

BOARD OF COUNTY COMMISSIONERS

October 13, 2009

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

Members present were: Chairman Duffy, **Commissioner Cummings**, Commissioner Starr, Commissioner Loftus, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Chief Deputy White, and Deputy Clerk Lansing. The following members were absent: None

The meeting was called to order at **9:00 a.m.**

Commissioner Skidmore was not present for this portion of the meeting.

Invocation was given by Pastor Denny Postell, Abundant Life Assembly of God Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Change #1 - Employee Recognition - Attending: Telisha Andrews - Charlotte County Utilities; William Seymour - Charlotte County Utilities; 10 Years: Lynn Howard - Attorney's Office; Judy Sprague - Building Construction Services

Change #2 - E-1 - Deletion of the first paragraph under the "Background Information" category: "Authorization to apply for the grant was given at the BCC meeting on June 23, 2009. The grant has been awarded by the Department of Justice and needs to be accepted by the Board of County Commissioners to receive the funds. The grant proposal was coordinated with representatives from the Charlotte County Sheriff's Office, the Punta Gorda Police Department, the Department of Human Services and Court Administration. Consensus was reached among the group for the amounts allocated to each department, 80% for the Sheriff's Department and 20% for the Punta Gorda Police Department. Projects were selected by each department to make the best use of funds from this grant opportunity. Grant projects include a trade-in/upgrade for Glock pistols with rails for tactical flashlights for the Punta Gorda Police Department, and for the Sheriff's Office an ACCISS system to efficiently catalog and chronicle historical and new property evidence, an enhanced 9-1-1

Patriot Phone System and some equipment to improve crime scene detection and forensic examination."

Change #3 - F-5 - Budget Transfer for Supervisor of Elections year end closeout - Transfer has changed as highlighted.

Addition #1 - Committee Vacancy - Little Gasparilla Island Committee is seeking one volunteer to serve as an at-large member on the committee. The volunteer reside within the Unit. Length of term - 2 years.

Deletion #1 - H-1 - Approve a resolution to amend Resolution 2002-119 to modify the Charlotte Harbor Community Redevelopment Area Architectural Design Standards.

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Richard Loftus

(Commissioner Skidmore was present for the remainder of the meeting.)

American Humane's Adopt-A-Dog Month

COMMISSIONER CUMMINGS MOVED TO APPROVE AMERICAN HUMANE'S ADOPT-A-DOG MONTH THE MONTH OF OCTOBER 2009 PROCLAMATION, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Diane Roberts.

Arts and Humanities Council Artist of the Month - Ronald Smith

COMMISSIONER CUMMINGS MOVED TO APPROVE RONALD SMITH AS ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH THE MONTH OF OCTOBER 2009 PROCLAMATION, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Ronald Smith and Audrey Seal.

Community Planning Month

COMMISSIONER CUMMINGS MOVED TO APPROVE COMMUNITY PLANNING MONTH THE MONTH OF OCTOBER 2009 PROCLAMATION, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Alexis Crespo.

Myrtle McGann Thornton Day

COMMISSIONER CUMMINGS MOVED TO APPROVE MYRTLE MCGANN THORNTON DAY, OCTOBER 23, 2009, PROCLAMATION, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Myrtle McGann Thornton and her grandson Patrick.

National Business Women's Week

COMMISSIONER CUMMINGS MOVED TO APPROVE NATIONAL BUSINESS WOMEN'S WEEK THE WEEK OF OCTOBER 19 THROUGH OCTOBER 23, 2009 PROCLAMATION, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Christine Davis.

Sam Emerick Day

COMMISSIONER CUMMINGS MOVED TO APPROVE SAM EMERICK DAY IN OBSERVANCE OF WORLD HABITAT DAY (OCTOBER 5, 2009) OCTOBER 13, 2009 PROCLAMATION, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

The Proclamation was accepted by Mr. Emerick.

Employee Recognition - County Administrator Roger Baltz

5 Years: Lorna Willis - Parks, Recreation & Cultural Resources; Telisha Andrews - Charlotte County Utilities; William Seymour - Charlotte County Utilities; 10 Years: Lynn Howard - Attorney's Office; Judy Sprague - Building Construction Services; 20 Years:

Robert Carson - Public Works; Not Attending: Timothy Burke - Fire/EMS; Dennis Locker - Fire/EMS; Daniel Sacksteder - Fire/EMS; 20 Years: Manon Lessard - Fire/EMS

Presentations

I. CITIZEN INPUT - AGENDA ITEMS ONLY

Rev. Perry Leon Shelton expressed concern with Savage Men show to be held at the Event Center and requested that guidelines be set for the building.

Mayor Larry Friedman spoke in favor of the interconnect and provided additional growth ideas for the Board to consider.

Kendall Leach spoke in favor of agenda item F-7, and on behalf of Karen Price regarding agenda item L-2.

Joe Dixon spoke on behalf of Curmudgeon Clubs and commended the County on their efforts.

David Garofalo spoke in support of agenda item F-2.

II. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee is seeking two members to serve. One residential home building representative and one representative from the home building industry and must be residents of Charlotte County. Terms are for two years.

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

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) - is seeking two individuals to voluntarily serve on the LCB Board. The purpose of the LCB is to identify local service needs and to provide information, advice, and direction to the Community Transportation Coordination of service to be provided to the transportation disadvantaged. The positions are: 1) A person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged in the county; 2) a person with a disability representing individuals who are disabled in the

county. Your letter or email of interest stating the position for which you are qualified to represent should be sent to: Charlotte County, Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com. The MPO Board will elect the above positions at their Monday, December 14, 2009 Regular Meeting.

Parks and Recreation Advisory Board is seeking one member to serve as the District #4 representative. Meetings are held the first Wednesday of each month at 1:00 p.m. at Charlotte Sports Park

MPO Transportation Disadvantaged Local Coordinating Board (LCB) - is seeking one Charlotte County resident to serve as a representative of the local medical community which may include, but not be limited to kidney dialysis centers, long term care facilities, assisted living facilities, hospitals, local health department or other home and community based service. Your letter or email of interest stating the position for which you are qualified to represent should be sent to: Charlotte County, Punta Gorda MPO, 25550 Harbor View Road, Suite 4, Port Charlotte, FL 33980. Fax: 941-883-3534 Email: office@ccmpo.com

Little Gasparilla Island Committee is seeking one volunteer to serve as an at-large member on the committee. Must reside within the unit. Length of term - 2 years. (ADDITION #1)

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee meeting Minutes for August 27, 2009.

Murdock Village CRA Advisory Committee meeting Minutes of September 14, 2009.

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT AGENDA ITEMS F-7, F-8, F-10, AND E-1, SECONDED BY COMMISSIONER CUMMINGS

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Finance Division

(1) *RECOMMENDED ACTION: Approve Clerk's Finance Memoranda.*
BUDGETED ACTION: None

Memorandum #1 - Status of Contingency Reserves - FY 08/09

Memorandum #1A - Status of Contingency Reserves - FY 09/10

Memorandum #2 - Total Disbursements for the period September 15, 2009 through October 5, 2009 in the amount of \$13,302,196.07.

Memorandum #3 - Quarterly Report Unclaimed Excess Money

Memorandum #3 - Quarterly Report Unclaimed Excess Money

B. Minutes Division

(1) *RECOMMENDED ACTION: Approve Minutes for May 5, 2009 1:30 p.m. Budget Workshop.* *BUDGETED ACTION: None*

Board of County Commissioners

C. Commission Office

(1) *RECOMMENDED ACTION: Appoint David Servis to the Burnt Store Village Street & Drainage Unit Advisory Board from the alternate to a regular member replacing Sally Welch. Length of term: until March 11, 2011.* *BUDGETED ACTION: None*

(2) *RECOMMENDED ACTION: Appoint Charles Rinehart to the Charlotte Ranchettes Street and Drainage Unit replacing William Faris. Length of term: until January 27, 2012.* *BUDGETED ACTION: None*

(3) *RECOMMENDED ACTION: Appoint Erik Hoffer to the Pirate Harbor Waterway Unit advisory replacing Debra Highsmith who resigned. Length of term: until October 13, 2012.* *BUDGETED ACTION: None*

(4) *RECOMMENDED ACTION: Appoint Mr. Michael J. Rowan as the alternate to the Placida Street and Drainage Advisory Committee. This is a two year term effective immediately and expiring October 2011.* *BUDGETED ACTION: None*

D. Administration - No Items.

E. County Attorney

(1) **RECOMMENDED ACTION:** Approve a partial settlement of the lawsuit captioned: American Consulting Engineers of Florida, LLC v. Board of County Commissioners of Charlotte County, and Charlotte County, a political subdivision of the State of Florida; Case No. 09-3866-CA, by 1) authorizing the Chair to execute the contract with Southwest Engineering, and 2) authorizing the Chair and the County Attorney to execute the Settlement Agreement and Release. **BUDGETED ACTION:** None

Commissioner Starr commented in opposition of the lawsuit settlement.

COMMISSIONER STARR MOVED TO REJECT THE RECOMMENDED ACTION OF THE COUNTY ATTORNEY. THE MOTION DID NOT RECEIVE A SECOND AND WAS LOST.

COMMISSIONER SKIDMORE MOVED TO APPROVE A PARTIAL SETTLEMENT OF THE LAWSUIT, SECONDED BY COMMISSIONER CUMMINGS

There was Board discussion on the Motion.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

F. Budget and Administrative Services

(1) **RECOMMENDED ACTION:** Approve Fifth Supplement and Amendment to Standby Bond Purchase (SBPA) Agreement for the Utility Series 2003A and 2003B variable rate bond issue with Bank of America, N.A., in order to delete Section 5.1(s) of the Fourth Supplement and Amendment to SBPA. **BUDGETED ACTION:** None

Resolution 2009-268

(2) **RECOMMENDED ACTION:** a) Approve acceptance of the Edward Byrne Memorial Justice Assistance grant in the amount of \$66,984, and b) Authorize the Chair to execute the attached grant acceptance and any other necessary grant documents. **BUDGETED ACTION:** There is no impact to the BCC budget. The funds will be passed on to the Charlotte County Sheriff's Office and Punta Gorda Police Department for them to expend as specified in the grant. These expenditures are funded by grant revenues with no matching funds required.

Grant 2009-049

Fiscal Services

(3) *RECOMMENDED ACTION:* Approve the attached contract awarding \$625,555 to United Way to be distributed as agreed upon at the May 20, 2009 budget workshop. *BUDGETED ACTION:* None

Grant 2009-050

(4) *RECOMMENDED ACTION:* Approve and authorize the Commission Chair to sign the attached grant certification for the Supervisor of Elections to meet the State requirement to receive Charlotte County's share of the 2009 Legislature appropriated funds to be distributed to State Supervisors of Elections for federal election activities. *BUDGETED ACTION:* No action needed at this time. The Supervisor of Elections FY2009/2010 budget contains sufficient amount of funds to cover the required match which will be used for the specific purposes designated in the grant.

Grant 2009-051

(5) *RECOMMENDED ACTION:* Approve budget transfer #S09-01 to align budgeted funds for the Supervisor of Elections for year-end closeout. *BUDGETED ACTION:* Approve Budget Transfer #S09-01 to align budgeted funds for the Supervisor of Elections for year-end closeout. There is no net change in the budget.

(6) *RECOMMENDED ACTION:* Approve extension of the 2009 Tax Roll from the Property Appraiser to the Tax Collector in accordance with Section 197.323 F.F. prior to the Value Adjustment Board completion of its final meetings. *BUDGETED ACTION:* None

Information Technology - No Items.

Purchasing

(7) *RECOMMENDED ACTION:* Award Bid #09-237 Rotonda Villas/Springs-Water/Sewer Project to General Contracting Services, Inc. of Placida, FL in the amount of \$6,975,107.23 to construct a Water/Sewer project to serve the Rotonda Villa and Springs area. *BUDGETED ACTION:* None. Funding for this expenditure comes from Rotonda Villas & Springs Water and Wastewater MSBU and external borrowings.

Commissioner Skidmore requested that all business contracts, except when changing scope of work, come in at the set price or better and that no change orders be issued.

COMMISSIONER SKIDMORE MOVED TO APPROVE AGENDA ITEM F-7, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

(8) **RECOMMENDED ACTION:** Award Bid #09-305, Renovation Eastport Headworks Structure, to the lowest responsive, responsible bidder: TLC Diversified Inc., of Palmetto, FL for a base bid cost of \$966,000; deduction of Bid Item #5 Rehabilitate Existing Gates for (\$46,700); award of Alternate #1 - Remove and Replace with new Slide Gates for \$90,700 and Alternate #2 - Portable Slide Gate Operator for \$9,600 for a total project cost of \$1,019,600. The purpose of this bid is to secure the services of an experienced, licensed Contractor to furnish all materials, labor, equipment and incidentals required to successfully complete the renovations of the Eastport Headworks Structure. **BUDGETED ACTION:** Amount Budgeted \$1,025,000

Commissioner Skidmore commented on the item.

COMMISSIONER SKIDMORE MOVED TO DENY AGENDA ITEM F-8, SECONDED BY COMMISSIONER STARR

Terri Kesner fielded questions from **Commissioner Cummings** regarding the expansion, costs, safety issues, and using temporary equipment. Board discussion ensued.

MOTION FAILED 2:3.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM F-8, SECONDED BY COMMISSIONER LOFTUS

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

(9) **RECOMMENDED ACTION:** a) Award Bid #09-325 Fabricated Road Signs - Annual Contract to Custom Products Corporation of Jackson, Mississippi, at the unit prices indicated on the bid form; and b) Authorize the County Administrator to approve renewal options up to two additional one-year terms at the same prices, terms and conditions by mutual consent. The contract period will be effective from date of award through and

including September 30, 2010. BUDGETED ACTION: None. Signs will be charged to the appropriate MSBU, MSTU, or the Transportation Trust Fund when used.

(10) RECOMMENDED ACTION: a) Award Request for Proposal No. 09-348, Charlotte County Fire Rescue/EMS Medical Director, to Dr. Raymond A. James, D.O., P.L.; b) Authorize negotiations; and c) Authorize the Chairman to sign the Contract; and d) Terminate Contract #03-129 with Dr. Raymond A. James, D.O., P.L., per the contract provisions. BUDGETED ACTION: None. Funding is budgeted in the FY09/10 EMS operating budget.

COMMISSIONER SKIDMORE MOVED TO AWARD REQUEST FOR PROPOSAL NO. 09-348, CHARLOTTE COUNTY FIRE RESCUE/EMS MEDICAL DIRECTOR, TO DR. DANIEL O'LEARY, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

COMMISSIONER SKIDMORE MOVED TO TERMINATE THE CURRENT CONTRACT WITH DR. RAYMOND A. JAMES, D.O., P.L. AS MEDICAL DIRECTOR, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO AUTHORIZE NEGOTIATIONS AND AUTHORIZE THE CHAIRMAN TO SIGN THE CONTRACT IN REFERENCE TO THE NEW MEDICAL DIRECTOR AND THE NAMING OF DR. DANIEL O'LEARY, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

(11) RECOMMENDED ACTION: Approve deletion of the property inventory items on the attached list for the month of October, 2009. BUDGETED ACTION: None

Real Estate Services - No Items.

G. Building & Construction Services - No Items.

H. Economic Development - No Items.

J. Environmental Services - No Items.

K. Facilities Construction and Maintenance - No Items.

L. Growth Management

(1) *RECOMMENDED ACTION*: Approve a resolution and accompanying covenant adopting a Certification of Sending Zone, petition #CSZ-09-07-03 for Punta Riverside, Inc. *BUDGETED ACTION*: None

Resolution 2009-269

(2) *RECOMMENDED ACTION*: Approve Final Plat, petition #FP-08-08-04, for Dale D. Arculus, Jomida Properties. *BUDGETED ACTION*: None

(3) *RECOMMENDED ACTION*: Approve Letter Agreement between Charlotte County and Landmark Bank for FP-04-02-02, Villa Milano *BUDGETED ACTION*: None.

Agreement 2006-003

M. Human Resources - No Items.

N. Human Services

(1) *RECOMMENDED ACTION*: a) Accept federal grant award of \$4,000 from the U.S. Department of Labor for the Homeless Veterans Stand Down event scheduled for October 31, 2009 and the related Budget Amendment #10-A03. b) Authorize the Human Services Director or her designee to sign any additional grant and reporting documents. *BUDGETED ACTION*: Approve Budget Amendment #10-A03 in the amount of \$4,000.

Grant 2009-052

P. Parks, Recreation and Cultural Resources - No Items.

Q. Public Safety - No Items.

R. Public Works - No Items.

S. Tourism Development - No Items.

T. Utilities - No Items.

U. Other Agencies - No Items.

V. REGULAR AGENDA

VI. PUBLIC HEARING AGENDA - 10:00 A.M.

(1) County Attorney: Conduct a public hearing, to consider approving an ordinance to amend Section 1-2-186 of the Charlotte County Code of Laws and Ordinances to designate certain counties for local preference.

Ms. Knowlton gave explanation of the item. **Commissioner Loftus** stated he has no objection to including DeSoto and Sarasota County and inquired about including Punta Gorda and North Port. Ms. Knowlton advised they advertised to include other counties, but did not include cities and would make that update. **Chairman Duffy** responded that North Port is in Sarasota County and Punta Gorda is within Charlotte County.

TJ Thornberry spoke in support of including other areas.

Mike Bell spoke in support of including other areas.

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

MOTION CARRIED 5:0.

COMMISSIONER CUMMINGS MOVED TO APPROVE ORDINANCE 2009-041, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. COMMISSIONER SKIDMORE OPPOSING.

(2) Budget: Conduct a public hearing to consider adopting an ordinance updating the Capital Improvements Program FY2009/2010 through FY2013/2014.

Linda Carr presented the proposed Ordinance.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-042, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

(3) Growth Management: Conduct a public hearing to consider approving the dissolution of the West Charlotte Harbour

Community Development District (CDD). The Board of Supervisors of the West Charlotte Harbour CDD is seeking approval for the dissolution of the West Charlotte Harbour CDD, pursuant to Chapter 190, F.S.

Steve Ellis presented the proposed ordinance and explained the proposed intent.

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

MOTION CARRIED 5:0.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2009-043, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 5:0.

VII. PRESENTATION AGENDA - 10:00 A.M.

(1) Presentation of 2009 Florida Main Street Secretary of State Honor Award for Outstanding New Construction Project: Charlotte County and City of Punta Gorda, Charlotte Harbor Event and Conference Center

Unidentified person presented the honor award to Charlotte County and the City of Punta Gorda. **Chairman Duffy** and a representative from Matthews Taylor Construction accepted the award on behalf of the Event Center.

(2) On behalf of Charlotte County Utilities, Ms. Terri Kesner will present a rebate check to the Charlotte County Public School Board for their participation in the Toilet Replacement Project, which is partially funded by the Southwest Florida Water Management District.

Ms. Kesner discussed the Toilet Replacement Project, noted the appreciation to the schools, and presented the first of several rebate checks to two representatives of Charlotte County Public School Board. Board discussion ensued.

RECESS: 10:38 -10:55 AM

VIII. PUBLIC WORKSHOP AGENDA - No Items.

IX. BOARD WORKSHOP AGENDA - No Items.

Z. Regular Agenda

(1) Commission Office: Choose by ballot one (1) person to finish a vacated, unexpired term on the Boca Grande Street & Drainage Advisory Committee. This term is effective immediately and shall expire February 27, 2012.

Mr. Baltz read the following results into the record: Richard Morrison, 4 votes and Stephen Martson, 1 vote.

COMMISSIONER CUMMINGS MOVED TO APPOINT MR. RICHARD M. MORRISON, M.D. TO SERVE ON THE BOCA GRANDE STREET & DRAINAGE ADVISORY COMMITTEE, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

(2) Commission Office: Select by ballot, a representative to serve on the Punta Gorda Community Redevelopment Agency for a four-year term.

Mr. Baltz read the following results into the record: Frank Weikel 4 votes, Bill Dryburgh, 1 vote.

COMMISSIONER CUMMINGS MOVED TO APPOINT FRANK WEIKEL TO SERVE ON THE PUNTA GORDA COMMUNITY REDEVELOPMENT FOR A FOUR-YEAR TERM, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

(3) Commission Office: Consider for discussion and direction related to F.S.196.075 - Additional Homestead Exemption for Persons 65 and Older.

Commissioner Skidmore gave explanation of the Additional Homestead Exemption, requested to move the item forward, noted the numbers related to exemption approval, and asked for Board direction to move forward with a public hearing. **Commissioner Cummings** spoke in opposition to the exemption. **Commissioner Starr** supported moving forward with the Public Hearing. Ms. Knowlton read the statute into the record. **Commissioner Loftus** spoke in opposition to the exemption. **Chairman Duffy** commented it was cost shifting, but would support the item. **Commissioner Skidmore** encouraged the Board to investigate the matter. **Board Consensus: Work with staff for a public hearing.**

(4) Purchasing: a) Provide direction and consider the recommendation of the Professional Services Committee ranking of firms for Request for Proposal #09-293, Placida Road Construction Manager at Risk: 1st Half Acre Construction Co. located in Punta Gorda, FL; 2nd Wright Construction Group located in Punta Gorda, FL; 3rd Mathews Taylor Construction LLC located in Punta Gorda, FL; 4th Kraft Construction located in Port Charlotte; and 5th Owen-Ames-Kimball located in Punta Gorda. This is for professional Construction Management services in the widening of Placida Road.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE RECOMMENDATION OF THE PROFESSIONAL SERVICES COMMITTEE FOR REQUEST FOR PROPOSAL #09-293, PLACIDA ROAD CONSTRUCTION MANAGER AT RISK FOR HALF ACRE CONSTRUCTION CO. LOCATED IN PUNTA GORDA, FL, SECONDED BY COMMISSIONER LOFTUS

Commissioner Starr spoke in opposition to the motion. **Chairman Duffy** requested that in the future the Board will view the presentations in person after Staff has made its recommendations and spoke in support of Staff's recommendations. **Commissioner Loftus** agreed with **Chairman Duffy's** comments.

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Kim Corbett clarified what should be entered for the record.

COMMISSIONER SKIDMORE MOVED TO PROVIDE DIRECTION AND CONSIDER THE RECOMMENDATION OF THE PROFESSIONAL SERVICES COMMITTEE RANKING OF FIRMS FOR REQUEST FOR PROPOSAL #09-293, PLACIDA ROAD CONSTRUCTION MANAGER AT RISK: 1ST HALF ACRE CONSTRUCTION CO. LOCATED IN PUNTA GORDA, FL; 2ND WRIGHT CONSTRUCTION GROUP LOCATED IN PUNTA GORDA, FL; 3RD MATHEWS TAYLOR CONSTRUCTION LLC LOCATED IN PUNTA GORDA, FL; 4TH KRAFT CONSTRUCTION LOCATED IN PORT CHARLOTTE; AND 5TH OWEN-AMES-KIMBALL LOCATED IN PUNTA GORDA AND FOR STAFF TO PROCEED WITH NEGOTIATIONS AND AUTHORIZE THE CHAIR TO EXECUTE AND SIGN THE CONTRACT AT COMMENCEMENT, SECONDED BY COMMISSIONER LOFTUS

MOTION CARRIED 4:1. COMMISSIONER STARR OPPOSING.

Commissioner Cummings clarified that all RFP's be brought before the Board for presentation. **Chairman Duffy** responded that the motion was to view only significant RFP's. Ms. Corbett explained the process in detail. **Commissioner Cummings** clarified that none of the recommendations before the Board will have the benefit of

a presentation. Attorney Kira Honse advised of possible statutory requirements. Ms. Knowlton stated the items could be brought back in the future.

(5) Human Resources Discussion and direction regarding the 2010 employee healthcare benefit options/renewal strategies and seek Board direction on which options to offer. Also provide an update on the Employee Health Center utilization and savings to date. Will be asking BCC to approve recommendations.

Bob Pryor noted two presentations in detail. Ray Tollison provided a presentation of the Employee Health Center (CareHere Clinic), discussed the Health Risk Assessment, visitation statistics, available services, no co-pay prescription drug program, compared prescription pricing, and provided related statistics.

Kurt Ghering provided the second presentation related to CIGNA, gave review of RFP's, commented on costs and claims, gave summary of plan, proposed plan changes, stated there will be no increase on any plans other than medical, commented on Health Savings Accounts, and asked the Board to approve Cigna with a 4.4% increase.

COMMISSIONER SKIDMORE MOVED TO APPROVE THE 2010 EMPLOYEE HEALTHCARE BENEFIT OPTIONS/RENEWAL STRATEGIES AND SEEK BOARD DIRECTION ON WHICH OPTIONS TO OFFER, SECONDED BY COMMISSIONER LOFTUS

Chairman Duffey spoke in favor of the Health Savings Plans.

MOTION CARRIED 5:0.

RECESS 11:48 AM - 11:58

(6) Utilities Approval for the Peace River Manasota Regional Water: Supply Authority ("Authority") to locate the Phase 1A pipeline (Kings Highway/Shell Creek) within the jurisdiction of Charlotte County.

Ms. Kesner presented the item and gave a description.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM Z-6, SECONDED BY CHAIRMAN DUFFY

Mr. Baltz clarified there is an attachment that shows the pipeline project and if the motion is approved it would be for the project minus that piece of land. **Commissioner Cummings** commented on the interconnect, reasons for delays, solution to get the job done, recommended the County pay the entire local match, commented on reimbursement, capacity, costs, costs to citizens, and permits. Ms. Knowlton read the information into the record.

Pat Lehmann addressed the Board regarding the pipeline, the interconnect, the Southwest Florida Water Management, the \$11 Million Grant, Deep Creek, the Regional Expansion Program, gave the end results if the project is or isn't approved. **Commissioner Loftus** inquired regarding SWFWMD funding contracts. Mr. Lehmann responded in detail.

Terry Bailey discussed SWFWMD's regional umbrella and commented on funding policies of regional projects. Board discussion ensued. **Chairman Duffy** asked what the legal impact would be if the Board does not approve the item. Attorney Knowlton read the master water supply contract into the record, explained the impact, noted the results, and explained mediation. There was brief discussion between **Commissioner Skidmore** and **Chairman Duffy** regarding discussing legal issues on the record.

Chairman Duffy stated she is in favor of moving forward with the project and inquired what would be owed related to the \$2 Million engineering costs. Mr. Lehman responded in detail. **Chairman Duffy** commented on financial liability and the possible affect on Punta Gorda. **Commissioner Skidmore** asked if there was enough money in Sale Tax to cover the project. Mr. Baltz responded affirmatively and said if it is the will of the Board to not pursue this project and do another project that it is within the \$8 Million budget. Ms. Kesner fielded questions from **Commissioner Skidmore** regarding time related to constructing the interconnects, interconnect availability, and doing the project non-regionally. **Commissioner Loftus** explained the design would have to be redesigned at a cost for the new project.

Commissioner Skidmore agreed with the importance of interconnects but expressed concern with the costs and the reasons for the project. **Chairman Duffy** mentioned residents in the county on well systems. There was extensive Board discussion on the subject. **Chairman Duffy** asked Mr. Kunik if the City of Punta Gorda would be interested in a pipeline that is not part of a regional plan. Mr. Kunik responded mentioning money

invested, that a contract has already been signed, and that they are moving forward with their next expansion plan.

COMMISSIONER LOFTUS MOVED TO TABLE THE PREVIOUS MOTION TO APPROVE AGENDA ITEM Z-6 TO THE OCTOBER 27, 2009 MEETING, SECONDED BY CHAIRMAN DUFFY

Attorney Knowlton clarified that the motion to table the previous motion to approve agenda Item Z-6 to the October 27, 2009 meeting supersedes the current motion on the floor.

MOTION FAILED 2:3.

COMMISSIONER CUMMINGS MOVED TO DENY AGENDA ITEM Z-6, SECONDED BY COMMISSIONER STARR

Commissioner Cummings commented on the motion. Ms. Knowlton stated that once the request is made, you have 60 days. Marty Burton advised if they are moving to deny consents cannot be unreasonably withheld and the motion should have specific reasons in it. **Commissioner Starr** expressed his opposition stating the budget has been cut and the project is not in the best interest of Charlotte County taxpayers.

MOTION CARRIED 3:2. CHAIRMAN DUFFY, COMMISSIONER LOFTUS OPPOSING.

X. CITIZEN INPUT - ANY SUBJECT

AA. County Administrator:

Jeff Ruggieri provided a status update on Babcock Ranch. Mr. Baltz referenced an email previously sent to the Commissioners regarding off-shore drilling and a related resolution advising they will receive State Legislative Priority information from Ms. Shoemaker; and commented on code enforcement meetings related to the use of volunteers. **Commissioner Cummings** disagreed with using volunteers for code enforcement, commenting further. Mr. Baltz responded that Staff will act according to Board direction. **Commissioner Cummings** commented on responsibilities, use of judgment, code requirements, and deed restrictions. Mr. Baltz referred to the denial of Agenda Item Z-6 and assigning a Board member to the Governing Board for mediation. Attorney Knowlton confirmed that the individual has to be a commissioner of the Board. **Board Consensus: Commissioner**

Skidmore should represent the Commission on the Governing Board for mediation.

COMMISSIONER CUMMINGS MOVED TO NOMINATE COMMISSIONER SKIDMORE, SECONDED BY COMMISSIONER STARR

MOTION CARRIED 5:0.

BB. County Attorney: None

CC. Commissioner Comments:

Commissioner Skidmore commented on the removal of port-a-potties from park locations, Board discussion ensued; referenced agenda item Z-7 (mandatory 911 training) being removed and the importance of the Denise Amber Lee item.

Commissioner Cummings commented regarding the Denise Amber Lee item, stating he needs more information before taking action on the item.

Chairman Duffy commented on adding and removing items from the Agenda, mentioned the bill is in the draft form and needs more information, and that 911 training is important.

Commissioner Loftus agreed with Commissioner Duffy's comments.

Commissioner Cummings commented on the MPO item.

Chairman Duffy commented regarding an item mentioned at the MPO Board meeting in hopes of finding other funding alternatives, she is impressed with North Port's appearance, but disappointed with the look of Port Charlotte. There was brief Board discussion on the subject.

ADJOURNED: 1:38 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**

vc