

METROPOLITAN PLANNING ORGANIZATION BOARD

9:00 a.m., Friday, December 15, 2017
Lee County Administration East Building
2201 Second Street, Room 118
Fort Myers, FL 33901
239-244-2220



Meeting Minutes

The meeting was called to order by Chair Rick Williams at 9:02 a.m.

The Pledge of Allegiance was recited.

Chair Williams introduced the new MPO Board members: City of Fort Myers Councilmember Teresa Watkins Brown serving as an alternate for Gaile Anthony, the City of Cape Coral's Mayor Joe Coviello and Councilmembers John Gunter and Jessica Cosden. He stated Ms. Cosden is currently the alternate serving in Councilmember Dave Stoke's absence. He added she might become a full member with Mr. Stoke's serving as alternate.

The roll was called. A quorum was present. Lee County MPO Board Members in attendance included Lee County Commissioners Frank Mann, Brian Hamman, Larry Kiker, and Cecil Pendergrass; City of Cape Coral Councilmembers John Gunter, John Carioscia, Jessica Cosden, and Rick Williams; City of Cape Coral Mayor Joe Coviello; City of Fort Myers Councilmembers Johnny Streets Jr., Teresa Watkins Brown, and Mike Flanders; Town of Fort Myers Beach Councilmember/MPO Board Vice-Chair Tracey Gore; City of Sanibel Vice Mayor Mick Denham; City of Bonita Springs Deputy Mayor Peter O'Flinn and Councilmember Fred Forbes; and Village of Estero Mayor Jim Boesch.

Others in attendance included L. K. Nandam, D'Juan Harris, Lawrence Massey, and Zachary Burch with FDOT; Dave Loveland, Randy Cerchie, and Dave Murphy with Lee County; Lee County MPO staff Don Scott, Ron Gogoi, and Calandra Barraco; MPO legal counsel Derek Rooney; Steve Myers with LeeTran; Sean Corey with IT Services of Lee County; Persides Zambrano with the City of Cape Coral; Alan Mandel with Good Wheels; Matt Feeney with the City of Bonita Springs; John DePalma with McMahan and Associates, Johnny Limbaugh with Wright Construction; Councilmember William Ribble with the Village of Estero; and Gary Nelson with Kitson and Partners.

Agenda Item #1 - Bicycle Pedestrian Coordinating Committee (BPCC) Report

Mr. Don Scott presented the BPCC report. He stated at their last meeting on November 28, 2017, the BPCC approved the endorsement of the School District's Safe Routes to School (SRTS) priorities, participated in a Q&A with FDOT staff on the difference between SUN Trail and Local Area Project (LAP) project contracts, reviewed the preliminary list of bike ped projects, heard a report on Fort Myers school zone changes, and voted to recommend supporting FDOT's safety performance measure targets.

Agenda Item #2 - Citizens Advisory Committee (CAC) Report

Mr. Don Scott presented the CAC report. He stated at their last meeting on December 7, 2017, the CAC approved a recommendation supporting FDOT's safety performance measure targets, endorsed the SRTS priorities, discussed the preliminary list of bike ped projects, and previewed the origin and destination study project.

Agenda Item #3 - TD Report

Mr. Alan Mandell with Good Wheels gave the TD report. He addressed concerns mentioned at the LCB meeting regarding Good Wheel's financial situation. He explained the reasons for Good Wheels financial condition including declining TD funding for trips in Hendry County, FTA funding being delayed, and income losses due to Hurricane Irma. He added there was good news in that Good Wheels has business interruption insurance that will cover the income lost during Hurricane Irma. He also noted Good Wheels has been able to obtain two loans that will cover the other shortfalls. He mentioned that the TD funding has increased in Lee County. He discussed the assistance Senator Passidomo provided with legislation to fund software and a new in-ground fuel tank.

Agenda Item #4 - Public Comments on Consent Agenda Items

There were no public comments on Consent Agenda Items.

Agenda Item #5 - Consent Agenda

- A. Approval of the August 25, 2017 Meeting Minutes
- B. Approval of the October 20, 2017 Joint Meeting Minutes
- C. Approval of the November 17, 2017 Meeting Minutes
- D. Approval of the Local Coordinating Board Member Certification
- E. Approval of \$500 in Local Funds for MPOAC Legislative Advocacy Activities

Commissioner Kiker moved to approve the consent agenda items. Councilmember Streets seconded the motion. There were no objections. The motion passed unanimously.

Agenda Item #6 – Public Comments will be Taken at Each Item

Chair Williams stated public comments will be taken at each item.

New Business

Agenda Item #7 - *Approval of the Joint Resolution Regarding the SR 31 State Infrastructure Bank Loan Backstop

Mr. Scott presented this agenda item to review and approve the Joint Resolution providing an additional backstop to the Florida Department of Transportation (FDOT) for the SR 31 State Infrastructure Bank (SIB) loan that the Babcock Ranch Community Independent Special District (Babcock Ranch ISD) is using for the widening of SR 31. He explained the Babcock Ranch ISD is seeking a State Infrastructure Bank (SIB) loan from FDOT to advance the construction of SR 31 from SR 78 in Lee County to the Babcock Ranch main entrance in Charlotte County. He added the Babcock Ranch ISD collects transportation fees for the repayment of the SIB loan and is also committed to levy a special assessment to serve as the backstop to the loan payments, if the collected transportation fees are not sufficient to cover the loan payments for any of the fiscal year's payments. He noted FDOT is requiring this additional backstop to the SIB loan since the Babcock Ranch ISD does not have a long governmental or revenue history. He said to finalize the loan, FDOT is looking for a Joint Resolution from both Charlotte and Lee MPOs so that if the Babcock Ranch ISD fails and cannot meet the loan repayment requirements, their District Dedicated Revenue (DDR) funds, that can only be used on projects on the State Road system, may be used to meet the repayment requirements. Mr. Scott indicated this would advance the widening of SR 31 two to five years. The updated resolution that the MPO Board received as a handout at last month's meeting was attached to the agenda packet.

Chair Williams asked if there were any public comments. There were no public comments. Chair Williams asked if there were any member comments.

Commissioner Mann asked Mr. Scott to explain again in simpler language. Mr. Scott explained the agenda item again and the process for construction. Commissioner Mann asked the limits of the project. Mr. Scott said it is from SR 78 to Cook Brown Road in Charlotte County. Mr. Scott noted that is why it is a Joint Resolution, there is a portion in Charlotte County and a portion in Lee County. Commissioner Pendergrass asked if Charlotte County has passed the resolution. Mr. Scott said they will vote on Monday. Commissioner Mann asked Mr. Scott to explain the backstop. Mr. Scott said Babcock can assess the property owners or even put property up for sale to pay back the loan. Mr. Scott added the worst case scenario is to use DDR funds. Commissioner Pendergrass verified this is a state road. Mr. Scott said yes, and the developer is paying to widen it. Commissioner Pendergrass clarified the developer is paying to widen a public road. Mr. Scott responded yes. Commissioner Mann responded an MPO backstop is unprecedented and unnecessary. Chair Williams asked if a roll call vote was needed. Mr. Scott replied no. Deputy Mayor O'Flinn asked why the developer is paying to widen the road. Mr. Scott responded because they are causing the impact. Commissioner Pendergrass asked if Gary Nelson could explain. Mr. Gary Nelson with Kitson and Partners, the developers of Babcock Ranch, explained that the SIB loan allows the widening of 5.4 miles of SR 31 to be accelerated. He noted they will pay it off with transportation fees. He added the only way the DDR funds would be tapped into is if the entire Babcock property went into tax default. Councilmember Flanders asked if the backup assessments are

automatic or if they had to go back to the MPO Board. Mr. Nelson said the assessments would be automatic if they were close to a shortfall. He said the project is capped at \$31 million but the estimate is \$24 million. Mr. Nelson also mentioned the loan is only for half of the projected cost, and Kitson will pay the other half up front. Mayor Boesch asked if anything similar to this had been done before. Mr. Scott said the SR 78 project was similar. Councilmember Cosden asked when this project was forecast to be started in the Long Range Plan. Mr. Scott said the 2021-2025 time frame. Commissioner Hamman asked if the developer wasn't paying for widening, Lee County would possibly be using their DDR funds to widen anyway. Mr. Scott said yes, noting the upfront phases were covered as part of the Long Range Plan. Commissioner Hamman clarified, to accelerate the process the developer is offering to pay for half up front and then paying the remainder with their own transportation fees. He continued that the MPO Board is only being asked to pledge funds that may have been used to widen the road anyway in seven to ten years. Mr. Scott responded yes. Commissioner Mann stated he views this as cosigning a note for a private developer, and it is unprecedented. Councilmember Gore said she had expressed some of the same concerns at prior meetings, and asked if this was a condition of the Babcock development order. Mr. Nelson said it was not, adding it is well above what the offset impact costs would be. Commissioner Pendergrass mentioned the flooding and need for water management improvements on SR 31.

Commissioner Pendergrass moved to approve the Joint Resolution regarding the SR 31 State Infrastructure Bank Loan Backstop. Councilmember Flanders seconded the motion.

Chair Williams commented it needed to be done, and we will save money since Babcock is paying for it. Chair Williams asked if there were additional comments. Commissioner Mann asked for further discussion. Councilmember Forbes clarified that Babcock will pay half up front. Chair Williams responded yes. Councilmember Forbes asked if we will only be responsible for paying the remaining 50% if Babcock defaults. Chair Williams responded yes. Mayor Denham asked how many houses need to be sold to pay the loan. Mr. Nelson said they have five years after the loan was issued to start paying the loan and then fifteen years to pay it off. Mr. Nelson added that in their application to the state, sales of as little as 25% of the projected number would still generate enough revenue to pay back the loan. Commissioner Mann again stated this was unprecedented. He requested a roll call vote. There was a brief discussion about the Corkscrew road improvements as an example of the county putting all of the money up front and then being reimbursed by the developer. Commissioner Kiker commented our risk is low, as worst case scenario, we would only be paying half for a project we had planned to do anyway. Councilmember Gore asked Mr. Rooney if this is precedent setting and if we will start doing this for all developers. Mr. Rooney responded no. He added, from research, this is a result of negotiations with FDOT. He affirmed that the master development order for Babcock does not require SR 31 improvements. FDOT's District One Secretary L. K. Nandam commented that this project will provide the benefit of infrastructure being in place before the traffic levels rise. He added the only reason FDOT is asking for the backstop is so the guarantee side can be solid since Babcock is a new development. Councilmember Cosden asked what will happen if this doesn't pass. Mr. Nelson said it will be done in smaller increments, adding this helps it move along much faster. There was a brief discussion reviewing the cost estimates and safeguards again. Councilmember Gore asked if the DDR funds were required, would that take away from other projects or require projects to be stopped. Mr. Scott said no projects would be stopped. He added, even if the DDR funds are tapped into, Lee County gets less than its fair share of funds so this would help our equity share increase. Commissioner Pendergrass clarified if the funds were already in place for the future improvements of SR 31 in the Long Range Transportation Plan. Mr. Scott said a certain amount of the funds are in place. Commissioner Mann expressed his displeasure with Mr. Scott's response. A request was made to proceed with the roll call vote.

A roll call vote was taken. The motion passed with 16 votes in favor and 1 vote against.

Commissioner Mann thanked Chair Williams for the time devoted to the subject. Chair Williams thanked Commissioner Mann for his comments.

Agenda Item #8 - *Endorsement of the School District Safe Routes to School Project Priorities

Mr. Ron Gogoi presented this agenda item for the Endorsement of the Lee County School District Safe Routes to School (SRTS) priorities. He said in response to FDOT's call for proposals for SRTS infrastructure funds, the Lee County School District is submitting three project applications. He explained consistent with the Lee MPO SRTS process, school district priorities are endorsed by the MPO Board before the applications are signed by MPO staff, and submitted to FDOT. He reviewed the following school district priorities with maps:

Priority #1: The proposal calls for sidewalks that will benefit Bonita Springs Elementary located in Bonita Springs. The proposed sidewalks are on the west side of Shriver Avenue from Dean Street to Ragsdale Street. Cost: \$163,130

Maintaining Agency: City of Bonita Springs

Priority #2: The proposal calls for sidewalks that will benefit Island Coast High located in Cape Coral. The proposed sidewalks are on both sides of Averill Boulevard from Del Prado Boulevard to Gator Circle South and along the perimeters of South Gator Circle. Cost: \$1,708,516

Maintaining Agency: City of Cape Coral

Priority #3: The proposal calls for sidewalks that will benefit Edison Park Elementary located in Fort Myers. The proposed sidewalks are on the west side of Clifford Street from Edison Avenue to Victoria Street. Cost: \$167,963

Maintaining Agency: City of Fort Myers

Councilmember Flanders suggested due to the size and cost of the Cape Coral project, maybe it should be a capital improvement project for the City of Cape Coral. He added the FDOT SRTS program was about connectivity. Commissioner Mann left at 9:58 a.m. Mr. Gogoi said they are looking for any missing sidewalks around schools and how many students benefit. Councilmember Flanders commented students at elementary schools should have priority. He asked the total amount of funds available, if all three projects could be done, or if the larger project will knock the other two out. Mr. Gogoi said there is not enough money to do all projects. He added FDOT will review the projects/priorities and submit with recommendations to the central office. He noted these projects will still compete with others in the district and statewide. Mr. Scott said there is \$7-10 million available statewide. Councilmember Flanders suggested the two lower cost projects should be the first two and the high cost project last. Mayor Coviello said the area is sparsely built out and development will soon far exceed the current number of students. He added there will be more students who walk or ride bicycles to school because it is a high school. Commissioner Kiker asked if this agenda item was time sensitive. Mr. Scott responded that the applications are due by the end of the year. There was a discussion about the amount of funding available statewide and how it is dispersed. Councilmember Cosden asked if the projects were ordered by safety priority. Mr. Gogoi said there are other factors considered like number of students served. Councilmember Cosden said the Cape project is in her district, and she has received numerous safety complaints about the area around the school. She asked if they might grant partial funding. Mr. Gogoi said it is up to FDOT. Chair Williams asked for a motion.

Deputy Mayor O’Flinn moved to approve the SRTS School District Priorities. Councilmember Cosden seconded the motion. There were three objections. The motion passed.

Agenda Item #9 - *Approval of Amendments to the TAC Bylaws to add the Lehigh Acres Municipal Services Improvement District

Mr. Don Scott presented this agenda item to review and approve the revised TAC bylaws, attached to the agenda packet, to add a voting member for the Lehigh Acres Municipal Services Improvement District. He said the proposed changes to the Bylaws were in underline and strike through language. He explained this change adds a representative of the Lehigh Acres Municipal Services Improvement District as a voting member to the TAC roster. The TAC unanimously approved this change at their October 5, 2017 meeting. Chair Williams asked if there were any public comments. There were none. He asked if there were any Board comments. There were none.

Councilmember Flanders moved to approve the amendments to the TAC Bylaws. Deputy Mayor O’Flinn seconded the motion. There were no objections. The motion passed unanimously.

Agenda Item #10 - Presentation on the US 41/Bonita Beach Road Quadrant Study

Deputy Mayor O'Flinn introduced this agenda item. He explained the history of this intersection, discussed the addition of connectivity to the area, and thanked those involved.

Mr. John DePalma with McMahon & Assoc., the City of Bonita Springs consultant, presented a slide show of this agenda item on the US 41/Bonita Beach Road Quadrant Study. His presentation included the background and purpose, existing studies, and an explanation of the Quadrant Plan. He also mentioned there has been extensive public and agency coordination with over 30 meetings total, project traffic evaluations, and planning level cost estimates. He commented the next steps are to seek a recommendation and appropriate levels of funding.

Commissioner Pendergrass asked how drivers will know about connecting roads. Mr. DePalma said there will be signage similar to a wayfinding system. Mr. DePalma also referenced modeling done that supports familiarity usage over time. There was a brief discussion on the modeling and coordination done. Commissioner Kiker expressed concern that the process was not being followed correctly and the county was not being involved. Commissioner Kiker left at 10:33 a.m. A brief discussion followed on the history of the Bonita Beach intersection, including the resistance to the original flyover project, and how to get it back on the priority list. Mr. Scott said it is not in the Long Range Plan and therefore not a priority. Mr. L. K. Nandam said FDOT has been in communication with the City of Bonita Springs and will look at the work done to date. He added the intersection needs to be looked at in a holistic way to qualify for funding including a PD& E study being conducted. He also commented that it needed to go through the MPO process again. Mayor Coviello asked when the cost estimates were done. Mr. DePalma said within the past few months. There was a brief discussion on which roads were city and which were county, and if the city was involving the county. Deputy Mayor O'Flinn commented the city and county staffs are in constant contact, noting this project has been delayed now for ten years. He added the City of Bonita Springs is trying to take on some of this to help the citizens. He then commented he would like to get this project on a list for funding. Chair Williams discussed the history of the project and clarified the flyover had been removed at Bonita's request. Commissioner Hamman asked for more information on how this effects other projects on the list. Mayor Boesch asked how to get this process started to assist the City of Bonita Springs. Mr. Scott said an amendment to the LRTP can't be done today, as there needs to be public advertisement. To get this addressed, the MPO Board should direct the MPO staff to bring back an LRTP amendment showing the future phases to be funded, where the funds are coming from, and then in June something can be added to the priority list.

Mayor Boesch made the motion for the MPO staff to bring back which future phases can be funded and where the funds are coming from. Councilmember Gore seconded the motion.

Councilmember Flanders commented that this follows the Complete Streets Initiative and is a great concept. Councilmember Forbes asked when this could be acted on. Mr. Scott said with advertisement and other requirements it would be a draft in January and voted at the February MPO Board meeting. Deputy Mayor O'Flinn said this project would be a positive impact with respect to flow in the intersection. Commissioner Pendergrass asked about property acquisition and right of way. Deputy Mayor O'Flinn said that some of the property had already been purchased. Mr. DePalma noted the cost estimates include right of way. Chair Williams called for a vote.

There were no objections. The motion passed unanimously.

Commissioner Pendergrass and Councilmember Streets left at 10:58 a.m.

Agenda Item #11 - *Election of Officers for 2018

Mr. Don Scott presented this agenda item to call for nominations for Chair, Vice-Chair, and Treasurer and to hold elections for those offices. He explained that each year the MPO Board holds the election of a Chair and Vice-Chair and the new term for these officers will begin on February 1, 2018 and run through January 31, 2019. He added in the past we have done a rotation of the Chair and Vice-Chair from the municipalities/County and the current order is listed below:

- City of Cape Coral (Current Chair)

- Town of Fort Myers Beach (Current Vice-Chair)
- City of Sanibel (Current Treasurer)
- City of Bonita Springs
- Village of Estero
- City of Fort Myers
- Lee County (Previous Chair)

Mr. Scott said there has been a regular rotation since before he joined the MPO and following this rotation, the Town of Fort Myers Beach representative Tracey Gore would be the new Chair and the City of Sanibel representative Mick Denham would be Vice-Chair. Mr. Scott said in addition to the nominations and elections for Chair and Vice-Chair, the Board also needs to nominate and hold an election for the Treasurer position.

Councilmember Flanders moved to approve the nominations of Tracey Gore for Chair and Mick Denham for Vice-Chair. Councilmember Gunter seconded the motion.

Mayor Denham commented that Vice-Mayor Ruane would like to remain Treasurer. Councilmember Flanders amended his motion to include Kevin Ruane for the position of Treasurer. Councilmember Gunter's second was also amended. Chair Williams called for a vote.

There were no objections. The motion passed unanimously.

Agenda Item #12 - *Election of 2018 MPOAC Representatives

Chair Williams commented in the past, Councilmember Burch held this position, but the spot is open as he did not run for re-election. Mr. Scott said he usually provides dates but the MPOAC has not released them yet. He added the meetings are generally in Orlando. Chair Gore asked about specifics for the MPOAC and the four meetings. Mr. Scott explained. Councilmember Cosden said she would volunteer. Chair Williams posed the question of her being able to serve in this capacity in her current status as an alternate to the MPO Board. He added she may be a full member at the next meeting and another Cape member would be the alternate. Mr. Scott said he wasn't sure if they looked at it that way since she was still a member of the MPO Board.

Councilmember Gore made the motion to approve the nomination of Councilmember Cosden as the Lee County MPO's MPOAC representative. Councilmember Gunter seconded the motion. There were no objections, and the motion passed unanimously.

Mr. Scott asked for a nomination for alternate as well. Councilmember Gore volunteered.

Councilmember Cosden made the motion to approve the nomination of Councilmember Gore as the Lee County MPO's MPOAC alternate representative. Councilmember Gunter seconded the motion. There were no objections, and the motion passed unanimously.

Other Business

Agenda Item #13 - Public Comments on Items not on the Agenda

There were no public comments on items not on the agenda.

Agenda Item #14 - LeeTran Report

Mr. Steve Myers, LeeTran Director, gave the LeeTran report. He announced Monday, December 18 at 10:00 a.m. there will be a ribbon cutting ceremony for the new Beach Park and Ride facility located at the corner of Summerlin Square Drive and Pine Ridge Road.

Deputy Mayor O'Flinn asked how the Park and Ride works. Mr. Myers said parking is free, and the shuttle is 75 cents to ride to the beach. He added the shuttle runs every fifteen minutes, subject to traffic, from 5:30 a.m. to 10:00 p.m. in season.

Agenda Item #15 - FDOT Report

Mr. D’Juan Harris, FDOT’s District 1 Liaison, gave the FDOT report. He said the district is wrapping up efforts to finish the District One Work Program for FY 2019-2023. He said District One’s Director of Transportation Development Mr. John Kubler will be sending out an email of the final snapshot before it goes to the legislature for approval. He added it will be adopted July 1, 2018. He said they will also be moving forward with the next work program cycle with preliminary applications due by February 2018, preliminary priorities due in spring, and MPO priorities firmed up by June 2018.

Agenda Item #16 - Announcements

There were no announcements.

Agenda Item #17 - Information and Distribution Items

The information and distribution items included the most recent MPOAC Legislative Update and the MPOAC Weekend Institute memo. Mr. Scott mentioned the MPOAC Legislative update and also announced the MPOAC Weekend Institute. Chair Williams said it would be great for the new members to attend.

The meeting was adjourned at 11:07 a.m.

^Roll Call Vote *Action Items +May Require Action

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