

*This meeting will be live-streamed via the Town's website*



## Town of Longboat Key Town Commission

Town Hall

501 Bay Isles Road

Longboat Key, FL 34228

[WWW.LONGBOATKEY.ORG](http://WWW.LONGBOATKEY.ORG)

### - AGENDA - REGULAR MEETING

7:00 PM

November 2, 2015

#### Pledge of Public Conduct

- We may disagree, but we will be respectful of one another.
- We will direct all comments to issues.
- We will avoid personal attacks.
- Audience members wishing to speak must be recognized by the Chair.
- Speaking without being recognized will be considered as "Out of Order".

#### **Call to Order and Pledge of Allegiance**

#### **Public to be Heard**

##### 1. Opportunity for Public to Address Town Commission

At each meeting the Town Commission sets aside a time for the public to address issues that are not on the agenda.

#### **Approval of Minutes**

2. September 21, 2015 Special Joint Workshop Meeting with P&Z Board; September 21, 2015 Regular Workshop Meeting; September 28, 2015 Special Meeting; October 5, 2015 Special Joint Meeting with Sarasota County Commission; October 5, 2015 Special Workshop Meeting; October 5, 2015 Regular Meeting; October 19, 2015 Regular Workshop Meeting; and October 19, 2015 Attorney/Client Meeting Minutes

#### **Committee Reports and Communications**

3. Manatee County Special Liaison Report
4. Sarasota County Special Liaison Report
5. ManaSota League of Cities Report
6. Other Reports

#### **Closing and Action on Consent Agenda**

##### 7. Confirmation of Continued Support of Longboat Key Kiwanis Club Gourmet Lawn Party

At the November 3, 2014 Regular Meeting the Town Commission reaffirmed the Town's support of this annual charitable fundraising event. The Town has traditionally assisted the Longboat Key Kiwanis Club organizers by providing limited staffing of Public Works employees for the delivery and set-up of tents and small generators. This item was placed on the October 19, 2015 Regular Meeting Consent Agenda and forwarded to the November 2, 2015 Regular Meeting Consent Agenda for the Commission to consider continuation of their annual support. Recommended Action: Approval of the Consent Agenda will reaffirm the Town Commission's support of this annual charitable fundraising event.

##### 8. Approval of Engagement of Special Counsel Pursuant to Town Charter Requirements

Jack Duncan, Mayor; Terry Gans, Vice-Mayor;  
Lynn Larson, District 1; Jack Daly, District 4; Pat Zunz, District 5;  
Phill Younger, At-Large; Irwin Pastor, At-Large

Charter requirements (Article VI, Section 2) provide for Town Commission approval for engagement of Assistant Town Attorneys. The Town Attorney is seeking authorization for (1) engagement of Charlie Bailey for Code Enforcement Board training, and (2) engagement of Bryant Miller & Olive to defend against certain Elections law complaints. This item was placed on the October 19, 2015 Regular Workshop Meeting Consent Agenda and forwarded to the November 2, 2015 Regular Meeting Consent Agenda for Commission action. Recommended Action: Approval of the Consent Agenda will authorize engagement of Special Counsel.

#### 9. Request for Concurrence for Consolidated Retirement System Board of Trustees Investment Policy Statement

Pursuant to Ordinance 2014-26, the Consolidated Retirement System Board of Trustees have considered and forwarded their proposed Investment Policy Statement (IPS) for Commission consideration and concurrence. This item was discussed at the October 19, 2015 Regular Workshop Meeting and forwarded to the November 2, 2015 Regular Meeting Consent Agenda for formal action. Pending Commission formal action at the November 2, 2015 Regular Meeting, this IPS will become effective November 13, 2015. Recommended Action: Approval of the Consent Agenda will affirm concurrence with Consolidated Retirement System Board Investment Policy Statement.

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Agenda by any member of the Town Commission without having to make a motion, receive a second, or submit to a vote; otherwise, all items on the Consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

### **Ordinances - First Reading**

#### 10. Ordinance 2015-19, Establishing the Dates for the 2016 Preliminary and General Municipal Elections and the Early Voting Schedule

The Town's Charter establishes the date for the Town's General Election as the third Tuesday in March and as such will be held on March 15, 2016 which coincides with the Presidential Primary. If required, a Preliminary Election would be scheduled on the last Tuesday in January (January 26). Town Code Chapter 36, Elections provides for early voting however, due to the Presidential Primary, the Supervisor of Elections Offices have indicated that early voting will be conducted at the mainland offices only. Ordinance 2015-19 provides for the Town's General Municipal Election dates, and was forwarded from the October 19, 2015 Regular Workshop Meeting for first reading at the November 2, 2015 Regular Meeting. Recommended Action: Pending first reading and discussion, forward Ordinance 2015-19 to the December 7, 2015 Regular Meeting for second reading and public hearing.

### **Ordinances - Second Reading and Public Hearing**

#### 11. Ordinance 2015-24 Amending the FY 2014-2015 Park & Recreation Capital Project Fund Budget to Use Unappropriated Fund Balance for Expenses Related to Bayfront Park Design Services

A budget amendment is required to continue design work on Bayfront Park which is currently underway by Wannemacher Jensen Architects, Inc. The Town Manager requests a transfer from Unappropriated Fund Balance in the amount of \$53,745. Ordinance 2015-24 was forwarded from the October 5, 2015 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-24.

#### 12. Ordinance 2015-25, Amending the FY 2014-2015 Land Acquisition Fund Budget to Use Unappropriated Fund Balance for Expenses Related to Fund Activities

The Town Manager requests a transfer from Unappropriated Fund Balance in the amount of \$5,334 to cover investment expenses, a permit fee, and additional expenses associated with the land purchase at 592 Bay Isles Road. Ordinance 2015-25 was forwarded from the October 5, 2015 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-25.

**13. Ordinance 2015-26, Amending the FY 2014-2015 Beach Capital Project Fund Budget to Use Unappropriated Fund Balance for Expenses Related to the Beach Capital Project Fund**

Transfers of appropriations between funds, the use of unallocated fund balances or other revenue sources amend the budget and require approval by the Town Commission by Ordinance. Unanticipated expenditures related to the Beach Capital Projects Fund for increased costs of memberships, protected species monitoring, and permits require a budget transfer of \$29,750 from the Unappropriated Fund Balance to the Beach Capital Projects Fund. Ordinance 2015-26 was forwarded from the October 5, 2015 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-26.

**14. Ordinance 2015-28, Amending the FY 2014-2015 Tennis Special Revenue Fund Budget to True Up Revenues and Expenses of the Fund**

The Town Charter requires that all line items in the budget shall be trued up at year end for any variances with the adopted budget. The final results of the Tennis Center operations will not be known until November after the fiscal year end closes. Final transfer amounts will be incorporated into Ordinance 2015-28 for your consideration at the November 2, 2015 Regular Meeting. Ordinance 2015-28 was forwarded from the October 5, 2015 Regular Meeting for second reading and public hearing. Recommended Action: Pending second reading, public hearing, and discussion, adopt Ordinance 2015-28.

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| <b>Resolutions</b> |
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**15. Resolution 2015-25, General Fund Budget Transfers for Fiscal Year 2014-2015 Year End Reconciliation**

Town Charter requires that sufficient budgets are available in each General Ledger account to cover eligible expenditures. The Town Manager has the authority to transfer up to \$10,000 within a department program; however, the Town Commission must authorize, by resolution, transfers exceeding \$10,000 and transfers across departments. Resolution 2015-25 provides for the necessary transfers within the General Fund for compliance with the Town Charter. Attachment A provides details for each required transfer. Recommended Action: Pending discussion, pass Resolution 2015-25.

**16. Resolution 2015-26, Utility Fund Budget Transfers for Fiscal Year 2014-2015 Year End Reconciliation**

Town Charter requires that sufficient budgets are available in each General Ledger account to cover eligible expenditures. The Town Manager has the authority to transfer up to \$10,000 within a department program, however the Town Commission must authorize, by resolution, transfers exceeding \$10,000 and transfers across departments. Resolution 2015-26 provides for the necessary transfers within the Utility Fund for compliance with the Town Charter. Attachment A provides details for each required transfer. Recommended Action: Pending discussion, pass Resolution 2015-26.

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| <b>New Business</b> |
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**17. Interlocal Agreement with Sarasota County to Provide for Collection and Use of Mobility Fees**

Sarasota County has adopted Ordinance 2015-051, providing for collection and use of mobility fees which goes into effect on January 1, 2016. The mobility fees collected can only be spent on multi-modal improvements within the district in which they are collected. In order to opt-in, the Town must enter into an amended Interlocal Agreement with Sarasota County regarding collection of mobility fees prior to the effective date of the Mobility Fee Ordinance. The Interlocal Agreement is placed on the November 2, 2015 Regular Meeting for Commission consideration and formal action. Recommended Action: Pending discussion, authorize Mayor to execute Interlocal Agreement with Sarasota County for collection and use of mobility fees.

**18. Interlocal Agreement with Sarasota County to Provide Road Impact Fee Funding for Turn-Lane Improvements on Gulf of Mexico Drive in the Vicinity of Country Club Shores (CIP Project No. 95901)**

Sarasota County and the Town entered into a Road Impact Fee Interlocal Agreement for the purpose of maintaining an integrated transportation financing plan within the Sarasota County portion of Longboat Key that is equitable and outlines procedures for collecting and managing the road impact fees. A portion of these funds will be used for a Preliminary Development and Environment Study and Preliminary Engineering Study (PD&E Studies) for the project. This Interlocal Agreement will fund the PD&E Studies for left-turn lane improvements in an amount of \$65,000. Recommended Action: Pending discussion, authorize Mayor to execute Interlocal Agreement with Sarasota County for PD&E Studies for left-turn lane improvements on Gulf of Mexico Drive.

**19. Consideration of Lawsuit Settlement Offer Negotiated by Florida Attorney General Bondi in the Matter of Fulk v. United Parcel Services (UPS)**

A Multistate lawsuit was prosecuted by several state Attorney General, including Florida Attorney General Bondi, against United Parcel Services (UPS) alleging violations of the False Claims Act for overcharging governmental customers and misrepresenting delivery times. A settlement agreement was reached by the Florida Attorney General and an allocation of the settlement proceeds has been forwarded to the Town for consideration. The suggested pro rata settlement distribution to the Town is an amount totaling \$1.53 and, if accepted, the payment will release UPS from any claims the Town could bring under the False Claim Act. The deadline to accept the settlement is November 13, 2015. If the Town chooses not to accept the offered amount, the Town forfeits the settlement proceeds. Recommended Action: Pending discussion, provide direction to Town Attorney and Town Manager on the acceptance or rejection of the offer.

**Town Commission Comments**

**Town Attorney Comments**

**Town Manager Comments**

**Press to be Heard**

**Adjournment**

No verbatim record by a certified court reporter is made of these proceedings. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at these proceedings upon which any appeal is to be based (see Section 286.0105, Fla. Stat.).

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons needing a special accommodation to participate in this proceeding should contact the Town Clerk’s office at 941-316-1999 forty-eight (48) hours in advance of this proceeding. If you are hearing impaired, please call 941-373-7022.