

BOARD OF COUNTY COMMISSIONERS

NOVEMBER 28, 2023

A Regular and Land Use Meeting was held at the Murdock Administration Complex in Commission Chambers; Room 119, Port Charlotte, Florida.

The following members were present: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Tiseo. Also in attendance were: County Administrator Flores, County Attorney Knowlton, and Minutes Clerk Johnston. The following members were absent: None.

The Meeting was called to order at 9:00 am

The Invocation was given by **Commissioner Constance** followed by the Pledge of Allegiance.

Elect Chairman and Vice Chairman

County Attorney

The County Attorney is to conduct this portion of the meeting for the purpose of electing a Chairman and Vice Chairman of the Board of County Commissioners.

County Attorney Knowlton opened the floor for nominations.

COMMISSIONER DOHERTY MOVED TO NOMINATE COMMISSIONER TRUEX AS CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO CLOSE CHAIR NOMINATIONS, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO NOMINATE COMMISSIONER CONSTANCE AS VICE-CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, SECONDED BY COMMISSIONER TRUEX

MOTION CARRIED 5:0.

Changes to the Agenda

Addition #1: R-7, Traffic Light at Madrid and Burnt Store Road Approve a letter to the Metropolitan Planning Council supporting the installation of a traffic signal at the intersection of Burnt Store and Madrid along with traffic management along Burnt Store Road.

Requested by: Commission Office

Change #1: R-1, Added attachment – Updated Water Authority Agenda for December 6, 2023.

Requested by: Utilities Department

Change #2: F-1, Item moved to Regular Agenda, R-5.

Requested by: Budget & Admin Services

Change #3: P-1, Item moved to Regular Agenda, R-6, Added attachment – Updated CCU FY2025 20-Year Water Demands for Authority.

Requested by: Utilities Department.

Change #4: Q-1, Item moved to Regular Agenda, R-4.

Requested by: Other Agencies, CHNEP

Change #5: R-5, *Updated Language:* a) Approve award of Request for Bids #23-485, East Port Water Reclamation Facility Expansion, to Pool & Kent Company of Florida, of Port Charlotte, Florida, in the amount of \$106,188,600. This is for the upgrade of the Est Port Water Reclamation Facility; and b) **Approve Resolution for budget adjustment BA24-084 in the amount of \$51,556,009;** and c) **Approve amending Capital Improvement Project “East Port WRF Expansion.”** *Added attachment: Budget Adjustment, Amended Capital Improvement Project (CIP), Resolution, and Fiscal Update presentation, and Connection.*

Requested by: Budget & Admin Services

Change #6: B-1, Added attachment – Updated November 9, 2023 BCC Pre-Agenda Minutes.

Requested by: Minutes Division

COMMISSIONER CONSTANCE MOVED TO APPROVE CHANGES TO THE AGENDA, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Proclamations – Commissioner Christopher Constance

COMMISSIONER CONSTANCE MOVED TO APPROVE THE PROCLAMATIONS, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Riverhouse Condominium Complex 50th Anniversary

Ted Carthy accepted the Proclamation.

Charlotte County Chamber of Commerce Christmas Parade Day

Bob White, Executive Director and Nick Worden, Chamber President accepted the Proclamation.

Adam Riley Day

Adam Riley accepted the Proclamation.

Community Garden Month

Proclamation will be mailed to Katie Meier, Recreation Supervisor.

John Hagerty Day

John Hagerty, Firemedic accepted the Proclamation.

Employee Recognition

Employee of the Month - September 2023

Emergency Management Team; Ellen Pinder, Bradley Geelen, Ashlyn Gamble and Brandon Watkins
Public Safety

Patrick Fuller, Emergency Management Director highlighted Ms. Pinder's, Mr. Geelen's, Ms. Gamble, and Mr. Watkins' efforts, public outreach, dedication, preparedness, and emergency response.

Employee Recognition

Rick Kolar
Transit

Gordon Burger, Budget and Administrative Services Director highlighted Mr. Kolar's career, emergency response, and preparation.

Award Presentations

Check Presentation for the Veterans Memorial at the William R. Gaines Jr. Veterans Memorial Park Commissioner Stephen R. Deutsch to accept donation from Florida Power and Light; Charlotte Miller.

Commissioner Deutsch commented on Florida Power and Light (FPL), partnership, and accepted donation from Charlotte Miller, FPL External Affairs Manager.

Ms. Miller discussed hurricane restoration and sponsorship.

PUBLIC INPUT - AGENDA ITEMS ONLY

Mike Geddes mentioned 23-536, Recreation Equipment Rental Concession Services.

Susan Bledsoe noted 23-536, Recreation Equipment Rental Concession Services.

Joann Sabella spoke to 23-536, Recreation Equipment Rental Concession Services.

Mark Timchula, Beach Guy commented on 23-536, Recreation Equipment Rental Concession Services.

Peggy Burton discussed 23-536, Recreation Equipment Rental Concession Services.

Pam Bondy mentioned 23-536, Recreation Equipment Rental Concession Services.

Paul Haber noted 23-536, Recreation Equipment Rental Concession Services.

Tim Ritchie spoke to Annual Authority Water Demand Projections.

Philip Fenno commented on 23-536, Recreation Equipment Rental Concession Services.

Bill White discussed 23-536, Recreation Equipment Rental Concession Services.

David Kesselring mentioned 23-536, Recreation Equipment Rental Concession Services and Discussion and Direction on the Eastern Portion of Murdock Village.

COMMITTEE VACANCIES

The Parks and Recreation Advisory Committee is seeking a volunteer to serve as a member at large. The applicant must be a resident of Charlotte County. The term will be effective December 31, 2023 upon approval and expire on December 31, 2027. To obtain an application, send an email to Assistant@CharlotteCountyFL.gov.

The following **MSBU/TU Advisory Boards** are seeking volunteers who must be both a property owner within and reside within the Unit. Submit applications to Public Works Department, 7000 Florida Street, Punta Gorda, Florida 33950; call 941-575-3600 or e-mail MSBU-TU@CharlotteCountyFL.gov.

• **Boca Grande Street & Drainage Unit** is seeking three members to fill positions with terms through October 31, 2024, October 31, 2025, and October 31, 2026.

• **Burnt Store Village Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.

• **Edgewater North Waterway Unit** is seeking one member to fill a position with a term through October 31, 2025.

- **Englewood East Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2024, and October 31, 2026.
- **Gardens of Gulf Cove Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2024.
- **Grove City Street & Drainage Unit** is seeking two members to fill positions with terms through October 31, 2024, and October 31, 2025.
- **Harbour Heights Street & Drainage Unit** is seeking one member to fill a vacant position with a term through October 31, 2024.
- **Manchester Waterway Utility Unit** is seeking one member to fill a position with a term through October 31, 2024.
- **Placida Area Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.
- **Rotonda Lakes Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2026.
- **Rotonda Sands Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025.
- **South Burnt Store Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2024.
- **South Gulf Cove Street & Drainage Unit** is seeking one member to fill a position with a term through October 31, 2025.

MPO - Citizens' Advisory Committee (CAC) is seeking one West County Representative; this applicant must live west of the Myakka River; one Mid-County Representative; and one At-Large Representative. Applicants must live in Charlotte County to serve on the CAC. The CAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

MPO - Bicycle/Pedestrian Advisory Committee (BPAC) is seeking one South County Representative; and a Bicycle Club Representative. These individuals must be a resident of Charlotte County to serve on the BPAC. The BPAC reviews and makes recommendations on transportation plans and projects that the MPO Board will consider.

MPO - Charlotte County Transportation Disadvantaged Local Coordinating Board (LCB) is seeking one volunteer representing the "Children at Risk; a person over sixty representing the "Elderly in Charlotte County" and one "Disabled representative who is Disabled." 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 deadline for submitting an application is Friday, December 1, 2023. Please go online at www.ccmpto.com or contact the MPO for an application. The MPO mailing address is Charlotte County-Punta Gorda MPO, P.O. Box 494469, Port Charlotte, Florida 33949. Fax: 941-883-3534 Email: office@ccmpo.com. The MPO Board will elect the above positions at its Monday, December 18, 2023 Meeting.

REPORTS RECEIVED AND FILED

Monthly Housing Division Report - October 2023

Human Services

October 2023 Housing Division Report.

Clerk of Court's County Quarterly Investment Report

Comptroller Division

Clerk of Court's County Quarterly Investment Report, September 30, 2023.

Clerk of Court's County Investment Report, Interest on Investments

Comptroller Division

Clerk of Court's County Investment Report, Interest on Investments for Fiscal Year 2023.

CONSENT AGENDA

COMMISSIONER DOHERTY MOVED TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF F-5, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Clerk of the Circuit Court

A. Comptroller Division

1. Finance

Recommended Action: Approve the Clerk's Finance Memorandum.

Budgeted Action: No action needed.

B. Minutes Division

1. Minutes

(Change #6) B-1, Added attachment – Updated November 9, 2023 BCC Pre-Agenda Minutes.

Recommended Action: Approve the following Minutes:

November 9, 2023 BCC Pre-Agenda
November 14, 2023 BCC Regular Meeting

Budgeted Action: No action needed.

Board of County Commissioners

C. Commission Office

1. Appointment- South Gulf Cove Street & Drainage Advisory Board

Recommended Action: Approve the appointment of Robert E. Axelson to fill the unexpired term of Peter Watson on the South Gulf Cove Street & Drainage Advisory Board. This appointment will be effective immediately and will expire on October 31, 2025.

Budgeted Action: No action needed.

2. Reappointments - Marine Advisory Committee

Recommended Action: a) Approve the reappointment of Robert Mayes, as the PGI Fishing Club representative. Term is effective immediately and will expire in November 2026; and b) Approve the reappointment of Robert Hickey as the Punta Gorda Boaters Alliance representative. Term is effective immediately and will expire in November 2026; and c) Approve the reappointment of Tom Ireland as the South Gulf Cove Yacht Club representative to the Marine Advisory Committee. Term is effective immediately and will expire in November 2026; and d) Approve the reappointment of William Kumm as the Punta Gorda Boat Club representative. Term is effective immediately and will expire in December 2026; and e) Approve the reappointment of David Vigne as the Pirate Harbor Yacht Club representative. Term is effective immediately and will expire in December 2026; and f) Approve the reappointment of Charles Wolley as the Isles Yacht Club representative for the Marine Advisory Committee. Term is effective immediately and will expire in December 2026.

Budgeted Action: No action needed.

D. County Administration

E. County Attorney

1. Set an Executive Session re: Wilbur Graf v. Charlotte County Board of County Commissioners

Recommended Action: Set an Executive Session for Tuesday, December 12, 2023, at 12:00 p.m., in the County Attorney's Conference Room, at 18500 Murdock Circle, Port Charlotte, Florida, to discuss settlement negotiations or strategy related to litigation expenditures in this civil action captioned Wilbur Graf v. Charlotte County Board of County Commissioners.

Budgeted Action: No action needed.

F. Budget and Administrative Services

Fiscal Services

Information Technology

Purchasing

1. 23-485, Award, East Port Water Reclamation Facility Expansion (Utilities)

(Change #2) Item moved to Regular Agenda, R-5.

Recommended Action: Approve award of Request for Bids #23-485, East Port Water Reclamation Facility Expansion, to Pool & Kent Company of Florida, of Port Charlotte, Florida, in the amount of \$106,188,600. This is for the upgrade of the Est Port Water Reclamation Facility.

Budgeted Action: A budget adjustment and project amendment to the Capital Improvement Project "East Port WRF Expansion" will be determined based on board discussion and brought back for approval at a later date.

2. 24-018, Award, Cleaning and Disinfecting Public Shelters - Annual Contract (Public Safety)

Recommended Action: a) Approve award of Request for Bid #24-018, Cleaning and Disinfecting Public Shelters - Annual Contract to the lowest responsive, responsible bidder, Contractors Enterprises Inc. of Tallahassee, Florida at the unit prices indicated on the bid form for the term from January 1, 2024 through and including December 31, 2024; and b) Authorize the County Administrator to approve two additional one-year renewal terms at the same prices, terms and conditions, by mutual consent.

Budgeted Action: No action needed. The potential expense for this contract would only occur if there was an emergency or disaster event, and will be submitted to FEMA for reimbursement if applicable.

3. 24-039, Award, HVAC Contractor - Annual Contract (Facilities)

Recommended Action: a) Approve award of Request for Bid #24-039, HVAC Contractor - Annual Contract to the lowest responsive, responsible bidder, Air Mechanical and Service Corporation, of Englewood, Florida at the hourly rate of \$92.00 per hour for a period of January 1, 2024 through and including December 31, 2024; and b) Authorize County Administrator, or his designee, to approve renewal options for up to two additional one year periods at the same prices, terms and conditions, by mutual consent. The purpose of this bid is to secure the

services of a professional, licensed heating, ventilation, and air conditioning (HVAC) Contractor to provide the services in accordance with industry standards and Federal, State and Local rules, regulations and guidelines on an "as required basis."

Budgeted Action: No action needed. Services provided and charged out to various departments. Funding for this expenditure comes from various sources as service is provided.

4. 23-585, Award, Manhole Rehabilitation - Annual Contract (Utilities)

Recommended Action: a) Approve the Award of Request for Bid #23-585, Manhole Rehabilitation- Annual Contract to Rowland (DE), LLC of Pinellas Park, Florida at the unit prices attached, with the initial contract term of date of award through and including September 30, 2024; and b) Authorize the County Administrator to approve renewal options for up to two additional one-year terms at the same prices, terms and conditions, by mutual consent.

Budgeted Action: No action needed. Budgeted in the Utilities Operations and Maintenance Fund - Operations budget as approved in the FY2024 budget process. Funding for this expenditure comes from rate revenues.

5. 23-536, Approve Ranking, Recreation Equipment Rental Concession Services (Community Services)

Recommended Action: a) Approve ranking of firms for Request for Proposal #23-536, Recreation Equipment Rental Concession Services: 1st Bike and Roll Miami dba Beach Chairs Concierge; 2nd Mark Knofler's Enterprises, LLC; 3rd Manasota Valet, LLC; and b) Approve start of negotiations with top-ranked firm; and c) Authorize Chairman to sign the contract after completion of negotiations; and d) Authorize the County Administrator to approve two additional one-year renewals by mutual consent.

Budgeted Action: No action needed. Budgeted in the General Fund.

Chair Truex noted public beach, vendors, and complaints. **Commissioner Constance** spoke to Request for Proposals (RFP) process, scoring, previous bids, options, bidders, and presentations. **Commissioner Deutsch** commented on RFP, process, local preference, and legal restrictions. **Commissioner Doherty** discussed RFP process, scoring, local preference, Consultant Competitive Negotiations Act (CCNA), and funding. **Commissioner Tiseo** mentioned scoring, RFP, process, categories, local preference, contract, negotiations, fee schedule, termination conditions, base rent, bidders, and annual index.

County Attorney Knowlton responded to RFP, process, local preference, legal restrictions, and options.

Kim Corbett, Purchasing Senior Division Manager replied to local preference, RFP process, previous bids, contract, negotiations, termination conditions, base rent, and annual index.

Deputy County Attorney Lori Tetreault remarked on legal issues, local preference, procurements, grant funding, RFP process, and competitive bidding.

COMMISSIONER TISEO MOVED TO AWARD AGREEMENT TO MARK KNOFLER'S ENTERPRISES, LLC

MOTION WITHDRAWN

COMMISSIONER CONSTANCE MOVED TO POSTPONE ITEM AND HAVE PRESENTATIONS BY ALL BIDDERS AT A LATER DATE, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

6. 24-140, Award, Wheeled Excavator (Public Works)

Recommended Action: Approve award of "piggyback" purchase off the Florida Sheriffs Association Contract #FSA23-EQU21.0, Wheeled Excavator, to Alta Enterprises, LLC of Tampa, Florida, for the total cost of \$350,940.

Budgeted Action: No action needed. A Quarter 1 budget adjustment of \$200,940 will be brought to the board amending Capital Improvements Project "Additional Rolling Stock Public Works (FY24/FY25)" approved in the FY24 budget process. The Maintenance & Operations equipment budget is sufficient to cover the additional cost. Funding is supplied from maintenance gas taxes.

7. 24-153, Award, Purchase John Deere 644P Front Loaders (Public Works)

Recommended Action: a) Approve award of File #24-153, for the purchase of three (3) John Deere 644P Front Loader, per Florida Sheriff's Association Cooperative Purchasing Program Contract# FSA23-EQU21.0, and award to Dobbs Equipment, LLC of Lutz, Florida for a purchase price of \$487,768 per unit; and b) Approve Asset #36639 and #36287 to be sold via auction.

Budgeted Action: No action needed. Two are replacements budgeted in the Solid Waste Heavy Equipment Replacement plan and the additional item was budgeted in capital improvements project "Additional Rolling Stock Public Works (FY24/FY25)"; each approved in the FY24 budget process. Funding is supplied from Solid Waste fees.

Real Estate Services

Risk Management

Transit

8. Interlocal Agreement Relating to Sharing of Federal Transit Administration (FTA) Formula 5307 and 5339 Funds with Sarasota County, Florida

Recommended Action: a) Approve the Interlocal Agreement with Sarasota County relating to the sharing of Federal Transit Administration Formula 5307 and 5339 funds; and b) Authorize the Chairman to sign the Interlocal Agreement. **AGR 2023-209**

Budgeted Action: No action needed.

G. Community Development

H. Community Services

I. Economic Development

J. Facilities Construction and Maintenance

K. Human Resources

L. Human Services

M. Public Safety

N. Public Works

1. LAP Agreement with the State of Florida Department of Transportation for the Right of Way Acquisition of the Project to Widen Harborview Road from Melbourne Street to Date Street

Recommended Action: a) Approval and authorization to accept LAP Agreement 434965-5 for the Florida Department of Transportation (FDOT) grant; and b) Authorize the Chairman to sign the grant documents & Resolution. **AGR 2023-210 / RES 2023-224**

Budgeted Action: A budget amendment will be brought to the Board for approval.

O. Tourism Development

P. Utilities

1. Annual Authority Water Demand Projections

(Change #3) Item moved to Regular Agenda, R-6, Added attachment – Updated CCU FY2025 20-Year Water Demands for Authority.

Recommended Action: Approve the FY2025 Charlotte County 20-year projected water demands for submittal to the Peace River/Manasota Regional Water Supply Authority.

Budgeted Action: No action needed. Funding provided by the Utility Operating & Maintenance Fund as approved in the FY24 budget process.

Q. Other Agencies

1. Interlocal Agreement, Central Florida Regional Planning Council and Charlotte County on Behalf of the CHNEP for Professional Planning and Public Outreach Services

(Change #4) Item moved to Regular Agenda, R-4.

Recommended Action: a) Approve Interlocal Agreement between Charlotte County on behalf of the Coastal & Heartland National Estuary Partnership (CHNEP) and the Central Florida Regional Planning Council (CFRPC) for CFRPC to provide Charlotte County/CHNEP with services to implement the CHNEP Comprehensive Conservation and Management Plan (CCMP); and b) Authorize the Chairman to sign the Interlocal Agreement; and c) Authorize the County Administrator, or designee, to sign any Work Assignments related to this Interlocal Agreement with CFRPC.

Budgeted Action: No action needed. Budgeted in CHNEP - 1026 Fund budget as approved in the FY2024 budget process. Funding for the expenditure comes from United States Environmental Protection Agency.

RECESS: 10:17 am – 11:34 am

COMMUNITY REDEVELOPMENT AGENCY MEETING

At 10 a.m., or soon thereafter the Board will recess for the Murdock Village Community Redevelopment meeting. The Regular Meeting will reconvene upon the conclusion of the Murdock Village Community Redevelopment meeting.

REGULAR AGENDA

R. Regular Agenda

Taken Out of Order

3. Discussion and Direction on the Eastern Portion of Murdock Village

Recommended Action: a) Discussion and Direction on the future of the eastern most portion of Murdock Village; and b) If needed - Consider a Motion of the Board of County Commissioners approving the Fifth Amendment to the Purchase and Sale Agreement for the eastern portion of Murdock Village.

Budgeted Action: No action needed.

COMMISSIONER CONSTANCE MOVED TO DENY FIFTH AMENDMENT TO THE PURCHASE AND SALE AGREEMENT FOR THE EASTERN PORTION OF MURDOCK VILLAGE, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

1. Water Authority Agenda - December 6, 2023

Utilities

(Change #1) Added attachment – Updated Water Authority Agenda for December 6, 2023.

Discussion and direction on the Peace River Manasota Regional Water Supply Authority Board agenda for the upcoming December 6, 2023 Meeting.

Denise Caruthers, Utilities Operations Supervisor highlighted Water Authority Agenda – December 6, 2023.

Chair Truex noted Purchase and Installation of Construction Trailer for Temporary Water Resources Offices. **Commissioner Constance** spoke to Calendar Year (CY) 2024 Peace River Hydrobiological Monitoring Program (HBMP Work Order with Janicki Environmental), Purchase and Installation of Construction Trailer for Temporary Water Resources Offices, Hurricane Ian Damage Repair Update, Brackish Groundwater Supply Project Update, Contract for Aquifer Storage and Recovery (ASR) WF#1 Chemical Feed Improvements, and Regional Integrated Loop Phase 2B Interconnect Project – Revise Interlocal Agreement and Guaranteed Maximum Price.

County Attorney Knowlton remarked on revised Interlocal Agreement.

Dave Watson, Utilities Director responded to construction, numbers, and revised Interlocal Agreement.

6. Annual Authority Water Demand Projections

Utilities

(Change #3) Item moved to Regular Agenda, R-6, Added attachment – Updated CCU FY2025 20-Year Water Demands for Authority.

Approve the FY2025 Charlotte County 20-year projected water demands for submittal to the Peace River/Manasota Regional Water Supply Authority.

Mr. Watson highlighted Annual Authority Water Demand Projections.

Chair Truex commented on projections, surrounding counties demands, and future concerns. **Commissioner Constance** discussed costs, brackish Reverse Osmosis (RO), Peace River Regional Reservoir (PR3), expansions, capacity, projections, and surrounding counties demands. **Commissioner Doherty** mentioned cost, expansion, gallons per day, timing, surrounding counties demands, and intake structure.

Mike Coates, Peace River/Manasota Regional Water Supply Authority (PRMRWSA) Executive Director responded to projects, surface water expansion, cost, funding, brackish ground water, timeframe, surrounding counties demands, annual average, intake structure, gallons per day, and infrastructure.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE FISCAL YEAR 2025 CHARLOTTE COUNTY 20-YEAR PROJECTED WATER DEMANDS FOR SUBMITTAL TO THE PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

5. 23-485, Award, East Port Water Reclamation Facility Expansion (Utilities)

Budget & Admin Services

(Change #2) Item moved to Regular Agenda, R-5.

(Change #5) Updated Language: a) Approve award of Request for Bids #23-485, East Port Water Reclamation Facility Expansion, to Pool & Kent Company of Florida, of Port Charlotte, Florida, in the amount of \$106,188,600. This is for the upgrade of the Est Port Water Reclamation Facility; and b) **Approve Resolution for budget adjustment BA24-084 in the amount of \$51,556,009;** and c) **Approve amending Capital Improvement Project “East Port WRF Expansion.” Added attachment: Budget Adjustment, Amended Capital Improvement Project (CIP), Resolution, and Fiscal Update presentation, and Connection Fees presentation.**

Approve award of Request for Bids #23-485, East Port Water Reclamation Facility Expansion, to Pool & Kent Company of Florida, of Port Charlotte, Florida, in the amount of \$106,188,600. This is for the upgrade of the Est Port Water Reclamation Facility. **RES 2023-225**

Ms. Corbett highlighted 23-485 East Port Water Reclamation Facility Expansion.

Chair Truex noted materials cost. **Commissioner Constance** spoke to demand, funding, rates, increases, contract, bonding, connections, capacity, East Port, Burnt Store, and West Port. **Commissioner Doherty** commented on Projected Rate Adjustments – Residential Water and Wastewater Bill Comparison, scenarios, TAP fees, revenue, funding, East Port, Burnt Store, West Port, water supply debt, growth, rate payers, and capacity. **Commissioner Tiseo** discussed rate modeling, Projected Rate Adjustments – Residential Water and Wastewater Bill Comparison, increases, 777, and cost average.

Rick Arthur, Fiscal Services Manager remarked on Projected Rate Adjustments – Residential Water and Wastewater Bill Comparison, scenarios, TAP fees, 777, index, rates, and construction.

Mr. Watson responded to connections, East Port, West Port, Burnt Store, Department of Environmental Protection (DEP) permit, capacity, and fines.

COMMISSIONER DOHERTY MOVED TO APPROVE AWARD OF REQUEST FOR BIDS #23-485, EAST PORT WATER RECLAMATION FACILITY EXPANSION, TO POOL & KENT COMPANY OF FLORIDA, OF PORT CHARLOTTE, FLORIDA, IN THE AMOUNT OF \$106,188,600. THIS IS FOR THE UPGRADE OF THE EAST PORT WATER RECLAMATION FACILITY; AND APPROVE RESOLUTION 2023-225 FOR BUDGET ADJUSTMENT BA24-084 IN THE AMOUNT OF \$51,556,009; AND APPROVE AMENDING CAPITAL IMPROVEMENT PROJECT “EAST PORT WRF EXPANSION”, SECONDED BY CHAIR TRUEX

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

(Addition #1) 7. Traffic Light at Madrid and Burnt Store Road

Commission Office

Approve a letter to the Metropolitan Planning Council supporting the installation of a traffic signal at the intersection of Burnt Store and Madrid along with traffic management along Burnt Store Road.

COMMISSIONER DEUTSCH MOVED TO APPROVE A LETTER TO THE METROPOLITAN PLANNING COUNCIL SUPPORTING THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF BURNT STORE AND MADRID ALONG WITH TRAFFIC MANAGEMENT ALONG BURNT STORE ROAD, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

4. Interlocal Agreement, Central Florida Regional Planning Council and Charlotte County on Behalf of the CHNEP for Professional Planning and Public Outreach Services

Coastal & Heartland National Estuary Program

(Change #4) Item moved to Regular Agenda, R-4.

a) Approve Interlocal Agreement between Charlotte County on behalf of the Coastal & Heartland National Estuary Partnership (CHNEP) and the Central Florida Regional Planning Council (CFRPC) for CFRPC to provide Charlotte County/CHNEP with services to implement the CHNEP Comprehensive Conservation and Management Plan (CCMP); and b) Authorize the Chairman to sign the Interlocal Agreement; and c) Authorize the County Administrator, or designee, to sign any Work Assignments related to this Interlocal Agreement with CFRPC. **AGR 2023-211**

Assistant County Administrator Jubb highlighted Interlocal Agreement, Central Florida Regional Planning Council and Charlotte County on Behalf of the Coastal and Heartland National Estuary Partnership (CHNEP) for Professional Planning and Public Outreach Services.

Commissioner Constance mentioned Regional Planning Council (RPC) and issues.

COMMISSIONER CONSTANCE MOVED TO APPROVE INTERLOCAL AGREEMENT BETWEEN CHARLOTTE COUNTY ON BEHALF OF THE COASTAL & HEARTLAND NATIONAL ESTUARY PARTNERSHIP (CHNEP) AND THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL (CFRPC) FOR CFRPC TO PROVIDE CHARLOTTE COUNTY/CHNEP WITH SERVICES TO IMPLEMENT THE CHNEP COMPREHENSIVE CONSERVATION AND MANAGEMENT PLAN (CCMP); AND AUTHORIZE THE CHAIRMAN TO SIGN THE INTERLOCAL AGREEMENT 2023-211; AND C) AUTHORIZE THE COUNTY ADMINISTRATOR, OR DESIGNEE, TO SIGN ANY WORK ASSIGNMENTS RELATED TO THIS INTERLOCAL AGREEMENT WITH CFRPC, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

RECESS: 12:17 pm – 1:00 pm

1 P.M. PUBLIC INPUT - ANY SUBJECT

Daniel Taylor noted taxes, increase, Hurricane Ian, damage, and refund amount.

Sam Castanova spoke to hurricane damage, taxes, increase, street signs, Sunseeker, traffic study, congestion, and local preference.

Tim Ritchie commented on developments, water demands, surrounding counties, supply, quality, and chemicals.

Chair Truex discussed taxes, hurricane damage, Sunseeker, traffic, signal, and Florida Department of Transportation (FDOT).

R. Regular Agenda (Continued)

2. 2024 Commission Committee Assignments

Commission Office

Selection of Commission Committee Assignments for 2024.

Affordable Housing Advisory Committee

Commissioner Tiseo

Commissioner Deutsch – Alternate

Charlotte Harbor Environmental Center (CHEC)

Commissioner Tiseo

Commissioner Doherty - Alternate

Peace River Manasota Regional Water Supply Authority (PRMRWSA)

Commissioner Tiseo

Chair Truex – Alternate

Commissioner Constance – Alternate

Commissioner Deutsch – Alternate

Commissioner Doherty – Alternate

SWFL Workforce Development Board, Inc.

Chair Truex

Commissioner Constance – Alternate

Commissioner Deutsch – Alternate

Commissioner Doherty – Alternate

Commissioner Tiseo – Alternate

Tourist Development Council (TDC)

Commissioner Constance

Chair Truex - Alternate

Commissioner Deutsch – Alternate

West Coast Inland Navigation District (WCIND)

Commissioner Constance

Chair Truex - Alternate

Commissioner Deutsch – Alternate

Commissioner Doherty – Alternate
Commissioner Tiseo – Alternate

16 County Coalition (Ecosystem Summit)

Commissioner Doherty
Chair Truex - Alternate
Commissioner Constance – Alternate
Commissioner Deutsch – Alternate
Commissioner Tiseo - Alternate

Circuit 20 Florida Department of Juvenile Justice Advisory Board

Chair Truex
Commissioner Constance – Alternate
Commissioner Tiseo – Alternate

Coastal & Heartland National Estuary Partnership (CHNEP)

Commissioner Doherty
Chair Truex - Alternate
Commissioner Constance – Alternate

Community Action Agency Advisory Board (CAAAB)

Commissioner Tiseo

Environmentally Sensitive Lands Oversight (ESLOC)

Commissioner Tiseo
Commissioner Doherty - Alternate

Metropolitan Planning Organization (MPO)

Commissioner Constance
Commissioner Deutsch
Commissioner Tiseo
Chair Truex – Alternate
Commissioner Doherty – Alternate

Public Safety Coordinating Council

Commissioner Constance
Chair Truex – Alternate
Commissioner Deutsch – Alternate
Commissioner Doherty - Alternate
Commissioner Tiseo – Alternate

Southwest Florida Regional Planning Council (SWFRPC)

Commissioner Doherty
Commissioner Tiseo
Chair Truex – Alternate
Commissioner Constance – Alternate
Commissioner Deutsch – Alternate

SWFL Regional Summit

Commissioner Constance
Chair Truex – Alternate
Commissioner Deutsch – Alternate
Commissioner Doherty – Alternate
Commissioner Tiseo - Alternate

Finance Committee

Chair Truex
Commissioner Doherty
Commissioner Constance – Alternate
Commissioner Deutsch – Alternate
Commissioner Tiseo – Alternate

RESTORE/Gulf Consortium

Commissioner Constance
Chair Truex – Alternate
Commissioner Deutsch – Alternate
Commissioner Doherty – Alternate
Commissioner Tiseo – Alternate

Value Adjustment Board (VAB)

Commissioner Doherty
Commissioner Tiseo
Chair Truex – Alternate
Commissioner Constance – Alternate
Commissioner Deutsch - Alternate

Airport Authority

Commissioner Deutsch

Agriculture & Natural Resources Advisory Committee (ANRAC)

Commissioner Tiseo

Beaches & Shores Advisory Committee

Commissioner Deutsch

Building Industry Oversight Committee (BIOC)

Chair Truex

Charlotte County Veterans Council

Commissioner Deutsch
Chair Truex – Alternate
Commissioner Constance – Alternate

Industrial Development Authority (IDA)

Commissioner Deutsch
Commissioner Constance – Alternate

Marine Advisory Committee (MAC)

Commissioner Deutsch
Commissioner Constance – Alternate

Parks & Recreation Advisory Committee

Commissioner Doherty
Commissioner Deutsch – Alternate

Arts & Humanities Council

Chair Truex
Commissioner Deutsch - Alternate

Charlotte Harbor Community Redevelopment Area Advisory Committee (CHCRAAC)

Commissioner Doherty
Commissioner Tiseo – Alternate

Historical Advisory Committee

Commissioner Deutsch
Commissioner Constance – Alternate

Murdock Village Community Redevelopment Area Advisory Committee (MVCRAAC)

Commissioner Deutsch
Commissioner Constance – Alternate

Chair Truex mentioned PRMRWSA, Metropolitan Planning Organization (MPO), and Southwest Florida Regional Planning Council (SWFRPC). **Commissioner Constance** noted PRMRWSA, SWFRPC, letter, quorum, resiliency, workforce housing, December 7, 2023 meeting, participation, bi-laws, and contributions. **Commissioner Deutsch** spoke to SWFRPC, purpose, and benefits. **Commissioner Doherty** commented on PRMRWSA, MPO, SWFRPC, December 7, 2023 meeting, participation, dues, letter, and interlocal agreement. **Commissioner Tiseo** discussed PRMRWSA, MPO, SWFRPC, December 7, 2023 meeting, quorum, and resiliency.

Assistant County Administrator Jubb mentioned SWFRPC, contributions, and budget.

County Attorney Knowlton noted SWFRPC, membership, interlocal agreement, and dues.

COMMISSIONER DOHERTY MOVED TO APPROVE THE 2024 COMMISSION COMMITTEE ASSIGNMENTS WITH CHANGES TO THE PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

PUBLIC HEARING AGENDA

S. 10:00 A.M. Public Hearing

PRESENTATION AGENDA

T. 10:00 A.M. Presentations

Taken Out of Order

AA. County Administrator Comments - None

BB. County Attorney Comments - None

CC. Economic Development Director Comments - None

DD. County Commissioner Comments

Chair Truex spoke to Dr. Asperilla, scholarship programs, hospitals, season, report, hold times, diversion, Fire/EMS, coverage, public safety, National Association of Counties (NACo), campaign, marketing, and Florida Association of Counties (FAC). **Commissioner Constance** commented on Gulf Consortium, letter, Dr. Asperilla, career, legacy, scholarship programs, hospitals, diversion, and hold times. **Commissioner Deutsch** discussed Dr. Asperilla, plaque, hospitals, Fire/EMS, and coverage. **Commissioner Doherty** mentioned NACo and competition. **Commissioner Tiseo** noted hospitals, Fire/EMS, and coverage.

RECESS: 1:50 pm – 2:00 pm

2 P.M. LAND USE AGENDA

PUBLIC INPUT - LAND USE CONSENT AGENDA ITEMS ONLY

Consent Agenda

Minutes Clerk Johnston administered oath for testimony.

COMMISSIONER DOHERTY MOVED TO APPROVE LAND USE CONSENT AGENDA, SECONDED BY COMMISSIONER TISEO

MOTION CARRIED 5:0.

UA1. DRC-23-00007, Lakeside RV Resort

Community Development

Weiler Engineering Corporation is requesting PD Final Detail Site Plan approval for Lakeside RV Resort. The project consists of 289 RV sites, two bath houses, a clubhouse, dog park, sport courts and other amenities. The existing triplex building will be demolished. This project site is 58.8± acres and is located at 8979 Burnt Store Road and 3301 Taylor Road, Punta Gorda in Section 17, Township 41, Range 23. Located in Commission District II. **RES 2023-226**

Quasi-Judicial

UA2. FP-22-05-14, Babcock Ranch Community Crescent Lakes Phase 1

Community Development

Approve a Bond Reduction request and First Amendment to Development Agreement to reduce the amount of the approved surety provided under Bond No. SUR0075808, issued by Argonaut Insurance Company in the amount of \$6,796,298.80 to \$386,012.28 for the completion of the remaining infrastructure for Babcock Ranch Community Crescent Lakes Phase 1. The site contains 111.47± acres and generally located south of Bermont Road, north of the County line with Lee County, west of the County line with Glades County and east of Bluebird Trail. The site is within the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 2, in the East County area. Located in Commission District I. **A.AGR 2023-051**

Quasi-Judicial

UA3. TDU-23-09, UNC Capital, LLC

Community Development

Approve a petition for a transfer of one density unit to a Receiving Zone located at 14176 Fillmore Avenue, in the West County area, and within Commission District III, containing 0.22± acres; in compliance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. TDU-23-09; Applicant: UNC Capital, LLC; providing an effective date. The subject property is located in Commission District III. **RES 2023-227**

Quasi-Judicial

UA4. FP-19-07-09, Babcock Ranch Community Edgewater

Community Development

Approve a Bond Release for the Final Plat of a residential subdivision named, Babcock Ranch Community Edgewater. The site contains 116.46± acres and is generally located north of Lake Timber Drive, south of Greenway Boulevard, east of SR 31 and west of Curry Preserve Drive, in the boundary of the Babcock Ranch Community Development of Regional Impact (DRI) Increment 1, within the East County area. Located in Commission District I.

Quasi-Judicial

UA5. FP-21-01-01, Landings at West Port

Community Development

Approve a Bond Release for the Final Plat of a residential subdivision named, Landings at West Port. The site contains 18.89± acres and is generally located north of El Jobean Road, south of South Port Harbour Boulevard, east of Centennial Boulevard and west of the Flamingo Waterway, in the Port Charlotte area. Located in Commission District IV.

Quasi-Judicial

Public Hearing

UB1. PAL-23-00002, JDI Farms Inc. (Commercial Excavation)

Community Development

Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to Florida Department of Commerce and other State agencies for review and comment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Mineral Resource Extraction (MRE); for property located at 3771 SR 31, in the Punta Gorda area and within the East County area, containing 536.22± acres; Commission District I; Petition No. PAL-23-00002; Applicant: JDI Farms Inc.; providing an effective date. Located in Commission District I.

Legislative

Jie Shao, Principal Planner gave a brief overview of Proposed Changes, 1000' Mailed Notice Map, Location Map, Area Image, Framework, Existing Future Land Use Map (FLUM) Designations, Proposed FLUM Designations, Existing Zoning Designations, Proposed Zoning Designations, Map #24: Mineral Resource Extraction (MRE) Prohibited Locations, Map #4: Watershed Overlay District, Map #6: Prime Aquifer Recharge Areas, Overall Excavation Plan, Post Reclamation Plan, 500 Foot Features, and ½ Mile Features.

Chair Truex mentioned taxing. **Commissioner Constance** noted road impacts, fees, mitigation, Proposed Zoning Designations, density, and zoning. **Commissioner Tiseo** spoke to Staff Report, level of service, Bermont Road, turn lanes, reclamation, mining operations, impacts, fees, and taxes.

Attorney Rob Berntsson, Applicant Representative accepted Ms. Shao as an expert, joined in Staff Report, commented on property uses, water, reclamation, excavation, permit, location, and life cycle.

Shaun Cullinan, Planning and Zoning Official replied to road impacts, fees, mitigation, density, capacity, and technical report.

County Attorney Knowlton interjected on taxing issue.

Public Input

COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

COMMISSIONER DOHERTY MOVED TO APPROVE TRANSMITTAL OF A LARGE SCALE PLAN AMENDMENT TO FLORIDA DEPARTMENT OF COMMERCE AND OTHER STATE AGENCIES FOR REVIEW AND COMMENT; THE AMENDMENT REQUEST IS TO CHANGE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM AGRICULTURE (AG) TO MINERAL RESOURCE EXTRACTION (MRE); FOR PROPERTY LOCATED AT 3771 SR

31, IN THE PUNTA GORDA AREA AND WITHIN THE EAST COUNTY AREA, CONTAINING 536.22± ACRES; COMMISSION DISTRICT I; PETITION NO. PAL-23-00002; APPLICANT: JDI FARMS INC.; PROVIDING AN EFFECTIVE DATE. LOCATED IN COMMISSION DISTRICT I, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

UB2. TCP-23-01, Revisions to FLU Appendix VI: Developments of Regional Impact – the Murdock Center DRI

Community Development

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; this request is to revise Future Land Use (FLU) Appendix VI: Developments of Regional Impact by 1) adding a Land Use Equivalency Matrix to Increment II of the Murdock Center Development of Regional Impact (DRI) which will allow the conversion of approved commercial square footage to other uses within this DRI; and 2) amending the Murdock Center DRI development rights to a) decrease "Retail/office" from 2,699,000 - 2,685,591 square feet to 2,541,588.31 - 2,557,512.31 square feet and increase multi-family units from 1,812 units to 2,534 units; and b) reflect the new development rights as established in Increment II Development Order (DO) by adding "Regional Mall" of 630,605.31 square feet, "Theater" of 70,000 square feet, "Peripheral Development" of 440,500 square feet, and 722 "Multi-family" (Mid-Rise) Units; Petition No. TCP-23-01; Applicant: Avery Port Charlotte, LLC; this amendment will also update the Land Use Equivalency Matrix for Increment IV DO and update development rights as established in Increment IV DO by adding "Retail" of 515,749 square feet, "Office" of 44,076 square feet, and "Mini-Warehouse" of 155,730 square feet; and concurrently removing 150 "Hotel Rooms", 150 units of "Senior Adult Housing", and 125 units of "Assisted Living", which has been adopted by the Board via Resolution Number 2022-145; Commission Districts IV & V; providing an effective date. The Murdock Center DRI is located within Commission Districts IV & V. **ORD 2023-050**

Legislative

Ms. Shao gave a brief overview of Proposed Changes, Murdock Center Development of Regional Impact (DRI), Future Land Use (FLU) Appendix VI: Developments of Regional Impact, Land Use Equivalency Matrix, and Increment IV.

Attorney Rob Berntsson, Applicant Representative discussed Comprehensive Plan and changes.

Commissioner Constance mentioned Ordinance language. **Commissioner Tiseo** noted Ordinance language.

Assistant County Attorney Thomas David responded to Ordinance language.

County Attorney Knowlton remarked on Ordinance language.

Public Input

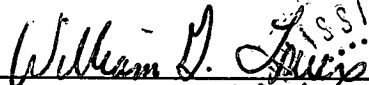
COMMISSIONER CONSTANCE MOVED TO CLOSE PUBLIC INPUT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

COMMISSIONER CONSTANCE MOVED TO APPROVE AN ORDINANCE 2023-020 OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA ("BOARD"), PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, AMENDING THE COUNTY'S COMPREHENSIVE PLAN TO REVISE FLU APPENDIX VI: DEVELOPMENTS OF REGIONAL IMPACT BY: (1) ADDING A LAND USE EQUIVALENCY MATRIX TO INCREMENT II OF THE MURDOCK CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI) WHICH WILL ALLOW THE CONVERSION OF APPROVED COMMERCIAL SQUARE FOOTAGE TO OTHER USES WITHIN THIS DRI; AND (2) AMENDING THE MURDOCK CENTER DRI DEVELOPMENT RIGHTS TO (A) DECREASE "RETAIL/OFFICE" FROM 2,699,000 – 2,685,591 SQUARE FEET TO 2,541,588.31 - 2,557,512.31 SQUARE FEET AND INCREASE MULTI-FAMILY UNITS FROM 1,812 UNITS TO 2,534 UNITS; AND (B) REFLECT THE NEW DEVELOPMENT RIGHTS AS ESTABLISHED IN INCREMENT II DEVELOPMENT ORDER (DO) BY ADDING "REGIONAL MALL" OF 630,605.31 SQUARE FEET, "THEATER" OF 70,000 SQUARE FEET, "PERIPHERAL DEVELOPMENT" OF 440,500 SQUARE FEET, AND 722 "MULTI-FAMILY" (MID-RISE) UNITS; PETITION TCP-23-01; APPLICANT: AVERY PORT CHARLOTTE, LLC; THIS AMENDMENT WILL ALSO UPDATE THE LAND USE EQUIVALENCY MATRIX FOR INCREMENT IV DO AND UPDATE DEVELOPMENT RIGHTS AS ESTABLISHED IN INCREMENT IV DO BY ADDING "RETAIL" OF 515,749 SQUARE FEET, "OFFICE" OF 44,076 SQUARE FEET, AND "MINI-WAREHOUSE" OF 155,730 SQUARE FEET; AND CONCURRENTLY REMOVING 150 "HOTEL ROOMS", 150 UNITS OF "SENIOR ADULT HOUSING", AND 125 UNITS OF "ASSISTED LIVING"; WHICH WERE ADOPTED BY THE BOARD VIA RESOLUTION NUMBER 2022-145; COMMISSION DISTRICTS IV AND V; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR TRANSMITTAL OF ADOPTED ORDINANCE, SECONDED BY COMMISSIONER DEUTSCH


MOTION CARRIED 5:0.

ADJOURNED: 2:34 pm




William G. Truex, Chair

DATE ADOPTED: January 9, 2024



ATTEST:

ROGER D. EATON, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO OF THE BOARD
OF COUNTY COMMISSIONERS

By: 

Deputy Clerk