

**FORT MYERS SHORES FIRE & RESCUE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONERS
February 18, 2021
MINUTES**

Call Meeting to Order

Commissioner Apperson called the meeting to order at 7:32 p.m. In attendance were Commissioners Apperson, Kimball, Detzel, and Schneider. Commissioner Ragen was unable to attend due to a family obligation. Also in attendance were Chief Dowaliby, Deputy Chief Rewis, Attorney Pringle, Captain Swindle, Administrative Assistant Howard, Alva Commissioner Crittendon, and John O'Grady from Fortress Secured.

Pledge of Allegiance and Moment of Silence

Amendments to the Agenda

1. New Business: Set up a new public funds bank account at First Bank. They have offered to set up a separate account for the \$3,000,000 we were going to move into CDARS. The account would pay .40% vs. the .25% our regular operating account is currently paying. The 4 and 13 week CDARS are currently at .30% and .35%.
2. New Business: Approve installation of lights, warning system, radios, and graphics on the new Utility Truck budgeted at \$20,000
3. New Business: Approve payment for Phase II Environmental Study and Report \$14,973
4. Remove Item #1 in New Business calling for a resolution adopting the Florida and Lee County Fire Codes.

Presentations/Awards

None

Approval of Minutes

The minutes for January 2021 were presented for approval. Commissioner Kimball made a motion to accept the minutes as presented. Commissioner Detzel seconded and the motion passed.

Treasurer's Report

Bank account balances for the month of January 2021:

The operating account opened with \$5,526,673.81. There were deposits of \$117,941.31 and expenditures of \$520,962.04 for an ending balance of \$5,123,653.08.

The impact fee account opened with \$1,277,767.48. There were deposits of \$85,947.33 and no expenditures for an ending balance of \$1,363,714.81.

The 4-week C.D.A.R.S. opened with \$1,253,293.24. There was interest accrued of \$288.43 for an ending balance of \$1,253,581.67.

The 13-week C.D.A.R.S. opened with \$2,500,000.00. There were no credits or debits and the ending balance was \$2,500,000.00.

The 26-week C.D.A.R.S. opened with \$2,000,000.00. There were no credits or debits and the ending balance was \$2,000,000.00.

Total bank balances at January 31, 2021 were \$12,240,949.56.

Commissioner Detzel made a motion to accept the Treasurer's Report. Commissioner Kimball seconded and the motion passed.

Chief's Report

Items of Interest

- We were the Volunteers of the Year for the Buckingham Exceptional School.
- We will talk about moving forward with Station 2. Mr. Pringle will have the P3 process and RFP for construction advisor services as part of his report.
- We have a new automated drive gate, and we have a new roof. Both items were budgeted.
- The Lehigh lots were supposed to close on February 17th but there is a holdup due to a survey question on the Alva lot. We also have another buyer interested in that lot so we can look into that.
- We will place a budgeted fence around the Verandah property when the property line is adequately identified.
- Mr. Pringle will give an update on the Local Government Efficiency Task Force.
- We just received information from the Association of Special Districts on some new legislation concerning special districts that has been introduced this year. We will keep you updated.

- Our ISO inspection was February 9th. I will update you as soon as we receive the final inspection report.
- Debbie and I have received a scholarship to the Florida Association of Special Districts Certified District Manager program. It is online this year so there will not be any travel involved.
- We will be hosting a gas tanker and a new vehicle technology class tomorrow at Crossroads Baptist Church.
- Next month we are holding a gas monitoring class for each shift.
- I would like for the Board to consider moving our meetings to an alternative location in future fiscal years, for example Crossroads Baptist Church. I would like to look at repurposing the training room as we plan for the future. We also have a problem with capacity here especially when we have something going on that a lot of people want to attend (retirement, promotional, or swearing-in a new employee for instance).
- Chaplain Cords officiated at his son's wedding last weekend. Congratulations to the Cords family!
- Department anniversaries: DC Rewis (16 years), Captain Jones (18 years), and Firefighter Casey Gee (1 year)
- Birthdays: Captain Jones' wife, Engineer Washburn's wife, Engineer Simmons' wife, Captain Swindle's youngest son, Engineer Washburn's daughter, and Engineer Hunt's daughter
- Wedding anniversaries: Captain Jones and his wife (16 years), and Engineer Simmons and his wife (12 years)

Meetings Attended

- Met with ISO
- Officers meeting
- Union negotiations
- Mr. Pringle concerning Station 2
- Met with Alva Fire Department Chief
- Local Government Efficiency Taskforce meeting – the next meeting is on February 22nd
- B-Shift will receive the Rotary Club's Firefighter of the Quarter. Captain Swindle wrote a letter commending his shift for going above and beyond on a call and I nominated them for the award based on that commendation. They really lived up to our motto of "Service Beyond

Expectation". The call resulted in fairly minor injuries to the patient but pretty major damage to their home and B-Shift took the time to make the situation safe for the home owner.

Training Attended

- Captain Swindle will give the Captains' Training Report

Commissioner Kimball made a motion to accept the Chief's Report. Commissioner Schneider seconded and the motion passed

Attorney's Report

None - Attorney Pringle gave his input on agenda items as they came up.

Fire Prevention Division Report

- Current Construction: Two eight-plex units in Portico
- New Construction: Publix (Buckingham)
- Projects Completed: None to report
- Revenues: The Division billed \$150.00 for the month.
- Meetings Attended: Lee County Fire Marshals and Inspectors Association; Lee County Fire Chiefs Association; Florida Arson Alert Association Board Meeting
- Prevention Education: None to report
- ISO is completed. We have started using EHR reporting in ESO. I will now be able to focus and work on the inspection side of ESO and start reporting the inspection numbers to you soon.

Additions:

- There is going to be a special hearing in two weeks on the extension of SR 31 from 78 to the county line.
- A hearing has been set for the developmental order for the NW corner of 31 and 80.

Commissioner Detzel made a motion to accept the Prevention Report. Commissioner Kimball seconded and the motion passed.

Training Report

- **Daily Training:** All shifts continue to participate in various functional training and circuit style workouts; Truck checks; SCBA & gear checks; Target Solutions
- **Monthly Training:** Ladder inspection and proper use; One pre-incident plan per shift; R.I.T. drills; Fire ground skills; Hydraulics/Apparatus; EMT
- **Upcoming Training:** C-Shift Facility Training in February; FF Janey Structure Collapse class; Classes at Crossroads Church on February 19th
- **Training Needs:** Would like to get a new smoke machine; More realistic and lighter training dummy
- **A-Shift:** Continuing to train Probationary Firefighters every shift; Conducted a three month eval test for Probationary Firefighter Salyers; Marine 81 ops; Trained on new reporting system; Captain Jones began another college class; Working on pre-incident plan at Storage King; Conducted facility training at the City of Ft. Myers Training Tower with Alva Fire Department
- **B-Shift:** Vehicle stabilization utilizing lift bags; Brush truck operations; Boat operations; Voodoo knot uses and application; Various medical training; Vehicle stabilization using struts; Continued working on Probationary Firefighter Task Sheet; College courses
- **C-Shift:** Engineer training with Firefighter Peterson on Marine operations - operating the boat, pumping procedures, and docking; Probationary Firefighter training; Firefighter Casey Gee will be taking his end of probation test; Firefighter Peterson Fire Officer 1 online classes; Pre-incident plan at Franklin Locks

Commissioner Kimball made a motion to accept the Training Report. Commissioner Detzel seconded and the motion passed.

Public Input on Agenda Items

None

Old Business

1. Discussion and Action – unsolicited bid for construction of Station 2 from Fortress Secure, and initiation of the Public Private Partnership (P3) process and approval of Request for Proposals for Construction Advisor Services.

Attorney Pringle reviewed the P3 process: This is an alternative procedure to the competitive selection process normally used for capital improvements/projects, authorized under Florida Statute 255.065. P3 combines some or all of the construction, land acquisition, site development, financing, etc. in the procedure. Financing is included in the unsolicited bid we have received from Fortress Secure and will be a substantial part of the decision whether we accept and move forward with the P3 process.

The copy of the bid the Board member have received is strictly confidential at this time and cannot be shared with anyone.

The first step in the P3 process is for the Board to determine if the project satisfies the requirements as a qualified project under the statute, and I believe that it does. If the Board makes that determination you will need to take action stating that it is. The Board then decides whether they want to consider the unsolicited proposal and initiate the P3 procurement procedure as authorized in Florida Statute 255.065. If they do then there are several actions that need to be taken.

Commissioner Kimball questioned whether we should move forward with station 2 considering the current legislative push against the Special Districts. Commissioner Detzel also wondered if we should wait until we know more about what is going to happen. Commissioner Schneider asked Mr. Pringle what the time frame would be for that.

Attorney Pringle: The legislature would have to change the law as it now stands in order to mandate consolidation of the districts without putting it to the residents of each district to vote on. Legislation could be filed this year or next year or not at all. It typically takes at least two years for that type of law to be passed. There was some further discussion and Chief Dowaliby added the comment that if we do not move forward with a second station and the Districts are consolidated, the area would only have the current station. If we go ahead with the station we know that there is a new, up to date facility to serve the Ft. Myers Shores District. Attorney Pringle noted that the topic of consolidation has been discussed many times over the last twenty years or so and there is current law that allows for the consolidation of special districts if the Boards and residents choose to do that. There is always a possibility of new laws that will affect the District, but the probability is lower that there will be drastic and immediate changes.

Commissioner Apperson said that she thinks the second station is badly needed and she would like to see us move forward with it. If there is consolidation sometime in the future she would prefer to have the station here to serve the residents of the area instead of risking having to turn over our reserves to a consolidated district. She feels that we need to continue to move forward with the best interest of the Ft. Myers Shores in mind.

Attorney Pringle said that none of the processes for consolidation move quickly because there are so many things to consider. Part of the process deals with capital improvements and the debt of each district. One thing to think about as you consider moving forward is that if the station is up and running, and housing firefighters it is more likely that that new station would be maintained.

If the Board chooses to begin the P3 procurement process, the first requirement is to undertake a competitive selection process to choose a licensed architect, engineer, or landscape engineer to work directly for the District through the process. Once we received responses to the RFQ issued for this purpose the Board will choose the most qualified individual and negotiate a contract with them. The contracted professional will then review all the designs received during the competitive bidding process in addition to the unsolicited proposal we have already received. They will make sure the designs are proper and adequate and advise the Board on the selection. During the construction phase of the project, they will inspect the process and verify that everything is being completed properly according to the agreed upon design.

The next step is to post notice in the Florida Administrative Register and the local paper per Florida Statute requirement. The notice will state that we have received an unsolicited bid including financing and that we are accepting other proposals. The notice will include the scope of work, but it will not include any confidential information from the unsolicited bid. The statute requires that potential responders be given a minimum of 21 days and a maximum of 120 days to respond. We recommend giving at least 30 days and setting specific deadlines to coincide with regularly scheduled meetings.

The proposals received will be reviewed by the Board and the licensed professional chosen by the Board to advise them. When a final choice is made the contract with the first choice will be negotiated to include a guaranteed maximum price according to the final design.

Commissioners Schneider, Apperson, and Kimball expressed support for initiating the process and the following motions were approved:

Commissioner Schneider made a motion to define the construction of Station 2 as a qualifying project under Florida Statute 255.065. Commissioner Kimball seconded and the motion passed 4-0.

Commissioner Schneider made a motion to initiate a procurement procedure for the construction of Station 2 using the P3 procurement procedure outlined in Florida Statute 255.065 in response to the unsolicited proposal from Fortress Secure. Commissioner Kimball seconded and the motion passed 4-0.

Commissioner Schneider made a motion to authorize issuing a Request for Qualifications for Professional Services (licensed architect, engineer, or landscape engineer) to represent the District in the P3 process and throughout the construction of Station 2. Commissioner Detzel seconded and the motion passed 4-0. The motion was amended to allow legal counsel and District staff to set response deadlines to best coincide with regularly scheduled Board meetings. The amended motion was approved.

Commissioner Schneider made a motion to authorize legal counsel and Chief Dowaliby to release/publish notice as required by Florida Statute 255.065(3)(b) in the Florida Administrative Registry and in the local paper. Commissioner Kimball seconded and the motion passed.

New Business

1. Set up a new public funds bank account instead of moving funds into CDARS. The new account will start out at 0.4% interest vs. the current 0.25% on our operating account and 0.30% to 0.35% on CDARS.

Commissioner Schneider made a motion to approve setting up the new public funds bank account. Commissioner Kimball seconded and the motion passed.

2. Approve budgeted Security System including cameras and entry security

Commissioner Schneider made a motion to approve the installation of the security system at a cost not to exceed the budgeted \$20,000. Commissioner Kimball seconded and the motion passed.

3. Employee Physicals – Chief would like to table until next month because we do not have the bids yet.

Commissioner Detzel made a motion to table, Commissioner Kimball seconded and the motion passed.

4. Approve installation of lights, warning system, radios, and graphics on the new utility truck.

Commissioner Schneider made a motion to approve the installation at a cost not to exceed the budgeted \$20,000. Commissioner Kimball seconded and the motion passed.

5. Approve payment for Phase II Environmental Study and Report on the Verandah property.

Commissioner Schneider made a motion to approve the payment for the Phase II Environmental Study and Report for \$14,973. Commissioner Apperson seconded and the motion passed.

6. Approve fence for the Verandah property.

Commissioner Schneider made a motion to approve installing the fence around the lot purchased from Verandah for \$9,850, which includes taking out the fence between the two properties. Commissioner Kimball seconded and the motion passed.

Public Input on the approval for the fence which was an addition to the agenda:

None

Public Input on Non-Agenda Items:

None

Union Report:

None

Comments from Commissioners:

Thanks to everyone.

Adjourn

Commissioner Detzel made a motion to adjourn. Commissioner Kimball seconded and the motion passed. Meeting was adjourned at 9:07 p.m.