is Change Order Number 3, Which We Tried To Clarify, But That -- That Got Cancelled.

And Then They Tried To Clarify.

It Was Change Order Number Three, Which Is The Tolerate Analysis, Which Was A Contract They Originally Had Entered Into, And When Moved Forward With That -- We Did Not Pursue That.

So, That Was Never -- It Just Does Not Come Off.

You Enter Into A Contract, And We Can Cancel At Any Time, But It Didn't Come Off The Analysis.

And Then Both Of Those Amounts Are Over Long Extended Three-Year Periods, Which Are Required By The Bridge Bond.

And The Other Thing I Think Is That Karen Tried To Point Out That It Would Be Better For Us To Pursue Some Of These Grant Opportunities Through A Contractor Where You Could End The Contract When There Are No Longer Any Grants Opportunities, Rather Than Hiring Someone In House To Do That.

And You Are In A Position And You Just Essentially Have A Position To Deal With, And Right Now, After Being Down 400 Positions We -- This Was The Best Option For Us To Pursue Something On A Limited Basis.

I Want To Make Sure They Pass The Legislation That Was Just Approved.

That's Huge With Regards To Incentives To Residential Homeowners To Put In The Solar Water Heaters, You Know, By Putting The Assessments On The Property Tax Bill.

But It Is Cost Prohibitive.

It Is Not Just The Research And Energy Diamond Hub, But All Of These Other Grant Opportunities.

We Are Looking At Other Options Right Now.

Right Now This Is For Any And All Grants And Opportunities In Regards To Renewable Energy.

Okay.

I Am Sorry.

Thank You, Commissioner.

I Am Not Sold That This Is Getting The Benefit Relative To The High Cost.

It Is Just A Lot Of Money.

Let Me Try Something, If I Can.

The Cost Per Se Is Not What Troubles Me, But What Often Does.

What We Paid Him In The Past Is Frankly Irrelevant.

The Firm Has Done Good Work For The County On Many Occasions.

But, One Of Your Earlier Points Is One That I Have Not Really Understood The Answer To.

It Was The Evolution Of A D.O.T. Grant, And Into Something That's Different From The D.O.T. And Transportation Issues.

And It Strikes Me We Are Using Money Simply Because It Was Available And Approved Earlier.

For But -- It Is A Bit Of A Stretch To Take It Where We Are Going Here.

So, Who Can -- Who Can Help Me With That Evolution Process And Convince Me That Is A D.O.T. Responsibility And A Proper Use Of Money That's Been Designated For Use For Transportation.

Well, I Guess To Answer Part Of Your Question, Or At Least Attempt To, You Are Right. It Is An Unusual Fit For The Department Of Transportation.

Although, We Want You To Know We Are Green At The D.O.T. That's Part Of Our Reasoning.

But In Reality, It Has To Do With, You Know, How We Started This Process.

And Some Training That I Have That, You Know, Gives Us Some Support In Going After This Type Of Money.

Having Gone Through And Becoming A Lead Accredited Professional, That Gives Us Some, You Know, Some Backing To What It Is We Are Trying To Do.

It Shows That The County, You Know, Is Looking In That Direction Towards Energy And Energy Savings And Things That We Can Do In That Regard.

And You Are Right, Some Of This Money May Or May Not Appear To Be Totally Under The Departments Of Transportation, But It Is Something That I Have Been Doing And In Addition To Other Duties Within The D.O.T..

Any Other Sources Of Money That Would Be -- That Would Seem To Be More Appropriate For The Use Rather Than -- Is This -- Well, The Original Department Of Energy Grant The \$200 That We Put To Wilbur To Go After That Grant Was Not Actually D.O.T. Funds.

It Was Other General Reserve Funds That We Utilized. It Is Really Not D.O.T. Funding.

It You Look At The Bottom Line Of The Tax -- Excuse We Start With The Total.

This Was The Purpose. So, Commissioner, In April Of Last Year --.

We Went From Tolls, Which One Complete Subject, To Energy, Conservation And Research, And That's A Completely Different Subject.

I Am Trying To Understand How We Got From One To The Other, By Use Of Those Dollars, Toll Dollars For Energy Research.

Because Of Paul's Expertise With Energy Efficiency And Carbon Sequestering And Credits, We Brought Forward The D.O.E., Departments Of Energy Grant, Opportunity Or The Funds That Were Relegated To Us Back In April Of Last Year.

And We Had With That A Little Change Order To This Contract That Board Approved To Move Forward With Wilbur Smith To Implement The D.O.E. Grant.

And From There, It Has Grown, And We Are Coming Back To The Board Again To See If You Want To Continue With That, And That's How It Got There, Back In April Of Last Year With The Change Order To The Contract.

Help Me A Little Bit More With The Whole Definition Of The Renewable Energy And Research Diamond.

Let Me -- I Will Have Amy Step Forward, And She Can -- Amy Has Been Involved With The University And With Galvan Security And The Grants To Help Move That Research Forward.

That Puts Her On The Spot.

Well, That's Okay.

I Would -- If There Is Anybody From Our Staff -- That's Fine.

That's Fine.

I Would Like To Start There, And Maybe We Will Drag Poor Amy Up Here In A Minute.

But -- What Are We Attempting To Accomplish Here? And With The Presentation That We Did At M.M.P. Earlier This Month, The Potential Overlay Of Zoning, Opportunities, And To Attract Businesses To That Area, Businesses That Have A Renewable Energy Component.

And That's Primarily What We Are Trying To Do.

It Is Bring Us Focus To The Area.

And The Diamond Concept, Of Course, Is That You Have The Airport With Their Solar Energy Projects, And Green Gallon Solutions, The I Hub And Then South Of That, The University, So That's The Diamond Approach, But It Is Essentially To Attract Businesses, Attract Renewable Energy And Research Business To That Area.

Are We Attracting Business Or Attracting Grants? Both.

What's Wilbur Smith Going To Be Doing Under This? Helping Us To Determine What Grants Are Available In The Renewable Energy And Research Field In Conjunction With The University And The Airport, And We Are Also Working On An Economic Development Arena, To See What Options Are Available And How We Might Be Able To Get The Word Out That The University Is There To Help With The, You Know, Any Potential Research, And It Is A Long-Term Project.

It Is Just To Bring Attention To Renewable Energy.

How Long Will The 200,000 Last? I Mean, Is It A Long-Term Project? Are We Going Back With Another Experiment To The Contract? Will We Keep Going Back To The Well, Or Will This Complete The Project? Lots Of These Are Recycling Stimulus Grants.

So, We Just Didn't Want To Miss Out On Any Opportunities, And That's Why We Are Bringing It Back To The Board.

So, It -- Right Now, It Is Definite.

And Other Things We Will Do We Will Make Sure That The Board Has Status Updates On Anything And Everything. And The Other Thing We Tried To Point Out With The Memo From Karen To Commissioner Bigelow Is That Any Grants That We Do Apply For, This 200,000 Will Also Be -- Also Have The Opportunities To Have That Refunded Through The Grants.

To Be Reimbursed.

Just Like It Was With The D.O.E.

Grants.

Commissioner? I Am Sorry.

Perhaps I Didn't Pay Close Enough Attention When We Did This, As We Tried To Look At It And See Where It Was Always Going.

But The Dollars Just -- I Am Still Not Grasping The Connection Here Where We Would Legitimatize D.O.T. Money For Something That's A Pretty Far Stretch From Being A Direct Transportation Issue.

And I -- I Am Not -- I Am Not Saying That I'm Opposed To Whole Concept.

But, Frankly, What I Am Saying Is If It Is Possible For Us To Delay This And Let Me Get A Little Bit More Information On It.

I Don't Mind Meeting With Consultants.

But I Also -- Frankly, I Like A Little Bit Stronger Understanding Of Just What Is Contemplated Here And What Our Ultimate Goal Is.

So I Understand That This Is First An Appropriate Use Of The Dollars, And Then Secondly Make Sense To -- I Don't Know If We Are Getting Into The Research Business, Or Are We Going To Apply For Grants For Us? Or Applying For The School? Or Are We Putting Them In Touch With The School? There Is A Whole Lot -- We Can Have That Motion Deferred One Week Then? Commissioner? Second.

Discussion.

This Is -- This Is Nothing Raise Eyebrows, But I Would Like To See, Because I Think Best The Indication Of Where This 200,000 Or How This 200,000 Is Going To Be Spent Would Be In The Bill That Wilbur Smith Has Provided Us, So I Can See Exactly What They Are Claiming To Have Done And What We Paid Them To Do.

So I Would Like To See All Itemized Bills Submitted To The County Under All Of These Contracts, Which Is About A Million Dollars So Far.

And Then Let Me Review That.

And Because, It -- The Blue Sheets Seem To Indicate It Is Meeting Coordination And A Meeting With This Person Or That Person And That And That.

And I Don't Know To What End All Of These Meetings -- To What Ends All Of These Meetings Are Going.

It Is Just Aimless.

So, I Would Like To Have The Bills.

Okay.

We Will See This Back Here In A Week.

Onto Administration 13-A. Okay.

Let Me Ask Mr. Muller To Comment On Record. This Is The Multi Million Future Policy Of The County, And Where We Are Headed And The Utility Business.

Can You Give Us A Some -- Sure.

Commissioner Doug Muller Of Lee County Utilities.

This Is Simply An Amendment To An Existing Agreement Between The County And Fgua, Related To The Fgua Operation Of The System.

The Purpose Of This Amendments To The Local, Is For The Board To Acknowledge That The Fgua Is Negotiating To Acquire North Ft. Myers Utilities, And For The Board Actually To Support That Effort By Fgua.

And Third, The Independents Local Allows For -- Well, It Requires, That The Fgua Operate That Utility In A Manner Consistent With The Standards Of Lee County Utilities, So That If And When In The Future There Might Be An Acquisition By Lee County Of North Fort Meyers, It Is All New Construction Is At Lee County Standards.

So This Is Just -- This Amendment Is Just To Existing Interlocal To Take Into Account North Fort Meyers Utility. They Are Negotiating For A Possible Acquisition Of Fort Meyers Utilities.

There Are Still Other Steps, But This Is One Of The Steps Necessary For The Board To Continue To Go Forward With The Acquisition Pursuit.

You Include In Your Comments, Mr. Muller, The Expected Relationship Between North Fort Meyers Utilities And Us, Or Relating To The Original Purchase Of The Facility That We Are Not Going To Use Now And That Previously We Negotiated With The Cape Coral? Kind Of Do That As Evolutionary, Because It All Relates To North Fort Meyers Utility Providing Service For Us, And -- But They Are Now Going To Be Owned By A Strange Entity That Most People Don't Understand, Fgua.

Walk Me Through A Little Bit Of That History And What Is The Ultimate Goal Here And What Role They Will Play In It? Under The Ownership Of Fgua, North Fort Meyers Utility Plants Would Be Utilized By Lee County Utilities, We Would Interconnect With An Agreement And A Bulk Service Agreement With Fgua To Transfer The Flow Of Treated Sewage Away And To The North Fort Meyers Plant For Treatment.

So We Would Actually Buy Services From The Fgua Acquired Utilities.

And, Then, Ultimately, Dispose Of The Water Way Estates Plant And Also Eliminate Any Discharge Into The River From The Water Way Estates Plant.

That Became The Apparent Alternative For Support In Luis Of Expanding The Water Way Estates Waste Water Treatment Facility.

So, It Really Came Down To An Interlocal Agreement, And With Either North Fort Meyers Utilities Or The City Of Cape Coral.

We Also Pursued The Acquisition Of North Fort Meyers Utilities By Lee County Utilities, Directly, But, As Previously Discussed, We Could Not Make That Happen Financially.

If Fgua Owns North Fort Meyers Utilities, They Have An Agreement With Lee County To An Interlocal Agreement Where We Actually Connect To Their System And Pay Them For The Treatment Of The Waste Water In That Area.

But One Of The Advantages To Us As Lee County Is That In The Future, As The Host County, We Can Acquire The North Fort Meyers Utilities From Fgua For Nothing -- Well, Not Nothing More, But It Will Be Limited To The Outstanding Debt At That Time Of Acquisition.

So There Is No Negotiation In Future With Regards To Acquisition.

And The Costs Of Interconnect And Costs Bulk Service Will Be Lower Initially Than What The Cost Of Building A New Plant Would Be.

But Ultimately If Lee County Were To Acquire The North Fort Meyers Utilities System From Fgua, At Known Cost, Then You Also Have An Asset To Go Along With What Your Investment Has Been Overtime To Take Care Of Your Waste Water Services.

One Question, I Don't Know If You Will Be Able To Answer, What Is It About Fgua That This Is An Attractive Purchase For Them But Was Not To Us? We Were Offered North Fort Meyers Utility. We Could Have Bought It And Just Hooked Up, Made This Connection And Gone Down The Road, But We Were Uncomfortable Terribly Uncomfortable With What We're Talking About. I Guess My Question Is What Has Transpired That Will Now Make It Attractive To Another Competitor, Here, And In The Community, But We Are Talking Clearly About Perhaps At Some Future Date Acquiring It? Well, Fgua Pursued This At The Request Of The Board.

The Board Actually When We Presented This Concept -- I Had Said Why Encourage Fgua To Pursue An Acquisition Of North Fort Meyers Utility.

We Did That Subsequent To Our Failed Negotiation For North Fort Meyers Utilities, So They Really Are Pursuing This Based On A Request Of Lee County To Look Into This.

Fgua Has The Ability To Do This Acquisition, What I Would Call The Exact Metrics, That You Look At In Terms Of Financial Operation Of A Utility.

In Other Words, If We -- We -- We Like To Maintain A Reserve For Depth Service Coverage That Is Ratio That I Will Say Is 1.5.

They Can Go Down To 1.2 Or 1.15.

Which Would Affect Our Ability To Go Out And Borrow Money, But Because -- It Does Not Affect Their Operations.

They Can Run Just A Little Bit Closer To The Lines On That.

They Have Abilities To Finance A Few Million Dollars More Than We Would Have Been Able To In Order To Acquire This.

So They Have Some Benefits On The Financial Side.

The Other Benefits Is, That They Are Going To Have Some Synergy, In Operating Both Lehigh Systems And North Fort Meyers Systems. There Will Be Some Impacts And Some Positive Impacts To Their Ability To Operate Both Systems.

So That Is One Thing That's An Advantage To The Fgua System.

I Don't Know If I Answered Your Question There.

There Are Several Things, And Some Of Them Are Highly Technical And I Don't Want To Get Too Complex.

You Can't Tell Me That Prices Have Come Down From What They Were Originally Talking To Us About? It Has Not Come Down. They Are Paying More Than We Are Willing To Offer, But It Is Restructured Somewhat Differently.

They Have Basically Offered An Amount And Guaranteed The Total Amount.

What Fgua Has Offered Is An Amount Of 55 Million Dollars Of Cash Upfront.

And Then They Have Offered To Pay For Futures Over A 20-Year Period Up To A Limit Of 25 Million Dollars.

And These Are Real Futures So, What Will Happen, Is That North Fort Meyers Utilities, The Currents Owners, Would Be Paid For Any New Connections, So Be Paid A Certain Amount For Any New Connections, If They Happen, Over The Next 20 Years.

At The End Of 20 Years, It Is Done.

So, If Enough Connections Come On Board To Pay Them 10 Million Dollars, At 20 Years That's All They Are Going To Get Paid.

So There Is A 55 Million Dollar Fixed Component, And A 25 -- Potential Of 25 Million More, But It Is Variable And Based Upon Growth.

I Guess, Mr. Chairman, The Bottom Line, The Concern Here Is, Everything Is We Do And Purchasing Or Contracting Is Going To Be Paid For By The Fees Of The Rate Payers That Are Connected To The Systems.

And I Have -- I Need Some That This Contemplated Resale Back To Us, Some Time In The Future -- I Know There Is No Set Date. It Might Be Three Years. It Might Be 13 Years.

Who Knows? That Rate Payer, Is Going To Be Treated Fairly.

They Are Going To Be Raised By The Current Owners.

Who They Are Regulated By? Fgua? Anybody? The Fgua? Fgua.

They Are Own Regulators? Yes.

Okay.

I Am Through Asking Questions.

Well, I Didn't Finish Answering Your Question.

The -- No.

We Would Not Anticipate Raising Rates In Order To Acquire The Utility.

It Would Be The Same Analysis In The Future, Can That Area Pay For Itself With Our Rate Structure In Place Without Having To Raise Rates For The Remainder Of The Utility In Order To Facilitate That.

Okay.

So There Would Be No Impact.

Mr. Chairman, I Hope That You Don't Misinterpret The Tone Of My Questions Here.

Because I Have Heard You Speak In The Past About Your Interest, And I Think It Is A Legitimate One, To Ultimately Lee County Being In Charge Of All Of These Utilities, Rather Than Being Spread And With Private And Semi Government Fgua.

I Just Want To Make Certain That We Not Be Moving In A Course That Would Have Been Better Served If We Just Immediately Went And Ahead Bought Them Out Right Now Ourselves, But The Numbers Just Seem So Exaggerated At Times.

I Don't Want Some Interim Action Here To Punish Us Even More In The Future, But, Ultimately, I Think It Would Be Good For Us To Discuss Ultimate Ownership Of The -- I Don't See That Can I Get There Right Now.

Oh, I Again -- I Keep Asking These Same Questions.

And I Still Keep Scratching My Head.

To A Very Large Extent, I Am Going To Have Do What My Lady Chairman Frequently Lectures Me About, And, That Is, To Listen To My Staff.

So, I Have Got To Believe That You -- I Know You Spent Two Years Bleeding Over This To Get To This Point.

So, I Will Move The Item.

A Motion? Do We Have A Second? Commissioner.

Are We Set For Now? I Guess. I Would Echo Your Concern, And The Commissioner Certainly Has Been Championing The Idea For A While, That You Know We Try To Make And Come Up With A Comprehensive Lease Management System, I Mean Water Sewage System Throughout The County.

First And Foremost, Though, In My Mind Is Trying To Decommission The Water Ways Estate

Plant And Not Expand On That Beautiful Island, And This Seemed To Be The Best Course For Us To Take.

And Not Only To That Ends, But Also, In Order To Try To Set The North Fort Meyers Utility Up For Future County Purchase.

And As Well As, Hopefully, Sooner Than Later, A Lehigh System Which I Think I Would Prefer, But I Think It Goes To The Immediate Plant Decommission As Well As A Larger Bigger Picture Goal That I Believe We Are All Fairly United On.

I Would Absolutely Agree.

Okay.

Any Further Discussion? Any Objections? Hearing No Objection, The Motion Passes.

Thank You, Doug.

We Move Onto 14-A And Collective Bargaining Agreements.

Southwest Florida Professional Firefighter. A Recommendation To Go Forward With It? Well, Let Me Ask A Question.

Did Your Office Negotiate This? Okay.

Yes.

Okay.

So, This Is Effective October First Of 2009.

So Sometime Ago? Yes, Sir. Can You Walk Me Through How It Is We Are Retroactively Approving This? He Was Asking For Background And Build Up.

How Do We Get Here? Every Three Years, The County And Local 1826 Negotiate A Collective Bargaining Agreement For The E.M.T. And Paramedics And Public Safety, And This Time We Also Did It, And We Started In The Spring, And We Finished Probably About September.

However, It Has To Go Through The Local 1826 Numbers To Vote.

The Original Contract Expires September 30 Of 2009, But It Takes Them A While To Get It Voted On.

Well --.

So This Is Effective October Of 09 Through September 30 Of 2012? Yes, Sir.

That's -- We Have Got A Long Time To Go Until We Renegotiate? There Is A Provision For A

Reopener In There.

It Should Be The Lee County Decision To Give Other County Employees A Raise.

In The Contract There Is No Provision For Any Raises Whatsoever.

Okay.

I Got You.

And -- Okay.

I Have Heard That We Were Still Going To Be Actively Negotiating The Next Agreement.

That's With Local 533.

There Is Another Union.

Okay.

There Is Another Union.

Okay.

I Look Forward To That.

I Think I Am Clear.

Which Is 533? That Is The Lieutenants And Captains.

Okay.

Officers Have A Different One? Yes, Sir.

Which One Is The Airport? We Did The Port Authority.

That's Totally Separate And Different From This One.

Okay.

And They All Relate? What We Was Do For One We Are Automatically Obligated To Do For The Other? No.

The Airport Is Totally Different Funding.

I Understand That, But I Can Tell You, A Political Fact Of Life, If We Give To One, We Cannot Deny To The Other.

We Did Not Give Them Raises In This At All.

I Don't Know About The Port Authority.

Well, We Did The Other One, And It Was A 23% Raise, And It Drove Me Crazy.

I Know When I Asked About This, That Was Not The Case, But This Is Two And Half Years Later After The Other One.

And That Broke At The Top Of The Recession. When Everybody Else Was Getting Laid Off, We Were Giving 23% Increases Over The Three Years.

And I Voted -- It Was Totally Inappropriate. I Voted No, And I Will Never Forget It.

I Am Still Being Crucified For Doing What I Knew Was The Right Thing To Do Then.

I Was Very Pleased To See That We Were Going To The Same Salary Levels Here In Our Paid Packages, Which Reflects What We Had Done For 2,000 County Employees. When One Element Gets Out Of Sink, It -- It Is Like A Festered Sore. You Never Hear The End Of It Until You Finally Bring Everybody Else Out To That Level.

And We Are Not At A Time When We Can Bring Everybody Else Up To That Level.

And, In Fact, We Are Going To Be Doing Everything We Could To Keep Everybody At The Same Level.

So, I Am Just Pointing Out How Critically Important These Negotiations Are, And I Want To Say For The Record -- And I Am Not Mad At You, But This Is The Way It Used To Be Done, If It Was Always Done, That The Union Voted On The Contract, All Of The Negotiations Have Been Going On.

They Have This As A Done-Deal, And Then It Is Brought To Us, And There Is No Negotiations Left.

There Is Nothing For Us To Say About It.

And I Have Nothing About The Negotiations Up To That Points, And That's What Drives Me Batty.

I Need To Be Informed As These Negotiations Are Moving Forward, So That I Can Take What's Happening There Into The Context Of All Of The Decisions That We Are Making Relative To Salary Packages, Retirement Benefits, Health Care Benefits, All Of The Things That Go Into That, So That Nobody Gets Treated Unfairly.

And That's The Only Point I Am Making, But I Need To Know Some Times Before It Finally Reaches This Right Here.

I Am Comfortable, And I Appreciate Your Briefing My Aid And Giving This Additional Information. I Am Not Angry At You, But I Am Telling You In The Future, At Least One Commissioner Needs To Be Briefed As To The Negotiations.

We Will Do That.

Thank You.

Is That A Motion? I Will Move It.

Okay.

Motion By Commissioner To Move 14-A. Do We Have A Second? Yes.

I Would Repeat That Request. I Would Like To Be In The Loop, Too.

And One Other Question That I Have Here, Andrea, This Is For Firefighters And Paramedics.

Can You Give Me An Example Of Where A Firefighter Is Benefiting From This Agreement? I --.

None Actually Benefit. They Only Represent Our Paramedics And E.M.T.S. We Don't Have Any Firefighters.

It Is The Name Of The Union. We Don't Have Firefighters That Are Affected.

Okay.

Great. That's What I Thought.

Any Further Questions? The Motion Passes.

We Go On To County Commissioners.

I Would Move -- Well, I Am Happy To Accept The Fact That I Would Be Reappointed To A Position I Currently Hold. I Am Not Sure If Commissioner Mann Feels The Same Way.

I Would Rather Take A Beating Than Continue On That Board.

I Have Just Been Sued Last Week For My Participation On Board.

Oh, Really? Oh, Well, Then Sign Me Up! All Right.

You Have Not Served? It Is Your Turn.

But I Don't Want To Be Sued.

Well, Then, The Motion For -- That's Fine.

I Will Let You Two Guys Do It.

Is It Seconded? Okay. Thank You Very Much.

Any Further Discussion Or Objection? And -- Okay. We Now Have The Request For Lee County Leasing Corporation.

And This Is Part Of The Major Flow In That Area And Has Regional Benefit.

We Can Do It Under Our Current Budget For Cleaning And Snagging.

We Can Absorb That.

Might Want To Ask Them For An Easement, Dedicated Easement Or Work Out With The Legal And Association.

Chairman Judah: Should Come Back And Give You Enough Time For The Conservation Easement And Best Way To Fund Easements Of The Flow Way? Okay With The Rest Of The Board? Just Out Of Curiosity, Are We In A 50/50 Cost Share? A Temporary Arrangement.

A Choked-Up Area.

We Got There Approval To Give Us Access.

This Is For Cleaning And Snagging For Flood Protection.

Not Only Serves Our Community But East Of There In The Development.

Thanks.

Chairman Judah: And One Last Item And Something That Perhaps Needs To Come Back To The Board, 1555 Approved By Legislature, Requesting That Hopefully The Governor Will Veto This Piece Of Legislation.

His Concern Is The Bill Will Prevent From Adopting Rules On Rules That Limit Greenhouse Gas Emissions And Stop From Adopting The Rule To Demonstrate Need For Growth Based On Population Developments.

Ask For The Board Today, Perhaps Administration Could Bring This Back For Consideration To Request The Governor To Veto The Bill.

Comm. Mann: May Not Have Time.

Chairman Judah: You May Be Right.

The 28th To Take Action.

Comm. Mann: Happy To Move It Today.

Chairman Judah: Thank You Very Much.

Discussions, Objections, Motion Passes.

In The Chair's Absence, Put Together A Quick Position Paper And Happy To Sign On Behalf Of The Board.

Comm. Mann: I Like The Letters.

Chairman Judah: Hopefully The Governor Will Veto It.

Committee Appointments? Commissioner Mann? I Have None.

County Manager Items, Anybody From Administration? Okay? Attorney's Office? All Right.

We Want To Thank E.M.S., Lee County Sheriff And Police For Addressing The Incident Earlier This Morning, Making Sure We Are All Safe.

Any Of Those Involved In That Effort, We Appreciate It.

We Are Adjourned.