David R. Mills, Chair, District 2  
Nora Patterson, Vice Chair, District 4  
Paul H. Mercier, District 1  
Shannon Staub, District 3  
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator  
Stephen DeMarsh, County Attorney  
Gary Oldehoff, Assistant County Attorney  
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller  
Latressa Preston, Deputy Clerk  
Paula Clintsman, Deputy Clerk  
Spring Dickson, Deputy Clerk  
Claudia Goodson, Deputy Clerk  
Debbie Shaffer, Deputy Clerk

INVOCATION
John McCarthy, Community Services Parks and Recreation General Manager

PLEDGE OF ALLEGIANCE
Commissioner Mercier

PRESENTATION OF PROCLAMATIONS:  
National Therapeutic Recreation Week, July 9 through July 15, 2006  
Recreation and Parks Month, July 2006

CONSENT MOTION
Chair Mills requested consideration of the following Item prior to Board action on the Consent Agenda, without objection:

33. CONTRACTS  
Chair Mills recessed the Board of County Commissioners and convened as the Sarasota County Transportation Authority (SCTA).

Following comments, Commr. Thaxton moved to approve Contract No. 2006-363, Amendment No. 2 to Contract No. 2005-111, a Subtracted Transportation Provider Agreement, with the Florida Commission for Transportation Disadvantaged (FCTD) for Medicaid Non-Emergency Transportation (NET) funding, in the amount of $588,181.00. The motion, seconded by Commr. Patterson, carried by a 4-0 vote, with Commr. Staub not present.

Chair Mills adjourned the SCTA and reconvened as the Board of County Commissioners. See Item later this meeting.

(9:13:00)
CONSENT MOTION - Continued
Following comments, a motion was made by Commr. Thaxton, seconded by Commr. Patterson, and carried by a 4-0 vote, with Commr. Staub not present, to approve Items 1-41 as follows, with the exception of Items 2, 3, 6, 10, 11, 21, 22, 25, 35, 39, and 41, considered later this meeting.

1. ADVISORY COUNCILS
Reappointed George Pickhardt to serve a three-year term on the Integrated Pest Management Advisory Board, as the Agriculture Nursery Representative, effective through July 2009.

2. CONTRACTS
See consideration of a Contract with the West Coast Inland Navigation District (WCIND) to allow construction of a portion of the Venetian Waterway Park (VWP), later this meeting.

3. GRANTS
See consideration of the following Items, later this meeting:
A. Authorization to execute and submit the Edson Keith Estate Building Rehabilitation Project Grant Application;
B. Authorization to execute the Grant Agreement upon receipt of the Grant Award.

4. CONTRACTS
Approved Contract No. 2006-354, Modification No. 1 to Contract No. 2006-287, a Grant Agreement, with the Florida Department of Community Affairs (FDCA) for Homeland Security Funds, to extend the Grant period to October 31, 2006.

5. CONTRACTS/RESOLUTIONS
A. Approved Contract No. 2006-355, Amendment No. 1 to Contract No. 2006-061, an Interlocal Agreement, with the School Board to upgrade the selected district schools for use as “Persons with Special Needs” shelters;

6. RESOLUTIONS/CONTRACTS
See consideration of the following Items, later this meeting:
A. A Resolution, Budget Amendment No. B2006-084, amending the Fiscal Year (FY) 2006 Budget to fund various contracts, land development reviews, a critical capacity study, low impact design standards, and model updates;

7. ENVIRONMENTAL SERVICES
Authorized advertising of a Notice of Intent to name an Environmentally Sensitive Land Protection Program (ESLPP) site located northeast of the intersection of Pocono Trail and U.S. 41 in Nokomis, Florida.

8. ENVIRONMENTAL SERVICES
Authorized the County Administrator to appoint a Hearing Examiner to conduct the required public hearing to consider a rate increase requested by South Gate Utilities, Inc.
9. **ORDINANCES**
   Authorized advertising of a public hearing to consider a proposed Ordinance providing for the creation of the Forked Creek Neptune Waterway Project Unit, in accordance with the procedures specified in Resolution No. 2003-100, and to waive the requirement for an Economic Impact Statement.

10. **ADVISORY COUNCILS**
    See consideration of the reappointment of Dr. Clifford Truitt and the appointment of Gary Comp and Gary Raulerson to serve three-year terms on the Coastal Advisory Committee (CAC), later this meeting.

11. **CONTRACTS/RESOLUTIONS**
    See consideration of the following Items later this meeting:
    
    A. A Contract, an Assignment of Option to Purchase, from The Nature Conservancy to authorize acquisition of 100 + acres located at the Myakka State Forest Addition Protection Priority Site;
    
    B. A Resolution authorizing the County Administrator to exercise the Option Agreement for Sale and Purchase.

12. **CONTRACTS**

13. **CONTRACTS**
    Approved Contract No. 2006-359, a Professional Services Agreement, with Beck Disaster Recovery, Inc., to monitor disaster debris recovery activities.

14. **CONTRACTS**
    Approved Contract No. 2006-360, a Professional Services Agreement, with DRC Emergency Services, LLC, for disaster debris removal, reduction, and disposal services.

15. **CONTRACTS**
    Approved Contract No. 2006-361, a Professional Services Agreement, with AshBritt, Inc., for the purpose of disaster debris removal, reduction, and disposal services.

16. **ORGANIZATIONS**
    Nominated Commr. Shannon Staub to serve as the Board of County Commissioners’ Representative on the Economic Development Corporation (EDC) Board.

17. **FINANCIAL PLANNING**
    Authorized the disposal of vehicles and off-road equipment.

18. **FINANCIAL PLANNING**
    Authorized the conveyance of surplus property items to other governmental agencies and charitable organizations.

19. **HEALTH AND HUMAN SERVICES**
    Authorized execution of the State Annual Certified Budget for Arthropod Control for Mosquito Management Services for Fiscal Year (FY) 2007, in accordance with Florida Statutes, Chapter 388, and Florida Administrative Code, Chapter 5E-13.
20. **CONTRACTS**
   Approved Contract No. 2006-362, a Memorandum of Agreement, with Severely Emotionally Disturbed Network (SEDNET) for Substance Abuse and Mental Health Services Administration (SAMHSA) family advocacy services, in the amount of $21,206.00.

21. **ADVISORY COUNCILS**
   See consideration of the following Items later this meeting:
   A. Appointment of Scott Perkins to serve a four-year term on the Well Drilling Advisory Board;
   B. Reappointment of Benjamin Saxby and Harry Hall to serve four-year terms on the Well Drilling Advisory Board;
   C. Appointment of Norman Wright to serve a four-year term on the Well Drilling Advisory Board.

22. **HOUSING**
   See consideration of the following Items later this meeting:
   A. The 2006-2007 Action Plan and the authorization for submittal to the U.S. Department of Housing and Urban Development (HUD);
   B. Authorization for Staff to make the necessary modifications to the 2006-2007 Action Plan, as required by HUD.

23. **CONTRACTS**
   A. Approved the revised Policy Guidelines for the Transitional Housing for Persons with Substance Abuse Program;
   B. Approved Contract No. 2006-363, Amendment No. 1 to Contract No. 2006-209, with Coastal Renaissance Behavioral Health Services, Inc., for the provision of transitional housing as part of the Community Alternative Residential Treatment Initiative, in the amount of $204,351.00.

24. **CONTRACTS**
   Approved Contract No. 2006-364, a Maintenance Contract, with Ronco Communications and Electronics, Inc., for support of the County's voice telecommunications and data networking hardware and software.

25. **CONTRACTS**
   See consideration of a Contract with McIntyre Elwell and Strammer General Contractors, Inc., for the design of a Data Center, Wellness Center, offices, and support infrastructure on the Fifth Floor of the County Administration Center, 1660 Ringling Boulevard, Sarasota, later this meeting.

26. **RESOLUTIONS**
   A. Approved the expenditure of videotaping equipment for the North County Corrections Facility for the Fiscal Year (FY) 2006 Budget, in the amount of $25,825.00;
   B. Adopted Resolution No. 2006-150, Budget Amendment No. B2006-082 to amend the FY 2006 Budget to appropriate the funding to the Sheriff's Office.

27. **RESOLUTIONS**
   Adopted Resolution No. 2006-151, revising the existing precinct boundary lines for Precincts 51, 55, 62, 66, and 150.
28. **ADVISORY COUNCILS**  
Reappointed William Beauchamp, Jr. to serve a three-year term on the Mechanical Contractors Licensing and Examining Board, as the Master Electrical Representative, effective through June 2009.

29. **ADVISORY COUNCILS**  
A. Reappointed Ronald Deanna to serve a three-year term on the General Contractors Licensing and Examining Board as the General Contractor Representative, effective through June 2009;  
B. Reappointed Michael Bradley to serve a three-year term on the General Contractors Licensing and Examining Board as the Residential Contractor Representative, effective through June 2009;  
C. Appointed Joseph Kinker to serve a three-year term on the General Contractors Licensing and Examining Board as the Citizen Representative, effective through June 2009.

30. **CONTRACTS**  
Approved Contract No. 2006-366, a Subordination Agreement, with Florida Power and Light (FPL) Company for the relocation of FPL’s existing facilities and subordination easement interest to the County for the construction of the Bahia Vista Street Improvement Project.

31. **CONTRACTS**  
Approved Contract No. 2006-367, a Subordination of Utility Interest Agreement, with Florida Power and Light (FPL) Company, for the subordination of FPL’s easement interest to the County for the construction of the force main line within the Phillippi Creek Septic System Replacement Program (PCSSRP), Phase 3, Area C Project.

32. **CONTRACTS**  
Approved Contract No. 2006-368, a Professional Services Agreement, with WilsonMiller, Inc., for the final design of Proctor Road, Phase 2, and Drainage Improvement Project, in the amount of $968,453.00.

33. **CONTRACTS - Continued**  
See consideration of a Contract with the Florida Commission for Transportation Disadvantaged (FCTD) for Medicaid Non-Emergency Transportation (NET) funding, earlier this meeting.

34. **CONTRACTS**  
A. Adopted Resolution No. 2006-152, authorizing the execution of a Renewal Agreement for highway roadside mowing maintenance with the Florida Department of Transportation (FDOT);  
B. Approved Contract No. 2006-370, a Maintenance Agreement, with FDOT for roadside mowing maintenance on State roads within the County with an annual reimbursement, in the amount of $182,533.08.

35. **CONTRACTS**  
See consideration of a Contract with Oklawaha Farms, Inc., for the construction of the Fox Creek Regional Mitigation Area, later this meeting.

36. **CONTRACTS**  
Approved Contract No. 2006-372, an Assignment and Assumption Agreement, with Lucas Marine Construction, LLC, for the Caspersen Beach Bridge Replacement Project.
37. EASEMENTS
Granted a permanent utility easement to the Florida Power and Light (FPL) Company for the construction, operation, and maintenance of electrical service for the property located along Ocean Boulevard within Siesta Key Village.

38. RESOLUTIONS
Adopted Resolution No. 2006-155, to lower the speed limit in the Colonial Oaks Subdivision from 30 miles per hour to 25 miles per hour, as recommended by the Traffic Advisory Council.

39. RESOLUTIONS
See consideration of a Resolution of Necessity for the acquisition of Fee Simple Interests and Easement Interests necessary for the Porter Road/Palmer Boulevard Intersection Improvement Project, later this meeting.

40. WARRANTS
Ratified and approved the warrants dated June 12 through June 30, 2006, in the amount of $28,676,998.53, as detailed in the voucher packages filed in the Finance Department.

41. MINUTES
See consideration of the Minutes dated June 15, June 16, June 20 (two sets), and June 21, 2006, later this meeting.

2. CONTRACTS - Continued
Following an inquiry, Community Services Parks and Recreation General Manager John McCarthy commented on the location (east versus west) for the Venetian Waterway Park (VWP). Commr. Patterson provided background information on West Coast Inland Navigation District’s (WCIND) discussion relating to the location of the paths, appraisals, and the interest in the purchase of land by the County.

Commr. Thaxton moved to approve Contract No. 2006-353, a Consent to Use Agreement, with WCIND for Tract No. 2602E to allow construction of a portion of the VWP Trailhead to connect to U.S. 41. The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Commr. Staub not present.

(9:20:55)

3. GRANTS - Continued
Following an inquiry, Community Services History Center Historical Resources Specialist Lorrie Muldowney commented on the construction/hurricane resistance protection for the Edson Keith Mansion Estate Building and Community Services Parks and Recreation General Manager John McCarthy noted the available grants/funding for the Edson Keith Mansion Estate Building Rehabilitation Project.

Commr. Mercier moved to authorize execution and submission of the Edson Keith Mansion Estate Building Rehabilitation Project Grant Application, in the amount of $350,000.00. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

Commr. Mercier moved to authorize execution of the Grant Agreement upon receipt of the Grant Award. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

(9:23:40)
6. RESOLUTIONS/CONTRACTS - Continued
Following comments, Commr. Thaxton moved to adopt Resolution No. 2006-149, Budget Amendment No. B2006-084, amending the Fiscal Year (FY) 2006 Budget to appropriate $516,593.00 in the Stormwater Environmental Utility's Operating Budget to fund various contracts, land development reviews, a critical capacity study, low impact design standards, and model updates. The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Commr. Staub not present.


(9:24:56)

10. ADVISORY COUNCILS - Continued
Following an inquiry, Environmental Services Coastal Resources Manager Laird Wreford noted the Coastal Advisory Committee (CAC) membership qualifications and eligibility requirements.

Commr. Thaxton moved to reappoint Dr. Clifford Truitt and to appoint Gary Comp and Gary Raulerson to serve three-year terms on the CAC, effective through June 2009. The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Commr. Staub not present.

(9:26:10)

11. CONTRACTS/RESOLUTIONS - Continued
Public Works Mobility Land Acquisition Manager John Herrli responded to an inquiry regarding the ability to renegotiate Contracts during the due diligence period and County Attorney Stephen DeMarsh noted no known conflict of interest pertaining to the sale of the property.

Following discussion, Commr. Thaxton moved to approve/adopt Item 11 as follows:
A Contract, an Assignment of Option to Purchase, from The Nature Conservancy to authorize acquisition of 100 ± acres located at the Myakka State Forest Addition Protection Priority Site;
A Resolution authorizing the County Administrator to exercise the Option Agreement for Sale and Purchase.

The motion was seconded by Commr. Mercier.

Following individual comments, Commr. Patterson moved a substitute motion to approve Contract No. 2006-357, an Assignment of Option to Purchase, from The Nature Conservancy to authorize acquisition of 100 ± acres located at the Myakka State Forest Addition Protection Priority Site from Myakka Properties, Inc., in the amount of $3,179,565.00 and directed Staff to report back to the Board following the due diligence period (in the areas of value and submerged lands). Following comments, the motion, seconded by Commr. Thaxton, carried a 3-1 vote, with Chair Mills voting “No” and Commr. Staub not present. (See Item later this meeting.)

(9:41:14)
21. ADVISORY COUNCILS - Continued
Following an inquiry, Health and Human Services Health Department Engineer IV Robert Bolesta noted the requirements for expertise to serve on the Well Drilling Advisory Board, the pool of applicants, and the number of vacancies.

Following comments, Commr. Patterson moved to appoint Scott Perkins to serve a four-year term on the Well Drilling Advisory Board, as a Licensed Groundwater Geologist or Licensed Engineer with five years training and experience in hydrogeology, effective through August 2010. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

Commr. Patterson moved to reappoint Benjamin Saxby and Harry Hall to serve four-year terms on the Well Drilling Advisory Board, as Licensed Well Drillers with a minimum of five years experience in the geographical area, effective through August 2010. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

Commr. Patterson moved to appoint Norman Wright to serve a four-year term on the Well Drilling Advisory Board, as a Licensed Well Driller with a minimum of five years experience in the geographical area, effective through August 2010. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

22. HOUSING - Continued
Following an inquiry, Planning and Development Services Housing and Community Development Services General Manager Don Hadsell noted the separate allocation of Community Development Block Grant Funds by the City of Sarasota and the County.

Commr. Thaxton moved to approve the 2006-2007 Action Plan and to authorize submittal to the U.S. Department of Housing and Urban Development (HUD). The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Commr. Staub not present.

Commr. Thaxton moved to authorize Staff to make the necessary modifications to the 2006-2007 Action Plan, as required by HUD. The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Commr. Staub not present.

25. CONTRACTS - Continued
Office of Chief Information Technology Data Center Manager Hank Schwan responded to an inquiry regarding the clarification of responsibilities/duties of the vendors.

Following comments, Commr. Thaxton moved to approve Contract No. 2006-365, with McIntyre Elwell and Strammer General Contractors, Inc., for the design of a Data Center, Wellness Center, offices, and support infrastructure on the Fifth Floor of the County Administration Center, 1660 Ringling Boulevard, Sarasota, in the amount of $482,000.00. The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Commr. Staub not present.

35. CONTRACTS - Continued
Following an inquiry, Public Works Mobility Road Program Design Project Scientist Sherry Swanson submitted maps of the Fox Creek Regional Mitigation Project outlining the phases and noted the basis, the use and benefits, the number of bids, and the total acreage of the Project.
35. **CONTRACTS - Continued**
   Commr. Thaxton moved to approve Contract No. 2006-371, with Oklawaha Farms, Inc., for the construction of the Fox Creek Regional Mitigation Area, Phase 1, Wetlands 6, 7, and 8, in the amount of $418,950.00. The motion was seconded by Commr. Mercier. Following comments, the motion carried by a 4-0 vote, with Commr. Staub not present.

(9:56:22)

39. **RESOLUTIONS - Continued**
   Public Works Mobility Road Program Design Contracts Administrator Jim Ballenger, via teleconferencing, explained the realignment and construction of the Porter Road/Palmer Boulevard Intersection Improvement Project and commented on the public awareness/meeting, costs/funding, and ownership/acquisition of the right-of-way. Public Works Business Operations General Manager Larry Arnold responded to an inquiry regarding the number of accidents at the Project intersection. Chair Mills requested a Staff report on the crash statistics at the Project intersection, without objection.

   Commr. Patterson moved to defer the Resolution of Necessity for the acquisition of Fee Simple Interests and Easement Interests necessary for the realignment and construction of the Porter Road/Palmer Boulevard Intersection Improvement Project No. 85772 and to direct Staff to provide a report and to schedule the matter as a future Board discussion item. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

(10:06:12)

41. **MINUTES - Continued**
   Chair Mills referenced the Minutes of June 20, 2006, Item 33A, regarding clarification of Non-Colonia Lane in the Nokomis area. Following discussion, Commr. Mercier moved to approve the Minutes of the meetings dated June 15, June 16, June 20 (two sets), and June 21, 2006. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Staub not present.

(10:08:47)

51. **COMMISSION REPORTS**

A. **BCC**
   Chair Mills noted of the absence of Commr Staub.

(10:09:10)

11. **CONTRACTS/RESOLUTIONS - Continued**
   Following an inquiry by County Attorney Stephen DeMarsh, Chair Mills clarified the Board’s action relating to the approval of the Contract and noted consideration the Resolution following Staff’s report on the valuation of the parcel located at the Myakka State Forest Addition Protection Priority Site.

(10:10:14)

42. **RESOLUTIONS**
   The Board considered a proposed Resolution to approve Project No. 060601 for the Qualified Target Industry (QTI) Tax Refund Program and to commit local financial support of 20 percent to match the State’s tax refund of 80 percent.
42. **RESOLUTIONS** - Continued

Financial Planning Fiscal Planning General Manager Jeffrey Seward presented an overview of Staff’s report on a proposed Resolution to approve the QTI application for the funding of Project 060601.

Commr. Patterson moved to adopt Resolution No. 2006-153, approving Project No. 060601 for the QTI Tax Refund Program and committing local financial support of 20 percent to match the State’s tax refund of 80 percent. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 4-0 vote.

(10:13:58)

43. **COMMUNITY SERVICES**

The Board considered Staff’s report on the utilization of the Siesta Key Public Beach for special events and to address parking concerns.

Community Services Parks and Recreation Beaches Supervisor Rob LaDue presented an overview of Staff's report on special events during “high tourist season,” impacts on parking, events comparison for “high tourist season,” and parking constraints. Discussions were held with Mr. LaDue and Community Services Parks and Recreation General Manager John McCarthy on the following topics/issues:

- clarification of “high tourist season”
- parking improvement/programming changes/traffic calming
- parking lot concepts
- landscape improvements/financial commitment
- suggestion for events (i.e. Runs) to be scheduled on Saturdays versus Sundays.

RECESS: 10:30 a.m. - 10:38 a.m.

44. **RESOLUTIONS**

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. PV 06-01, a petition by Leonard Raney, to vacate the County’s interest over a platted, public drainage and utility side lot line easement lying on the south lot line of Lot 11 and the north lot line of Lot 12 and a two-foot wide, 22-foot long (44 square feet) encroachment into the north lot line easement lying within Lot 11, including a frame shed and roof overhang of the residential structure lying within the Webber Heights Subdivision, to clear a title defect caused by the encroachments.

Public Works Real Property Right-of-Way Acquisition Agent Shirlee Cash, duly sworn, presented an overview of Staff’s report requesting the vacation of the easements to clear a title defect caused by encroachments on the property located on Lots 11 and 12 of the Webber Heights Subdivision. Discussions were held with Ms. Cash on the garage encroachment, build date, and survey accuracy.

Commr. Thaxton moved and Chair Mills closed the public hearing, without objection.

Following comments, Commr. Thaxton moved to adopt Resolution No. 2006-154, approving Plat Vacation No. PV 06-01. The motion, seconded by Commr. Patterson, carried by a 4-0 vote.

(10:43:27)
46. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-037, Rezone Petition No. 05-12, a petition by John Osborne, Agent, to rezone 1.96 acres located at the southeast corner of University Parkway and Shade Avenue from RE-1 (Residential, Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, and Institutional/Planned Development) zone district. (Planning Commission recommended approval with four stipulations.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred presented Staff’s report on the request to develop the parcel with two, two-story office buildings with parking and an underground vault system and noted the Planning Commission’s recommendation for approval with four stipulations. Discussions were held with Ms. Allred and Public Works Watershed Management Engineering Section Supervisor Scott Woodman, duly sworn, on the following topics/issues:

- location of the underground vault
- implementing districts
  Planning Commission’s concern regarding Shade Avenue traffic to the neighborhood area
- use of an underground stormwater vault system/water quality concerns/
  requirements for stormwater construction/functions/improvements/
  treatments
- page 1 of Staff’s report, shared stormwater needs/facilities
- page B-17 of Staff’s report, original proposal reflecting the stormwater pond.

Attorney William Merrill, duly sworn, introduced the members of the presentation team, provided an overview of the proposed request, noted agreement with the proposed stipulations, and supported approval. Discussion ensued with Attorney Merrill, Mr. John Osborne of CPH Engineering, Inc., duly sworn, and Mr. Dan Moyer of CPH Engineering, Inc., duly sworn, on the following topics/issues:

- withdrawal of the Special Exception Petition/stormwater pond
- page 1A of Staff’s report, location of the stormwater vaults on the proposed site plan
- number of underground stormwater vaults/location of vaults/experience with
  vault construction/inspection time frame
- agreement to install right-out-only signage
- access/ownership of the borrow pit.

(11:14:43)

Mr. Sam Miller, duly sworn, commented on the proposed Ordinance.

Following an inquiry, Public Works Transportation Mobility Planning Manager Paula Wiggins, duly sworn, discussed the Comprehensive Plan designation for Shade Avenue and the Level Of Service (LOS) on University Parkway and addressed the traffic device “pork chop,” developer requirements to bring Shade Avenue to County standards, warrant analysis, and traffic signalization on University Parkway/Shade Avenue.

Ms. Allred responded to an inquiry regarding the size/scale of the proposal and explained the large versus small scale light office development.
46. **ORDINANCES** - Continued
Attorney Merrill presented rebuttal to the public testimony addressing concerns on access and noted agreement to prohibit left turns with the installation of a “pork chop” or traffic signage.

Commr. Thaxton moved to close the public hearing. The motion, seconded by Commr. Mercier, carried by a 4-0 vote.

Commr. Thaxton moved to add Stipulation No. 5 as follows:

The developer is to install and to maintain a directional sign on the western access point that would prohibit southbound or left hand turns from the development onto Shade Avenue.

Following comments, Commr. Mercier moved to adopt Ordinance No. 2006-037, approving Rezone Petition No. 05-12 with five stipulations, as amended. The motion, seconded by Commr. Patterson, carried by a 4-0 vote. (See Item later this meeting.)

(11:35:18)

48. **CLERK’S REPORT**

A. **CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**
The Filed for Record List was noted.

54. **COUNTY ATTORNEY**
The County Attorney noted an executive session on this date at 11:30 a.m. or as soon thereafter as possible with the Board of County Commissioners in accordance with Florida Statute §286.011(8) to discuss **Tracey P. et al. v. Sarasota County**, Middle District, Florida Case No. 8:05-cv-927-T-27EAJ and **United States of America v. Sarasota County**, Middle District, Florida Case No. 8:06-cv-01221-JSM-MAP.

(Note: Attending the meeting will be the Board of County Commissioners Chair David Mills, Vice Chair Nora Patterson, Commrs. Paul Mercier, and Jon Thaxton; County Administrator James Ley, County Attorney Stephen DeMarsh, Assistant County Attorney Gary Oldehoff; and Attorney Christopher Hanback, Attorney Lynn Calkins, and Attorney Kelli Edson, Special Counsel.)

RECESS: 11:37 a.m. - 1:00 p.m.

55. **OPEN TO THE PUBLIC**

A. **PLANNING AND DEVELOPMENT SERVICES**
Mr. Marty Cohen commented on concerns with his boat dock and permitting issues.

Commr. Thaxton moved to direct Staff to review the situation regarding Mr. Cohen’s boat dock permits. The motion was seconded by Commr. Patterson. Following comments, the motion carried without objection.

(1:12:45)
ORDINANCES
Public hearing to consider proposed Ordinance No. 2006-036, Rezone Petition No. 03-41, a petition by John Osborne, Agent, to rezone 2.0 acres located at the southwest corner of University Parkway and Shade Avenue from RE-1 (Residential, Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, and Institutional/Planned Development) zone district. (Planning Commission recommended approval with four stipulations.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred presented Staff’s report on the request to develop the subject parcel with a three-story office building including ground floor parking, and noted the Planning Commission’s recommendation for approval with four stipulations. Upon inquiry, Ms. Allred commented on the variations between Rezone Petition No. 03-41, (see Item No. 47 later this meeting), and the previous Rezone Petition No. 05-12, (see Item No. 46 earlier this meeting).

(1:16:46)

Agent John Osborne, duly sworn, introduced members of the presentation team, presented an overview of the proposed request, noted agreement with the proposed stipulations, and supported approval. Discussions were held with Mr. Osborne on the following topics/issues:

- neighborhood meetings
- access locations
- basis for the parking lot location
- lot size comparison.

Mr. Sam Miller, duly sworn, commented on the proposed Ordinance.

Upon inquiry, Public Works Transportation Mobility Planning Manager Paula Wiggins, duly sworn, commented on warrants for traffic lights and traffic impacts from the proposed development.

Commr. Thaxton moved to add Stipulation No. 5 to require a sign be erected and maintained by the developer to prohibit southbound turns from the development onto Shade Avenue.

The motion, seconded by Commr. Mercier, carried by a 4-0 vote.

Commr. Thaxton moved to close the public hearing. The motion, seconded by Commr. Mercier, carried by a 4-0 vote.

Commr. Patterson moved to adopt Ordinance No. 2006-036, approving Rezone Petition No. 03-41, with five stipulations. The motion, seconded by Commr. Mercier, carried by a 4-0 vote.

Commr. Thaxton requested that Staff provide a report regarding the location and use of stormwater vaults and impacts to neighborhood streets from commercial development access, without objection. Discussion ensued on local road design standards and traffic volume from commercial developments.

(1:29:43)
47. ORDINANCES
Public hearing continued from June 6, 2006, to consider proposed Ordinance No. 2006-038, Rezone Petition No. 03-48, a petition by John Osborne, Agent, to rezone 2.0 acres+, located at the southwest corner of University Parkway and Tuttle Avenue from RE-1 (Residential, Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, Institutional/Planned District) zone district. (No recommendation provided by the Planning Commission.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred noted the continuation of the public hearing to address right-of-way and stormwater vault concerns, and reviewed Stipulation Nos. 6 and 8.

Discussions were held with Ms. Allred, Public Works Watershed Management Engineering Section Supervisor Scott Woodman, duly sworn, and Public Works Transportation Mobility Planning Manager Paula Wiggins, duly sworn, on the following topics/issues:

- stormwater vaults/alternatives
- revisions to Stipulation Nos. 6, 7, and 8
- offsite stormwater vaults
- basis for inclusion of Stipulation No. 8 regarding the proposed stormwater management system in Rezone Petition No. 03-48 and exclusion of the Stipulation in Rezone Petition Nos. 03-41 and 05-12. (See Item Nos. 45 and 46 earlier in this meeting.)
- page 15 of Staff’s report/existing Levels of Service (LOS) on Tuttle Avenue and University Parkway.

Agent John Osborne, duly sworn, presented an overview of the proposed request, noted agreement with the proposed stipulations, and supported approval.

Commr. Mercier moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

Following comments, Commr. Mercier moved to adopt Ordinance No. 2006-038, approving Rezone Petition No. 03-48, with eight stipulations. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

(1:40:57)

56. COUNTY ATTORNEY
Discussion continued from June 21, 2006, regarding public access on Shell Beach.

Following comments by Chair Mills, County Attorney Stephen DeMarsh reviewed the Board’s Legal options relative to public access on Shell Beach. Discussions were held with County Attorney DeMarsh and Assistant County Attorney Gary Oldehoff on the following topics/issues:

- beaches customarily used by the public/suggestion for an Ordinance/Court determination of historic use
- options for a Court determination
- previous Court decisions/ Stipulation regarding a specified distance from public access
- limitation of public access/Board options
56. COUNTY ATTORNEY - Continued

- County Attorney’s recommendation of no formal action on the dry sand beach/case-by-case basis
- consideration of an Ordinance to limit activities on public beaches
- no trespassing signs/custom beaches/prescripted easements
- circumstances relative to Daytona Beach, page 6 of Staff’s report/applicability to other areas in Florida/cases of customary use/lawsuits on public beach access
- Tona-Rama and Wymbs vs. Arvida Corporation (1978 lawsuit)/Reynolds vs. Volusia County (1985 lawsuit) regarding public customary use of the beach and review on a case-by-case basis.

(1:58:25)

57. ENVIRONMENTAL SERVICES

Following comments, Environmental Services Resource Protection Supervisor Matthew Osterhoudt introduced Dr. Charles Sidman of the University of Florida Sea Grant College Program, who presented an overview of the Recreational Boating Characterization Study.

Discussions were held with Mr. Osterhoudt and Dr. Sidman on the following topics/issues:

- number of registered boats in the County (page 3 of Staff’s report)
- absence of points of origin/out-of-state license plates/local citizen benefits
- use of the Study to address the Manatee Protection Plan/alternate applications for waterway access/maintenance dredging/parks/channel management/boat docks
- absence of data relative to non-motorized boating vessels
- clarification of the definition of congestion
- request for distinction of North and South Robert’s Bay in the Study, without objection
- boaters’ activities by category/No.1 destination/waterfront restaurants
- primary activities by access groups/dry storage/ramp dock/marina
- typical respondent detractor and needs/primary activity for non-motorized vessels/boaters
- motorized boats’ safety concerns/absence of seamanship knowledge and courtesy/impacts of alcohol consumption.

(2:30:48)

Following comments by Mr. Osterhoudt, Jay Gorzelany of Mote Marine Laboratory reviewed the Recreational Boat Traffic Surveys and discussions were held on the following topics/issues:

- Aerial Video Surveys in conjunction with the Geographic Information System (GIS)
- number of fast moving vessels between Siesta Key and Midnight Pass
- impact relating to the opening of Midnight Pass/effects on the Venice Inlet
- Big Pass, New Pass, and Venice Inlet/usage options/second most popular boating destination/Little Sarasota Bay
- favorite travel routes rankings/survey results (Attachment A, page 49)
- public request for water access/lack of water access survey ranking (page 58, Table 25).
RECESS: 3:00 p.m. - 3:19 p.m.

58. PUBLIC WORKS

The Board considered authorization to create 20 new Full-Time Employee (FTE) positions to implement the Sarasota County Area Transit (SCAT) route enhancements.

Public Works Transportation Planning Senior Planner Sarah Blanchard submitted a copy of Staff’s PowerPoint presentation and presented an overview on the request for 20 new FTE positions to implement the SCAT route expansions. Discussions were held with Ms. Blanchard on the following topics/issues:

- clarification of the route enhancements/circulation time/frequency increases between Sarasota and the Venice Train Depot
- funding for the expansion phases on page 3 of Staff’s report
- time frame for the funding for route enhancements
- status of the bus garage in South County.

Following comments, Commr. Mercier moved to authorize the creation of 20 new FTE positions to implement the SCAT route enhancements. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

(3:26:02)

Following discussion with County Administrator James Ley, Chair Mills noted consensus to direct Staff to review the feasibility to use bio-solid diesel fuel in SCAT buses.

59. CONTRACTS/RESOLUTIONS

The Board considered the following Items:

A. A Resolution approving the issuance of not-to-exceed $18,492,000 in Communications Services Tax Revenue Bonds, Series 2006, for the Bahia Vista Street Improvements Project; providing for the general terms and conditions of said Bonds; approving various other documents and establishing other details and conditions relating to the issuance of said Bonds; delegating certain authority to the Director of Finance to award said Bonds pursuant to a public bid; and providing for an effective date;

B. A Contract with Westra Construction Corporation for the Bahia Vista Street Improvement Project, in the amount of $19,225,434.48.

Public Works Mobility General Manager Carolyn Eastwood presented an overview of Staff’s report on a proposed Resolution to approve the Bond issuance and a proposed Contract for construction services of the Bahia Vista Street Improvement Project. Discussions were held with Ms. Eastwood on the following topics/issues:

- coordination efforts with utility line installations/Bahia Vista and McIntosh Roads/connection to the Bee Ridge Road Water Treatment Plant
- impact of the Project to the Honore Avenue and Palmer Boulevard intersection.

Commr. Thaxton moved to direct Staff to review concepts for improving the intersection at Honore Avenue and Palmer Boulevard during the Bahia Vista Street Improvement Project. The motion was seconded by Commr. Patterson. Following discussion with Ms. Eastwood regarding the provisions of the Honore Avenue Intersection Improvement Project and existing versus future plans for Palmer Boulevard, the motion carried by a 4-0 vote.
59. CONTRACTS/RESOLUTIONS - Continued
Following comments, Chair Mills noted adoption of Resolution No. 2006-156 approving the issuance of not-to-exceed $18,492,000 in Communications Services Tax Revenue Bonds, Series 2006, for the Bahia Vista Street Improvements Project, without objection.

Commr. Mercier moved to approve Contract No. 2006-373 with Westra Construction Corporation for the Bahia Vista Street Improvement Project, in the amount of $19,225,434.48. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

(3:42:44)

60. ORDINANCES
The Board considered authorization to advertise a proposed Ordinance, amending Ordinance No. 2003-052, the Zoning Ordinance, to create the Affordable Housing Overlay District (AHOD).

Planning and Development Services Community Housing Manager Wendy Thomas presented an overview of Staff’s report on a proposed Ordinance to create the AHOD. Discussions were held with Ms. Thomas on the following topics/issues:

- number and design of affordable versus market rate housing units
- request to revise the word “designation” to “designating” on page C5, Section 3, Article 12.1.1.d.1.ii., without objection
- developer options to ensure long term affordability of the dwelling units/Community Land Trust (CLT)/consideration of a second option
- 10-year resale period restrictions/Area Median Income (AMI) guidelines/owner occupancy on page C5, Section 3, Article 12.1.1.c.1.ii.3
- CLT involvement.

Following comments, Commr. Patterson moved to authorize the advertising of a proposed Ordinance, amending Ordinance No. 2003-052, the Zoning Ordinance, to create the AHOD. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

(3:53:15)

61. ORDINANCES
(Note: Second public hearing will be held on August 23, 2006.)
Public hearing to consider proposed Ordinance No. 2006-048, amending Ordinance No. 2003-052, as amended and codified, as Appendix A of the County Code, amending the limited use provisions of the Commercial Marine (CM) zone district in Section 5.3.2.j., creating Section 6.11.4., Commercial Marine/Planned District (CM/PD), and amending other Sections of the Zoning Ordinance, as needed, to provide clarity and consistency.

Having been duly sworn, Planning and Development Services Assistant Zoning Administrator Tina Crawford summarized the proposal to amend the limited use provisions for the CM zone district and to create a CM/PD, and noted Staff’s recommendation for approval.

Discussions were held with Ms. Crawford and Assistant County Attorney Gary Oldehoff on the following topics/issues:

- applicability to the Flying Bridge Restaurant
- percentage of residential versus commercial uses/development rights/density on page. A-3, Section 5.3.2.j.5
61. ORDINANCES - Continued

- determination of the total square footage calculation
- request to revise the word “percentage” to the word “proportion” on page A-2, Section 3.4.8.4 and page A-4 Section 6.11.4.a. and b., without objection
- page A-3, Sections 5.3.2.j.2. and 5.3.2.j.1., regarding Marina accessibility to the general public
- page A-3, Section 5.3.2.j.5., regarding commercial use and public use/classification of a restaurant
- page A-5, Section 6.11.4.e. and page A-6, Section 6.11.4.e.7., regarding the Board’s authority/discretion relative to CM/PD zone district requests.

Chair Mills closed the public hearing, without objection, and noted the second public hearing is scheduled for August 23, 2006.

(4:08:03)

62. ORDINANCES
(Note: Second public hearing will be held on August 23, 2006.)

Public hearing to consider proposed Ordinance No. 2006-047, amending Ordinance No. 2003-052, as amended and codified, as Appendix A of the County Code, amending Sections 4.9.1. and 5.3.3. to delete the Special Exception requirement for medical facilities in the Government Use (GU) Zone District.

Having been duly sworn, Planning and Development Services Assistant Zoning Administrator Tina Crawford summarized the proposal to delete the requirement for a Special Exception for medical facilities in GU zone districts within the Urban Service Area and noted the Planning Commission’s recommendation for approval.

Discussions were held with Ms. Crawford on the following topics/issues:

- rezone/GU/deleting the need for a Special Exception
- uses in the Industrial Light Warehouse (ILW), Office Professional Institutional (OPI), and GU zone districts

Attorney Dan Bailey, duly sworn, commented on the proposed Ordinance.

Commr. Thaxton moved to close the public hearing. The motion, seconded by Commr. Patterson, carried by a 4-0 vote.

Chair Mills noted the second public hearing is scheduled for August 23, 2006.

(4:14:10)

49. COUNTY ADMINISTRATOR’S REPORT

A. PLANNING AND DEVELOPMENT/ENVIRONMENTAL SERVICES

County Administrator James Ley presented and discussions were held on the following topics/issues:

- status of the pending application for a Lifestyle Center at University Parkway/Interstate 75 (I-75) by Benderson Development
49. COUNTY ADMINISTRATOR’S REPORT - Continued

A. PLANNING AND DEVELOPMENT/ENVIRONMENTAL SERVICES - Continued

- submittal of a copy of proposed correspondence to Governor Jeb Bush, for the Chair’s signature, thanking the Governor for signing the Florida Renewable Energies Technology and Energy Efficiency Act, without objection.

B. RESOLUTIONS/COMMUNITY SERVICES/ENVIRONMENTAL SERVICES
County Administrator James Ley presented items on behalf of Commr. Staub and discussions were held on the following topics/issues:

- consideration of a proposed Resolution indicating a desire to achieve carbon neutral emission in County facilities, as adopted at the U.S. Conference of Mayors
  Commr. Thaxton moved to adopt Resolution No. 2006-157 pledging the County’s commitment to extend its leadership in clean energy standards by developing building standards that require fossil-fuel reduction for meeting energy needs. The motion was seconded by Commr. Mercier. Following discussion regarding the County’s goal to increase the fossil-fuel reduction standards for new buildings, the motion carried by a 4-0 vote.

- consideration of a “green” roof on the Osprey Library
  Commr. Patterson moved to direct Staff to review the feasibility of constructing a “green” roof on the Osprey Library. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

- request to review mitigation planning for pine flatwoods/prior Board assignment
  Chair Mills noted consensus to direct Staff to review the feasibility of mitigating the pine flatwoods.

(4:29:04)

50. COUNTY ATTORNEY’S REPORT

A. PLATS
County Attorney Stephen DeMarsh presented, and Commr. Thaxton moved to approve the Final Plat of Isles of Sarasota. The motion, seconded by Commr. Patterson, carried by a 4-0 vote.

County Attorney DeMarsh presented, and Commr. Thaxton moved to approve the Final Plat of Artist Enclave. The motion, seconded by Commr. Patterson, carried by a 4-0 vote.

County Attorney DeMarsh presented, and Commr. Patterson moved to approve the Final Plat of the Pines of Riverwood Park. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

County Attorney DeMarsh presented, and Commr. Thaxton moved to approve Final Plat of the Forest at High Hat Ranch. The motion, seconded by Commr. Patterson, carried by a 4-0 vote.
50. COUNTY ATTORNEY’S REPORT - Continued

B. LEGAL

County Attorney Stephen DeMarsh submitted and reviewed the following Items:

- Interoffice Memorandum No. 797, noting a recommendation for approval of a Settlement Agreement for Workers’ Compensation Claim William Dietz v. Sarasota County, OJCC Case No. 05-021083DBB
  Commr. Thaxton moved to approve Staff’s recommendation for the Settlement Agreement, in the amount of $62,660.00. The motion, seconded by Commr. Mercier, carried by a 4-0 vote.
- Interoffice Memorandum No. 801, noting a favorable ruling in the Case of Brian E. Scanlan and Laura J. Scanlan v. Board of County Commissioners
- Interoffice Memorandum No. 803, noting a recommendation for the approval of a tentative Settlement Agreement in the Case of Sarasota County v. Cardinal, Carlson, and Partners, Inc., File No. 04-42443-1
  Commr. Thaxton moved to approve Staff’s recommendation of a tentative Settlement Agreement, in the amount of $75,500.00. The motion, seconded by Commr. Mercier, carried by a 4-0 vote.

(4:34:49)

51. COMMISSION REPORTS - Continued

B. ENVIRONMENTAL SERVICES

Commr. Patterson commented on concerns with the movement of channel markers in Big Pass and advised that she would meet with Staff and the public for input/suggestions regarding the matter.

(4:35:58)

C. COMMUNITY SERVICES/ENVIRONMENTAL SERVICES/ORGANIZATIONS/EMERGENCY SERVICES/PUBLIC WORKS

Commr. Thaxton commented on and discussions were held with County Administrator James Ley on the following topics/issues:

- examples of brochures from a Conference in Marco Island, Florida, regarding Lee County Parks/request that Staff review the feasibility of implementing like brochures, without objection
- consideration of a future workshop to address agricultural clearing and “sidestepping” regulations
  Commr. Thaxton moved to schedule a discussion item on land clearing on agricultural parcels. The motion, seconded by Commr. Patterson, carried by a 4-0 vote.
- Metropolitan Planning Organization (MPO) meeting/emergency planners/painting exit numbers on pavements/request that Staff review methods to identify intersection/locations in the event of a disaster, without objection
- status of the Fruitville Road Initiative Project/Center of Sustainability/State funding to address stormwater/Staff workload/suggestion to consider outside developer assistance.

(4:49:14)
51. COMMISSION REPORTS - Continued

D. PLANNING AND DEVELOPMENT SERVICES/ORGANIZATIONS/MUNICIPALITIES
Commr. Mercier commented on an upcoming meeting with area municipalities in August 2006, and suggested Board consideration of an overnight Regional meeting with the surrounding Counties regarding Growth Management issues.

(4:51:35)

A. SHERIFF/ENVIRONMENTAL SERVICES/PLANNING AND DEVELOPMENT SERVICES
PUBLIC WORKS - Continued
Chair Mills commented on and discussions were held with County Administrator James Ley and County Attorney Stephen DeMarsh on the following topics/issues:

- correspondence received from the Corrections Corporation of America regarding available capacity in the Broward County Jail
- status/costs relative to the Automated Garbage Collection Pilot Project
- correspondence received from Florida Department of Community Affairs (FDCA) regarding the County’s compliance with the requirements of Chapter 163 relative to the Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments/time frame regarding the publishing of a Notice of Intent
- Bougainvillea Street Sidewalk Project/telephone calls regarding concerns with the location of the sidewalk
- request by Mike Langton and Chris Brown to utilize the Selby Library parking lot to address Sarasota Opera parking concerns in conjunction with the development of a proposed parking garage on Palm Avenue/request that Staff review the utilization of the Selby Library and/or the Administration Center parking lots relative to the request, without objection.

(5:02:12)

52. BCC
The Board reviewed the County Commission Outstanding Board Assignments Report dated July 5, 2006. The following assignments were noted/discussed:

- Item No. 05120, ID No. 19
- Item No. 06088, ID No. 15
- Item No. 06052, ID No. 20
- Item No. 06087, ID No. 21
- Item No. 06019, ID No. 17
- Item No. 06073, ID No. 01
- Item No. 06069, ID No. 02
- Item No. 06071, ID No. 03
- Item No. 06040, ID No. 04.

53. BCC
The Board reviewed the Board of County Commissioners Meeting Schedule.

55. OPEN TO THE PUBLIC (Continued) - No one appeared at this time.

MEETING ADJOURNED:  5:09 p.m.