

**ACTION AGENDA
BOARD OF COUNTY COMMISSIONERS**

**NORTH PORT CITY HALL CHAMBER
4970 CITY HALL BOULEVARD
NORTH PORT, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Joseph A. Barbetta, District 2
Jon Thaxton, District 5

INVOCATION

PLEDGE OF ALLEGIANCE
Commissioner Barbetta

PRESENTATION OF PROCLAMATIONS:
National Clean Beaches Week - June 29 through July 5, 2007

CERTIFICATE OF APPRECIATION PRESENTATION:
Marylou Sasinowski-Hoffman

SPECIAL RECOGNITION:
John Michael Zagrobelny

NOTE: Unfinished items may be carried over to tomorrow's agenda.

CONSENT SECTION:
All matters listed under the Consent Section are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired by a Commissioner, the item(s) will be considered at the end of the Consent Section.

(9:20:28)

APPROVED

- 1. COMMUNITY SERVICES**
To approve a Contract, Amendment No. 1 to Contract No. 2005-469, a Historic Preservation Grant Award Agreement, with the State of Florida, Division of Historical Resources, to provide a 180-day extension for the Nokomis Beach Pavilion Restoration Project.

(9:20:28)

DEFERRED TO JULY 10, 2007

- 2. ENVIRONMENTAL SERVICES**
To authorize the submittal of the Stage One Community Baseline document for the Audubon International Sustainable Community Certification Process.

(9:20:28)

AUTHORIZED

- 3. ENVIRONMENTAL SERVICES**
To authorize the submittal of a Fiscal Year (FY) 2008 Section 319 Non-point Source Management Program Grant Application to the Florida Department of Environmental Protection (FDEP) for the Hudson Bayou Water Quality Improvement Project.

(9:20:28)

APPROVED**4. ENVIRONMENTAL SERVICES**

To approve a Contract with Jon F. Swift, Inc., for construction services for the T. Mabry Carlton Water Treatment Plant Sediment Basin Structure Project, in the amount of \$186,315.15.

(9:24:17)

APPROVED**5. ENVIRONMENTAL SERVICES**

To approve a Contract, Change Order No. 1 to Contract No. 2007-004, with Westra Construction Corporation for construction of neighborhood sewer and water line extensions for the Phillippi Creek Septic System Replacement Program (PCSSRP) Area C, Phase III, increasing the Contract amount by \$1,071,128.07.

(9:20:28)

APPROVED/ADOPTED**6. ENVIRONMENTAL SERVICES**

- A.** To approve a Contract, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the development and implementation of the Tidal Creek Biological Index, in the amount of \$135,540.00;
- B.** To adopt a Resolution, Budget Amendment No. B2007-062, amending the Fiscal Year (FY) 2007 Budget appropriating the SWFWMD Grant funding.

(9:20:28)

APPROVED/ADOPTED**7. ENVIRONMENTAL SERVICES**

- A.** To approve a Contract, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the Lemon Bay Watershed Management Plan, in the amount of \$600,000.00;
- B.** To adopt a Resolution, Budget Amendment No. B2007-063, amending the Fiscal Year (FY) 2007 Budget appropriating the SWFWMD Grant funding.

(9:20:28)

APPROVED/ADOPTED**8. ENVIRONMENTAL SERVICES**

- A.** To approve a Contract, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the North Roberts Bay Watershed Management Plan, in the amount of \$600,000.00;
- B.** To adopt a Resolution, Budget Amendment No. B2007-064, amending the Fiscal Year (FY) 2007 Budget appropriating the SWFWMD Grant funding.

(9:28:49)

ADOPTED**9. ENVIRONMENTAL SERVICES**

To adopt a Resolution, amending Resolution No. 2007-078, extending the Declaration of Water Supply Emergency to September 3, 2007.

(9:20:28)

AUTHORIZED**10. ENVIRONMENTAL SERVICES**

To authorize advertisement of a proposed Ordinance, amending Ordinance No. 99-004, as amended and as codified in Chapter 54, Article IV of the County Code, to continue the Environmentally Sensitive Lands Oversight Committee (ESLOC) and to waive the requirement for an Economic Impact Statement (EIS).

(9:20:28)

AUTHORIZED**11. FINANCIAL PLANNING**

To authorize the disposal of vehicles and off-road equipment.

(9:33:27)

AUTHORIZED**12. FINANCIAL PLANNING**

To authorize the conveyance of surplus property items to other Governmental agencies and charitable organizations, removal from the Fixed and Moveable Detail Inventory Listing, and for auction/or disposal.

(9:20:28)

APPROVED**13. FINANCIAL PLANNING**

To approve payment to Kelli Ruiz and Shapiro, Goldman and Babboni, P.A., for full and final settlement of a bodily injury claim, in the amount of \$10,000.00.

(9:20:28)

APPROVED**14. HEALTH AND HUMAN SERVICES**

To approve the following appropriations for the Fiscal Year 2007 (FY07) Edward Byrne Memorial Justice Assistance Grant (JAG), for a total amount of \$206,248.00:

- A. Coastal Behavioral Healthcare, Inc., for the operation of the Mental Health Court, in the amount of \$186,248.00;
- B. Sheriff's Office for the cost associated with Crisis Intervention Team (CIT) training, in the amount of \$20,000.00.

(9:35:13)

ADOPTED**15. PLANNING AND DEVELOPMENT SERVICES**

To adopt a Resolution, Budget Amendment No. B2007-058, amending the Fiscal Year (FY) 2007 to transfer Community Development Block Grant (CDBG) funds from the South Venice Neighborhood Improvements Project to the Laurel Neighborhood Improvements Project, in the amount of \$180,850.00.

(9:20:28)

APPROVED**16. PUBLIC WORKS**

To approve a Contract, an Encroachment Agreement, with the City of Sarasota for the County Jail Sallyport Expansion Project.

(9:42:06)

APPROVED

17. PUBLIC WORKS

To approve a Contract with DeJonge Excavating Contractors, Inc., for the construction of the Garden Elementary School Area Sidewalk Project, in the amount of \$1,187,465.21.

(9:20:28)

APPROVED

18. PUBLIC WORKS

To approve a Contract with Misener Marine Construction, Inc., for the construction of the Blackburn Point Bridge Scour Repair Project, in the amount of \$186,477.05.

(9:20:28)

ADOPTED

19. PUBLIC WORKS

To adopt a Resolution approving Plat Vacation Petition No. 07-02, a petition by Douglas and Patricia Abde, to vacate the County's interest of a portion of a platted, public side lot six-foot wide ± utility and drainage easement lying within Lot 33060, Venice Gardens, Unit 33, to clear a title defect and to cure the encroachments of a pool deck and cage encroachment.

(9:20:28)

ADOPTED

20. PUBLIC WORKS

To adopt a Resolution for the installation of multi-way stop traffic controls at the intersections of Porter Road and Shadow Lakes Drive, Porter Road and Shadow Oaks Road, and Shadow Lakes Drive and Shadow Oaks Road, as recommended by the Traffic Advisory Council.

(9:20:28)

ADOPTED

21. PUBLIC WORKS

To adopt a Resolution to prohibit parking 50 feet on either side of the bus shelters on Sawgrass Road between Coburn Road and Bell Road, as recommended by the Traffic Advisory Council.

(9:20:28)

ADOPTED

22. PUBLIC WORKS

To adopt a Resolution to lower the speed limit in the Groveland Avenue area south of Wilkinson Road and adjacent to the Bee Ridge Park from 30 to 25 miles per hour, as recommended by the Traffic Advisory Council.

(9:20:28)

ADOPTED

23. PUBLIC WORKS

To adopt a Resolution for the installation of a four-way stop traffic control at the intersection of Beechwood Avenue and Hazelwood Street, as recommended by the Traffic Advisory Council.

(9:20:28)

ADOPTED**24. PUBLIC WORKS**

To adopt a Resolution to prohibit stopping, standing, and parking on Rivendell Boulevard where the bicycle-pedestrian path connects to the Pine View School and intersects with Rivendell Boulevard.

(9:20:28)

ADOPTED**25. PUBLIC WORKS**

To adopt a Resolution establishing route numbers for roadways that have an interchange with Interstate 75 (I-75).

(9:20:28)

RATIFIED AND APPROVED**26. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

To ratify and approve the warrants dated May 28 through June 15, 2007 in the amount of \$44,605,568.33, as detailed in the voucher packages filed in the Finance Department.

(9:20:28)

APPROVED**27. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

- A.** To approve the Minutes of the meetings dated May 31, June 5, June 6, and June 8, 2007;
- B.** To approve the revision to Item 11.C. of the May 23, 2007, Minutes (Book 75, Page 229).

**SARASOTA COUNTY TRANSPORTATION AUTHORITY
CONSENT SECTION**

The Board of County Commissioners will convene as the Sarasota County Transportation Authority (SCTA) to consider the following item. All matters listed under the SCTA Consent Section are considered to be routine and will be enacted by one motion unless discussion is desired by a Commissioner.

(9:43:29/9:44:07)

APPROVED/ADOPTED**28. PUBLIC WORKS**

- A.** To approve a Contract, a Joint Participation Agreement (JPA), with the Florida Department of Transportation (FDOT) to appropriate Intermodal Development Program funds for the Bus Stop Improvement Project, in the amount of \$250,000.00;
- B.** To adopt a Resolution authorizing the execution of the JPA with FDOT;
- C.** To adopt a Resolution, Budget Amendment No. B2007-068, amending the Fiscal Year (FY) 2007 Budget appropriating the funding.

DISCUSSION SECTION:

(9:45:08)

APPOINTED**29. HEALTH AND HUMAN SERVICES**

To consider the appointment of one individual to serve a three-year term on the Community Action Agency Board, as the Business, Industry, Labor, Religious, Welfare, Education or Other Major Community Group/Interest Representative, effective through June 30, 2010.

(9:49:50)

AUTHORIZED SUBMITTAL OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT TO SUPPORT OPERATIONAL COSTS OF THE JAC, IN THE AMOUNT OF \$74,812.00

30. HEALTH AND HUMAN SERVICES

- A. To consider the temporary location of the Juvenile Assessment Center (JAC) to commercial space owned by Marriotti Properties, LLC, located at 4533 Marriotti Court, Sarasota, pending completion of the County Jail improvements/renovations by July 2008;
- B. To consider authorization to submit the Edward Byrne Memorial Justice Assistance Grant to support the temporary relocation of the JAC, in the amount of \$74,812.00;
- C. To consider the allocation of funds from the Strategic Initiatives and Opportunities (SIO) Fund to support the temporary relocation of the JAC, in the amount of \$92,188.00.

PUBLIC HEARINGS:

THE SARASOTA COUNTY CHARTER REQUIRES THAT EVIDENCE AND TESTIMONY PRESENTED DURING PUBLIC HEARINGS SHALL BE UNDER OATH. PERSONS PRESENTING EVIDENCE AND/OR TESTIMONY ARE REQUIRED TO COMPLETE AND SIGN THE REQUEST TO SPEAK CARD.

(9:59:54)

APPROVED**31. PUBLIC WORKS**

Second public hearing to consider a proposed Contract, a Supplemental Agreement, Amendment No. 4 to Contract No. 2006-170, with Diamond Homes of Southwest Florida, Inc., for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project. (First public hearing was held on June 5, 2007.)

(10:01:01)

APPROVED**32. PUBLIC WORKS**

Second public hearing to consider a proposed Contract, a Supplemental Agreement, Amendment No. 5 to Contract No. 2006-170, with Antiques and European Pine, Inc., for the construction of necessary roadway improvements at the Clark Road/Honore Avenue Intersection Improvement Project. (First public hearing was held on June 5, 2007.)

(11:32:36)

CONTINUED THE PUBLIC HEARING TO SEPTEMBER 25, 2007**33. PLANNING AND DEVELOPMENT SERVICES**

- A. Public hearing continued from April 24, 2007, to consider proposed Ordinance No. 2007-043, amending Ordinance No. 2001-008, the Nokomis Center Revitalization Plan (NCRP), revising Figure 1: Future Land Use Map and the Conditions for Development Approval;
- B. (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-043 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.);
- C. To consider direction to Staff to prepare the Zoning Ordinance Amendments necessary to implement the Amendments to the Conditions for Development Approval in Ordinance No. 2007-043;
- D. To consider direction to Staff to continue mapping the Commercial Corridor designation and preparing the data and analysis necessary to support higher densities in the Nokomis Revitalization Area and bring back a future amendment to the Nokomis Revitalization Plan for Board consideration.

(12:24:20)

DENIED**34. PLANNING AND DEVELOPMENT SERVICES**

Public hearing continued from May 22, 2007, to consider a proposed Resolution, Special Exception Petition No. 1649, a petition by Lauralee Westine, Agent, to allow a 190 foot ± alternative tower structure on property located north of Laurel Road between U.S. 41 and Interstate 75 (I-75), in the OUE-1 (Open Use, Estate, 1 unit/5acres) zone district. (Planning Commission recommended approval.)

REPORTS SECTION:

(12:24:42)

NOTED**35. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER'S REPORT**

A. Filed for Record List.

(4:39:09)

NO ACTION TAKEN**36. COUNTY ADMINISTRATOR'S REPORT**

(4:35:57)

APPROVED THE ATTORNEY'S FEES AND COSTS SETTLEMENT IN THE CASE OF SARASOTA RIVERSIDE DEVELOPMENT LLC V. SARASOTA COUNTY, CIRCUIT COURT CASE NO. 2006-CA-09330-NC

APPROVED THE SETTLEMENT IN THE CASE OF GEORGE GUION V. SARASOTA COUNTY, 12TH JUDICIAL COURT CASE NO. 2006-CA-4010-NC

37. COUNTY ATTORNEY'S REPORT

(4:39:27)

REQUESTED THAT THE COUNTY ADMINISTRATOR CONTACT THE FIRE CHIEF REGARDING THE NEED FOR A DECLARATION OF EMERGENCY RELATIVE TO THE DROUGHT SEASON AND UPCOMING JULY 4TH FIREWORK CELEBRATIONS

APPROVED TRAVEL EXPENSES FOR BOARD MEMBERS WHO ATTEND THE CLIMATE CHANGE SUMMIT HELD BY GOVERNOR CHARLIE CRIST IN MIAMI, FLORIDA, ON JULY 12 AND 13, 2007

APPROVED STAFF'S RECOMMENDATION TO TERMINATE THE MEMBERSHIP APPOINTMENT OF JEAN VALLERY AND SCOTT DINENBURG ON THE BICYCLE, PEDESTRIAN, AND TRAIL ADVISORY COMMITTEE

DISPENSED WITH THE REGULAR ATTENDANCE OF A DEPUTY BAILIFF AT BOARD MEETINGS WITH FUTURE ATTENDANCE REQUESTED BY THE CHAIR ON AN AS NEEDED BASIS

REQUESTED THAT THE COUNTY ADMINISTRATOR REFER A REQUEST FOR THE COUNTY'S PURCHASE OF 20 ACRES ± LOCATED ON THE GULF OF MEXICO AND LEMON BAY TO THE ENVIRONMENTALLY SENSITIVE LANDS OVERSIGHT COMMITTEE (ESLOC)

REQUESTED TO SCHEDULE A FUTURE BOARD DISCUSSION TO REVIEW REVISIONS TO THE TRANSMISSION TOWER ORDINANCE

REQUESTED THAT THE COUNTY ADMINISTRATOR PROVIDE A REPORT TO THE BOARD ON THE DESIGN STANDARDS AND RIGHT-OF-WAY PLANS FOR THE FRUITVILLE ROAD CORRIDOR PLAN

APPOINTED CHAIR PATTERSON AS THE BOARD'S REPRESENTATIVE AND COMM. BARBETTA AS THE BOARD'S ALTERNATE REPRESENTATIVE TO THE REGIONAL TRANSIT AUTHORITY

REQUESTED THAT THE COUNTY ADMINISTRATOR PROVIDE A REPORT ON THE COUNTY'S DITCH MAINTENANCE POLICY RELATIVE TO SCOURING AND RE-SODDING

REQUESTED TO SCHEDULE A FUTURE BOARD DISCUSSION ON THE COUNTY'S URBAN FORESTRY PROGRAM AND OTHER TREE-RELATED PROGRAMS

REQUESTED THAT THE COUNTY ADMINISTRATOR PROVIDE A STAFF MEMORANDUM TO THE BOARD REGARDING A PROPOSAL TO PROHIBIT PLASTIC GARBAGE BAGS FOR YARD WASTE

REQUESTED THAT EACH BOARD MEMBER MEET WITH THE SHERIFF RELATIVE TO THE ISSUES OF AN EXEMPTION REGARDING TEEN NIGHT IN THE COUNTY'S ORDINANCE PERTAINING TO THE PROHIBITION OF MINORS UNDER THE AGE OF 21 FROM ENTERING OR REMAINING IN ALCOHOLIC BEVERAGE ESTABLISHMENTS AND DRUG USE/TRAFFIC AT THE SIESTA KEY BEACH DRUM CIRCLE EVENT

38. COMMISSION AND COMMITTEE REPORTS

(5:52:23)

DEFERRED TO THE JUNE 27, 2007, MEETING

39. ADMINISTRATION

Outstanding Board Assignments.

(5:52:23)

DEFERRED TO THE JUNE 27, 2007, MEETING

40. ADMINISTRATION

Review of Board Meeting Schedule.

1:30 p.m.

(1:38:00)

NO ACTION TAKEN

41. OPEN TO THE PUBLIC (Three-minute time limit per person/per meeting, up to 30 minutes.)

DISCUSSION SECTION - Continued

(1:38:03)

DEFERRED TO THE JUNE 27, 2007, MEETING

42. ENVIRONMENTAL SERVICES

To consider a proposed Resolution to approve the Project Application Requests for Fiscal Year (FY) 2008 from the West Coast Inland Navigation District (WCIND) Waterway Development Program, in the amount of \$1,000,000.00.

(2:24:15)

NO ACTION TAKEN

43. ENVIRONMENTAL SERVICES

To consider revisions to proposed Ordinance No. 2007-023, amending Ordinance No. 79-03, the Coastal Setback Code, as amended and codified in Chapter 54, Article XXII, of the County Code, to provide consistency with the Comprehensive Plan Amendments adopted during the Evaluation and Appraisal Report (EAR) process prior to the public hearing scheduled for September 25, 2007.

(2:37:52)

APPROVED

44. PUBLIC WORKS

To consider a proposed Contract, Amendment No. 1 to Contract No. 2002-371, an Interlocal Agreement, with the City of North Port to update provisions related to the collection of County road impact fees within the City of North Port.

PUBLIC HEARINGS:

THE SARASOTA COUNTY CHARTER REQUIRES THAT EVIDENCE AND TESTIMONY PRESENTED DURING PUBLIC HEARINGS SHALL BE UNDER OATH. PERSONS PRESENTING EVIDENCE AND/OR TESTIMONY ARE REQUIRED TO COMPLETE AND SIGN THE REQUEST TO SPEAK CARD.

(3:15:29)

APPROVED

45. ENVIRONMENTAL SERVICES

Public hearing to consider the naming of the jointly-owned parcels of the Deer Prairie Creek Environmentally Sensitive Land Protection Program (ESLPP) site located south of Interstate 75 (I-75) as the "Deer Prairie Creek Preserve."

(3:33:23)

ADOPTED, AS AMENDED

46. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2007-046, Rezone Petition No. 07-03, a petition by Alan Garrett, Agent, to rezone 4.9 acres \pm located at the northwest corner of Albee Road and U.S. 41 in Nokomis from OPI (Office, Professional, and Institutional) and District CG (Commercial General), to CG (Commercial General) zone district. (Planning Commission recommended approval.)
- B.** Public hearing to consider a proposed Resolution, Special Exception Petition No. 1645, a petition by Alan Garrett, Agent, to allow transient accommodations and an increase in height to exceed 65 feet \pm for property located at the northwest corner of Albee Road and U.S. 41, Nokomis, in the CG (Commercial General) zone district. (Planning Commission recommended approval.)

DISCUSSION SECTION: - (Continued)

NO ACTION TAKEN

47. OTHER BUSINESS

NO ACTION TAKEN

- 48. OPEN TO THE PUBLIC** (Three-minute time limit per person/per meeting, up to 30 minutes.)