

BOARD OF COUNTY COMMISSIONERS

March 9, 2010

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

Members present were: Chairman Starr, Commissioner Cummings, Commissioner Loftus, Commissioner Duffy, Commissioner Skidmore, County Administrator Baltz, County Attorney Knowlton, Chief Deputy Board Services White, Minutes Supervisor Manley, Minutes Secretary Carleton. The following members were absent: None

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

Invocation was given by Chairman Starr, followed by the Pledge of Allegiance.

Changes to the Agenda:

Deletion #1: F-6 - Requested by: Administration: **RECOMMENDED ACTION:** a) Approve award of Bid #10-082, Specialty Mowing-Landscape Maintenance, to John Eisele, Inc., of Rotonda West, FL, for the period from date of award up to and including September 30, 2010, at the unit prices listed on the tabulation sheet; and b) Authorize the County Administrator to approve two one-year annual renewals at the same terms, prices, and conditions. This is an annual contract for specialty mowing and landscape maintenance of rights-of-way, easements, drainage facilities, medians, treescaped streets, Beach Road, and County-owned vacant lots. **BUDGETED ACTION:** None. Mowing and landscaping are budgeted in the appropriate MSBU/TUs and the Transportation Trust fund.

Change #1: F-9 - Requested by: Purchasing - Additional language to the Recommended Action: "Liquidated damages are \$3,218 per calendar day with a completion time of 420 calendar days."

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Robert Skidmore

Arts and Humanities Council Artist of the Month - Lou-Anne Curtis Proclamation, the month of March 2010

COMMISSIONER LOFTUS MOVED TO APPROVE ARTS AND HUMANITIES COUNCIL ARTIST OF THE MONTH - LOU-ANNE CURTIS PROCLAMATION, THE MONTH OF MARCH 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The proclamation was accepted by Lou-Anne Curtis.

Charlotte County UF/IFAS Extension Service Week Proclamation, March 7, 2010 through March 13, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE CHARLOTTE COUNTY UF/IFAS EXTENSION SERVICE WEEK PROCLAMATION, MARCH 7, 2010 THROUGH MARCH 13, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The proclamation was accepted by Ralph Mitchell and Bucky McQueen.

Florida Surveyors and Mappers Week Proclamation, March 21, 2010 through March 27, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE FLORIDA SURVEYORS AND MAPPERS WEEK PROCLAMATION, MARCH 21, 2010 THROUGH MARCH 27, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The proclamation was accepted by Derek Miller and Steve Ford.

Senior Games Week Proclamation, March 5, 2010 through March 14, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE SENIOR GAMES WEEK PROCLAMATION, MARCH 5, 2010 THROUGH MARCH 14, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The proclamation was accepted by Joanne Larson and Mike Norton.

The Charlotte County Big Read 2010 Proclamation, March 20, 2010 through April 30, 2010

COMMISSIONER LOFTUS MOVED TO APPROVE THE CHARLOTTE COUNTY BIG READ 2010 PROCLAMATION, MARCH 20, 2010 THROUGH APRIL 30, 2010, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

The proclamation was accepted by Angie Patteson and Bill MacDonald as "Edgar Allen Poe".

Employee Recognition - County Administrator Roger Baltz and Commissioner Skidmore

Five Years: Karen Benak, County Attorney's Office; Kenneth Bowers, Fire/EMS; Richard Browne, County Attorney's Office; Delmis Castillo, Utilities; Daniel Gallagher, Jr., County Attorney's Office; Brian Israelson, Public Works; Michael Janschek, Utilities; Fred McKenna, Human Services; Susan Menges, County Attorney's Office; Matthew Philpit, Public Information; Steven Rosso, Public Works; Jo Ann Vondermuehll, Administration; Daniel Pascarella, Facilities; **Ten Years:** Cari Branco, Budget & Administrative Services; **Fifteen Years:** Thomas Emmi, Fire/EMS; Diane Gant, Commission Office; Kathleen Knee, Economic Development; **Twenty Years:** William Handlon, Building Construction Services; Judy Kelley, Information Technology; **Twenty-Five Years:** Donald Seiler, Fire/EMS.

Presentations

Tourism Director, Becky Bovell, presented an honorary Charlotte Harbor Ambassador Deed to John Wildeman.

David Bailey, fundraising coordinator for the Disabled Veterans Foundation, a non-profit organization, presented a check in the amount of \$1,250 to the BOCC from the Disabled Veterans Foundation fundraising drive.

I. CITIZEN INPUT - AGENDA ITEMS ONLY

The following citizens spoke to agenda item Z-1: Robin Leonard, Laurie Kleche, Pat Venuto, Norma Oliva, Sharon Thomas, Amanda Karol, Rita Kagan, Stephanie Hogan, Eileen Prochaska, Pete McLewin, Barry Moldoff, Robert Forman, Travis Jones, and Dr. Thomas Kerr.

Tom Danahy spoke in regard to agenda item Z-4, Babcock Water Use Permit Workshop.

II. COMMITTEE VACANCIES

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

Construction Board of Adjustments and Appeals - is seeking one member to serve as an alternate on this committee. This committee meets the first and third Monday of each month at 8:30 AM in Murdock. Must be a resident of Charlotte County and term is for three years.

Construction Board of Adjustments and Appeals - is seeking three members to serve on the committee. One general building contractor, one mechanical contractor and one public-at-large. Must be residents of Charlotte County and must be licensed. Terms are for three years.

Charlotte Harbor Community Redevelopment Agency Advisory Committee is seeking one volunteer to serve as a Member at Large.

Deep Creek Street & Drainage Unit Advisory Committee is seeking one volunteer to finish an unexpired term. This term expires January 31, 2011.

Charlotte County is seeking nine members to serve on a newly formed Manatee Advisory Committee. Three members shall represent the development community; three members shall represent local environmental advocacy groups and three members shall represent the local fishing and boating community. Committee will engage in public outreach and make recommendations to the Board of

County Commissioners to assist in the development of a Manatee Protection Plan.

Transportation Disadvantaged Local Coordinating Board (LCB) - is seeking one individual 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 position is for a person who is recognized by the Florida Association for Community Action (President), representing the economically disadvantaged 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.

III. REPORTS RECEIVED AND FILED

Charlotte Harbor CRA Advisory Committee Meeting Minutes for regular meeting of January 28, 2010 and Special Meeting of February 4, 2010.

IV. CONSENT AGENDA

COMMISSIONER LOFTUS MOVED TO APPROVE THE CONSENT AGENDA EXCEPT ITEMS F-9, E-4, AND F-14, SECONDED BY COMMISSIONER SKIDMORE.

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 February 13, 2010 through March 1, 2010 in the amount of \$13,714,902.52

B. Minutes Division

(1) *RECOMMENDED ACTION: Approve Minutes for:*

January 12, 2010, 9:00 a.m. Regular Meeting

January 22, 2010, 9:00 a.m. Goal Setting Workshop

January 25, 2010, 9:00 a.m. Pre-Agenda Meeting

January 26, 2010, 9:00 a.m. Regular Meeting

February 8, 2010, 9:00 a.m. Pre-Agenda Meeting

February 9, 2010, 9:00 a.m. Regular Meeting

February 9, 2010, 2:00 p.m. Executive Session

BUDGETED ACTION: None

Board of County Commissioners

C. Commission Office

(1) *RECOMMENDED ACTION: Re-appoint Larry D. Rand to serve an additional three year term on the Harbour Heights Waterway Maintenance District Advisory Board. His current term shall expire on March 13, 2010. The new term shall expire on March 13, 2013. BUDGETED ACTION: None.*

(2) *RECOMMENDED ACTION: Approve the reappointments of Grace Amodeo and Dennis Peck as members to the Manchester Waterway Advisory Committee for two year terms. These expirations have been advertised and both members wish to continue serving. BUDGETED ACTION: None.*

(3) *RECOMMENDED ACTION: Appoint Rex Goulding as the representative of the banking and finance or appraisal sector, on the Murdock Village CRA Advisory Committee, to fill the vacated seat created by Mr. Goff on October 29, 2009. This term*

is effective immediately and shall expire September 2012.
BUDGETED ACTION: None.

(4) RECOMMENDED ACTION: Re-appoint B. J. Galberaith to serve as a regular member (for another three year term) and Mr. Doug Wallace to continue serving as the alternate member (for another term of two years) on the Manasota Key Street and Drainage MSTU. Mrs. Lynwood Dahl has requested her name be withdrawn from consideration. BUDGETED ACTION: None.

D. Administration - No Items.

E. County Attorney

(1) RECOMMENDED ACTION: Set an Executive Session for March 16, 2010 at 1:00 p.m. or as soon thereafter as may be heard, in the Charlotte County Attorney's Office Conference Room, to discuss settlement options, strategy, and related litigation expenditures concerning the lawsuit captioned Aidan Turley v. Charlotte County; Case No. 06-1870-CA. BUDGETED ACTION: None.

(2) RECOMMENDED ACTION: Set an Executive Session for March 9, 2010 at 2:30 p.m. or as soon thereafter as possible in the County Attorney's Conference Room, concerning strategy and litigation expenses regarding the lawsuit captioned: Andress Family Florida LP, a Florida Limited Partnership; Rotonda Lakes II, LP, a Florida Limited Partnership; Rotonda West Estates, L.L.C., a Florida Limited Liability Company; SLWLHT, LLC, a Florida Limited Liability Company; Rotonda 303, L.L.C., a Florida Limited Liability Company; Cape Cave Corporation, a Delaware corporation authorized to do business in Florida; and Cape Haze Corporation, a Florida corporation v. Charlotte County, a political subdivision of the State of Florida, Civil Case No. 10-0639-CA. BUDGETED ACTION: None.

(3) RECOMMENDED ACTION: Approve the settlement of the lawsuit captioned John and Barbara Reddin v. Charlotte County Case No. 07-3176-CA by Authorizing the Chair and County Attorney to execute the Settlement Agreement and Release. BUDGETED ACTION: None.

Agreement 2010-008

(4) *RECOMMENDED ACTION*: Adopt resolution asking Governor Crist for assistance with those Charlotte County residents affected by defective or reactive (Chinese) drywall. *BUDGETED ACTION*: None

Commissioner Cummings questioned the appropriateness of the method for dealing with the issue, commented that it is a civil matter between the contractors and the companies that provided the materials, and stated that he could not support the resolution.

Chairman Starr stated he had received a lot of letters regarding Chinese drywall, and that he is in favor of sending a resolution to the governor to take some action for relief.

Commissioner Skidmore explained why he put the item on the agenda, stating that the Board has an obligation to society for those in need, commented that the resolution does not mandate any costs, and spoke in support. There was brief Board discussion.

COMMISSIONER SKIDMORE MOVED TO APPROVE RESOLUTION 2010-015, SECONDED BY COMMISSIONER LOFTUS.

MOTION CARRIED 4:1. COMMISSIONER CUMMINGS OPPOSING.

F. Budget and Administrative Services

(1) *RECOMMENDED ACTION*: Approve the transfer of \$200,000 from the County Law Enforcement Trust Fund to the Sheriff's Law Enforcement Trust Fund checking account. *BUDGETED ACTION*: Budget Amendment #10-A45 to recognize \$330,000 additional revenue.

(2) *RECOMMENDED ACTION*: Adopt the 0.56% annual price index set by the Public Service Commission for the regulated private water and wastewater utilities. *BUDGETED ACTION*: None

Fiscal Services

(3) *RECOMMENDED ACTION*: a) Approve Budget Transfers #10-005, #10-006, #10-007, #10-008, #10-009, #10-010, #10-011, #10-012, #10-013, #10-014, and #10-015 to adjust carry balances for various account lines for the FY09/10 budget; and b) Approve Budget Amendments #10-A12, #10-A13, #10-A14, #10-A15, #10-A16,

#10-A17, #10-A18, #10-A19, #10-A20, #10-A21, #10-A22, #10-A23, #10-A24, #10-A25, #10-A26, #10-A27, #10-A28, #10-A29, #10-A30, #10-A31, #10-A32, #10-A33, #10-A34, #10-A35, #10-A36, #10-A37, #10-A38, #10-A39, #10-A40, #10-A41, #10-A42, #10-A43, and #10-A44 to adjust carryover balances for various account lines in the FY09/10 budget; and c) Approve CIP amendment #10-C001 to adjust carryover balances within CIP projects. BUDGETED ACTION: The attached budget transfers and amendments are to "carry over" prior year unspent budget amounts that relate to Capital Projects, grants, or purchases of Capital Equipment. The amounts were anticipated to be spent in the prior year but for various reasons were not, usually they are timing issues. The typical example is with a major capital project such as the construction of a building, park, or roadway where it is necessary to "carry over" these unspent budgeted amounts in order to have the proper total budget to complete a project. These are not new budget items. Funds for these transfers and amendments are in various budgets.

Information Technology - No Items.

Purchasing

(4) RECOMMENDED ACTION: Approve cancellation of Contract #09-199, Mobile Concession Services, with Liberty Ice Cream Company of Florida, d/b/a Liberty Concessions. BUDGETED ACTION: None

(5) RECOMMENDED ACTION: Approve Change Order #1 in the amount of \$302,312 to Contract #09-225, Dredging of Harbour Heights Waterway, with Marine Contracting Group, Inc., of Punta Gorda, FL, for a revised total cost of \$757,238.67 and the addition of 140 calendar days for completion. A change order is requested to facilitate the removal of material that was not formulated in the original design process. BUDGETED ACTION: None. Budgeted in project c390705, Harbour Heights Waterway Maintenance Dredging. Funding is supplied from the Harbour Heights Waterway MSBU.

(7) RECOMMENDED ACTION: a) Approve the award of Bid #10-098, Service and Maintenance of Chillers, at the unit prices bid, to Air Mechanical & Service Corp. of Englewood, FL. Term of contract is to be from date of award through and including December 31, 2010. b) Authorize the County Administrator to

approve the renewal options for up to two additional one-year terms, at the same prices, terms, and conditions, by mutual consent. BUDGETED ACTION: Budgeted in various accounts.

(8) RECOMMENDED ACTION: Approve the Award of Bid #10-100, Dozer with Waste Package for Landfill, to Nortrax Equipment of Fort Myers, FL, in the amount of \$193,707, which includes an extended warranty plan in the amount of \$9,957, and a trade in credit of \$19,000 for a County owned 2001 Caterpillar D5 dozer. BUDGETED ACTION: Amount budgeted \$225,000 in Landfill Capital Equipment.

(9) RECOMMENDED ACTION: Approve award of Bid #10-104, Midway Boulevard Widening - Phase 1 to the lowest responsive, responsible bidder, McLeod Land Services Inc. of Punta Gorda for the base bid amount of \$4,447,004.85 and optional bid item amount of \$59,767.98 for a total bid amount of \$4,506,772.83. Liquidated damages are \$3,218 per calendar day with a completion time of 420 calendar days. BUDGETED ACTION: None. Budgeted in CIP project c419005. Funds are supplied from the 2009 sales tax fund, Road Impact Fees, CCU water connection fees, and CCU sewer connection fees.

Commissioner Loftus explained why he pulled the item and commented on the need to prioritize the control structure renovations in order to move forward with the permit.

COMMISSIONER LOFTUS MOVED TO APPROVE AGENDA ITEM F-9, SECONDED BY COMMISSIONER SKIDMORE.

MOTION CARRIED 5:0.

(10) RECOMMENDED ACTION: a) Award Bid #10-118, Natural Gas - Pool Manager, to FPL Energy Services, Inc., of West Palm Beach, FL at the unit costs submitted; and b) Authorize the County Administrator to approve renewal options for up to two (2) additional one-year terms, at the same prices, terms, and conditions, by mutual consent. This is an annual contract to procure natural gas, facilitate, and manage the delivery of natural gas through Transporter and Local Distribution Company (LDC) pipeline systems to the following County locations: South County Regional Park, Charlotte Event Center, Fire Station #1, County Jail and the new Jail Expansion, once it has been

completed. BUDGETED ACTION: Budgeted in various accounts; monies are provided from various funds.

(11) RECOMMENDED ACTION: a) Award Bid #10-128, Cleaning Services - Charlotte County Facilities, to two firms: Group A to Superior Cleaning, Inc. of Bradenton, FL and Group B to Alba Cleaning, Inc, of Bradenton, FL at the unit prices listed on the attached, for the term April 1, 2010 up to and including September 30, 2011 with option to renew for two additional one-year terms at the same prices, terms & conditions; and b) Authorize County Administrator to approve annual renewals. BUDGETED ACTION: Budgeted in various accounts.

(12) RECOMMENDED ACTION: Award File #10-141, Hybrid Bus Dial-A-Ride for the purchase of one (1) International thirty-one (31') foot medium duty hybrid buses under the Florida Department of Transportation Contract #FVPP-05-CA-3 with Transit Plus, Inc. of Jacksonville Beach, FL in the amount of \$216,610. BUDGETED ACTION: None - This purchase is budgeted in the FY2009/2010 Dial-A-Ride budget and is 100% grant funded.

(13) RECOMMENDED ACTION: a) Award Request for Proposal #10-125, Emergency Debris Removal to the firms in the following descending order: DRC Emergency Services, LLC of Mobile, AL; T.F.R. Enterprises, Inc. of Leander, TX; CrowderGulf Joint Venture, Inc. of Theodore, AL; and AshBritt, Inc. of Pompano Beach, FL to establish pre-qualified Contractor(s) to assist Charlotte County in the removal of debris resulting from a catastrophic event. The contract term shall be from April 8, 2010 through and including December 31, 2015; and b) Authorize the Chairman to sign the contracts; and c) Authorize the County Administrator to have the authority to approve renewal options for one (1) additional five-year term at the prices, terms and conditions, as stated in the documents, by mutual consent. BUDGETED ACTION: None required.

(14) RECOMMENDED ACTION: Approve Change Order #1 to File #09-022, Economic Development Consulting Services with PharmaBioSource, Inc., for a not to exceed fee of \$40,000, to perform consulting services for the Economic Development Office. BUDGETED ACTION: None

Chairman Starr explained why he pulled the item, why he was opposed to it, commented that \$125,000 had been spent on consulting fees with no results, that it is a waste of taxpayers' dollars, and that money should be spent on incentives for people and businesses to move here.

COMMISSIONER CUMMINGS MOVED TO APPROVE AGENDA ITEM F-14, SECONDED BY COMMISSIONER LOFTUS.

Don Root provided some history and outlined the purpose of the program. **Commissioner Skidmore** explained that there would be movement on the legislation during the current session.

MOTION CARRIED 4:1. CHAIRMAN STARR OPPOSING.

Real Estate Services

(15) **RECOMMENDED ACTION:** Approve the attached survey showing a portion of Florida Street in Charlotte County, Florida that has been continuously maintained by the County for more than four (4) years. **BUDGETED ACTION:** None

(16) **RECOMMENDED ACTION:** Approve the attached Resolution authorizing the release of portions of two ten-foot (10') wide utility and drainage easements, located in Port Charlotte Subdivision, Section Thirty-Four, and further authorizing the Senior Division Manager, Real Estate Services Division, to execute the County Deed releasing said portions of said easements. (Owners: Murray R. Simonet and D. Scott Simonet)
BUDGETED ACTION: None

Resolution 2010-016

G. Building & Construction Services - No Items.

H. Economic Development - No Items.

J. Environmental Services

(1) **RECOMMENDED ACTION:** Approve the attached agreement between Charlotte County and TerraPass for the sale of Carbon Credits

for Landfill gas to Energy Project, and authorize Chair to sign specified agreement. BUDGETED ACTION: None

Agreement 2010-005

(2) RECOMMENDED ACTION: Approve budget transfer #10-004 to appropriate adequate bond principal payments for the payoff of the series 1996 Solid Waste Disposal revenue bonds from reserves set aside for such purpose. BUDGETED ACTION: Approve Budget Transfer #10-004.

K. Facilities Construction and Maintenance - No Items.

L. Growth Management - No Items.

M. Human Resources

(1) RECOMMENDED ACTION: a) Approve the memorandum of understanding between Charlotte County and the Retired and Senior Volunteer Program of Charlotte County to provide volunteer opportunities for citizens of Charlotte County and Authorize the Chairman to sign the MOU and b) Authorize the County Administrator to sign renewal options. BUDGETED ACTION: None.

Agreement 2010-006

N. Human Services - No Items.

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

Q. Public Safety - No Items.

R. Public Works

(1) RECOMMENDED ACTION: a) Approve a Transportation Post Project Maintenance Agreement ("Agreement") with the Florida Department of Transportation (FDOT) for the Safe Routes to School sidewalk project on Peachland Boulevard from Comstock Street to Hallcrest Terrace, and b) Adopt a Resolution approving said Agreement and authorizing the Chairman to execute said Agreement. BUDGETED

ACTION: None. Any future costs related to the maintenance of this project will be paid for from gas taxes.

Agreement 2010-007 and Resolution 2010-017

S. Tourism Development

(1) RECOMMENDED ACTION: Approve and accept a Grant from the Florida Sports Foundation for Snowbird Baseball Classic to be held in Charlotte County from February 27 - March 27, 2010.
BUDGETED ACTION: None

Grant 2010-009

T. Utilities

(1) RECOMMENDED ACTION: Set a public hearing for March 23, 2010, at 10:00 a.m., or as soon thereafter as may be heard, to adopt Charlotte County year-round water conservation ordinance.
BUDGETED ACTION: None

U. Other Agencies - No Items.

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

(1) County Attorney - Conduct a public hearing to consider approving an ordinance creating the Little Gasparilla Island Fire Services MSBU.

Ordinance 2010-013

Tara Musselman explained the purpose of the proposed ordinance.

Christopher Schuster and Steve LaPorte spoke in opposition to the item.

Midge O'Hara and Bob Hill spoke in support of the item.

COMMISSIONER LOFTUS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DUFFY.

MOTION CARRIED 5:0.

Ms. Musselman outlined the ballot procedures that were used and the outcomes at the request of **Commissioner Skidmore**.

COMMISSIONER SKIDMORE MOVED TO APPROVE ORDINANCE 2010-013, SECONDED BY COMMISSIONER LOFTUS.

Commissioner Duffy commented on the history of putting the proposed ordinance in place.

MOTION CARRIED 5:0.

Recess 10:45 a.m. - 11:00 a.m.

V. REGULAR AGENDA

Z. Regular Agenda

(1) Public Safety - Discussion and possible direction from the Board in regards to our current animal sheltering needs.

Chief Didio gave discussion and direction in regard to animal sheltering and animal control issues. Brian Jones, Animal Control Manager, gave a PowerPoint presentation outlining history and renewed options. **Commissioner Skidmore** clarified Mr. Jones' comments regarding animal tags versus the animal license plate and whether the money from the license plates comes back to the respective counties.

Mr. Jones and Chief Didio fielded Board questions regarding building costs, utility cost estimates, the use of volunteers, the training of animals by prisoners, personnel costs, animal boarding charges, and whether the warehouse on Florida Street was being looked into as a possible site.

Chairman Starr expressed concerns regarding the feral cat problem and commented on a possible program where cats are trapped, neutered/spade, and released.

Mr. Jones fielded questions from **Commissioner Cummings** regarding total annual costs and building/operating costs. **Commissioner Cummings** expressed concern with the twenty year commitment;

mentioned number of cats adopted versus associated costs, and opined that the Animal Welfare League is needed.

Commissioner Skidmore explained that the item is before the Board due to a letter that was received from the Animal Welfare League requesting termination of the partnership and asked if there had been additional conversations since. Mr. Jones responded in detail. **Commissioner Skidmore** opined that there are more questions to be answered before the Board can move forward, expressed concern with ability to monopolize the relationship, commented on negotiating a longer term commitment and costs for movable cat and dog cages, and suggested sending Mr. Jones and Mr. Baltz back to re-negotiate a better contract, moving as expeditiously as possible.

COMMISSIONER SKIDMORE MOVED TO SEND LT. JONES, MR. BALTZ AND HIS DESIGNEES BACK FOR RE-NEGOTIATIONS, SECONDED BY COMMISSIONER LOFTUS.

Chairman Starr stated he would like to explore the possibility of the building on Florida Street. Mr. Baltz responded it is unclear which buildings will be used but will have staff visit the potential building sites for possible usage and report back to the Board. **Commissioner Loftus** mentioned buildings being utilized by the horse arena. **Chairman Starr** expressed desires to institute a trap and release program for feral cats and to find a suitable building. **Commissioner Cummings** spoke in support of the motion but expressed concerns about building costs related to preparation.

MOTION CARRIED 5:0.

Mr. Baltz clarified the direction of the Board stating that staff will put its efforts into building a county shelter on hold pending negotiations with AWL. **Commissioner Skidmore** explained the intent of the motion. Mr. Baltz commented on a budget reduction recommendation to the Board by Mr. Jones in the previous year tied to the impound time which was accepted but is still not in place.

(2) Budget - Request the direction and approval of the Board of County Commissioners on the assumptions that will be applied to the FY10/11 Budget Process.

Gordon Burger requested direction and confirmation from the Board on baseline assumptions for the 2010/2011 budget process, reviewed the overall theme as to how to maintain existing levels of services and reduce costs, and went through the items individually as follows: Salary Increases: none - head nods of yes; Health Insurance increases: 1% is proposed - head nods of yes. **Commissioner Cummings** proposed that the county absorb health insurance increases due to there being no raises. Vacant Positions: **Commissioner Cummings** discussed changing positions vs. changing people. **Commissioner Skidmore** expressed need to look from the top down, commented on outsourcing, and expressed the need to look at the organizational chart to minimize the number of supervisors. **Commissioner Loftus** stated he was under the impression that the administrator would bring the org chart back to the Board for review and mentioned the need for consolidation.

Mr. Burger stated reductions in staff are being looked at rather than positions. **Commissioner Cummings** expressed concern that reductions in staff should be a last resort. Florida Retirement System: Mr. Burger said there would be a finalization of options in June. **Commissioner Cummings** requested a three year projection on revenues and expenses and that the expenses include capital items not related to growth.

Mr. Baltz said that Mr. Burger had met with each Commissioner, that key issues have been produced for upcoming workshops on April 8, 15, 22, 29, and commented on the adjustment of supervisor/non-supervisor positions throughout the organization. **Commissioner Loftus** commented on addressing the issue of consolidation. Mr. Baltz stated that staff is looking at changes to a number of departments and will be expediting those changes in the next few weeks.

(3) Commission Office - Update on FDEP and EPA water quality criteria.

Chairman Starr stated that he had facilitated the item, mentioned the Water Authority meeting he attended, discussion on federal EPA and Florida DEP guidelines, the commerce clause, and requested having a discussion and explanation on making a statement. **Commissioner Loftus** commented on discussion during last Wednesday's Water Authority meeting, mentioned meeting with

Senator Nelson in Washington, addressing the Senator regarding reuse water, proposed having a letter go to the senator so that the county has standing, having one standard for all water bodies in Florida, and commented that no funds are coming from federal government.

Commissioner Skidmore commented on Amendment 4 and TABOR (Taxpayers Bill of Rights), clarified the deadline when the Board can act with Attorney Knowlton, and expressed concerns regarding balancing budgets on the backs of local citizens. **Commissioner Loftus** and **Chairman Starr** agreed on the necessity to deal with TABOR and Amendment 4. **Commissioner Duffy** inquired about advising citizens without spending money. Attorney Knowlton stated that Senate Bill 216 has been added into the Florida Statutes and prohibits spending public funds regarding taking a position on something that is on the ballot, commented on TABOR stating that the Florida Association of Counties has offered to do a presentation to the Board, and requested Board direction. **Commissioner Duffy** was in agreement and also requested getting information on Amendment 4. Attorney Knowlton offered to ask Florida Association of Counties if they had information on Amendment 4. **Commissioner Cummings** clarified with Attorney Knowlton regarding the proposed law's spending limits and whether the Board was allowed to do informational campaigns. Attorney Knowlton responded that the proposed law does not prevent individual commissioners from speaking.

Joanne Vernon of Stormwater gave an update on numeric nutrient criteria along with a PowerPoint presentation.

Ms. Vernon fielded questions from **Commissioner Cummings** regarding the setting of numeric nutrient standards. **Commissioner Loftus** expressed concern with agencies trying to set one criteria for the whole state, commented that agencies need to be more site specific, requested to have a letter coming from the county for better standards, and mentioned comments made by Senator Nelson. **Chairman Starr, Commissioners Skidmore, and Duffy** concurred with **Commissioner Loftus**. **Commissioner Cummings** commented that there needs to be good numeric standards proposed that the federal government would find acceptable. **There was Board Consensus to write a letter stating objections to the way the standards were arrived at and any other pertinent facts such as costs and unfunded mandates. Commissioner Cummings**

commented on the degradation of the water bodies, the associated economic costs, and the need to recognize an economic value to slow the degradation of the water bodies.

(4) Utilities - Conduct a workshop to update the Board on the current status of the Babcock Water Use Permit. CCU is looking for direction.

Terri Kesner handed out a letter from South Florida Water Management District (SFWMD) to the Board and gave an update of status since June's presentation paralleled with a PowerPoint presentation.

Ms. Kesner outlined the letter that was given to the Board. **Commissioner Skidmore** commented that the Board needs to go wherever it needs to go to address the situation. **Chairman Starr** agreed with **Commissioner Skidmore**, mentioned money that has already been spent, and expressed the need to lobby the governor and the legislators. **Commissioner Skidmore** clarified with Mr. Baltz if water supply can only be used in Charlotte County. **Commissioner Loftus** stated that the conditions have changed radically since the County entered into the agreement, suggested changing directions where the issue is addressed on a regional basis, and to ensure that the water is supplied to Charlotte County only. **Commissioner Duffy** agreed with the comments made, expressed the need to fight for the water, expressed concern with projections of water needs, mentioned wells, commented on talking to the Executive Director of SFWMD and Terry Bailey, and asked Ms. Bailey to come forward.

Terry Bailey, of SFWMD, discussed rules on how to get a water use permit, commented on projected demands, and that you cannot get a permit to bank water. **Commissioner Duffy** inquired regarding the timeframe to complete construction, the cost of the lines, and commented on funding. **Chairman Starr** expressed concerns on whether the County was getting the permit. **Commissioner Duffy** expressed concern on having spent too much money.

Commissioner Loftus expressed concern with the amount of money spent. **Commissioner Cummings** inquired as to what CCU has expended, to which Ms. Kesner's answer was staff time; reviewed Charlotte County's contractual obligation of payment to Kitson

for permit costs, asked Ms. Kesner about the annual consumption, to which she responded in detail, and commented on doing small incremental expansions and allowing Kitson to pursue permit until it is denied or granted.

Commissioner Loftus inquired as to how the engineer for the project was chosen, clarified who gives direction, and how bills are submitted. **Commissioner Duffy** clarified **Commissioner Cummings'** comments about reimbursing Kitson, suggested considering lowering the request if the County moves forward on it, making a request that SFWMD give more time to review options, suggested considering regionalization, having a secondary water source to Peace River, asking SFWMD for their word that they will honor all the work done, reviewing expenditures with the current engineer, and not have Kitson pay any more bills.

Ray Dias, SFWMD, commented on interconnects, on assistance given after Hurricane Charlie, Charlotte County's partnership with Lee County, mentioned an inter-county, inter-district transfer, and indicated that SFWMD/SWFMD will work with Charlotte County to get the project built. **Commissioner Cummings** commented on interconnections that would benefit the public that have been denied, mentioned reducing inefficiencies on both sides and improving redundancy and reliability. Mr. Dias commented that both districts are looking out for the County and want to keep things as amicable as possible. **Commissioner Duffy** mentioned operating on the original contract with the state, commented on the inter-district transfer, expressed concerns with SFWMD, gave reasons why, and inquired about putting the permit on hold. Mr. Dias addressed **Commissioner Duffy's** concerns, and stated he would take **Commissioner Duffy's** request to SFWMD and get an answer.

COMMISSIONER DUFFY MOVED TO PUT PERMIT ON HOLD TO GATHER INFORMATION, AND THAT ANY FUTURE EXPENSES INCURRED BE BORNE BY THE COUNTY, SECONDED BY COMMISSIONER LOFTUS.

Attorney Knowlton reminded the Board of the contractual obligations, and recommended that if the permit is put on hold, there needs to be something in writing from Kitson, that the motion could be amending the contract, and warned to tread lightly on future expenses. **Commissioner Cummings** spoke in

opposition to **Commissioner Duffy's** motion and stressed that the County does not owe Kitson any money. Ms. Knowlton stated that to have future expenses go on the County, she would have to check, and that she is struggling as to what the public purpose would be since there is a contract that provides otherwise, and welcomed discussions with Kitson as to what the legal consideration would be.

Tom Danahy of Kitson & Partners suggested having a discussion to work through the issues, expressed concerns about dollars being spent, and mentioned the importance of keeping a good relationship with the County.

Mr. Baltz summarized that both regulatory agencies SWFWMD/SFWMD don't support the water use permit application and commented on the letter from SFWMD and its contents. **Commissioner Loftus WITHDREW HIS SECOND ON THE MOTION** stating that more discussion is needed between the Legal Department, Administration, and Kitson, and expressed concerns with accountability of what has been spent to date.

Commissioner Duffy WITHDREW HER MOTION but commented on the County Attorney's office continuing a dialogue with SFWMD/SFWMD, improving communication efforts, agreed with Mr. Danahy's comments, and expressed concerns with the history of the permitting efforts.

Chairman Starr expressed concerns with SFWMD/SFWMD, the amount of money that has been spent, the need to have the problem resolved, and opined the Board should work with the Governor and the Legislature to get the issue resolved. **Commissioner Cummings** stated the BCC was not told they would get the permit, commented on the history of the issue, and expressed concern with taxpayers paying for the permit.

Mr. Baltz clarified with Ms. Kesner that the engineering firm is no longer working on the permit application, mentioned briefing done before the Board previously, and asked for clarification on Board direction for staff. **Commissioner Cummings** advised maintaining the integrity of the contract by continuing to pursue the permit in good faith until a release is received. **Commissioner Duffy** spoke in opposition to **Commissioner Cummings'** comments. **Commissioner Loftus** spoke in opposition to moving

forward with the permit and stated there needs to be discussion between the County Attorney, Administration, and Kitson & Partners. **Chairman Starr** opined that the County needs to continue with the permit. **Commissioner Cummings** observed that the current direction is pursuing permit and stated that the existing direction stands.

Commissioner Duffy clarified that no action had been taken on the permit since February, commented that she is not in favor of moving forward, and suggested getting more information. **Chairman Starr** expressed the need to pursue the permit, commented that he is not advocating spending more money, but to fight for the permit, and agreed with **Commissioner Cummings'** comments. **Commissioner Loftus** spoke in opposition of spending any more money on moving forward with the permit.

VIII. PUBLIC WORKSHOP AGENDA - No Items

IX. BOARD WORKSHOP AGENDA - No Items.

X. CITIZEN INPUT - ANY SUBJECT

George Attard spoke in regard to homeless situation in Charlotte Harbor and requested bringing Bottle Bill back for public parks.

Charlotte Ventola advised that the Charlotte Harbor CRA has a vacancy and commended Joe Goulding's efforts.

AA. County Administrator:

Mr. Baltz commented that there are no willing sellers related to increasing the height of the Edgewater Bridge. **Commissioner Duffy** commented on a conversation with one of the property owners related to the bridge. **Commissioner Loftus** clarified the amount of footage the bridge would be raised. Mr. Baltz indicated there would be a nine and a half foot (9.5') foot clearance at a cost of \$70,000 dollars, reminded the Board of the Joint Meeting with Punta Gorda on Friday, mentioned receiving a note from Ms. Shoemaker regarding TABOR (Taxpayer Bill of Rights), commented on a presentation with the Florida Association of Counties on March 30 from 9:00 AM to 11:00 AM, asked for Board direction on that date, and stated he would

follow-up with the Commissioners after the meeting to confirm the date.

Mr. Baltz asked for Board direction related to a discussion on Amendment 4. **Commissioner Loftus** opined that the Board needs to take a stand on the amendment. **Commissioner Duffy** agreed with **Commissioner Loftus'** comments but opined that now is not the time. **Commissioner Cummings** stated that he had previously opposed the amendment. Ms. Knowlton, at the request of a commissioner, stated that she had contacted the Supervisor of Elections and stated that the cost to do a special election would range from \$275,000 to \$350,000. Jeff Ruggieri fielded questions regarding Amendment 4. **Commissioner Cummings** commented on the most important land use change that needs to be made. **Commissioner Loftus** commented on previously speaking with Mr. Ruggieri in which he pointed out areas of possibility where there could be a commercial node, and opined that the issue needs to move forward. **Chairman Starr** asked about Board direction on Amendment 4. **Commissioner Loftus** stated that the Board needs more information. **Commissioner Duffy** requested putting the issue on a future agenda for discussion and staff input, suggested taping that portion of the meeting as an informational item to be played on TV20 in order to explain to the public what Amendment 4 is. **Chairman Starr** responded that **Commissioner Duffy's** suggestion may be illegal to do with public money. **Commissioner Duffy** responded that she meant a half hour program, not a commercial. **Commissioner Cummings** suggested putting out an informational campaign so that voters can draw conclusions. Mr. Baltz inquired as to whether there was **Board Consensus for a staff presentation on Amendment 4 and TABOR at the next Board meeting. (BOARD CONSENSUS)**

Mr. Baltz asked for Board direction on providing a redistribution pool for a longer multi-year cycle to the Water Authority. **Commissioner Loftus** suggested a cycle of five years. **Commissioner Cummings** suggested a cycle of three years. **Commissioner Duffy** was agreeable to five years.

BB. County Attorney: none

CC. Commissioner Comments:

Commissioner Loftus commented on engineers waiting on the second phase of Edgewater and Placida Road and stated that he is waiting for Mr. Baltz to get back to the Board with an answer. Mr. Baltz said that he would get the Board an update this afternoon.

Commissioner Duffy stated she had received an email that Charlotte County had been selected as a pilot test site research project to develop a non-profit organization providing support for a senior transportation network, responded to the gentlemen in Citizen Comments regarding photos of homelessness, commented on the delivering of food to the homeless on Fridays and Saturdays, and expressed concerns.

Chairman Starr responded to Mr. Attard's efforts from Citizen Comments, commented that it is not necessary to announce committee vacancies, and stated he would rather not read them. **Commissioner Duffy** stated that the vacancies are listed in the Charlotte Sun, online, and on TV20. **Commissioner Loftus** stated he would like the card system to be disbanded. **Commissioner Cummings** agreed with **Commissioner Loftus**. **Commissioner Duffy** and **Chairman Starr** stated they would like to give the card system more time. (**BOARD CONSENSUS TO STOP READING VACANCIES.**)

Ms. Knowlton announced the 2:00 Executive Session.

VII. PRESENTATION AGENDA - 3:00 P.M.

a) Presentations to the Board of County Commissioners from the top three ranked firms, as determined by the Professional Services Committee, for Request for Proposal #10-014, Construction Administration Services-ASR Well/Rotonda to establish ranking; b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations to obtain the services for professional Construction Administration Services related to construction and FDEP certification of an Aquifer Storage & Recovery (ASR) Well to be located at the Rotonda Water Reclamation Facility (WRF) site.

Kim Corbett introduced the presentations of the top three ranked firms for RFP #10-014 Construction Administrative Services for the ASR Well.

Bob Halfhill updated the Board on construction schedules related to Edgewater Drive and Placida Road. Kim Corbett explained factors that prohibit a change in the existing RFP due to Florida Statutes. **Commissioner Loftus** inquired about timeframe to get the second phase of the project out to bid for design from Midway to Collingswood. Ms. Corbett explained she was asked to do a change order to the existing contract but due to Florida Statute it will not be possible to do a change to the existing contract, stated that there needs to be an RFP to hire an engineer, and fielded questions from the Board regarding the RFP process and timeframe. **Commissioner Loftus** expressed concerns regarding getting people back to work and about Placida. Dan Quick responded in detail regarding design and construction of Placida.

Mr. Baltz clarified CCNA is not violating any processes or rules, reminded the Board that staff is creating a local stimulus plan and will bring back a list of priority projects, assured **Commissioner Loftus** that staff will move forward to get design work done. **Commissioner Cummings** asked Ms. Corbett about notification requirements for bids. **Commissioner Loftus** clarified Ms. Corbett's comments related to the project process and timeframes. **Commissioner Cummings** clarified the timeline if completing the process as one construction project or two, and stated that there needs to be more information. Mr. Baltz asked Mr. Payette about the amount of property acquisition left to be completed on Phase II for Edgewater. Mr. Payette responded in detail and fielded questions from **Commissioner Loftus** related to Edgewater.

Kim Corbett summarized the sequence of events for the presentations and the ranking. DMK Associates gave the first presentation. Dorian Popescu gave his opening comments and introduced his design team. Mark McNeal discussed the details of the project and company credentials, gave a PowerPoint presentation based on packet material, and responded to Board inquiries.

Johnson Engineering gave the second presentation. Christopher Beers gave company credentials and introduced his design team. Erik Howard gave a PowerPoint presentation based on packet

material furnished. Christopher Beers summarized the presentation and responded to Board inquiries.

Commissioner Duffy requested a copy of the slides showing diagrams of wells and asked about the proposal for the test well and when the RFP went out to bid. Ms. Corbett responded that the scoring was done on December 18, discussions with firms took place on January 5, and the proposals went out on December 3.

Malcolm Pirnie gave the third presentation. Richard Cowles of Malcolm Pirnie introduced his team, gave company credentials, and gave a PowerPoint presentation based on packet material furnished. Mr. Cowles and David Pyne responded to Board inquiries.

Ms. Corbett instructed the Board to complete the ballots and requested a five minute break in order to do the tally of votes.

Recess 4:30 PM - 4:40 PM

Ms. Corbett announced a tie between DMK and Johnson and there was **BOARD CONSENSUS TO DO A RE-VOTE**. The Commissioners marked their ballots for a second time. Ms. Corbett announced the second vote as another tie. The Commissioners stated that they would not change their votes. **THERE WAS BOARD CONSENSUS TO DO A RE-VOTE AT THE MARCH 16 LAND USE MEETING WHEN COMMISSIONER SKIDMORE IS AVAILABLE.**

Adjourned: 4:42 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

sfc