

September 14, 2010

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

9:00 a.m.

**ROBERT L. ANDERSON ADMINISTRATION CENTER
4000 SOUTH TAMiami TRAIL
COMMISSION CHAMBER
VENICE, FLORIDA**

Joseph A. Barbetta, Chair, District 2
Nora Patterson, Vice Chair, District 4
Carolyn J. Mason, District 1
Shannon Staub, District 3
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Peter Ramsden, Clerk of the Circuit Court Finance Director
Claudia Goodson, Deputy Clerk

(09:00 a.m.)

INVOCATION

Capital Management Services Operations Manager Lori Carroll

(09:00 a.m.)

PLEDGE OF ALLEGIANCE

Commissioner Mason

(09:01 a.m.)

PROCLAMATIONS:

Boys and Girls Club Day for Kids - September 25, 2010
Ballroom Dance Week - September 17 through September 26, 2010
Adult and Family Literacy Month - September 2010
Constitution Week - September 17 through September 23, 2010
Community Lands Day - September 19, 2010

(09:25 a.m.)

PRESENTATION

Presentation of a "Queen of Green" plaque to Commissioner Staub

(09:27 a.m.)

CONSENT SECTION:

9:29 a.m. Board Action: Approved Items 1-53, with separate discussions on Items 6, 9, 10, 15, 17, 40, and 46, as follows. Moved by Thaxton, seconded by Mason, carried by a 5-0 vote.

1. ADMINISTRATION

Ratified the following previously issued Proclamations:

- A. Amputees Across America Day - July 23, 2010;
- B. Greatness Beyond Measure Teen Summit 2010 - July 30 through August 1, 2010;
- C. National Night Out 2010 - August 3, 2010;
- D. Victory in Japan (V-J) Day - August 14, 2010;
- E. Florida Water Professionals Week - August 16 through August 20, 2010;
- F. Sarasota Ringling Redskins 50th Anniversary - September 4, 2010;
- G. Life Insurance Awareness Month - September 2010.

2. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-491, Change Order No. 1 to Contract No. 2010-280 with Lovin Construction, Inc., for the Central Avenue and Myrtle Street Bridge Replacement Project, in the amount of \$29,681.00.

3. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-492 with Kimley-Horn and Associates, Inc., for engineering services for the Hudson Bayou Water Quality Improvement Project, in the amount of \$327,103.58.

4. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-493, a Subordination Agreement, with Peoples Gas System for the subordination of their easement interests to the County necessary for the construction of the Honore Avenue Improvement Project (Capital Improvement Project No. 85763).

5. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-494 with Tri-Tech Construction and Design, Inc., for the construction of the Legacy Trail Stop Stations Shelter Project, in the amount of \$161,685.41.

(09:29 a.m.)

6. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-495 with Sonny Glasbrenner, Inc., for the demolition of the Gulf Gate Advanced Wastewater Treatment Plant (AWWTP), the South Gate AWWTP, and the Oak Forest AWWTP, in the amount of \$199,472.50.

9:30 a.m. Board Action: Approved Contract No. 2010-495. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

7. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-496, Amendment No. 1 to Contract No. 2007-299, a Cooperative Funding Agreement with the Southwest Florida Water Management District (SWFWMD) for the implementation of Best Management Practices (BMP) for the Siesta Heights-Matheny Creek Drainage Improvement Project, to reduce the Project funding amount from \$425,000.00 to \$250,000.00, and to extend the expiration date to February 28, 2011.

8. CAPITAL MANAGEMENT SERVICES

Approved payment of a Consent Order to the Florida Department of Health for civil

penalties associated with the Siesta Heights Culvert Replacement Project, in the amount of \$5,599.00.

(09:31 a.m.)

9. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-497, as amended, with D.E. Murphy Constructors, Inc., for the construction of the Nokomis Beach Lighthouse Restroom and Boardwalk Repair Project, in the amount of \$431,476.10.

9:32 a.m. Board Action: Approved Contract No. 2010-497, as amended, including a revision to the contingency amount for change orders to 10 percent on page 1 of the Contract. Moved by Patterson, seconded by Staub, carried by a 5-0 vote.

10. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-498 with Applied Drilling Engineering, Inc., for the Venice Minerals Test Production Well Construction and Testing Project, in the amount of \$181,954.50.

11. CAPITAL MANAGEMENT SERVICES

Approved Contract No. 2010-499 with Westra Construction Corp. for the construction of a pipeline and pump station for Raw Water Well No. 59 for the Carlton Wellfield Expansion Phase 1 Project, in the amount of \$688,970.00.

12. CAPITAL MANAGEMENT SERVICES

Adopted Resolution No. 2010-188 authorizing the submittal of an application to the Florida Department of Environmental Protection for partial funding of the South Siesta Key Beach Restoration Project for Fiscal Year (FY) 2011/2012.

13. CAPITAL MANAGEMENT SERVICES

Adopted Resolution No. 2010-189, a Project Resolution for State Highway System Projects, authorizing the acquisition of property rights in lands for the design and construction of the Sarasota County Area Transit (SCAT) Bus Stop Project, Batch 6, pursuant to Contract No. 2008-158, the Local Agency Program Agreement with the Florida Department of Transportation.

14. COMMUNITY SERVICES

- A. Authorized the submittal of a Grant Application to the Florida Department of State, Division of Library and Information Services, for the Fiscal Year (FY) 2011 State Aid to Libraries Grant with the County Library System FY 2011 Business Plan;
- B. Authorized the Chair to execute the Grant Agreement and associated documents upon receipt of the Grant Award.

(09:32 a.m.)

15. COMMUNITY SERVICES

Approved Contract No. 2010-500 with Pinellas Public Library Cooperative, Inc., to provide Talking Book Services to visually impaired Citizens of the County for the period of October 1, 2010, through September 30, 2011, in the amount of \$60,424.00.

9:35 a.m. Board Action: Approved Contract No. 2010-500. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

16. COMMUNITY SERVICES

- A. Approved Contract No. 2010-501, an Assignment of Option to Purchase, from the Conservation Foundation of the Gulf Coast, Inc. (formerly known as the Sarasota Conservation Foundation, Inc.), authorizing the acquisition of an approximately 0.39 acre property located at 2525 Ringling Boulevard, Sarasota, from Ruth Ott, in the amount of \$206,450.00 for land costs, plus estimated ancillary, closing, and start-up costs, in the amount of \$30,000.00, for a total amount of \$236,450.00;
- B. Adopted Resolution No. 2010-190 authorizing the County Administrator or Designee to exercise the Option to Purchase the property upon the completion of all due diligence involved in the acquisition and the confirmation of available funding, and to execute a post-closing agreement and any documents necessary for the closing of the transaction.

(09:36 a.m.)

17. COMMUNITY SERVICES

Approved Contract No. 2010-502, Amendment No. 5 to Contract No. 89-485, an Interlocal Agreement with the City of Sarasota for the consolidation of Parks and Recreation Services (maintenance services and recreational programs/activities) for City parks and facilities effective through March 31, 2011.

9:38 a.m. Board Action: Approved Contract No. 2010-502. Moved by Patterson, seconded by Staub, carried by a 5-0 vote.

9:38 a.m. Board Action: Directed the County Administrator to send correspondence, signed by the Chair, to the City to Sarasota requesting their proposal on the Parks and Recreation Services Interlocal Agreement as soon as possible. Moved by Staub, seconded by Mason, carried by a 5-0 vote.

18. COMMUNITY SERVICES

Approved Contract No. 2010-503 with The MCS Group, Inc., d/b/a MCS Business Technologies Inc., for the Data Wiring Services relating to the building renovations of the Sarasota County Operations Center located at 1001 Sarasota Center Boulevard, Sarasota, in an amount not to exceed \$175,000.00.

19. COMMUNITY SERVICES

Approved Contract No. 2010-504, a Facilities Management Agreement, with the Charlotte County Family Young Men's Christian Association (YMCA), Incorporated, and the City of North Port to manage the North Port Pool located at 5925 Greenwood Avenue, North Port, in the amount of \$150,000.00.

20. COMMUNITY SERVICES

Approved Contract No. 2010-505, a Facilities Management Agreement, with the Charlotte County Family Young Men's Christian Association (YMCA), Incorporated, and the City of North Port to manage the Al Goll Center located at 5930 Sam Shapos Way, North Port, in the amount of \$10,000.00.

21. COMMUNITY SERVICES

Approved Contract No. 2010-506, a Residential Lease Agreement, with Alden and Elizabeth Codina for an annual lease of the residential property located at 5895 Hummingbird Avenue, Sarasota, to provide night security services at Twin Lakes Park and Rothenbach Park, in exchange for full-time residency of a certified Law Enforcement Officer in the residence located on the subject parcel, in the amount of \$350.00 per

month.

22. COMMUNITY SERVICES

Adopted Resolution No. 2010-191 authorizing the execution of Contract No. 2010-507, Addendum No. 3 to Contract No. 95-368, a Lease Agreement with the Sarasota R/C Squadron, Inc., to extend the existing lease to operate a Model Airplane Flying Club on an approximately 13.43 acre section of the Bee Ridge Landfill for an additional five years beginning on September 10, 2010.

23. COMMUNITY SERVICES

Adopted Resolution No. 2010-192, repealing Resolution No. 98-259 and approving Contract No. 2010-508, a Ground Lease Agreement, with the Sarasota County Sheriff's Office to utilize approximately 34.5 acres located at Knights Trail Park, including the existing Criminal Justice Firing Range, Mounted Patrol Headquarters, K-9 Training Facility, and proposed Obstacle Course, for a term of ten years with no compensation.

24. EMERGENCY SERVICES

Approved Contract No. 2010-509, a Mutual Aid and Automatic Aid Interlocal Agreement, with the City of North Port for Fire and Emergency Medical Services.

25. ENVIRONMENTAL SERVICES

Appointed Juan Masi to serve a one-year term on the Environmentally Sensitive Lands Oversight Committee as the STAR (Students Taking Active Roles) in Government Representative, effective through May 2011.

26. ENVIRONMENTAL SERVICES

Authorized a West Coast Inland Navigation District (WCIND) funding request from the County Navigation Improvement Fund (CNIF) by the South Venice Civic Association (SVCA) for the South Venice Beach Public Boat Ramp and Dock Replacement Project, in the amount of \$21,725.00.

27. ENVIRONMENTAL SERVICES

Approved Contract No. 2010-510, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the County's Watershed Monitoring Program (L015), in the amount of \$85,500.00.

28. ENVIRONMENTAL SERVICES

A. Approved Contract No. 2010-511, a termination of Contract No. 2008-283, a Federally-Funded Subgrant Agreement, with the Florida Division of Emergency Management for the Flood Mitigation Project located at 3524 Elliott Street, Venice, and subsequent termination of Contract No. 2008-284, a Flood Mitigation Assistance Program Subgrant Agreement, with James and Anne Conley for the property located at 3524 Elliott Street, Venice, as approved by the Board on April 22, 2008;

B. Authorized the return of funds awarded by the Florida Division of Emergency Management in the amount of \$95,326.87, plus the earned interest in the amount of \$5,255.94.

29. ENVIRONMENTAL SERVICES

A. Approved Contract No. 2010-512, an Assignment of Option to Purchase, with the Conservation Foundation of the Gulf Coast authorizing acquisition of approximately 3.733 acres located north of Belvidere Road, west of Osprey Road, and east of Alamander

Avenue from Joy Getman Pribble, Robert Getman, and Gary Getman, in the amount of \$180,000.00 for land costs, plus estimated ancillary, closing and start-up costs in the amount of \$28,565.00, for a total of \$208,565.00;

- B. Adopted Resolution No. 2010-193 authorizing the County Administrator or Designee to exercise the Option for the Purchase of the property upon the completion of all due diligence involved in the acquisition and the confirmation of available funding.

30. ENVIRONMENTAL SERVICES

Adopted Resolution No. 2010-194 abolishing the Solid Waste Management Citizens Advisory Board and repealing Resolution No. 2007-245.

31. ENVIRONMENTAL SERVICES

Adopted Resolution No. 2010-195 establishing the Fiscal Year (FY) 2011 annual interest rate for new Customers participating in the Sarasota County Utilities System Installment Payment Program to finance capacity fees and deferred revenue charges.

32. FINANCIAL PLANNING

Appointed Donald Schultz to serve a four-year term on the Citizen Tax Oversight Committee, as an At-Large Representative, effective through September 2014.

33. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Engineering Services for Facility Site Development and Feasibility Planning, Request for Professional Services (RPS) No. 10891RC, in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-513 with A. M. Engineering, Inc.;
- B. Contract No. 2010-514 with CPH Engineers, Inc.;
- C. Contract No. 2010-515 with George F. Young, Inc.;
- D. Contract No. 2010-516 with Giffels-Webster Engineers, Inc.;
- E. Contract No. 2010-517 with Kimley-Horn and Associates, Inc.;
- F. Contract No. 2010-518 with King Engineering Associates, Inc.;
- G. Contract No. 2010-519 with Post, Buckley, Schuh, and Jernigan, Inc.;
- H. Contract No. 2010-520 with Southwest Engineering and Design, Inc.;
- I. Contract No. 2010-521 with TBE Group, Inc.;
- J. Contract No. 2010-522 with WilsonMiller, Inc.

34. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Construction, Engineering and Inspection for Facilities, Request for Professional Services (RPS) No. 10892RC, in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-523 with Giffels-Webster Engineers, Inc.;
- B. Contract No. 2010-524 with Hanson Professional Services, Inc.;
- C. Contract No. 2010-525 with Stantec Consulting Services, Inc.

35. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Construction, Engineering and Inspection for Utilities, Request for Professional Services (RPS) No. 10893JH, in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-526 with DMK Associates, Inc.;

- B. Contract No. 2010-527 with Giffels-Webster Engineers, Inc.;
- C. Contract No. 2010-528 with Post, Buckley, Schuh, and Jernigan, Inc.;
- D. Contract No. 2010-529 with Stantec Consulting Services, Inc.

36. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Engineering Services for Innovative Roadway Design, Request for Professional Services (RPS) No. 10895RC, in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-530 with Alternate Street Design, P.A.;
- B. Contract No. 2010-531 with American Consulting Engineers of Florida, LLC;
- C. Contract No. 2010-532 with Dyer, Riddle, Mills, and Precourt, Inc.;
- D. Contract No. 2010-533 with Kimley-Horn and Associates, Inc.;
- E. Contract No. 2010-534 with Kittelson and Associates, Inc.;
- F. Contract No. 2010-535 with Stanley Consultants, Inc.;
- G. Contract No. 2010-536 with TBE Group, Inc.

37. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Engineering Services for Landfill Infrastructure, Permitting and Operations, Request for Professional Services (RPS) No. 10896JH in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-537 with HDR Engineering, Inc.;
- B. Contract No. 2010-538 with Post, Buckley, Schuh, and Jernigan, Inc.;
- C. Contract No. 2010-539 with Stearns, Conrad, and Schmidt Consulting Engineers, Inc.

38. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Hydrologic Monitoring, Restoration, and Scientific Analysis, Request for Professional Services (RPS) No. 10898JH in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-540 with HSW Engineering, Inc.;
- B. Contract No. 2010-541 with Johnson Engineering, Inc.;
- C. Contract No. 2010-542 with Post, Buckley, Schuh, and Jernigan, Inc.;
- D. Contract No. 2010-543 with Scheda Ecological Associates, Inc.;
- E. Contract No. 2010-544 with Vanasse Hangen Brustlin, Inc.;
- F. Contract No. 2010-545 with WilsonMiller, Inc.

39. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Utility Management Planning, Request for Professional Services (RPS) No. 10900JH in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-546 with Brown and Caldwell Corporation;
- B. Contract No. 2010-547 with Carollo Engineers, P.C.;
- C. Contract No. 2010-548 with Greeley and Hansen, LLC;
- D. Contract No. 2010-549 with Hazen and Sawyer, P.C.;
- E. Contract No. 2010-550 with Jones Edmunds and Associates, Inc.;
- F. Contract No. 2010-551 with Post, Buckley, Schuh, and Jernigan, Inc.

(09:38 a.m.)

40. FINANCIAL PLANNING

Approved the following Contracts for continuing professional consulting services for Groundwater Management Services, Request for Professional Services (RPS) No. 10924JH in accordance with Florida Statutes Section 287.055, and Section 7 of the Sarasota County Procurement Manual:

- A. Contract No. 2010-552 with Ardaman and Associates, Inc.;
- B. Contract No. 2010-553 with ENTRIX, Inc.;
- C. Contract No. 2010-554 with Leggette, Brashears, and Graham, Inc.;
- D. Contract No. 2010-555 with MWH Americas, Inc.;
- E. Contract No. 2010-556 with Post, Buckley, Schuh, and Jernigan, Inc.;
- F. Contract No. 2010-557 with Progressive Water Resources, LLC;
- G. Contract No. 2010-558 with The Colinas Group, Inc.

9:41 a.m. Board Action: Approved the following Contracts for continuing professional consulting services for Groundwater Management Services, RPS No. 10924JH: Contract No. 2010-552 with Ardaman and Associates, Inc.; Contract No. 2010-553 with ENTRIX, Inc.; Contract No. 2010-554 with Leggette, Brashears, and Graham, Inc.; Contract No. 2010-555 with MWH Americas, Inc.; Contract No. 2010-556 with Post, Buckley, Schuh, and Jernigan, Inc.; Contract No. 2010-557 with Progressive Water Resources, LLC; and Contract No. 2010-558 with The Colinas Group, Inc. Moved by Staub, seconded by Mason, carried by a 5-0 vote.

41. FINANCIAL PLANNING

Certified the Final Recapitulation of the 2009 Tax Roll.

42. FINANCIAL PLANNING

Authorized the Property Appraiser to extend the Tax Roll prior to completion of the Value Adjustment Board hearings, pursuant to Florida Statute 197.323.

43. HEALTH AND HUMAN SERVICES

Appointed Harry Hall and Anthony Guest to serve three-year terms on the Well Drilling Advisory Board, as Licensed Well Contractor Representatives, effective through September 2013.

44. HEALTH AND HUMAN SERVICES

Authorized execution and submittal of the Mosquito Management Services Tentative Fiscal Year (FY) 2011 Annual State Certified Budget for Mosquito Control to the Florida Department of Agriculture and Consumer Services, Bureau of Entomology and Pest Control, pursuant to Florida Statutes Chapter 388, and the Florida Administrative Code Chapter 5E-13.

45. HEALTH AND HUMAN SERVICES

- A. Approved Contract No. 2010-559, a Federally-Funded Subgrant Agreement, with the Florida Department of Community Affairs (FDCA) for Community Services Block Grant (CSBG) funding for homelessness prevention and self-sufficiency services for Fiscal Year (FY) 2011, in the amount of \$141,136.00;
- B. Approved Contract No. 2010-560, a Federally-Funded Subgrant Agreement, with the Salvation Army for CSBG funding for homelessness prevention and self-sufficiency services for Fiscal Year (FY) 2011, in the amount of \$140,136.00.

(09:41 a.m.)

46. HEALTH AND HUMAN SERVICES

Recommended approval to the Florida Department of Children and Families (FDCF) of the County Baker Act Transportation Exception Plan to allow individuals detained for examination under the Baker Act to be transported to the "most appropriate treatment facility" versus the "nearest receiving facility," as generally required by Florida Statutes Chapter 394.462, and superseding the Transportation Exception Plan for Minors, as approved by the Board on May 25, 2010.

9:46 a.m. Board Action: Recommended approval to the FDCF of the County Baker Act Transportation Exception Plan to allow individuals detained for examination under the Baker Act to be transported to the "most appropriate treatment facility" versus the "nearest receiving facility," as generally required by Florida Statutes Chapter 394.462, and superseding the Transportation Exception Plan for Minors, as approved by the Board on May 25, 2010. Moved by Thaxton, seconded by Mason, carried by a 5-0 vote.

47. HEALTH AND HUMAN SERVICES

Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 98-027, as amended and codified in Chapter 62, Article V, Section 62-135 of the County Code, relating to the food preparation and food service requirements for Child Care Facilities.

48. PLANNING AND DEVELOPMENT SERVICES

Approved Contract No. 2010-561, an Interlocal Agreement, with the City of Sarasota to provide the Cooperative Administration of City and County Housing and Community Development Programs and replacing Contract No. 98-285.

49. PLANNING AND DEVELOPMENT SERVICES

- A. Approved Contract No. 2010-562, Amendment No. 1 to Contract No. 2007-463, with Habitat for Humanity South Sarasota County, Inc., to confirm the Garden Park ownership structure as a condominium and to extend the Project completion date to February 28, 2012;
- B. Authorized execution of a Consent to Mortgagee to allow Habitat for Humanity South Sarasota County, Inc., to file a Declaration of Condominium of Garden Park.

50. PLANNING AND DEVELOPMENT SERVICES

- A. Adopted Resolution No. 2010-196, Budget Amendment No. B2010-044, amending the Fiscal Year (FY) 2010 Budget to appropriate Community Housing Funds for a Community Housing Funding Agreement with First Step of Sarasota, Inc., in the amount of \$561,939.00;
- B. Approved Contract No. 2010-563, a Community Housing Funding Agreement, with First Step of Sarasota, Inc., for the North Washington Boulevard Substance Free Housing and Treatment Facility Renovation Project, in the amount of \$561,939.00.

51. PUBLIC WORKS

Adopted Resolution No. 2010-197 authorizing execution of Contract No. 2010-564, First Amendment to Contract No. 2008-353, with Benderson Properties, Inc., and Wells Fargo Bank, N.A., to amend the reduction and release schedule of pledged collateral in the Pledge and Security Agreement relating to the Sarasota Interstate Park of Commerce (SIPOC) Development of Regional Impact (DRI), consistent with the terms of Contract No. 2010-319, the Alternative Capital Contribution, Road Impact Fee Credit, and Reimbursement Agreement, relating to the responsibilities associated with the funding

and construction of the North Cattlemen Road Improvement Project.

52. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Ratified and approved the warrants dated July 19 through September 3, 2010, in the amount of \$83,100,562.78, as detailed in the voucher packages filed in the Finance Department.

53. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Approved the Minutes of the meetings dated July 27, July 28, August 5, September 2, and September 3, 2010.

DISCUSSION SECTION:

(09:47 a.m.)

54. PLANNING AND DEVELOPMENT SERVICES

- A. The Board considered the appointment of Gail Harvey to serve a three-year term on the Neighborhood Initiative Grant Advisory Committee (NIGAC), as the District 1 Representative, effective through July 2013;
- B. The Board considered the appointment of two individuals to serve three-year terms on the NIGAC, as At-Large Representatives, effective through July 2013.

9:47 a.m. Board Action: Appointed Gail Harvey. Moved by Mason, seconded by Staub, carried by a 5-0 vote.

9:48 a.m. Board Action: Appointed Thomas Shola and Marjorie Singer as At-Large Representatives. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

(09:48 a.m.)

55. FINANCIAL PLANNING

The Board considered the Economic Development Corporation (EDC) Fiscal Year (FY) 2011 Business Plan and Budget.

Staff Presenter: County Administrator James Ley

Public Presenters: EDC Board of Directors Chair C.J. Fishman, EDC President Kathy Baylis, EDC Treasurer Allan Barberio, and EDC Member David Sessions

Item submitted: A copy of the EDC FY 2011 Budget

9:58 a.m. Board Action: Requested an electronic copy of the EDC PowerPoint presentation. Requested by Staub, without objection.

10:14 a.m. Board Action: Requested the formation of a panel to explore and provide a strategy regarding the digital broadband technology in the County. Requested by Staub, without objection.

(10:22 a.m.)

56. FINANCIAL PLANNING

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance amending Ordinance No. 2003-084, as amended and codified in Article VI of Chapter 2 of the County Code, relating to the County Procurement Code and to waive the

[requirement for an Economic Impact Statement \(EIS\).](#)

Staff Presenters: Financial Planning Asset Procurement Manager Jennifer Slusarz, County Attorney Stephen DeMarsh, and Assistant County Attorney Thomas Wolfe

10:38 a.m. Board Action: Requested that the language be clarified in Section 2-223(b) of the proposed Ordinance regarding the prohibitions relating to a Protestor's direct contact with County Officials during protest proceedings. Requested by Thaxton, without objection.

10:44 a.m. Board Action: Requested clarification of Section 2-223(e)(12) of the proposed Ordinance regarding the participation of a Bidder/Protestor in the protest process. Requested by Thaxton, without objection.

10:52 a.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance, as amended, relating to the County Procurement Code including the revisions/clarifications requested this date and waived the requirement for an EIS. Moved by Staub, seconded by Mason, carried by a 5-0 vote.

RECESS: 10:53 a.m. - 11:02 a.m.

(11:02 a.m.)

57. [PUBLIC WORKS](#)

[The Board considered an Impact Fee Appeal for Permit No. 09-909731, a petition by Lin Fu Chiang on behalf of the Ollie Panda Restaurant located at 2282 Tamiami Trail, Unit 4, Nokomis.](#)

Staff Presenters: Public Works Transportation Mobility General Manager Clarke Davis and County Attorney Stephen DeMarsh

11:19 a.m. Board Action: Denied the Impact Fee Appeal for Permit No. 09-909731. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

REPORTS SECTION:

(11:48 a.m.)

58. [CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER'S REPORT](#)

[The Filed for Record List was noted.](#)

(11:46 a.m.)

59. [COUNTY ADMINISTRATOR'S REPORT](#)

Items submitted: A copy of a Staff report and original Contracts regarding the U.S. 41/Venetia Bay/North Laurel Road Landscaping Project

11:47 a.m. Board Action: Approved Contract No. 2010-565 with Hannula Landscaping and Irrigation, Inc., for the construction of the U.S. 41/Venetia Bay/North Laurel Road Landscaping Project, in the amount of \$215,103.05. Moved by Thaxton, seconded by Patterson, carried by a 5-0 vote.

(11:48 a.m.)

60. COUNTY ATTORNEY'S REPORT - No Items were presented.

(11:19 a.m.)

61. COMMISSION AND COMMITTEE REPORTS

A. COMMISSIONER STAUB

Commr. Staub commented on and discussions were held on her suggestion to the Lemon Bay Playhouse Board to obtain a Facilitator to assist them in addressing problems relative to their proposed expansion project.

11:53 a.m. Board Action: Directed the County Administrator to work with the Bicycle Motocross (BMX) Organization and area Bicyclists regarding a possible location for a proposed BMX National Training Center. Moved by Staub, seconded by Mason, carried by a 5-0 vote.

11:57 a.m. Board Action: Directed the County Administrator to have the Traffic Advisory Council review a request for a proposed speed reduction on Manasota Beach Road in January 2011 and to bring back for Board consideration. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:06 p.m. Board Action: Requested that the County Administrator work with the County Attorney to determine the County's jurisdiction/authority regarding business decisions/oversight relative to the West Village Improvement District. Requested by Staub, without objection.

B. COMMISSIONER MASON

11:59 a.m. Board Action: Directed the County Administrator to send correspondence, signed by the Chair, to the Veterans Administration supporting U.S. Congressman Vern Buchanan's efforts relative to the bid issue and the construction of the Veterans Cemetery. Moved by Mason, seconded by Staub, carried by a 5-0 vote.

C. COMMISSIONER PATTERSON

Commr. Patterson commented on and discussions were held on the following topics/issues: correspondence received from Len Smally regarding the Value Adjustment Board petition filing fee and concerns relative to the Strathmore Garden Apartments/Riverside Villages dumpsters.

3:39 p.m. Board Action: Requested that the County Administrator review the possibility to designate handicap parking spaces in the Avenida Messina permit parking area. Requested by Patterson, without objection.

3:41 p.m. Board Action: Directed the County Administrator to initiate a review of the pedestrian crossings and speed limits on Beach Road by the Traffic Advisory Council. Moved by Patterson, seconded by Staub, carried by a 5-0 vote.

3:46 p.m. Board Action: Directed the County Administrator to provide a comparison report to other Southwest Florida counties regarding impact fees, including water and sewer fees, and to bring back for Board consideration. Moved by Patterson, seconded by Staub, carried by a 5-0 vote.

D. COMMISSIONER THAXTON

Commr. Thaxton commented on and discussions were held on the following topics/issues: the Venice Main Street Group's efforts to address parking alternatives in the Downtown Venice area, his attendance at a recent Tampa Bay Area Regional Transportation Authority (TBARTA) meeting, compliments to Property Appraiser William Furst on the information included in the TRIM (Truth In Millage) notices.

3:54 p.m. Board Action: Directed the County Administrator to review and provide a report on better access options for Residents and Business Owners relative to the Bay Street medians in Osprey. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

3:58 p.m. Board Action: Directed the County Attorney to review and provide a report on the legal aspects of the documentation of the University of Florida Institute of Food and Agricultural Sciences' unintended local fertilizer Ordinance research being withheld from the public. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

E. CHAIR BARBETTA

Chair Barbetta commented on and discussions were held on the following topics/issues: correspondence received from the City of Venice noting the appointment of Venice City Councilman Kit McKeon, with Venice City Councilman John Moore as an Alternate, to serve on the Tourist Development Council; notification from Tax Collector Barbara Ford Coates on the 2009 property tax collection rate; his recent attendance at a Habitat for Humanity home dedication; a request from the Planning Commission for a joint meeting relative to the Evaluation and Appraisal Report (EAR); and his use of an I-Pad to review the Agenda Items for the meeting this date.

Public Presenter: Dr. Larry Thompson

11:31 a.m. Board Action: Directed the County Administrator to extend a settlement offer in the amount of \$5,000.00 to Tom and Janet Nikla towards their legal expenses relative to a Code Enforcement case, including apologies and without the admittance of any obligation to reimburse their legal fees. Moved by Patterson, seconded by Staub.

11:32 a.m. Board Action: Tabled the motion regarding the extension of a settlement offer to Tom and Janet Nikla to 1:30 p.m., or as soon thereafter as possible this date. (See Item 64 later his meeting.) Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

11:45 a.m. Board Action: Directed the County Administrator to meet with Ringling College of Art and Design President Dr. Larry Thompson regarding a proposed strategy to partner with the County to develop a Post Film/Movie Production Facility on the Ringling College of Art and Design Campus, to provide a report on the financial sources, options, and impacts, and to contact other Community Foundations and the Economic Development Council for their input and partnership. Moved by Patterson, seconded by Staub, carried by a 5-0 vote.

(04:02 p.m.)

62. ADMINISTRATION

[The Board reviewed the Outstanding Board Assignments Report dated September 9, 2010.](#)

(04:10 p.m.)

63. **ADMINISTRATION**
The Board reviewed the Board Meeting Schedule.

RECESS: 12:00 p.m. - 1:30 p.m.

(01:30 p.m.)

64. **OPEN TO THE PUBLIC**

Longboat Key Vice Mayor Jim Brown requested the Board's consideration to continue the Longboat Key Trolley service pending a joint discussion with the Town of Longboat Key Commission, the Manatee County Commission, and the Board. (See Item 65 later this meeting.)

Attorney Nikki Clayton commented on Tom and Janet Nikla's request for reimbursement of their legal fees relative to a Code Enforcement case. (See Item 61.E. earlier this meeting.)

Item submitted: A copy of Attorney Nikki Clayton's presentation

1:30 p.m. Board Action: Continued the Longboat Key Trolley service to December 31, 2010, contingent upon agreement by the Manatee County Commission and directed the County Administrator to schedule a joint meeting with the Town of Longboat Key Commission and the Manatee County Commission as soon as possible. Moved by Staub, seconded by Mason, carried by a 5-0 vote.

1:42 p.m. Board Action: Directed that the necessary steps be taken to remove the "clouds" on the Tom and Janet Nikla property title resulting from the four Notices of Violations. (See Item 61.E. earlier this meeting.) Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

1:42 p.m. Board Action: Directed the County Administrator to schedule a work session with Tom and Janet Nikla and the appropriate County Staff regarding the input on lessons learned during the last two years and suggestions for improvements. (See Item 61.E. earlier this meeting.) Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

1:43 p.m. Board Action: Approved the reimbursement for out-of-pocket legal fees to Tom and Janet Nikla relative to a Code Enforcement case, in the amount of \$5,000.00. (See Item 61.E. earlier this meeting.) Moved by Thaxton, seconded by Patterson, carried by a 5-0 vote.

DISCUSSION SECTION: - (Continued)

(01:45 p.m.)

65. **PLANNING AND DEVELOPMENT SERVICES**

The Board considered an update regarding the continued operation of the Longboat Key Trolley.

Chair Barbetta recessed the Board of County Commissioners (BCC) and convened as the Sarasota County Transportation Authority (SCTA).

Staff Presenter: Planning and Development Services Executive Director Rob Lewis

1:46 p.m. Board Action: Requested a review of the Longboat Key Trolley service relative to finance options, service time periods, and costs per jurisdiction. Requested by Patterson, without objection.

See Item 64 earlier this meeting.

Chair Barbetta adjourned the SCTA and reconvened as the BCC.

PUBLIC HEARINGS:

(01:48 p.m.)

66. HEALTH AND HUMAN SERVICES

Public hearing to consider proposed Ordinance No. 2010-055, amending Ordinance No. 2010-047, as codified in Chapter 62, Article XI, Section 62-330 of the County Code, relating to a temporary moratorium on new Occupational Licenses/Business Tax Receipts for new Pain Management Clinics.

Public Presenters: Health and Human Services Criminal Justice Policy Coordinator Wayne Applebee and Health and Human Services Behavioral Planning Coordinator Dr. Brooke Baker

1:57 p.m. Board Action: Revised Section 62-320(2)(b)(2) of the proposed Ordinance as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text): "Establishment, and implementation, and adequate funding of the Florida Department of Health's prescription drug monitoring program . . ." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

1:59 p.m. Board Action: Closed the public hearing. Closed by Barbetta, without objection.

1:59 p.m. Board Action: Adopted Ordinance No. 2010-055, as amended. Moved by Thaxton, seconded by Patterson, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(02:00 p.m.)

67. ENVIRONMENTAL SERVICES

Public hearing to consider a proposed Resolution authorizing Water and Navigation Control Authority (WNCA) Major Work Permit Application No. 2008-814046-RW, a petition by the Venice Yacht Club, Inc., for the reconfiguration and expansion of an existing dock facility to accommodate 22 new mooring slips for the property located at 1330 Tarpon Center Drive, Venice.

Chair Barbetta recessed the Board of County Commissioners (BCC) and convened as the WNCA.

Staff Presenter: Environmental Services Resource Protection Environmental Supervisor Howard Berna

Public Presenters: Attorney Charles Bailey, Shaun Graser, and Michael Friday

Items submitted: A copy of correspondence received on the petition and a copy of proffered language amending Special Condition 1 of the proposed Resolution

2:46 p.m. Board Action: Approved the revised language for Special Condition 1 as proffered and submitted by Attorney Bailey. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

RECESS: 2:41 p.m. - 2:58 p.m.

Public Presenters (Continued): Rod Jacobson, Jeff Johnson, Douglas Laudenstager, Stan Wright, Cora Wright, Joseph Standenmayer, Lee Lichlee, and David Morley

3:18 p.m. Board Action: Closed the public hearing. Closed by Barbetta, without objection.

3:18 p.m. Board Action: Adopted Resolution No. 2010-198, as amended. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Barbetta adjourned the WNCA and reconvened as the BCC.

Note: Oath/Signature Cards Filed for Record.

(03:23 p.m.)

68. OPEN TO THE PUBLIC

Venice City Manager Isacc Turner, Linda Shelley, and Robert Burris commented on a proposed amendment to the Joint Planning Interlocal Service Boundary Agreement (JPISBA) to address concerns by the Florida Department of Community Affairs with the City of Venice's Comprehensive Plan.

Staff Presenters: County Administrator James Ley, Planning and Development Services Planning Director Thomas Polk, and County Attorney Stephen DeMarsh

03:34 p.m. Board Action: Requested that a report on the City of Venice's request to amend the JPISBA be provided for Board consideration during the Commission Reports at the September 28, 2010, meeting. Requested by Staub, without objection.

(04:12 p.m.)

69. OTHER BUSINESS - No Items were presented.

MEETING ADJOURNED: 4:12 p.m.

MINUTES APPROVED: _____
Chair