

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

Blue Sheet No. 20050033

1. REQUESTED MOTION:

ACTION REQUESTED: Request Board approve budget transfer from Capital Improvement-Conservation 20/20 land acquisition fund #30103 to Conservation 20/20 operating fund #30105 in the amount of \$1,907,234. In addition, carryover \$2,727,024 from FY '03/04 to FY 04/05. These funds are being set up in a new business unit for tracking of all Florida Communities Trust (FCT) projects and approve budget amendment resolution in the amount of \$4,634,258.

WHY ACTION IS NECESSARY: Board is required to approve all budget transfers, carryovers, and budget amendments.

WHAT ACTION ACCOMPLISHES: Allows establishment of new business unit to track all Conservation 2020/FCT projects.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # all

C11A

3. MEETING DATE:

01-25-2005

4. AGENDA:

CONSENT
ADMINISTRATIVE
APPEALS

PUBLIC
WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

STATUTE
 ORDINANCE
 ADMIN.
CODE
 OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER
B. DEPARTMENT Parks & Recreation
C. DIVISION

BY: John Yarbrough

John Yarbrough

7. BACKGROUND:

Over the past two budget years, the County has received reimbursement from the Florida Communities Trust (FCT) program for three Conservation 20/20 land acquisitions. In order to better track the expenditures associated with Caloosahatchee Creeks Preserve, San Carlos Bay - Bunche Beach Preserve, and Prairie Pines Preserve, a new business unit with subsidiaries has been established. Typically FCT grants are split between County Lands (fund #30103) and Parks & Recreation (fund #30105), 90% - 10%, respectively. On June 10, 2004 (minutes attached) the CLASAC recommended to the BOCC that an additional 40% of the Caloosahatchee Creeks FCT award go to P&R and an additional 20% of the San Carlos Bay - Bunche Beach FCT award go to P&R for the restoration of those respective Preserves and development of public use facilities. The Prairie Pines Preserve FCT award was entirely awarded to P&R, with CLASAC's prior approval, for the extensive restoration and upcoming facility planning and development.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
<i>1/11/05</i>				<i>Vil/05</i>	OA <i>PM 1/12/05</i>	OM <i>1/12</i>	Risk <i>1/12/05</i>	GC <i>1/12/05</i>

10. COMMISSION ACTION:

APPROVED
 DENIED
 DEFERRED
 OTHER

Rec. by CoAtty
Date: <i>1/11/05</i>
Time: <i>3:50</i>
Forwarded To: <i>Co. Admin 1/11/05</i>

RECEIVED BY COUNTY ADMIN: <i>[Signature]</i>
<i>1/11/05</i>
<i>4:25 pm 507</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>1/12/05</i>
<i>1007</i>

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Cap Imp- Conserv 20-20 DATE: December 6, 2004 BATCH NO.: _____

FISCAL YEAR: 04-05 FUND NO.: 30103 DOC. TYPE: YB LEDGER TYPE: BA

TO: _____
Non-Departmental Interfund Transfers
(Division Name) (Program Name)

NOTE: Please list the account number below in the following order:
 Business Unit (dept/div, program, fund, subfund); Object Account; Subsidiary; Subledger
 (Example: BB 5120100100.503450)

<u>Account Number</u>	<u>Object Name</u>	<u>DEBIT</u>
GC5810130103.509190.T30105F	Sub-fund Transfer to Fund 30105	\$ 1,907,234

TOTAL TO: \$ 1,907,234

FROM: _____
Capital Improvement Capital Improvement
(Division Name) (Program Name)

<u>Account Number</u>	<u>Object Name</u>	<u>CREDIT</u>
20880030103.503490	Other Contracted Services	\$ 1,907,234

TOTAL FROM: \$ 1,907,234

EXPLANATION: To transfer additional funds for Conservation 2020 maintenance that was received from FCT. CLASAC approved the use of funds.

_____	<u>John J. [Signature]</u>	<u>1-11-05</u>
DIVISION DIRECTOR SIGNATURE/DATE	DEPARTMENT HEAD SIGNATURE/DATE	
DBO: APPROVAL <input checked="" type="checkbox"/> DENIAL _____	<u>John K. Wolf</u>	<u>12-6-04</u>
	OPS. ANALYST SIGNATURE	DATE
OPS. MGR.: APPROVAL _____ DENIAL _____	<u>[Signature]</u>	<u>1/12/05</u>
	OPS. MGR. SIGNATURE	DATE
CO. MGR.: APPROVAL _____ DENIAL _____	<u>[Signature]</u>	<u>1-12-05</u>
	CO. MANAGER SIGNATURE	DATE

BCC APPROVAL DATE: _____ BCC CHAIRMAN SIGNATURE _____

BA. NO. _____ AUTH CODE _____ TRANS DATE _____

Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC)

**June 10, 2004
Meeting Minutes**

Members

Rick Barber
Bill Burdette
Matt Bixler
John Cassani
Kate Gooderham
Mitch Hutchcraft
Alex LePera
Erick Lindblad
Ray Pavelka
Jake Slot
George Wheaton

Staff

Reneé Armstrong
Terry Cain
Karen Forsyth
Lynda Riley
Anik Smith
Jim Yaeger

1. **CALL TO ORDER: 5:30 PM**
2. **APPROVE MINUTES – May 13, 2004**

Bill Burdette noted a correction on Item 5B, third line from the bottom. It was Bill Burdette, not John Cassani that spoke. **Bill Burdette motioned approval of the May 13, 2004 Meeting Minutes, with the name correction. Alex LePera Seconded.**

3. **PUBLIC COMMENT**

Anik Smith introduced Terry Cain, a new Lee County Parks and Recreation employee, who is the Land Stewardship Coordinator for Bunche Beach, Matanzas Pass and Bowditch Point Park. Terry described her duties as Land Stewardship Coordinator, which will include creating a management plan for Bowditch Point Park and reviewing the management plan for Matanzas Pass Preserve.

4. **MANAGEMENT SUB-COMMITTEE REPORTS**

- a. **Status Report**

Anik Smith announced the 2nd draft of the Prairie Pines Preserve Management Plan is currently out for public review. The public hearing is scheduled for Tuesday evening, June 15, 2004 at 7:00 PM, North Fort Myers Community Center. Public comment for public uses will be taken at that time.

Staff has hired a consultant, who has begun designing the public use facilities for the Caloosahatchee Creeks Preserve. These facilities will include a canoe/kayak launching facility.

There was a wildfire at Hickey's Creek Mitigation park, approximately 15 acres. Staff is doing some work to help prevent future wildfires. Jeff Key, a FGCU student interning with the 20/20 program, will be doing some wildlife surveys on Wild Turkey Strand Preserve, which will assist with the writing of the management plan. Laura Wewerka is working with a graphic artist, hired by Parks & Recreation, to design a 20/20 brochure that specifically addresses the public uses. A draft will be ready for MSC on June 28th. Anik stated that Mike Knight, another new employee, is the new Six Mile Cypress Slough Coordinator. George Wheaton asked about the encroachment at the Imperial River Preserve. Anik answered that it was the previous owner's retaining wall and the adjacent property owner will buy that piece of land.

- b. The Management Subcommittee recommends that 100% of the Florida Communities Trust (FCT) grant award for the Prairie Pines Preserve Addition (Nomination 194) 2.7 million dollars, be deposited into the management fund to be immediately available for restoration. Anik stated that the intent of receiving all of the funds for management is to assist in the restoration. We have a conservative estimate of 3 million dollars to remove all the exotics at Prairie Pines. We thought there would be a lot of mitigation required for the Gator Slough project but Natural Resources only needs a little bit of mitigation and it will only happen on a small portion of the preserve. That leaves the rest of the Prairie Pines restoration up to us. That is why we requested the use of all of the FCT funds.
- c. **Recommend 20% of the FCT grant award for Bunche Beach (059) and 40% of the FCT grant award for the Caloosahatchee Creeks (108, et al) Preserves, respectively, be deposited in management funds for restoration and facilities development.**

The 20% of the 3.3 million dollars is requested for Bunche Beach to help with the development of the public use facilities, including the bike path, which is anticipated to be costly. 40% of the 3 million dollar grant is for facility development and restoration work at Caloosahatchee Creeks Preserve. Jake Slot asked about the adjacent property owners to see if they would be willing to work with 20/20. Anik stated that the Management committee would approach them directly to see if they would be willing to help fund this project. George Wheaton suggested advertising, such as a plaque that listed who helped fund the project.

Ray Pavelka asked if hydrologic restoration was addressed and asked for general comments. Anik Smith gave a brief synopsis. Ray suggested that money be dedicated to specific restoration efforts and not be allowed to go into the management fund. Bill Burdette advised there was no separate account. Ray agreed that the differentiation could be done on paper. Anik said that it is detailed in the plan what will be done and how it will be done. The plan does include a management action plan that takes us thru 2012 for restoration which includes hydrological and removal of exotics and other projects. Rick Barber acknowledged that the comments that Ray has been bringing up are spoken from experience. CLASAC expressed acceptance of Ray's suggestion. George Wheaton commented that phases are required. Anik advised priorities are based on management units, and each unit is addressed with the type of work that needs to be completed. Public use units will be addressed first. Staff advised that the management action plan could be provided. **Ray Pavelka suggested the recommendation be specific as to what portion is for hydrologic restoration and what is for facility development. Administrative costs should be excluded. Bill Burdette amended the motion to state this funding will be used exclusively for the restoration and facilities development. George Wheaton seconded the recommendation. The motion was called and passed.**

Bill Burdette suggested the amendments be exclusive and in accordance with the management and land stewardship plan. Anik suggested voting to spend the funds just for the public use facilities, until the restoration plan has been reviewed. Item "c" has been amended to be broken into two parts. Alex LePera suggested passing "c" in theory, and restoration money would not be used until a restoration plan is in place. Ray Pavelka didn't think money should be set aside for a specific purpose. **The motion was made that 20% of the FCT Grant will be for facilities development regarding Bunche Beach. Matt Bixler seconded. With no opposition the motion carried.**

The management plan for Caloosahatchee Creeks is not fully developed and will be limited to facilities development, at this time. Kate Gooderham asked, if the management plan is not done, how do we know what facilities are needed? Anik advised the management plan is written, it does not have a restoration plan. **Kate Gooderham motioned that 40% FCT Grant be deposited in management funds for facilities development; restoration upon completion of the restoration plan.** Anik advised there will be some wetland impacts on the development of the facilities. **Matt Bixler seconded. With no opposition the motion carried.**

- d. Continue discussion of funding sources to increase management funds

Ray Pavelka suggested allocating the \$3 million reimbursement funds and dedicating them for restoration to specific sites. He would like the interest earnings placed into a restoration category and target properties needing the best showing for a public standpoint, as long as there is a management plan in place for the highly visible sites. Mitch Hutchcraft advised that funds may be needed for acquisition. Rick Barber suggested deferring these items to the Sub-Committee. Bill Burdette asked if there is a push to put these funds towards specific preserves.

5. CRITERIA & RANKING SUB-COMMITTEE REPORTS:

- a. Nomination 264 – Staff to resolve asking price with landowners and, if resolved, forward to secondary review

Lynda Riley advised this parcel has an asking price issue. Property owners have lived on the island for 30+ years and the house was last restored in 1975. This property is estimated to be about 90% wetlands based upon best available data. Without a wetlands/uplands determination an asking price cannot be determined. In a discussion with appraisal staff the realtor advised the asking price was reduced from \$10 million to \$6 million with a life estate. Staff is asking to put this on hold a month and allow the property owner to provide documentation of vested rights, or get a wetland/uplands determination. Conservation 20/20 has never required this before. Karen Forsyth advised the property owners would have a hard time marketing the property without the wetland/upland documentation. George Wheaton advised the consultant said it was an old spoil island. **George Wheaton motioned to table for a month and have staff work out details.** Karen Forsyth requested the parcel be placed on hold for a month and allow the owner to find documentation supporting the asking price. **George Wheaton agreed to amend his motion per Karen Forsyth's suggestion. Kate Gooderham seconded.** *The motion was called and passed.*

6. OTHER BUSINESS

- a. Amendment to Site Review and Selection Process flow diagram

Karen Forsyth suggested changes to the flow chart to help speed up the processes approved by the Board of County Commissioners (BoCC). Staff suggested removal of the BoCC required approval to begin negotiations. Karen would like to go before the BoCC with a Resolution and revision of the flow diagram, deleting the segment of going to the Board for approval to begin negotiations. The purchase would be presented to the BoCC after negotiations have been completed. Jim Yaeger said as long as the Board approves it, it is not a legal issue. Rick Barber said one criticism heard about the program is the length of time it takes to complete the sale. Karen advised that the delay is not just with the County, but all real estate. Bill Burdette said it was a great idea and didn't think it was a committee issue. **Bill Burdette made a motion to approve the staff recommendation to abbreviate the negotiation process.** Holly Schwartz suggested the presentation is important to the BoCC, and to send memo to the Board advising of negotiations. Karen suggested bringing it to Management & Planning (M&P) first for a briefing. Jim Yaeger stated the BoCC's comfort level is due to all the effort of the committee. Kate Gooderham stated that we have a fiscal responsibility, we are spending tax payer dollars and we have a responsibility to look at things carefully. Holly suggested using an informational memo to BoCC, instead of going to the BoCC with an agenda item. The flow diagram will be amended to show the routing of the informational memo. **Kate Gooderham seconded.** *With no opposition the motion carried.* George Wheaton commented that County Lands is doing a great job presenting issues and defending them before the BoCC. He suggested notifying the BoCC of the Committee's discussions. Karen suggested presenting the change to the flow chart at the August M&P.

b. Cash Flow Statement

Lynda Riley clarified the FCT grant award agreement. There are sufficient funds to cover the properties being negotiated on.

c. Negotiations Status Report

1) Nomination 199-2: Negotiations resumed – Elrod property. Karen advised the IDD canals were researched about 10-years ago. Initial review recommended purchase of 4 out of the 5 parcels that make up this nomination.

2) Update on other nominations: Karen Forsyth stated that nomination #249 appraisal has been ordered, assuming access, but will not proceed until access has been addressed by the property owners and the City of Bonita Springs. Nomination #166 is at an impasse, the property owner carved out 10 acres. In accordance with direction to CLASAC, they went to the Sub-Committee, and the carve out was approved by the Chairs. The owners later called and said it was under contract with someone else. The property owners withdrew Nomination #208. Nomination #241 would have been a joint relationship between DOT and Conservation 20/20 in the acquisition activities, but DOT will probably condemn their interest.

7. SET NEXT MEETING DATES:

The next Management Sub-Committee meeting will be June 28, 2004 at 3:00 pm; the next Criteria & Ranking Sub-Committee meeting will be June 22, 2004 at 3:00 pm; and the next CLASAC meeting will be July 8, 2004 at 5:30pm.

Jim Yeager was presented with a certificate of appreciation for 7 years of service to the Conservation 20/20 program. Cake and coffee were served to celebrate Mr. Yeager's service and retirement.

8. ADJOURN

The Chairman adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Leslie Erschen, Public Works Administration and René Armstrong, County Lands

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