

BOARD OF COUNTY COMMISSIONERS

May 26, 2009

A meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida.

Members present were: Chairman Duffy, Commissioner Cummings, Commissioner Loftus, Commissioner Starr, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, and Deputy Clerk Lansing. The following members were absent: None. The meeting was called to order at **9:00 AM**.

The Invocation was given by **Chairman Duffy** followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1: Z-3 (County Attorney) Replace Contracts with revised documents, including final language and exhibits.

Deletion #1: C-4 (Administration) Approve request for additional office space by Supervisor of Elections at the San Casa/Englewood Annex.

Deletion #2: L-3 (Administration) Request for Public Works Change Order.

COMMISSIONER LOFTUS MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Proclamations - Commissioner Skidmore

Betty Sullins Day

Commissioner Skidmore asked Judy Anderson (Retired Supervisor of Elections) to speak related to the proclamation.

COMMISSIONER LOFTUS MOVED TO PROCLAIM MAY 26, 2009 AS BETTY SULLINS DAY, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Betty Sullins accepted the proclamation.

Commissioner Loftus read a card he received from the Cricket Club thanking the County for its support, noted the success of the sport, and indicated their appreciation with a donation of \$250.00.

Employee Recognition - None

Award Presentations

Representative Gary Aubuchon will make a presentation to the Board of County Commissioners for the \$2,000,000 from the Impact Fee Reduction Incentive Program.

Representative Aubuchon said the County was being rewarded for reducing impact fees and presented **Chairman Duffy** with a check for \$2,000,000 to assist in affordable housing and home buyer assistance. **Chairman Duffy** accepted the check with thanks.

I. CITIZEN INPUT - AGENDA ITEMS ONLY - None

II. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following Committees:

Affordable Housing Advisory Committee is seeking five (5) volunteers in the following categories: a Real Estate Professional; a Planning & Zoning Board member; a citizen who resides in Charlotte County; a Charlotte County employer; a

Charlotte County Essential Service Personnel. All are one year terms effective June 23, 2009, expiring June 23, 2010.

Alligator Creek Waterway Advisory Committee is seeking one volunteer to service. Volunteer must be a resident of Charlotte County and reside within the Unit. Length of term: 3 years.

Gulf Cove Waterway Advisory Committee is seeking to serve three year term effective June 26, 2009 and expiring June 30, 2012. Must own property and reside within the unit.

III. REPORTS RECEIVED AND FILED - None

IV. CONSENT AGENDA

Commissioner Starr requested item N-3 be pulled from the Consent Agenda and **Commissioner Skidmore** requested items D-2, F-4, M-1 also be pulled from the Consent Agenda.

COMMISSIONER LOFTUS MOVED TO APPROVE THE BALANCE OF IV. CONSENT AGENDA, SECONDED BY COMMISSIONER SKIDMORE

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) **RECOMMENDED ACTION:** Approve the Clerk's Memorandum.
BUDGETED ACTION: None

B. Minutes Division

(1) **RECOMMENDED ACTION:** March 10, 2009, 9:00 AM., Board of County Commissioners Regular Board Meeting, March 13, 2009 BCC Joint Meeting with City of Punta Gorda. **BUDGETED ACTION:** None

Board of County Commissioners

C. Commission Office

- (1) *RECOMMENDED ACTION: Approve the appointment of Maria Greenberg as the District #5 representative on the Parks and Recreation Advisory Board. This term is effective immediately and expires in May 2012. BUDGETED ACTION: None*
- (2) *RECOMMENDED ACTION: Re-appoint Dawn Carriere to the Burnt Store Village Street & Drainage Unit for a three year term and appoint David T. Servis as the alternate for a two year term. Backup documentation is attached for your review. BUDGETED ACTION: None*
- (3) *RECOMMENDED ACTION: Approve the appointment of Carolyn Spradlin to the Grove City Planning Advisory Board to fill the current vacancy of the multi-family interest representative. This three-year term is effective immediately. BUDGETED ACTION: None*
- (4) *RECOMMENDED ACTION: Approve request for additional office space by Supervisor of Elections at the San Casa/Englewood Annex. BUDGETED ACTION: None*

D. Administration

- (1) *RECOMMENDED ACTION: Board of County Commissioners' advice and consent to the appointment of Raymond J. Sandrock to the position of Assistant County Administrator. BUDGETED ACTION: Funds are budgeted in the Administration Budget within the General Fund.*

- (2) *RECOMMENDED ACTION:* Board of County Commissioners' advice and consent to the appointment of John P. Jackson to the position of Parks, Recreation and Cultural Resources Director. *BUDGETED ACTION:* Funds are budgeted in the Parks, Recreation and Cultural Resources Budget within the General Fund.

Commissioner Skidmore expressed opposition to appointing Mr. Jackson to the Parks and Recreation Department prior to their budget hearing. **Commissioner Cummings** disagreed and suggested the applicant should be involved with the process. **Commissioner Loftus** agreed this person should be brought in now, however, noted the decision falls to Mr. Baltz for final approval. **Commissioner Skidmore** indicated this person will not be available for the budget hearing, said we should wait and see if the department will be adjusted, explained they should be sure this candidate is the correct choice, and mentioned his resistance to hiring someone now at \$100,000.

COMMISSIONER SKIDMORE MOVED TO DENY THE APPOINTMENT OF JOHN P. JACKSON TO THE POSITION OF PARKS, RECREATION AND CULTURAL RESOURCES DIRECTOR. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER LOFTUS MOVED TO APPROVE THE APPOINTMENT OF JOHN P. JACKSON TO THE POSITION OF PARKS, RECREATION AND CULTURAL RESOURCES DIRECTOR, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

E. County Attorney

- (1) *RECOMMENDED ACTION:* Request that the Board approve a Settlement Agreement relating to Bermont Properties, et al. v. Charlotte County, et al. *BUDGETED ACTION:* None

F. Budget Office

- (1) *RECOMMENDED ACTION: Approve mailing the required first-class notification of proposed Municipal Services Benefit Unit (MSBU) assessment rates for FY09/10 for those units with a proposed rate increase above the previously established maximum rate or units assessed for the first time. BUDGETED ACTION: Mailing costs are budgeted in the Board Discretionary Funds, and will be charged back to the appropriate MSBU.*
- (2) *RECOMMENDED ACTION: Cancel the public hearing scheduled for Thursday, July 23, 2009 at Lemon Bay High School in Englewood to discuss MSBUs. BUDGETED ACTION: None*
- (3) *RECOMMENDED ACTION: Accept the resignation of Raymond James & Associates, Inc. (RJ) as the exclusive remarketing agent for the Utility Bonds Series 2003A and assign Merrill Lynch, Pierce, Fenner & Smith Incorporated Securities, Inc. (MLPF&S) as the replacement exclusive remarketing agent for the Utility Bonds Series 2003A at the same terms as the Agreement to remarket the Utility Bonds Series 2003B. BUDGETED ACTION: None (RES2009-208)*
- (4) *RECOMMENDED ACTION: Approve renewal of \$58,300,000 interim loan with Bank of America, N.A. including the delegation to the Chief Deputy, Board Services (in consultation with the Budget & Administration Services Director) for final selection of the most appropriate interest rate and loan term options immediately prior to closing. This will be based on Board direction, general discussion of the options, and market condition at the time of the decision. All loan terms, other than interest rate and prepayment proposals are the same as in previous agreements. BUDGETED ACTION: Principal and interest payments included in proposed budgets. (RES2009-209)*

Commissioner Skidmore commended Tommy White for his money saving efforts, expressed his desire for continued marketing of the property, and pointed out the importance of using all resources to remove the property from our balance sheet. **Commissioner Cummings** indicated that was the idea from the beginning.

COMMISSIONER CUMMINGS MOVED TO APPROVE RENEWAL OF \$58,300,000 INTERIM LOAN WITH BANK OF AMERICA, N.A., SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

- (5) **RECOMMENDED ACTION:** Approve setting a Public Hearing for June 9, 2009, at 10:00 AM., to approve an ordinance reducing the territory of the Neal Road Street and Drainage MSBU from State Road 31 from 6 miles to 3 miles, and further amending the provisions of the MSBU to bring it into conformance with other county MSBUs. **BUDGETED ACTION:** None

- (6) **RECOMMENDED ACTION:** Approve setting a Public Hearing for June 9, 2009, at 10:00 AM., to consider approving an ordinance adding property within the City of Punta Gorda to the South Bridge Waterway MSBU. These boat slips are located at the Peace Harbor Condo's located within the City of Punta Gorda. **BUDGETED ACTION:** None

- (7) **RECOMMENDED ACTION:** Approve the modification of the following six existing FEMA Hazard Mitigation Contracts for wind retrofit and authorize the Chair of the Board of County Commissioners to sign four copies of each contract extending the completion date to September 30, 2009 for the following structures: Tringali Gym, FEMA Project #1539-78-R, Fire Station # 4, FEMA Project #1539-79-R, Fire Station # 3, FEMA Project #1539-86-R, Airport Road Annex, FEMA Project #1539-94-R, Sports Park Major/Minor Clubhouse, FEMA Project #1539-96-R, Care Center, Cooper St. Punta Gorda, FEMA Project #1539-98-R. These grants had been previously approved by the BCC, the County applied for extensions in August of 2008. Approve the modification of the following six FEMA Hazard Mitigation Contracts for

wind retrofit and authorize the Chair of the Board of County Commissioners to sign four copies of each contract extending the completion date to either September 30, 2009 or October 31, 2009 for the following structures: Fire/EMS Station #2, FEMA Project #1539-51-R of 2-24-2009, Fire/EMS Station #13, FEMA Project #1539-75-R of 2-24-2009, Medical Examiner's Facility, FEMA Project #1539-80R of 2-24-2009, Fire/EMS Station #14, FEMA Project #1539-82-R of 2-24-2009, Fire/EMS Station #10, FEMA Project #1539-83-R of 2-24-2009, Fire/EMS Station #9, FEMA Project #1539-85-R of 2-24-2009. These six extensions were approved by the board and signed Feb 24, 2009. However, the form was modified during the extension process and they are requesting that new forms are signed to complete the extension process. BUDGETED ACTION: Grant will reimburse the County for 75% of the total cost. The match (25%) will be budgeted appropriate in the fund, i.e. General Fund, Fire Rescue Fund, Capital Projects Fund. This grant was budgeted in a previous fiscal year and is carried over to FY08/09. (GRT2006-061 through GRT2006-073)

G. Growth Management

- (1) RECOMMENDED ACTION: Execute updated Interlocal Agreement (ILA) due to scrivener's errors called out by the Department of Community Affairs (DCA) during the adoption review. The updated ILA for Coordinated Planning and School Concurrency executed in September 2008, since then, Staff Working Group identified some typographical errors, however, these were minor in nature and no policies were changed. BUDGETED ACTION: None (AGR2009-024)

H. Economic Development - No Items

J. Environmental Services

- (1) **RECOMMENDED ACTION:** Approve contract amendment, extending the expiration date of Charlotte County Solid Waste Services Interlocal agreement with Lee County for solid waste collection and disposal on Lee County's portion of Gasparilla Island. **BUDGETED ACTION:** None (**AGR 94-262**)

K. Facilities Construction and Maintenance - No Items

L. Purchasing

- (1) **RECOMMENDED ACTION:** Approve File #09-247, Purchase of two (2) International Model 7600 SBA 6x4 Trucks from the Florida State Contract #070-700-07-1, Medium & Heavy Trucks, with International Truck and Engine Corporation of Duluth, GA, for \$92,950 each, with a total cost of \$185,900. This is for the purchase of two (2) International Truck Tractors, Tandem Axle, Class 8, 80,000 lbs. GCWR (6X4) off of the Florida State Contract #070-700-07-1, Medium and Heavy Trucks. The purchase of these (2) trucks will be used in conjunction with (4) 25 cu. yds. dump trailers and (1) 6000 gallon tanker, which are currently in Purchasing for bidding. All of this equipment is essential to reduce hauling and disposal costs of sludge for CCU. **BUDGETED ACTION:** Amount Budgeted \$188,000 in Capital Equipment. Funding for this expenditure comes from Utilities Operation and Maintenance Fund.
- (2) **RECOMMENDED ACTION:** Award Bid #09-202, Stormwater Control Structures - Lionheart & Sunset Waterways, to the lowest responsive, responsible bidder, RS Construction of SWFL, LLC of Port Charlotte, FL for a total project cost of \$1,147,887.87 (Best and Final Offer). This is for the services of a licensed and qualified Contractor for the installation of stormwater control structures located at

Peachland Boulevard at Sunset Waterway and Forrest Nelson Boulevard at Lionheart Waterway. BUDGETED ACTION: The FY09 budget contains \$1.6 million for this contract in the Mid Charlotte Stormwater MSBU fund, project c390304, Greater Port Charlotte Drainage Control Structure Replacement, project total \$35,720,000. Funding is supplied from the Mid-Charlotte Stormwater MSBU.

- (3) RECOMMENDED ACTION: Approve Change Order #3 to Contract #07-396, Fordham Waterway Bridge Replacement, with Engineer Control System Corporation (ECS) to increase the contract in the amount of \$52,962.18 with a revised total contract of \$951,962.06 with 25 additional calendar days to the contract term for the replacement of concrete structures on the US 41 Access Road at the Fordham Waterway. This Change Order provides additional compensation and additional time of 18 calendar days for the Contractor's increased expenses required to install the concrete sheet pile walls due to unforeseen conditions, which delayed the completion of the wall installation. The conditions found were boulders or rock outcrops in the area where the concrete sheets had to be installed. BUDGETED ACTION: The FY09 budget has funds available in the Road Improvements Fund, CIP c410519 Fordham Waterway Bridge Replacement, project total is \$1,175,000. Funding is supplied from gas taxes.
- (4) RECOMMENDED ACTION: a) Award File #09-255, Asphalt Rejuvenation, with Pavement Technology, Inc., of Westlake, Ohio, which is a piggyback onto City of Punta Gorda's Contract #SVC-ASPHREJUV/0809, at the unit price of \$.68 per square yard for first year of the Contract; a maximum increase of 6% or \$.72/SY for the second year; a maximum increase of 6% or \$.76/SY for the third year for the period from date of award up to and including May 20, 2012 with option to renew for two additional one-year terms; and b) Authorize Administrator to approve renewals. This is for application of asphalt rejuvenating agent on various locations throughout Charlotte County. BUDGETED ACTION: The FY09 and FY10 budgets contain funding for rejuvenation in various projects. Funding will be supplied from the appropriate MSBU/TU or gas taxes.

- (5) *RECOMMENDED ACTION:* a) Approve Change Order #5 to Contract #03-447, Design-Burnt Store Road Improvements, with Wilbur Smith Associates of Port Charlotte, FL, in the amount of \$162,386.48 for additional services inclusive of Signals/Signs, Railroad Modifications, Post Design & Certifications and Construction Engineering Services (CEI) of Alligator Creek Bridge, for a revised Contract Amount of \$3,720,394.83; and b) Authorize the Chairman to sign the Amendment to the Contract. This Change Order is for additional services for the signal warrant study (with road closed), design/specifications for temporary signal; post design management engineering services to assist the County with interpretations of plans, specifications and contract provisions; and CEI services/contract administration during the construction portion of the Alligator Creek Bridge. *BUDGETED ACTION:* The FY09 budget contains \$165,000 for this change order in the Road Improvements fund, project c419901 Burnt Store Rd Safety and Widening from US 41 to Zemel Rd. Project total is \$40,208,000. Funding is supplied from gas taxes.

M. Human Resources

- (1) *RECOMMENDED ACTION:* Approve the use of this discount prescription card for use by the citizens of Charlotte County and authorize County Administrator to renew contract. *BUDGETED ACTION:* County will receive .50 cent stipend to be used for purposes deemed by the Board of County Commissioners.

Commissioner Skidmore announced a new discount prescription card is available to our citizens, asked staff to continue aggressively marketing the card, and commented that this card provides a higher discount. **Commissioner Loftus** thanked **Commissioner Skidmore** for the announcement and mentioned marketing options.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE COAST2COAST DISCOUNT PRESCRIPTION CARD FOR USE AMONG CHARLOTTE COUNTY CITIZENS AND AUTHORIZE COUNTY ADMINISTRATOR TO RENEW CONTRACT, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

N. Human Services

- (1) RECOMMENDED ACTION: a) Approve the Transportation Disadvantaged Trust Fund application and b) Authorize the Chair to sign all necessary documents. BUDGETED ACTION:
Revenue: 0001.645301.334.491.000 \$271,167 Expense:
0001.645301.564.34.0049 \$271,167 The allocation represents a decrease in state funding of \$ 13,668 below last year based on the Statewide formula. (RES2009-210/GRT2009-014)
- (2) RECOMMENDED ACTION: Approve to increase the maximum funding to individual households under the Local Housing Assistance Plan. BUDGETED ACTION: Funding will be provided by the State Housing Initiative Partnership Program. Funds are budgeted in the FY 2009 County budget. 100% grant funds. No financial impact to County funds. No financial impact to County funds.
- (3) RECOMMENDED ACTION: a) Approve the proposed allocation of funds awarded to the County resulting from the reduction of the Impact Fees. The Affordable Housing Advisory Committee has reviewed these recommendations and approved recommending the proposed distribution and b) Approve Budget Amendment No. 09-A50 in the amount of \$2,000,000 to recognize the Impact Fee Reduction Incentive Allocation. BUDGETED ACTION: Approval of Budget Amendment No. 09-A50 in the amount of \$2,000,000 to recognize the Impact Fee Reduction Incentive Allocation. Expenditures will be from the Impact Fee Reduction Incentive Allocation only, with no impact to County funds. Expenditures will be from the Impact Fee Reduction Incentive Allocation only, with no impact to County funds. Expenditures will be from the Impact Fee Reduction Incentive Allocation only, with no impact to County funds.

Commissioner Starr set Board discussion in motion. Housing Manager Bob Hebert responded to Board inquiries and explained the procedures.

COMMISSIONER STARR MOVED TO DIRECT BUDGET AND HUMAN SERVICES TO REVISIT THEIR BUDGET TO DETERMINE WHETHER THE \$2 MILLION WE RECEIVED BY REDUCING IMPACT FEES COULD BE OFFSET AND APPLIED TO OUR EXISTING BUDGET DEFICIT, SECONDED BY COMMISSIONER SKIDMORE

After further Board discussion, *Commissioner Starr* withdrew his motion.

COMMISSIONER CUMMINGS MOVED TO APPROVE THE PROPOSED ALLOCATION OF FUNDS AWARDED TO THE COUNTY RESULTING FROM THE REDUCTION OF THE IMPACT FEES, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

(4) **RECOMMENDED ACTION:** Approve strategy cost overages per client over the past years of the Hurricane Housing Recovery Grant Program and the State Housing Initiative Partnership Program. 2005-2006 - Total \$5,539.69 2006-2007 - Total \$3,295.80 2007-2008 - Total \$ 934.00 **BUDGETED ACTION:** Funds have been provided by the State Housing Initiative Partnership & Hurricane Housing Recovery Grants. All funds were previously budgeted in the county's budget and were 100% grant funds.

(5) **RECOMMENDED ACTION:** Approve the allocation of interest income from the Hurricane Housing Recovery Grant and other available funds from existing projects finishing under budget. **BUDGETED ACTION:** Funding budgeted in the FY 2009 Hurricane Housing Recovery Program budget. 100% grant funded.

P. Information Technology - No Items

Q. Parks, Recreation and Cultural Resources - No Items

R. Public Safety - No Items

S. Public Works

- (1) *RECOMMENDED ACTION: Approve and authorize the Chair to sign the Florida Department of Transportation (FDOT) State Highway Lighting Maintenance and Compensation Agreement, Fiscal Year 2009/2010 Work Order that inventories the highway lights maintained by Charlotte County. BUDGETED ACTION: The FY09/10 budget will show revenue of \$128,341.53 in the Greater Charlotte Street Lighting District MSTU. Funds for maintenance of highway lights are supplied from the Greater Charlotte Street Lighting District MSTU and the FDOT revenue will be placed in this fund. Funds for maintenance of highway lights are supplied from the Greater Charlotte Street Lighting District MSTU and the FDOT revenue will be placed in this fund. (AGR2002-063)*

- (2) *RECOMMENDED ACTION: Approve and authorize the Chair to sign the Traffic Signal Maintenance and Compensation Agreement with the Florida Department of Transportation (FDOT), Exhibit "A" for Fiscal Year 2009/2010. BUDGETED ACTION None. FDOT will provide compensation of \$55,799.83 for FY 2009-2010, July 1, 2009 to June 30, 2010, to the Transportation Trust Fund. (AGR2002-062)*

- (3) *RECOMMENDED ACTION: Approve a Transportation Post-Project Maintenance Agreement with the Florida Department of Transportation (FDOT) through the American Recovery and Reinvestment Act of 2009 for federal participation in construction of a right-turn lane on Murdock Circle at Veterans Boulevard, and approve a Resolution, authorizing the BCC Chair to execute the Agreement. BUDGETED ACTION: The maintenance of Murdock Circle is paid from the Transportation Trust Fund. Funding for maintenance will be supplied from gas taxes. (RES2009-211)*

T. Real Estate Services - No Items

V. Tourism Development - No Items

W. Utilities

- (1) *RECOMMENDED ACTION: Request Exemption from Landscaping and Buffers Ordinance for Rotonda WRF. Due to the fact that the Rotonda Water Reclamation (sewer) Facility is a restricted and secured access site that the public cannot easily view from the road, CCU is requesting exemption to new landscaping requirements. BUDGETED ACTION: None. Savings from landscaping exemption is \$8,789. (ORD2009-017)*

X. Building & Construction Services - No Items

Y. Other Agencies - No Items

V. REGULAR AGENDA

Z. Regular Agenda

- (1) *Commission Office RECOMMENDED ACTION: Charlotte County has identified an opportunity to offer primitive camping on County owned property. Several Park and Conservation Charlotte property locations have been identified where camping could be considered. A minimal primitive concept of camping amenities and management oversight has been identified. Staff is seeking Board review and direction to determine the Board's desire to initiate a camping program with selected amenities along with a level of service and management oversight that the Board determines is desirable and necessary to accomplish this task. The attachment is a power point presentation.*

Jim Thompson provided a brief visual presentation related to Primitive Camping and site amenities. **Commissioner Loftus** initiated Board discussion, staff answered questions, and Board consensus was received to delay the issue.

- (2) Purchasing **RECOMMENDED ACTION**: Discussion regarding the use of Construction Manager at Risk for Road Projects.

Kim Corbett provided detail related to the use of Construction Manager at Risk for road projects, paralleled packet information, mentioned communications, and discussed the RFP process used by other counties. The Commissioners discussed their views. Dan Quick provided additional information. Ms. Corbett clarified associated procedures.

- (3) Utilities **RECOMMENDED ACTION**: Authorize the Chairman to execute a settlement agreement to resolve the pending Florida Public Service Commission (FPSC) case with Sun River Utilities and also a Wholesale Water Supply Contract for the sale of CCU water to Sun River Utilities. This agreement language is undergoing revision which will be presented to the BOCC. (**AGR2009-026**)

Attorney Knowlton explained the documents and legalities. Ms. Kesner pointed out the boundaries on a visual map and provided additional information. The Commissioners conducted intense Board discussion. Assistant County Attorney Burton provided additional detail associated with the Sun River case. Attorney Manson represented the Authority and responded to Board inquires. Commissioners Skidmore and Starr expressed concern in receiving this issue late. **Chairman Duffy** agreed the documents were tardy, but noted the issue is not new, and explained further.

COMMISSIONER LOFTUS MOVED TO AUTHORIZE THE CHAIRMAN TO EXECUTE A SETTLEMENT AGREEMENT TO RESOLVE THE PENDING FLORIDA PUBLIC SERVICE COMMISSION (FPSC) CASE WITH SUN RIVER UTILITIES AND ALSO A WHOLESALE WATER SUPPLY CONTRACT FOR THE SALE OF CCU WATER TO SUN RIVER UTILITIES, SECONDED BY COMMISSIONER CUMMINGS

Commissioner Starr initiated additional Board discussion and expressed his strong opposition. Staff responded to additional concerns.

MOTION CARRIED 3:2. COMMISSIONER STARR, COMMISSIONER SKIDMORE OPPOSING.

- (4) Utilities **RECOMMENDED ACTION:** Authorize the Chairman to sign the Interlocal Agreement between the City of North Port, the Peace River/Manasota Regional Water Supply Authority (Authority), and Charlotte County to temporarily allocate a portion of Charlotte County's hydraulic capacity in the 36-inch Regional Transmission System (RTS) to North Port through September 30, 2012. **(AGR2009-028)**

Ms. Kesner described the Interlocal agreement and its purpose. Mr. Baltz explained the updated language.

COMMISSIONER CUMMINGS MOVED TO AUTHORIZE THE CHAIRMAN TO SIGN THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH PORT, THE PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY (AUTHORITY), AND CHARLOTTE COUNTY TO TEMPORARILY ALLOCATE A PORTION OF CHARLOTTE COUNTY'S HYDRAULIC CAPACITY IN THE 36-INCH REGIONAL TRANSMISSION SYSTEM (RTS) TO NORTH PORT THROUGH SEPTEMBER 30, 2012, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

VI. PUBLIC HEARING AGENDA - 10:00 AM

- (1) Public Works **RECOMMENDED ACTION:** Consider approving an Ordinance to establish "No Vehicles Over Six Wheels" zones on Sunset Road North, Sunset Road, Indian Creek Drive, Fruitland Avenue, Cougar Way and Rebel Court. **(ORD2009-023)**

Mr. Quick described the purposed Ordinance.

Holly Giblin expressed opposition to installing additional signage and burdening the MSBU.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

Mr. Quick explained the purpose for the signs. **Commissioner Loftus** commented on the number of signs in the County. **Chairman Duffy** clarified the vote would approve an ordinance to establish "No Vehicles Over Six Wheels" zones and noted the signs are secondary.

COMMISSIONER LOFTUS MOVED TO APPROVE STAFF RECOMMENDATION TO ENACT AN ORDINANCE TO ESTABLISH "NO VEHICLES OVER SIX WHEELS" ZONES ON SUNSET ROAD NORTH, SUNSET ROAD, INDIAN CREEK DRIVE, FRUITLAND AVENUE, COUGAR WAY AND REBEL COURT (ORD2009-023), SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

X. CITIZEN INPUT - ANY SUBJECT

John Hitzel mentioned the high water rates in Charlotte County, provided the Board with his rate comparison research, and agreed with the decision to promote Ray Sandrock to Assistant County Administrator.

AA. County Administrator:

Mr. Baltz mentioned receiving a request from the Census Bureau to create a Census Committee, explained the process and his understanding, and requested they give a presentation before the Board. **Chairman Duffy** remarked on past conversations and expressed concern with previous demands. **Commissioner Skidmore** requested additional information prior to Board approval. Mr. Baltz reminded the Board that Parks and Recreation Budget Review is this Wednesday. Mr. Baltz mentioned the status of the Kings Highway Pipeline Agreement. **Commissioner Cummings** provided Pipeline history, timeline, costs, and expressed his opposition.

Mr. Baltz talked about the regional loop project. **Commissioner Loftus** expressed his understanding. **Chairman Duffy** asked for clarification. Mr. Baltz asked for consensus to transfer that section of the pipe. **Commissioner Cummings** asked what the purpose of the transfer is. Mr. Baltz explained. **Commissioner Loftus** said the previous Board decided it would cost less. Pat Lehman gave Southwest Florida Water Management regulations. Mr. Baltz advised he will continue with the direction given and bring the item back to the Board when it is ready.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Loftus mentioned the Burnt Store area property owners request for a new MSBU and expressed the importance of moving forward with the creation. **Chairman Duffy** provided additional information and expressed support. Mr. Baltz mentioned related history. Board discussion continued. Ms. Kesner responded.

RECESS: 12:23 - 2:03 PM

VII. PRESENTATION AGENDA - 2:00 PM

1) Purchasing RECOMMENDED ACTION: a) Presentations to the Board of County Commissioners from the top three (3) ranked firms, as determined by the Professional Services Committee, for Request for Proposal #09-180 Edgewater Drive Phase II-Design, to establish ranking; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations to obtain the services of a professional engineer to provide design services for the Edgewater Drive Phase II project; and d) Approve CIP amendment 09-C07 in the amount of \$2,400,000.

Ms. Corbett explained the presentation process and mentioned she will request Board direction afterwards.

The first presentation was given by American Consulting Engineers of Florida, LLC of Port Charlotte and was followed by Board questions.

The second presentation was given by Kimley-Horn and Associates, Inc. of Port Charlotte, Florida and was followed by Board questions.

The third and final presentation was given by Southwest Engineering and Design, Inc. of Punta Gorda, Florida and was followed by Board questions.

Ms. Corbett reminded the Board of the voting and ranking process. Mr. Baltz clarified the firm with the lowest score is ranked the top firm. The Board completed their ballots during a brief recess and forwarded them to Mr. Baltz to tally.

RECESS: 3:20 PM - 3:30 PM

Mr. Baltz announced the summary total tally results are as follows: (7)-Southwest Engineering and Design, Inc., (11)-American Consulting Engineers of Florida, (12)-Kimley-Horn and Associates, Inc. and reminded the Board that the lowest score is the top firm. Ms. Corbett asked for a Motion by the Board to approve the ranking of the top three (3) firms: Southwest Engineering and Design, American Consulting Engineers of Florida, and Kimley-Horn and Associates for Request for Proposal #09-180 for Edgewater Drive Phase II-Design, and noted she would require direction from the Board after the presentations to proceed with negotiations and authorize the Chairman to sign the contract and approve the CIP associated amendment.

COMMISSIONER SKIDMORE MOVED TO APPROVE STAFF RECOMMENDATIONS AS READ INTO THE RECORD BY MS. CORBETT, SECONDED BY COMMISSIONER STARR

Commissioner Cummings pointed out the Professional Services Committee had ranked American Consulting Engineers of Florida first by a wide margin, and selected Kimley-Horn and Associates, Inc. second, and Southwest Engineering and Design, Inc. last.

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

Ms. Corbett announced the Placida Road Design presentation will be before the Board on June 16, 2009 at 2:00 PM. **Chairman Duffy** thanked Ms. Corbett for setting up the presentations so quickly. Ms. Corbett thanked the presenters.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items

ADJOURNED: 4:13 PM

Signature on file in Commission Minutes
Chairman

ATTEST:

**BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS**

**By: Signature on file in Commission Minutes
Deputy Clerk**

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