

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 08, 2015

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

Members present were: Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, and Commissioner Duffy. Also in attendance were: County Administrator Sandrock, County Attorney Knowlton, Finance Director Larrivee, Minutes Supervisor Lansing, and Minutes Clerk Russo. The following members were absent: None

The meeting was called to order at 9:00 am.

The Invocation was given by Duane Richards, First Alliance Church, followed by the Pledge of Allegiance.

Changes to the Agenda:

Addition #1: R-3 Request a Motion to Approve the First Amendment and Complete Reinstatement to Roadway Easement Dedication Agreement and authorize the Chairman to sign this agreement to be recorded upon receipt of all property owners signatures within the Airport Commerce Park.

A.AGR2008-029

Requested by: Public Works

Addition #2: R-4 a) Approve moving Pre-Agenda scheduled for Thursday, November 19, 2015 at 1:30 pm to Monday, November 23, 2015 at 9:00 am. b) Approve moving Pre-Agenda scheduled for Thursday, December 3, 2015 at 1:30 pm to Monday, December 7, 2015 at 9:00 am.

Requested by: Commission Office

Change #1: F-15 Updated background information. In addition to energy savings, the Sports Cluster Light Structure Green system provides less neighborhood glare and guaranteed light level for 10 25 years, including lamp replacements.

Requested by: Purchasing

Change #2: N-1 Update background information. This submittal is Charlotte County's request for funding assistance for FY 16/17 in the amount of \$3,271,559 \$1,161,871 for of which \$2,596,708 was received and will be applied costs associated design, construction, and required annual monitoring of the upcoming Charlotte County Erosion Control Project. The design and construction will be for the renourishment and a stabilizing structure.

Requested by: Public Works

Change #3: U-1 Presentation added.

Requested by: Public Works

Deletion #1: S-1 a) Conduct a public hearing to consider revising certain current Charlotte County Utilities (CCU) rates, fees and charges as presented to the Board of County Commissioners at the July 21, 2015 workshop; and b) Approve a Resolution that incorporates the proposed new/revised rates into the current Rate Schedule, such new/revised rates to be effective October 1, 2015.
Requested by: Utilities

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

MOTION CARRIED 5:0.

Proclamations - Commissioner Ken Doherty

COMMISSIONER DOHERTY MOVED TO APPROVE PROCLAMATIONS, SECONDED BY COMMISSIONER DEUTSCH

MOTION CARRIED 5:0.

Artist of the Month

Barry Thorne accepted the proclamation.

Constitution Week

Sue Harinson accepted the proclamation.

National Childhood Obesity Awareness Month

Several representatives accepted the proclamation.

Patriot Day and National Day of Remembrance

Commissioner Doherty announced a Memorial Service would be held at Bayfront Medical Center on September 11, 2015 at 9:00 am.

Recovery Month

Jennifer Reed and Rebecca Hanson accepted the proclamation.

Employee Recognition

5 Years: Hector Mena, Budget and Administrative; Lucienne Pears, Economic Development; Craig Wise, Utilities; **10 Years:** Terri Barnett, Community Development; Daniel Condon, Utilities; Norbert Costa, Public Works; Michael Cox, Utilities; Thomas Dunn, Utilities; Brian Glazier, Public Works; Clayton Hotchkiss, Public Safety; Drew Johnson, Utilities; John McGinnis Jr., Utilities; William Neal, Utilities; Patrick Platt, Utilities; Donna Robichaud, Human Services; Deborah Skopec, Budget and Administrative;

Shane Styza, Public Safety; Glenn Thompsen, Public Safety; Salvatore Tocco, Budget and Administrative; **15 Years:** James Layport Jr., Public Works; Elizabeth Parker, Tourism; Scott Staebler, Public Works; **20 Years:** Joseph Tamburri, Utilities; **25 years:** Kenneth Baker, Public Safety; John Estill, Public Safety; E. Scott Heinis, Public Safety; Christopher Lovegrove, Public Safety; 30 Years: Gary Wilcher, Public Safety

Award Presentations - No Items

Citizen Input - Agenda Items Only

Scott Andrichak spoke to the Banks Engineering contract for sewer design, pointed out CCU comments, Spring Lake residents, questioned Bruce Bullert, Utilities Engineering Manager qualifications, and commented on accountability.

David Kesselring spoke to Regional Planning Council (RPC) information, involvement, local control, Spring Lake sewer project, and vacuum system.

COMMITTEE VACANCIES:

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

Boca Grande Street & Drainage Unit Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Submit an application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Buena Vista Area Waterway Unit Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Burnt Store Village Street and Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member for a three year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Deep Creek Non-Urban Street & Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Englewood East Non-Urban Street and Drainage Committee is seeking two volunteers. Terms: one regular member to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Submit application and resume to Public Works

Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Farabee Road Street and Drainage Advisory Committee is seeking five volunteers who must be residents of Charlotte County and reside within the Unit. Terms: five regular members to serve a three year term from the date of appointment. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail kelly.louttit@charlottecountyfl.gov.

Gardens of Gulf Cove Street & Drainage Unit Advisory Committee are seeking two volunteers that must be residents of Charlotte County and reside within the Unit. Terms: one member to serve as regular member for a three year term from the date of appointment and one member to serve as an alternate member for a two year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Grove City Street & Drainage Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Term: one regular member to serve a three year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e mail kelly.louttit@charlottecountyfl.gov.

Gulf Cove Waterway Benefit Unit Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Murdock Village Community Redevelopment Agency Advisory Committee is seeking two volunteers who must be a resident of Charlotte County. Terms: one Member at Large and one licensed Real Estate Broker, as defined in Chapter 475 Florida Statutes (Part I). Both terms are for three years, effective September 20, 2015 and shall expire September 20, 2018. Please contact the Commission Office for an application: 941.743.1300 or send an e mail to Assistant.Commissioner@CharlotteCountyFL.gov requesting an application form. Then submit a resume along with the application form by regular mail to: Board of County Commissioners Attn: Commission Assistant 18500 Murdock Circle, Port Charlotte, FL 33948 or by e mail to same address above.

Northwest Port Charlotte Street and Drainage Unit Advisory Committee is seeking two volunteers who must reside in Charlotte County and reside within the Unit. Terms: one regular member to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Peace River Shores Street & Drainage Unit Advisory Committee is seeking four volunteers who must be residents of Charlotte County and reside within the Unit. Terms: four regular members to serve a three year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Pirate Harbor Street and Drainage Unit Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to serve a three term from the date of appointment. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

Punta Gorda Non-Urban Street and Drainage Unit Advisory Committee is seeking five volunteers who must be residents of Charlotte County and reside within the Unit. Terms: five regular members to serve a three year term from the date of appointment. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail kelly.louttit@charlottecountyfl.gov.

Suncoast Blvd Street and Drainage Advisory Committee is seeking five volunteers who must be residents of Charlotte County and reside within the Unit. Terms: five regular members to serve a three year term from the date of appointment. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950; call 941.575.3600 or e mail kelly.louttit@charlottecountyfl.gov.

South Gulf Cove Beautification Advisory Committee is seeking one volunteer who must be a resident of Charlotte County and reside within the Unit. Terms: one regular member to fill a three year term from the date of appointment. Submit application to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e mail kelly.louttit@charlottecountyfl.gov.

Tropical Gulf Acres Street & Drainage Unit Advisory Committee is seeking four volunteers who must reside in Charlotte County and reside within the Unit. Terms: three regular members to serve a three year term from the date of appointment and one alternate member to serve a two year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e mail MSBU TU@CharlotteFL.com.

West Charlotte Stormwater Utility Advisory Committee is seeking two volunteers who must be residents of Charlotte County and reside within the Unit. Terms: two regular members to serve a three year term from the date of appointment. Submit application and resume to Public Works Department, 7000 Florida Street, Punta Gorda, FL 33950, call 941.575.3600 or e mail Kelly.Louttit@CharlotteCountyFL.gov.

REPORTS RECEIVED AND FILED – No Items

CONSENT AGENDA

COMMISSIONER CONSTANCE MOVED TO APPROVE THE BALANCE OF THE CONSENT AGENDA WITH THE EXEPTION OF ITEMS C-7, C-8, F-2, I-1, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Chair Truex commended Clair Jubb, Business Services Manager for receiving the Citizen Engagement Innovator Award for excellent customer service.

Clerk of the Circuit Court

A. Finance Division

(1) Finance

RECOMMENDED ACTION: Approve the Clerk's Finance Memorandum. BUDGETED ACTION: No action needed

B. Minutes Division

(1) Minutes

RECOMMENDED ACTION: Approved the following minutes:

May 26, 2015 BCC Regular and Land Meeting
June 23, 2015 BCC Regular and Land Meeting
July 07, 2015 Special Meeting
July 14, 2015 BCC Regular Meeting
July 20, 2015 MSBU Meeting
July 21, 2015 BCC Workshop
July 22, 2015 MSBU Meeting
July 23, 2015 Pre Agenda

BUDGETED ACTION: No action needed.

Board of County Commissioners

C. Commission Office

(1) Re-Appointments - Historical Advisory Committee

RECOMMENDED ACTION: Re-appoint Scot D. Shively and Carol J. Leonard to the Historical Advisory Committee for three year terms, expiring September 2018. BUDGETED ACTION: No action needed.

(2) Re-Appointments - Manasota and Sandpiper Key Advisory Committee

RECOMMENDED ACTION: Re-appoint Andrea Barber, Craig Lindblad and John Landis as regular members to the Manasota and Sandpiper Key Advisory Committee to serve a two year term from date of appointment ending November 30, 2017. BUDGETED ACTION: No action needed.

(3) Re-Appointment - Peace River Shores Street and Drainage Advisory Committee

RECOMMENDED ACTION: Re-appoint Eugene Coy as a regular member to the Peace River Shores Street & Drainage Unit Advisory Committee for a three year term from date of appointment. BUDGETED ACTION: No action needed.

(4) Re-Appointment - South Burnt Store Street and Drainage Advisory Committee

RECOMMENDED ACTION: Re-appoint Sandra Funk as a regular member to the South Burnt Store Street and Drainage Unit Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION: No action needed.

(5) Appointment - South Gulf Cove Non-Urban Streets and Drainage Committee

RECOMMENDED ACTION: Appoint Jules R. Feldmann as a regular member to the South Gulf Cove Non-Urban Street & Drainage Unit Advisory Committee for a three year term from the date of appointment. BUDGETED ACTION: No action needed.

(6) Appointment -Tourist Development Council

RECOMMENDED ACTION: Appoint Robin Madden to the Tourist Development Council as the representative of tourism industry. This appointment is effective immediately and will end on July 22, 2018. BUDGETED ACTION: No action needed.

(7) Approval of Emergency Funding Agreement with Englewood Community Care Clinic, Inc.

RECOMMENDED ACTION: a) Approve Emergency Funding Agreement with Englewood Community Care Clinic, Inc. and b) Approve Budget Adjustment BA15-049 in the amount of \$23,000. BUDGETED ACTION: Approve Budget Adjustment BA15-049 in the amount of \$23,000. **AGR2015-040**

Chair Truex spoke to the importance of the clinics, hospital involvement, and confirmed the one-time payment. **Commissioner Constance** expressed concern for local government funding clinics, commended the work of the clinics, pointed out the need for State and Federal aid. **Commissioner Deutsch** spoke to meetings with hospitals, pressure for assistance from the State, and stated the County should assist with the funding to keep the clinics open. **Commissioner Doherty** commented on community involvement to form solutions. **Commissioner Duffy** mentioned upcoming fundraisers and noted the need to support the clinics.

Hector Flores, Assistant to the County Administrator confirmed a mid-October meeting with local hospitals.

COMMISSIONER DEUTSCH MOVED TO APPROVE THE EMERGENCY FUNDING AGREEMENT WITH ENGLEWOOD COMMUNITY CARE CLINIC, INC., SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

(8) Approval of Emergency Funding Agreement with Virginia B. Andes Volunteer Community Clinic

RECOMMENDED ACTION: a) Approve Emergency Funding Agreement with Virginia B. Andes Volunteer Community Clinic; and b) Approve Budget Adjustment BA15-048 in the amount of \$42,000. BUDGETED ACTION: Approve Budget Adjustment BA15-048 in the amount of \$42,000. **AGR2015-041**

COMMISSIONER DEUTSCH MOVED TO APPROVE THE EMERGENCY FUNDING AGREEMENT WITH VIRGINIA B. ANDES VOLUNTEER COMMUNITY CLINIC, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

D. County Administration

(1) Cancellation of Board of County Commissioners meeting with Legislative Delegation

RECOMMENDED ACTION: Ratify the cancellation of the September 1, 2015 meeting scheduled to occur at 9:00 am in B-106 with the legislative delegation. BUDGETED ACTION: No action needed.

(2) Community Development Director

RECOMMENDED ACTION: Approve the appointment of Claire Jubb as Community Development Director, effective September 9, 2015. BUDGETED ACTION: No action needed.

(3) Utilities Director

RECOMMENDED ACTION: Approve the appointment of Gary Hubbard as Utilities Director, effective September 9, 2015. BUDGETED ACTION: No action needed.

Public Information Office - No Items

E. County Attorney

(1) Agreement with District 22 Medical Examiner

RECOMMENDED ACTION: Approve the Agreement with Dr. Riazul H. Imami, District 22 Medical Examiner. BUDGETED ACTION: No action needed. This item has been budgeted in the General Fund as part of the FY15/16 budget process. **AGR2015-042**

(2) Executive Session: City of PG v. CC Comp Plan Amendment

RECOMMENDED ACTION: Schedule an Executive Session on Tuesday, September 8, 2015 at 1:00 p.m., or as soon thereafter, in the Charlotte County Attorney's Office Conference Room to discuss settlement negotiations or strategy related to the administrative hearing petition captioned City of PG v. Charlotte County Comp Plan Amendment No. 15-1ESR (PA-14-09-14-LS) BUDGETED ACTION: No action needed.

F. Budget and Administrative Services

Fiscal Services

(1) Ratify Certificate of Participation with the Florida Department of Law Enforcement

RECOMMENDED ACTION: Request the Board of County Commissioners ratifies the Certificate of Participation with the Florida Department of Law Enforcement. BUDGETED ACTION: No action needed.

Information Technology - No Items

Purchasing

(2) 08-121, Methane Gas Collection - Landfill - Membership Change

RECOMMENDED ACTION: Approve the Consent and Agreement which: a) Notes, upon acquisition by Fortistar Methane 3 Holdings, LLC, the change in the name of the Green Gas Port Charlotte, LLC facility to Port Charlotte Energy, LLC; and b) Consents to the transfer of the membership interests of Fortistar Methane 3 Holdings, LLC to Fortistar Methane 3, LLC a wholly-owned affiliate of Fortistar; and c) Consents to the inclusion and collateral assignment of Contract No. 2008000121, as amended, and the related Site Lease Agreement, as amended, within the Fortistar Methane 3 Portfolio, to finance, among other things, acquisition of the project and certain related expenses; and Approve the memorandum of Lease to be recorded as notice of Port Charlotte Energy, LLC's leasehold interest; and Authorize the Chairman to sign these documents. BUDGETED ACTION: No action needed.

Chair Truex requested Board participation for questions or concerns to Fortistar Methane 3 Holdings, LLC and clarified timeline. **Commissioner Constance** spoke to contract changes, royalties, cross collateralization, and maintenance costs. **Commissioner Deutsch** mentioned liabilities and gas capture to the atmosphere. **Commissioner Doherty** commented on the need for further information and suggested they Table the item. **Commissioner Duffy** questioned the interest rate.

Assistant County Attorney Lori Tetreault mentioned the Site Lease Agreement, membership change, and County liabilities.

Jonathan Moore of Fortistar gave a brief overview of the company, nationwide projects, landfill portfolio, financing, cross collateralization, noted grouping all projects into a portfolio, methane groups, municipal solid waste, methane gas process, commented on past developer agreements, royalties, detailed gas collection systems, and requested adoption of the collateral assignment.

Richard Allen, Public Works Solid Waste Operations Manager spoke to budgeted funds and noted the need to research actual obtained funds.

COMMISSIONER DOHERTY MOVED TO TABLE THE METHANE GAS COLLECTION LANDFILL MEMBERSHIP CHANGE TO A WORKSHOP THEN FOR DECISION AT THE SEPTEMBER 22, 2015 MEETING, SECONDED BY COMMISSIONER CONSTANCE

MOTION CARRIED 5:0.

(3) 08-359, Self-Insured Medical, Dental, Life, Short-term

RECOMMENDED ACTION: Approve the annual renewal of Contract #08-359, Self-Insured Medical, Dental, Life, Short-Term and Long-Term with CIGNA; and renewal of Vision with Humana/Comp Benefits, at the same terms and conditions, by mutual consent. Term of renewal is for the period October 1, 2015 up to and including September 30, 2016. BUDGETED ACTION: No action needed. Expenditures for this item are budgeted in the Health Insurance Fund.

(4) 10-281, Property & Casualty Insurance Coverage

RECOMMENDED ACTION: Approve renewal of Contract #10-281 Property & Casualty Insurance Coverage with Florida League of Cities located in Orlando, FL, for the term October 1, 2015 up to and including September 30, 2016. This is an annual contract for a comprehensive program of self-insurance. BUDGETED ACTION: No action needed. Expenditures for this item are budgeted in the Self Insurance Fund.

(5) 12-339, Construction/Geotech Work Assignment #1 Change Order #1

RECOMMENDED ACTION: Approve Change Order #1 to Work Assignment #1, Contract #12-339, Construction / Geotechnical Testing Services, with Dunkelberger Engineering & Testing, Inc. in the not-to-exceed amount of \$30,000 for a revised contract amount of \$232,908, for services related to the Burnt Store Road Phase 3 widening project BUDGETED ACTION: No action needed. Budgeted in CIP Project "Burnt Store Road Ph 3, Zemel to Lee County", as approved in the FY15 budget process.

(6) 14-053, Change Order #8 Turf Maintenance Various County Facilities

RECOMMENDED ACTION: Approve Change Order #8 to Contract #14-053 with Walkers Service, Inc. of Bradenton, FL, to provide mowing/turf maintenance services, adding a new location to the Mid-County area, 22991 Bayshore Road, at the monthly cost of \$90 and in accordance with Schedule A mowing cycles. BUDGETED ACTION: No action needed. Funding from various funds and cost centers approved in the FY 2015 budget process.

(7) 14-060, East/West Spring Lake Amendment #2

RECOMMENDED ACTION: a) Approve Amendment #2 to Contract #14-060, East/West Spring Lake Pilot Wastewater Program, Stage 2 Vacuum Sewer System, with Giffels-Webster Engineers, Inc. in the not to exceed amount of \$297,060 for a revised contract amount of \$1,363,010; and b) Authorize Chairman to sign the Amendment. This is for design of the vacuum sewer system. BUDGETED ACTION: No action needed. Funding from Spring Lake MSBU Fund approved in CIP Spring Lake MSBU Wastewater Expansion as amended in FY15 Budget Process.

(8) 14-256, Loveland Grand Master Lift Station Amendment #1

RECOMMENDED ACTION: a) Approve Amendment #1 to Contract #14-256, Loveland Grand Master List Station Design with Johnson Engineering in the amount of \$106,965 for a total revised contract amount of \$1,076,780; and b) Authorize Chairman to sign the Amendment. This is for final design and construction services for the Loveland Grand Master Lift Station. BUDGETED ACTION: No action needed. Funding from CCU Capital Improvements Fund approved in CIP Grand Master Lift Station and Gravity Interceptor-Loveland Blvd in the FY15 Budget Process.

(9) 15-280, Public Safety Radio Communications Consultant

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #15-280, Public Safety Radio Communications Consultant: 1st-Omnicom Consulting Group, Inc. of Tallahassee, FL; 2nd-Mission Critical Partners, Inc. of Southlake, TX, and 3rd-Pallans Associates of North Las Vegas, NV; and c) Authorize the Chairman to sign the contract after completion of negotiations. This is for the services of a Consultant experienced in the area of Public Safety Radio Communications to assist the County in the replacement for the County's existing obsolete analog radio system. BUDGETED ACTION: No action

needed. Funding from the 2015 Sales Tax Extension Fund. Budgeted in CIP project "Digital Radio System" as approved by amendment to the FY15 budget on February 24, 2015, and subsequently adjusted on May 26, 2015.

(10) 15-321, Award, Construction of Fire Training Building

RECOMMENDED ACTION: Approve the award of Bid #15-321, Construction of Fire Training Building to the lowest responsive, responsible bidder, OneSource Construction Company & Builders, Inc., of Fort Myers, Florida in the amount of \$653,952. BUDGETED ACTION: No action needed. Funding from the Capital Projects Fund approved in CIP Fire Training Facility in the FY 2015 Budget Process.

(11) 15-354, Construction-Geotech Testing Services

RECOMMENDED ACTION: a) Approve the ranking of firms for Request for Proposal #15-354, Construction/Geotechnical Testing Services: 1st - Lomski Engineering & Testing located in Port Charlotte; 2nd - Ardaman & Associates located in Sarasota; and 3rd - Terracon Consultants located in Sarasota; and b) Authorize negotiations; and c) Authorize the Chair to sign the contracts for the top three (3) firms; and d) Authorize the County Administrator to approve annual renewals. This is an annual contract for construction/geotechnical testing firms to supply on-going construction/geotechnical testing services for Charlotte County. BUDGETED ACTION: No action needed. Budgeted in various projects, as approved in the annual budget process.

(12) 15-355, Additional Purchases Piggyback, Computer Replacement Program

RECOMMENDED ACTION: Approve the award of a "Piggyback" purchase off the National Joint Powers Alliance Contract #100614, Technology Solutions including Equipment & Accessories for additional purchases under File #15-355, Computer Replacement Program from CDW-G, of Vernon Hills, IL for a total cost of \$149,975.78. Information Technology (IT) has requested the purchase of ruggedized laptops & tablets to be utilized by various County Departments. BUDGETED ACTION: No action needed. Funding from the IT Replacement Fund approved in CIP c141102 in the FY15 Budget Process.

(13) 15-359, Construction Manager at Risk-CCSO District 1 Headquarters

RECOMMENDED ACTION: a) Approve ranking of firms for Request for Proposal #15-359 Construction Manager at Risk for Charlotte County Sheriff's Office District 1 Headquarters: 1st-Florida Premier Contractors, LLC of Punta Gorda, FL; 2nd-PJ Hayes d/b/a Tandem Construction of Sarasota, FL and 3rd-Halfacre Construction Company of Punta Gorda, FL; and b) Approve start of negotiations; and c) Authorize the Chairman to sign the contract after completion of negotiations to provide professional Construction Manager (CM) at Risk services as part of the construction team. BUDGETED ACTION: No action needed. Funding from the 2015 Sales Tax Extension Fund approved in CIP CC Sheriff District 1 (West County) Headquarters, in the Fiscal Year 2015 budget process.

(14) 15-366, Road Grading - Annual

RECOMMENDED ACTION: a) Award Bid #15-366, Road Grading - Annual Contract, to Gator Grading & Paving, LLC of Palmetto, FL at the unit prices listed for the term from October 1, 2015 up to and including September 30, 2016, with option to renew at the same prices, terms, and conditions, by mutual consent; and b) Authorize County Administrator to approve two additional one year renewals.

This is an annual contract for grading and spot restoration of existing roadways located within Charlotte County. BUDGETED ACTION: No action needed. Budgeted in Charlotte Ranchettes (\$150,000) and Tropical Gulf Acres (\$100,000) Street & Drainage MSBUs.

(Change #1) (15) 15-391, Approve, Tringali Park - Replace Existing Lighting

RECOMMENDED ACTION: Approve File #15-391, Tringali Park - Replace Existing Lighting, for sports lighting, which is a piggyback off of the Clay County Contract RFP#13/14-8, with Musco Sports Lighting, LLC, located in Muscatine, Iowa, for the total amount of \$143,850. BUDGETED ACTION: No action needed. Funding from the Capital Projects Fund approved in CIP Sports Lighting Replacement and New Construction approved in the FY15 Budget Process.

(16) 15-431, Multi-Copier-Annual Contract

RECOMMENDED ACTION: a) Approve File #15-431, Multi-Copier - Annual Contract, "piggyback" of the City of Cape Coral Contract CW14-28/GL, Citywide Multi-Copier, with J.M. Todd, Inc. of Ft. Myers at the unit prices listed on the attached contract for a period from date of award through and including February 3, 2020 at the same terms and conditions; and b) Authorize the County Administrator to approve renewal options for a period that may not exceed 3 years, or the term of the original contract, whichever is longer, by mutual consent. The purpose of this contract is for the lease of multifunctional copy machines for lease periods of 36 months. BUDGETED ACTION: No action needed. This expenditure is budgeted in various departments and funds.

(17) Property Deletions for the Month of September, 2015

RECOMMENDED ACTION: Approve deletion of the property inventory items listed on the attached for the month of September, 2015. BUDGETED ACTION: No action needed.

Real Estate Services

(18) Resolution Declaring Certain County Owned Real Property Surplus

RECOMMENDED ACTION: Approve the attached Resolution that declares the real property listed on Exhibit "A" to be surplus to County needs and authorizes County staff to dispose of the real property in accordance with the provisions of Florida Statute 125.

BUDGETED ACTION: No action needed. **RES2015-092**

(19) Lot Donation

RECOMMENDED ACTION: Request Board accept the donation of one lot as described on the attached sheet (see Exhibit "A") entitled Lot Donation to Charlotte County. BUDGETED ACTION: No action needed.

Risk Management

(20) Business Associate Agreement

RECOMMENDED ACTION: Approve the Business Associate Agreement between Charlotte County and Ben Tek. BUDGETED ACTION: No action needed. **AGR2015-043**

RECESS: 10:21 am - 10:32 am

S. 10:00 A.M. Public Hearing

~~(Deletion #1) § 1 Utilities Public Hearing—Charlotte County Utilities Rate Resolution~~

~~a) Conduct a public hearing to consider revising certain current Charlotte County Utilities (CCU) rates, fees and charges as presented to the Board of County Commissioners at the July 21, 2015 workshop; and b) Approve a Resolution that incorporates the proposed new/revised rates into the current Rate Schedule, such new/revised rates to be effective October 1, 2015.~~

(2) County Attorney

Public Hearing-Amendments to Section 3-8 Relating to Mandatory Connection to Utilities

Conduct a public hearing at 10:00 a.m., or as soon thereafter as may be heard, to consider approving an Ordinance amending County Code Chapter 3-8, Articles II and IV, Relating to Mandatory Connection to Public and Private Utilities.

Marilyn Miller, Assistant County Attorney gave a brief overview of the Amendments to Chapter 3-8, Public and Private Utilities serving Unincorporated Charlotte County, Regulations of Utilities, Little Gasparilla Island, Current Status of Little Gasparilla Water Utility, Inc. (LGWU), Developed Property Not Connected to LGWU by Decade Built, Proposed Grandfathering of Existing Developed Properties with Wells or Cisterns, Current Section 3-8-41, New Section 3-8-41, Current Section 3-8-42, New Section 3-8-42, Current Sections 3-8-43 and 3-8-44, Current Section 3-8-103, Current Section 3-8-233, and Revised Section 3-8-233.

Chair Truex spoke to the permit process, water tables, septic systems, water tests, and contamination. **Commissioner Deutsch** requested clarification for certificate of occupancy documentation, permits, illness, water test results, and water quality. **Commissioner Doherty** spoke to existing water systems, developer standards, checklist, testing protocols, water safety, and the grandfather process. **Commissioner Duffy** commented on cisterns.

County Attorney Knowlton commented on the lack of records for existing homes.

Public Hearing:

Jack Boyer, Little Gasparilla Water Utility Manager spoke to County set policies, regulations, expenditures, requirements, Southwest Florida Water Management District (SWFMD) policies, Comprehensive Plan, Mandatory Connections, Potable Water, Water Lines, Built Out statistics, and statutes.

Diane Boyer, Little Gasparilla Water Utility President commented on regulations, Florida Department of Environmental Protection (FDEP) requirements, rates, safe potable water, CCU requirements, policy changes, and the well-being of customers.

Lee Roberts expressed concerns for water hook up, noted the longevity of his cistern, and stated opinion for water tests.

Chuck Soderquist spoke to wells, water quality, support for utilities, and concern for Mr. Boyer's business plan.

Scott Andrichak commented on no records of illness, loans taken for water statistics, citizen rights, and health.

Attorney Robert Berntsson noted a proposed ordinance, comprehensive plan, extension of water and sewer lines, existing homes with connections, fire protection, water theft, connection agreements, and urged the Board to not approve.

COMMISSIONER CONSTANCE MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

Chair Truex spoke to limited grandfathering if allowed, safety of equipment, water quality, and testing. **Commissioner Constance** commented on grandfathering and the lack of information for what citizen's have for systems. **Commissioner Deutsch** inquired about the water management, cistern requirements, and water treatment. **Commissioner Doherty** commented on records, engineering evaluation, and code compliance. **Commissioner Duffy** suggested a letter to be sent to citizens to disclose what system they have, commented on new construction requirements, connection fees, and grandfathering.

County Attorney Knowlton requested policy direction, distance requirements, testing, Department of Health collection, timeframe, and code enforcement. Assistant Attorney Miller explained grandfathering allowances; policies adopted by the Board, Stonegate Bank letter, commented on existing cistern systems, engineering testing, Comprehensive Plan inconsistencies, and recommended mandatory connection or permit grandfathering with a timeline.

COMMISSIONER CONSTANCE MOVED TO TABLE ITEM UNTIL OCTOBER MEETING FOR STAFF RESEARCH AND GUIDELINES FOR GRANDFATHERING, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 5:0.

G. Community Development - No Items

H. Community Services

Parks and Natural Resources

(1) USDA Cooperative Service Agreement - Feral Hog Removal

RECOMMENDED ACTION: Request Board approve and authorize the Chairman to sign a Cooperative Service Agreement with United States Department of Agriculture (USDA) for the control of feral hogs on County conservation lands starting October 1, 2015 BUDGETED ACTION: No action needed. Funding will

come from General Fund - Community Services / Environmental Land Management approved in the FY16 Budget process. **AGR2015-044**

Recreation

(2) Fourth Amendment to the Stadium Lease Agreement

RECOMMENDED ACTION: Approve and authorize the Chairman to sign the Fourth Amendment to the Stadium Lease Agreement between Charlotte County and Ripken-Rays Florida Baseball LLC. BUDGETED ACTION: No action needed. **A.AGR2008-034**

Libraries and Historical - No Items

I. Economic Development

(1) FDOT Letter

RECOMMENDED ACTION: Authorize the Chairman to sign a letter to Florida Department of Transportation (FDOT) requesting additional funding to construct Harbor Walk Phase 1B in the Charlotte Harbor Community Redevelopment Area. BUDGETED ACTION: No action needed. If the additional funding appeal is agreeably received by FDOT, a formal approval request and budget amendment will be submitted to the BCC for consideration and approval.

COMMISSIONER DOHERTY MOVED TO APPROVE THE CHAIRMAN TO SIGN A LETTER TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) REQUESTING ADDITIONAL FUNDING TO CONSTRUCT HARBOR WALK PHASE 1B IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 4:0., COMMISSIONER CONSTANCE ABSTAINED (FORM 8B FILED)

J. Facilities Construction and Maintenance - No Items

K. Human Resources - No Items

L. Human Services

(1) State Housing Initiative Partnership (SHIP) Annual Report

RECOMMENDED ACTION: a) Approve the State Housing Initiatives Partnership (SHIP) Annual Report for submission to the Florida Housing Finance Corporation (FHFC) in compliance with SHIP Program requirements; and b) Board authorization for the Chairman to sign the Certification Forms. BUDGETED ACTION: No action needed.

(2) 2015 Emergency Solutions Grant

RECOMMENDED ACTION: a) Approve and accept the award of the 2015 Emergency Solutions Grant (LPZ16) in the amount of \$76,905 from the Florida Department of Children and Families; and b)

Authorize the County Administrator or his designee to execute all grant related documents including any contract amendments, or renewals. BUDGETED ACTION: A budget amendment to the Community Health Grant Fund will be returned to the Board once the grant contract is received. The required 100% match will be provided from general revenues in the Human Services Salaries and Benefits accounts.

M. Public Safety

(1) Central Communications Center Interlocal Agreement

RECOMMENDED ACTION: Request approval for the Chairman to sign an interlocal agreement between Charlotte County and the Sheriff's Department Central Communications Center. This agreement provides for central communication services to law enforcement, fire, emergency medical services, emergency management and their affected personnel. BUDGETED ACTION: No action needed. Budgeted in Fire Rescue and Emergency Medical Services operating budgets and approved in the FY15 budget process. **AGR2015-045**

N. Public Works

(Change #2) (1) 2015 Charlotte County Erosion Control Project

RECOMMENDED ACTION: Approve and authorize the Chairman to sign the attached Resolution supporting the Charlotte County Erosion Control Project and the County's ability to provide matching funds for design, construction, and annual monitoring of the erosion control project. BUDGETED ACTION: No action needed. Funding from two projects "Stump Pass Dredging" and "Stump Pass Monitoring", approved in the FY 2015 budget process. **RES2015-093**

O. Tourism Development - No Items

P. Utilities - No Items

Q. Other Agencies - No Items

R. Regular Agenda

(1) Commission Office

FAC Policy Conference Update

RECOMMENDED ACTION: Provide update to Board.

Commissioner Constance gave an update of the Florida Association of Counties (FAC) Conference; spoke to the Finance Tax Administration Priorities, Growth Management, Agriculture & Environment, Health & Human Services, Public Safety, Rural Caucus, Urban Caucus, Federal, and 2016 Legislative Priorities. FAC Interim Legislative Program, Tallahassee Activity, Conflicts with Medicaid Funding, Funding Enterprise Florida, Appropriations VETO, Supreme Courts, and Senate Presidency Conflict.

(2) Commission Office Regional Planning Council's Future Direction and Regional Strategy

RECOMMENDED ACTION: Discussion on the Regional Planning Council's Future Direction and Regional Strategy.

Commissioner Duffy gave a brief overview of the roles of the Regional Planning Council (RPC), funding sources, primary duties, mortgage on existing building, Development of Regional Impact (DRI), and neighboring counties.

County Attorney Knowlton informed the Board of a letter received from the Lee County Attorney stating their nonsupport of the one-time assessment and the request on their Legislative Agenda to support the statute for a county to opt out of the RPC.

Chair Truex commented on the building lease, noted past utilization of the space, read the one-time building assessment information for neighboring counties, and requested Board direction for the one-time assessment. **Commissioner Constance** mentioned past meeting discussions, options for the RPC building, one-time assessment, and lease agreement. **Commissioner Deutsch** pointed out other helpful councils that are informative and requested further information on the RPC. **Commissioner Doherty** thanked **Commissioner Constance** for attending the RPC meeting in his absence, commented on Lee County's involvement, the need for regional entity, and for responses to the survey.

COMMISSIONER CONSTANCE MOVED TO APPROVE THE ONE-TIME ASSESSMENT

MOTION LOST FOR LACK OF SECOND

COMMISSIONER DUFFY MOVED TO VOTE AGAINST THE ONE-TIME ASSESSMENT, SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:1., COMMISSIONER CONSTANCE OPPOSED

(Addition #1) (3) Request a Motion to Approve the First Amendment and Complete Reinstatement to Roadway Easement Dedication Agreement and authorize the Chairman to sign this agreement to be recorded upon receipt of all property owners signatures within the Airport Commerce Park. Requested by: Public Works

County Attorney Knowlton gave a brief overview of the Request for a Motion to Approve the First Amendment and Complete Reinstatement to Roadway Easement Dedication Agreement.

Assistant County Attorney Janette Smith detailed the process and timeline.

COMMISSIONER DOHERTY MOVED TO APPROVE THE REQUEST, SECONDED BY COMMISSIONER DUFFY

MOTION CARRIED 5:0.

(Addition #2) (4) a) Approve moving Pre-Agenda scheduled for Thursday, November 19, 2015 at 1:30 pm to Monday, November 23, 2015 at 9:00 am. b) Approve moving Pre-Agenda scheduled for Thursday, December 3, 2015 at 1:30 pm to Monday, December 7, 2015 at 9:00 am. Requested by: Commission Office

COMMISSIONER DUFFY MOVED TO APPROVE NOVEMBER 23, 2015, DECEMBER 3, 2015 PRE-AGENDA,
SECONDED BY COMMISSIONER DOHERTY

MOTION CARRIED 4:1., COMMISSIONER DEUTSCH OPPOSED

RECESS: 12:45 pm - 2:00 pm

BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 08, 2015

An Executive Session was held at the Murdock Administration Complex in Commission Chambers, Room 119, Port Charlotte, Florida. The following members were present: Chair Truex, Commissioner Constance, and Commissioner Doherty. Also in attendance was: County Attorney Knowlton, Minutes Supervisor Lansing, and Minutes Clerk Russo.

The Executive Session was called to Order at 1:15 pm.

The opening of the public portion of the Executive Session was announced. County Attorney Knowlton informed the attorney/client portion of the Executive Session would be held in the County Attorney's Conference Room, advised the purpose of the session is to discuss the lawsuit captioned City of Punta Gorda v. Charlotte County Comp Plan Amendment, Case No. PA-14-09-14-LS, and stated the following would be in attendance: **Chair Truex, Commissioner Constance, Commissioner Deutsch, Commissioner Doherty, Commissioner Duffy**, County Attorney Knowlton, County Administrator Sandrock, Assistant County Attorney Cody Vaughan-Birch, and Assistant County Attorney Joshua Moyer.

EXECUTIVE SESSION RECESS: 1:15 pm – 1:50 pm.

The Executive Session was reconvened and closed in Room 119 with **Chair Truex, Commissioner Constance, Commissioner Doherty**, County Attorney Knowlton, and Minutes Supervisor Lansing present.

ADJOURNED: 1:50 pm

T. 2:00 P.M. Land Use Public Hearing - No Items

Presentation Agenda

U. 10:00 A.M.

(Change #3) (1) Gulf Consortium Workshop Update

RECOMMENDED ACTION: Provide update to board.

Commissioner Constance gave a brief overview of the Summary of Tentative Deepwater Horizon Oil Spill Settlement by Doug Robison PWS, Mike Langton, detailed fund pots for Florida, Florida Direct Component, Total Settlement for Florida, Florida Spill Impact Component, Maximizing Impact,

Leveraging Funds, Potential Sources of Leverage, Ongoing Gulf Restoration Projects, Planning Activities in Florida Pot 2, noted important meeting for projects priority, Natural Resource Damage, National Fish and Wildlife Foundation, MOEX, Florida November 2014 Submissions to RESTORE Council, Pot 2 to 5 Proposals 23 Projects, State Expenditure Plan Requirements and Allowable Uses of Pot 3 Funds, and RESTORE Act Eligible Activities.

Chair Truex thanked **Commissioner Constance** for the presentation and detailed information. **Commissioner Duffy** requested clarification for funding disbursement, spoke to Tarpon Fishing, and questioned Lee and Collier County higher reimbursement.

V. 2:00 P.M. - No Items

W. 10:00 A.M. - No Items

X. 2:00 P.M. - No Items

Y. 10:00 A.M. - No Items

Z. 2:00 P.M. - No Items

Citizen Input - Any Subject

Chris Flem provided a hand out, spoke to fertilizer, suggested an Ordinance for fertilizer regulations, and pointed out Louisiana scales for oyster bed creation.

Susan Hutt spoke to the Ackerman Waterway Sewer, Manchester Waterway, water testing, and Sunshine Lakes.

Paul Raymond spoke to the appearance of Port Charlotte and commented on Murdock Village.

David Morris expressed concern for the Little Gasparilla resident's utility connection issues.

AA. County Administrator:

County Administrator Sandrock commented on the live implementation of the Public Staff Application, website location, Public Hearing MSBU issues, and requested Board direction.

Gordon Burger, Fiscal Services Budget and Administrative Services spoke to assessments, MSBU's, and tentative rates.

Commissioner Constance remarked on assessment rates and an agreement with **Commissioner Doherty's** recommendations. **Commissioner Deutsch** requested clarification on the interest rates and mentioned citizen feedback from the Northwest Port Charlotte MSBU. **Commissioner Doherty** recommended setting the amortizations as follows: Harbour Heights 10 years, Northwest Port Charlotte set at 15 years, Suncoast 10 years, Rotonda Heights 10 years, Peace River Shores 15 years, Punta Gorda Non-Urban 15 years, South Punta Gorda Heights 15 years, and South Punta Gorda Heights West 15 years.

BB. County Attorney:

County Attorney Knowlton spoke to the Children Services Council disbandment and requested direction from the Board to move forward with an Ordinance.

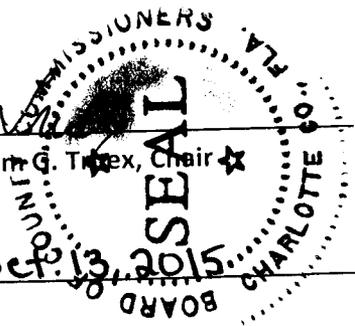
(Consensus: Disband the Children Services Council)

CC. Commissioner Comments:

Chair Truex agreed to call Congressman Rooney's Office for Justice Center property discussion, commented on Winchester property access, and requested aerial plat of the Humane Society area. **Commissioner Constance** commented on zones, leasing, lighting, congratulated Dr. Riazul H. Imani, Medical Examiner for contract renewal, spoke to the Vietnam Wall meeting, property for the Justice Center, Winchester San Casa property, commended Economic Development Department for the recognition along with Bradenton by Southern Business and Development Magazine; for the best local Economic Development Agency in Florida. **Commissioner Duffy** spoke to the US 41 Beautification Committee meetings, zones, code enforcement, plaza signs, and commended John Elias, Public Works Maintenance and Operations Manager for doing a good job. **Commissioner Doherty** mentioned meeting with Dr. Kurbin and noted the Prairie Creek meeting includes the Habitat Conservation Plan (HCP) discussion.

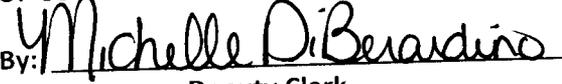
ADJOURNED: 4:30 pm



William G. Truex, Chair ★
DATE ADOPTED: Oct. 13, 2015


ATTEST:

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

By: 

Deputy Clerk