

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

1:30 p.m.

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
Claudia Goodson, Deputy Clerk
Spring Dickson, Deputy Clerk
Latressa Preston, Deputy Clerk

INVOCATION

Pastor Mitchell Shelby, Sarasota Family Worship Center

PLEDGE OF ALLEGIANCE

Commissioner Staub

1. OPEN TO THE PUBLIC

A. PUBLIC WORKS

Mr. Roger Myette commented on neighborhood traffic/access concerns relative to the widening of Sawyer Loop Road and impacts to area businesses. Following comments, County Administrator James Ley noted Staff's current review of the matter.

(1:41:20)

2. PUBLIC WORKS

Public Works Road Program Manager Gary Downing and Environmental Services Utilities Engineering Manager Gregory Rouse submitted a copy of the PowerPoint presentation and gave an overview of Staff's report on the use of professional services provided by the Designer or Engineer of Record (EOR) during construction projects.

Discussions were held with Mr. Downing and Mr. Rouse on the following topics/issues:

- example of professional services provided by the Designer
- review/"sign-off" on engineering design services by other engineers/bid process
- EOR responsibilities
- engineering services/construction bid process for the Phillippi Creek Septic System Replacement Program (PCSSRP)
- determinations for EOR versus Construction Engineering and Inspection (CEI) services
- request for Staff review of the installation of water/sewer lines during the Myrtle Street Improvement Project, without objection

2. PUBLIC WORKS - Continued

- cost to install water lines simultaneously during the PCSSRP/request that Staff provide cost estimates to install water lines during future Projects, without objection
- building of relationships/coordination of road/infrastructure design and construction engineering services.

(2:05:08)

8. OTHER BUSINESS**A. CONTRACTS**

Following comments by Chair Mills, County Administrator James Ley commented on a proposed Emergency Contract with E.T. MacKenzie of Florida, Inc., for the construction of Phillippi Creek Septic System Replacement Program (PCSSRP), Phase 1, Area "A" Collection System, advised of the completion of Phase 1, Area "F" by E.T. MacKenzie of Florida, Inc., on time and within budget, and supported approval.

Following discussion with County Administrator Ley and County Attorney Stephen DeMarsh on the termination and the Legal options regarding the Bond Insurance Company involved with the Project, Commr. Thaxton moved to approve Contract No. 2006-334, Change Order No. 1 to Contract No. 2004-375, with E.T. MacKenzie of Florida, Inc., for the construction of the PCSSRP, Phase 1, Area "A" Collection System, in the amount of \$1,000,000.00, and with the addition of 360 days to the Project's completion date. The motion was seconded by Commr. Staub.

Following discussion with County Administrator Ley and Environmental Services Utilities Engineering Manager Gregory Rouse on the original Contract price, payments made to Water Equipment Services (WES), Inc., and Cincinnati Insurance Company for Phase I, Area "A," the motion carried by a 5-0 vote.

(2:10:58)

B. RESOLUTIONS

County Administrator James Ley commented on the prior Board approval of the Joint Participation Agreement (JPA) with the Florida Department of Transportation (FDOT) for the U.S. 41 Town-to-Town Transit Corridor Project and reviewed a proposed Resolution to designate the authority of the execution of the JPA by the Sarasota County Transportation Authority (SCTA) Chair.

Commr. Patterson moved to adopt Resolution No. 2006-137 (repealing Resolution No. 2006-115) authorizing the execution of the U.S. 41 Town-to-Town JPA with FDOT. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:12:22)

3. RESOLUTIONS

The Board considered a Resolution to adopt a Financial Reserves Policy.

Chief Financial Planning Officer Gail Shell Miller presented an overview of Staff's report on the proposal to establish a County Fund Balance Policy and discussed the need to establish/maintain adequate financial reserves in the event of natural or man-made disasters and/or unanticipated expenditures.

3. RESOLUTIONS - Continued

Discussions were held with Ms. Miller, County Attorney Stephen DeMarsh, and County Administrator James Ley on the following topics/issues:

- ability to interchange funds to address disaster/emergency events
- comparison of sustainable days (General Fund Only) to other Florida counties
- solid waste fund amount/operating days
- reserves to address debris removal in the event of a hurricane
- Tourist Development Council (TDC) funds/reserves for the Arts Grants.

Following comments by County Administrator Ley commending the joint efforts of County and Clerk Staff, discussion ensued with Ms. Miller on the Sarasota County Arts Council's input/consideration relative to funding reserves for the Arts Grants. (See Item later this meeting.)

(2:31:15)

4. ADVISORY COUNCILS

The Board considered the following Items:

- A. To appoint one individual to fill an unexpired three-year term on the Keep Sarasota Beautiful Advisory Board (KSBAB), effective through June 2008;
- B. To appoint one individual to fill an unexpired three-year term on the KSBAB, effective through January 2009.

Upon inquiry, Environmental Services Solid Waste Manager Sandra Washington commented on the number of applications received for the vacant positions and the advertising process. Following comments on the number of applications submitted and consideration to establish honorary member KSBAB positions, Chair Mills noted consensus to direct Staff to re-advertise the KSBAB vacant positions and to bring back for future Board consideration.

3. RESOLUTIONS - Continued

Following comments by Chair Mills, Commr. Thaxton moved to adopt Resolution No. 2006-130 establishing a Financial Reserves Policy. The motion, seconded by Commr. Staub, carried by a 5-0 vote. (See Item earlier this meeting.)

(2:36:44)

5. RESOLUTIONS

- A. (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for a Parkland Acquisition Project, Draw A-57, in the amount of \$610,000.00;
- B. (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Environmentally Sensitive Lands/Parklands Acquisition Projects, Draw A-58, in the amount of \$10,130,000.00;
- C. (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Transportation Projects, Draw A-59, in the amount of \$8,490,000.00;
- D. Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-066, to reflect adjustments to the Fiscal Year (FY) 2006 Budget for the commercial paper borrowings, Draws A-57 through A-59.

5. RESOLUTIONS - Continued

Having been duly sworn, Financial Planning Budget Management Analyst Steve Botelho summarized the proposed Resolutions for the issuance of commercial borrowing for the acquisition of property for the Shamrock Park Addition Project, for the Environmentally Sensitive Lands/Parklands Acquisition Program, and for the Fruitville Road Improvement Project, and noted Staff's recommendation for approval.

Discussions were held with Mr. Botelho and Public Works Mobility General Manager Carolyn Eastwood, duly sworn, and County Administrator James Ley on the following topics/issues:

- Fruitville Road Improvement Project regarding the funds borrowed/cost/design/the "gap"/time frame to begin construction/request for Staff review of road improvements to Lorraine Road and traffic impacts to Fruitville Road, without objection
- recent comments by Manatee County Commissioner Donna Hayes on Manatee County/Lakewood Ranch residents' plan to speak at a future Board meeting (Open to the Public) regarding concerns with Sarasota County developments
- Manatee County development impacts
- request for Staff review of the traffic impacts from the extension of State Road 70 to University Parkway, without objection
- location of the "gap" on the Fruitville Road Improvement Project.

Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried without objection.

Commr. Staub moved to adopt the following:

- Resolution No. 2006-131 approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for a Parkland Acquisition Project, Draw A-57, in the amount of \$610,000.00;
- Resolution No. 2006-132 approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Environmentally Sensitive Lands/Parklands Acquisition Projects, Draw A-58, in the amount of \$10,130,000.00;
- Resolution No. 2006-133 approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Transportation Projects, Draw A-59, in the amount of \$8,490,000.00.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Staub moved to adopt Resolution No. 2006-134, approving Budget Amendment No. B2006-066, to reflect adjustments to the FY 2006 Budget for the commercial paper borrowings, Draws A-57 through A-59. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:52:32)

6. CONTRACTS/RESOLUTIONS**Sitting as the Community Redevelopment Agency (CRA):**

- A.** (Not a public hearing.) To consider the purchase of the Morency property in the amount of \$595,000.00, plus closing costs estimated at \$10,000.00, and \$45,000.00 to investigate property suitable for stormwater/parking use, utilizing funds borrowed on a short-term loan with the County, in the amount of \$650,000.00;

Sitting as the Board of County Commission:

- B.** (Not a public hearing.) To consider a proposed Resolution approving an Interfund Loan to the Englewood CRA and authorizing the execution of a Promissory Note in favor of Sarasota County, in the amount of \$650,000.00, for the acceptance of the Morency property on Green Street (P.I.D. No. 503-02-0027), and to authorize the investigation of sites suitable for stormwater/parking, to be repaid over a five-year period with interest;
- C.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-076, appropriating the funding for the acquisition of the Morency property;
- D.** (Not a public hearing.) To consider authorization to execute the Purchase Contract and to authorize Staff to secure all necessary documents for the acquisition of the Morency property on Green Street, in the amount of \$595,000.00, plus closing costs, with the remaining funds to be used to investigate properties suitable for stormwater/parking.

Having been duly sworn, Planning and Development Services CRA Coordinator Christine Davis summarized the proposal and noted Staff's recommendation for approval. Following comments by County Attorney Stephen DeMarsh, Chair Mills recessed as the Board of County Commissioners and convened as the CRA.

Commr. Staub moved to approve the purchase of the Morency property, in the amount of \$595,000.00, plus closing costs estimated at \$10,000.00, and \$45,000.00 to investigate property suitable for stormwater/parking use, utilizing funds borrowed on a short-term loan with the County, in the amount of \$650,000.00. The motion was seconded by Commr. Thaxton. Following comments on area stormwater concerns, the motion carried by a 5-0 vote.

Chair Mills adjourned as the CRA and reconvened as the Board of County Commissioners.

Commr. Staub moved to adopt Resolution No. 2006-135 approving an Interfund Loan to the Englewood CRA and authorizing the execution of a Promissory Note in favor of the County, in the amount of \$650,000.00, for the acceptance of the Morency property on Green Street (P.I.D. No. 503-02-0027), and to authorize the investigation of sites suitable for stormwater/parking, to be repaid over a five-year period with interest. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Staub moved to adopt Resolution No. 2006-136, approving Budget Amendment No. B2006-076, appropriating the funding for the acquisition of the Morency property. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Staub moved to approve Contract No. 2006-333 and to authorize Staff to secure all necessary documents for the acquisition of the Morency property on Green Street, in the amount of \$595,000.00, plus closing costs, with the remaining funds to be used to investigate properties suitable for stormwater/parking. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(3:00:44)

7. ORDINANCES

The Board considered authorization to advertise a proposed Ordinance, amending Zoning Ordinance No. 2003-052, as amended and codified in Appendix A of the County Code, to amend the Commercial Marine (CM) zone district limited use provisions, to create a CM/PUD (Commercial Marine/Planned Unit Development) Overlay District to allow commercial and residential use flexibility, and to amend relevant sections for clarity and consistency; to waive the requirement for an Economic Impact Statement (EIS); and to waive the requirement for Planning Commission review.

Planning and Development Services Development of Regional Impact (DRI) Coordinator Tina Crawford presented an overview of the request to advertise a proposed Ordinance to revise the CM zone district limited use provisions relative to upper story/attached residential dwelling units and to create a CM/PUD Overlay District to allow flexibility in the ratio for commercial/public and residential uses, and noted the basis of the proposed revisions to clarify the Zoning Code resulting from a Court Order (Board of County Commissioners v. Board of Zoning Appeals; re: Flying Bridge Site, Case No. 2005-CA-010079 NC).

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

- location of CM zone districts in the County
- square footage of the public use area/ratios relative to open water use/request to clarify the language regarding "the use areas that extend over and into the water" and limiting to boat slip spaces in Section 5.3.2.j.5., on page A-3 of the proposed Ordinance, without objection
- permitted uses in the MP (Marine Park) zone district
- transference of square footage/upland ratio calculations
- total square footage determinations/residential mixed use percentages
- limited use provisions/credits for marine park use/boat storage racks
- basis for the establishment of the CM/PUD Overlay District/page A-6 of the proposed Ordinance
- request that the calculations of open water square footages count the same as dry land uses, without objection
- request to clarify the phrase "may allow or retain" in the paragraph following Item 7 on page A-6 of the proposed Ordinance, without objection.

Following comments, Commr. Patterson moved to authorize advertisement of a proposed Ordinance, as amended, amending Zoning Ordinance No. 2003-052, as amended and codified in Appendix A of the County Code, to amend the CM zone district limited use provisions, to create a CM/PUD Overlay District to allow commercial and residential use flexibility, and to amend relevant sections for clarity and consistency, and to waive the requirement for an EIS and for Planning Commission review. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

(3:21:58)

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

8. OTHER BUSINESS - Continued

C. BUDGETS

County Administrator James Ley summarized the highlights of the Fiscal Year (FY) 2007 Budget components and noted the completion of Staff's recommendations and the future delivery of Staff's report.

8. OTHER BUSINESS - Continued

D. PUBLIC WORKS/MUNICIPALITIES

Following an inquiry by Chair Mills on a previous Board Work Assignment relative to the Trail Project, County Administrator James Ley commented on Seminole Gulf's inquiry on the County's purchase of the right-of-way up to the City of Sarasota limits and noted agreement to provide correspondence from the City of Sarasota relative to the City's plans.

MEETING ADJOURNED: 3:26 p.m.