



City of North Port

4970 CITY HALL BLVD
NORTH PORT, FL 34286

Meeting Agenda

City Commission Regular Meeting

CITY COMMISSIONERS

Debbie McDowell, Mayor

Jill Luke, Vice Mayor

Christopher Hanks, Commissioner

Pete Emrich, Commissioner

Vanessa Carusone, Commissioner

APPOINTED OFFICIALS

Peter Lear, City Manager

Amber L. Slayton, City Attorney

Heather Taylor, Interim City Clerk

Tuesday, November 26, 2019

6:00 PM

CITY COMMISSION CHAMBERS

MEETING PROCEDURE: By submitting a "Request to Speak" card to the City Clerk, the public may comment during the course of the meeting: (1) Speakers may comment under Public Comment at the beginning and ending of each meeting on any issue that is related to City Business whether or not the item is scheduled on the Agenda, with the exception of Quasi-Judicial Items; (2) Speakers may comment on all scheduled Agenda Items and Quasi-Judicial items at the time the item is being discussed. Please indicate on the Speaker Card by writing Public Comment if you wish to speak under that portion of the meeting or specify the individual agenda item you wish to speak to. Please wait until you are recognized by the presiding Officer, state your name so that your comments may be properly recorded and limit your remarks to a period of three (3) minutes or less. The City Commission will act on an Agenda Item after comments from the Staff, Petitioner and Public have been heard.

Florida's Sunshine Law requires the Commission to discuss this Agenda only in open session. The Commissioners cannot discuss these items with each other before this meeting is called to order. The Commissioners, individually, can however, discuss any item with concerned citizens and staff in preparation for the meeting.

CALL TO ORDER

ROLL CALL

The Pledge of Allegiance was led by Mr. Miles.

1. APPROVAL OF AGENDA

2. PUBLIC COMMENT:

(The purpose of the Public Comments Section of the Agenda is for members of the public to speak to the City Commission/District Governing Body on any subject pertaining to City Business whether or not it is on the Agenda, with the exception of Quasi-Judicial Items. The City Commission shall not act, except to direct the City Manager to take action or to schedule the matter for discussion at a later date. This comment period shall be limited to three (3) minutes to speak. If there is insufficient time to hear all speakers, the City Commission will hear those wishing to address them, and who have completed speaker cards during the second Public Comment Section.)

3. ANNOUNCEMENTS

- A. [19-1412](#) Current Vacancies for Boards and Committees and Upcoming Expiration Dates for Boards and Committees.

Attachments: [Current Vacancies for Boards and Committees and Upcoming Expiration Dates.](#)

4. CONSENT AGENDA:

(All matters under the Consent Agenda are considered by the City Commission to be routine and will be enacted by one motion. Any City Commission member may, however, remove an item from the Consent Agenda by request. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.)

- A. [19-1156](#) Approve the Technology Service Agreement between Sarasota County and the City of North Port for the Provision of Host Services for Police Department Servers and Network Equipment for the Back-up Dispatch Center at an Annual Cost of \$11,101.68, and to Authorize the City Manager to Execute any Subsequent Renewal Term Under the Same Terms and Conditions.

Attachments: [Technology Services Agreement](#)
[Competitive Exemption Form](#)

- B. [19-1281](#) Approve Equitable Sharing Agreement and Certification between the U.S. Department of Justice, the U.S. Department of Treasury and the City of North Port.

Attachments: [Equitable Sharing Agreement and Certification'2019](#)

- C. [19-1303](#) Approve Utilization of Florida State Contract No. 43211500-WSCA-15-ACS, Computer Equipment with Application of Florida Statute §287.056(2) to Obtain Lower Pricing, for the Purchase of Computers and Accessories with Computers at Work, DBA vTECHio, in the Estimated Amount of \$110,402.09.

Attachments: [Competitive Exemption Procurement form](#)
[Quotes](#)
[Florida Contract Source No. 43211500-WSCA-15-ACS, Computer Equipment](#)
[Florida Division of Corporations Computers at Work](#)
[Florida Division of Corporations - vTECHio](#)

- D. [19-1350](#) Approve the Award of Contract No. 2020-06, Butler Park Playground Equipment, Shade Cover, and Fall Zone Material to Advanced Recreational Concepts in the Amount of \$199,854.17.
- Attachments:** [Contract No. 2020-06 Butler Park Playground](#)
[NOI to Award- 2020-06](#)
[CM - Recommendation and Ranking, 2020-06](#)
[ARC Submittal, RFP 2020-06](#)
[RFP 2020-06 Butler Park Playground Equipment and Addendum 1](#)
[Florida Dept of Corporations document](#)
- E. [19-1351](#) Approve Licensed Training Provider Agreement with the American National Red Cross for a Thirty-Six Month Term
- Attachments:** [Licensed Training Provider Agreement with the American Red Cross](#)
[American National Red Cross Exemption2019.pdf](#)
[Appendix B – Courses, Equipment, Materials, and Fees](#)
[Training Provider Resource Guide](#)
[Florida Department of Corp ANRC](#)
- F. [19-1357](#) Approve Utilization of the OMNIA Partners Contract for Home Depot U.S.A. Inc. and OMNIA Partners Cooperative Purchasing Agreement For Lowe's Home Centers, LLC for the Procurement of Maintenance, Repair and Operating Supplies and Related Services in the Combined City-Wide Estimated Amount of \$130,000.00.
- Attachments:** [Exemptions Form](#)
[OMNIA Partners Contract 16154 Home Depot](#)
[OMNIA Partners Solicitation 16154 Addendum 1 Home Depot](#)
[OMNIA Partners Solicitation 16154](#)
[Florida Division of Corporations- Home Depot](#)
[Lowe's Official Contract](#)
[Lowe's Official Award Letter](#)
[IPA Lowe's](#)
[Florida Division of Corporations - Lowe's](#)

- G. [19-1372](#) Approve Article 5, Compensation, a Reopener Article, of the Collective Bargaining Agreement (CBA) between the City of North Port and the Southwest Florida Police Benevolent Association, Inc., (PBA) for the Period October 1, 2017, to September 30, 2020.

Attachments: [Corrected Article 5 Compensation clean copy](#)
[PBA Appendix A 10_01_2019](#)
[Appendix B Professional Development Plan October 1 2019](#)
[Professional Development Plan Appendix C](#)
[Professional Development Plan Appendix D](#)
[Sign off Sheet for PBA and City 2019](#)

- H. [19-1338](#) Appoint Morgan Scott as an At-Large Member on the North Port Youth Council.

Attachments: [Application and Backup](#)

- I. [19-1389](#) Appoint James Hersh as a Regular Member on the Parks & Recreation Advisory Board.

Attachments: [Application and Backup](#)

- J. [19-1398](#) Appoint Kevin Vespia as the Fifth Trustee Chosen by a Majority Vote of the Other Four Trustees to Serve an Additional Two-Year Term on the North Port Police Officer's Pension Board.

Attachments: [Application and Backup Material](#)

- K. [19-1413](#) Approve Minutes for the October 7, 2019 Commission Workshop Meeting, November 4, 2019 Commission Workshop Meeting, and November 5, 2019 Commission Public Workshop Meeting.

Attachments: [10-07-2019 Minutes](#)
[11-04-2019 Minutes](#)
[11-05-2019 Minutes](#)

5. PROCLAMATIONS AND CEREMONIAL ITEMS:

- A. [19-1252](#) Proclaim December 3, 2019 as Giving Tuesday.

Attachments: [Giving Tuesday Proclamation](#)

- B. [19-1430](#) Recognition of Students as Part of the Do the Right Thing Program

Attachments: [Nomination forms for youth](#)

6. PUBLIC HEARINGS:

PETITIONS:

- A. [CC](#) [GEN-19-259](#) Approve West Villages Improvement District (WVID) Consent to Acquisition of Real Property for Preto Boulevard
- Attachments:** [City of North Port Consent to Acquisition of Real Property FINAL](#)
[GEN-19-259 Staff Report](#)
- B. [CC](#) [VAR-19-172](#) Juliana Bellia, Public Works Director, on Behalf of Property Owner, the City of North Port, is Requesting a Variance from the Unified Land Development Code to Allow no Street Trees where Street Trees are Required. The Project Extends ± 14,497 Feet (± 2.75 miles) on Price Boulevard from the Intersection of Price Boulevard and Sumter Boulevard to the Intersection of Price Boulevard and Toledo Blade Boulevard (QUASI-JUDICIAL)
- Attachments:** [VAR-19-172 Staff Report and Exhibits](#)
[November 7, 2019 PZAB Draft Minutes](#)
- C. [CC](#) [VAR-19-170](#) Juliana Bellia, Public Works Director, on Behalf of Property Owner, the City of North Port, is Requesting a Variance to Allow for a 100-Foot Right-of-Way where a 120-Foot Right-of-Way is Required by the City of North Port Unified Land Development Code (ULDC). The Project Extends ± 14,497 Feet (± 2.75 Miles) on Price Boulevard from the Intersection of Price Boulevard and Sumter Boulevard to the Intersection of Price Boulevard and Toledo Blade Boulevard (QUASI-JUDICIAL)
- Attachments:** [VAR-19-170 Staff Report and Exhibits](#)
[November 7, 2019 PZAB Draft Minutes](#)
- D. [CC](#) [VAR-19-171](#) Julianna Bellia, Public Works Director, on Behalf of Property Owner, the City of North Port, is Requesting a Variance from the Unified Land Development Code to Allow a 10-Foot Wide Multi-Modal Path to Include a Sidewalk and Bike Lane Where a Minimum 8-Foot Wide Sidewalk and a Minimum 7-Foot Wide Bike Path is Required. The Project Extends ± 14,497 Feet (± 2.75 miles) on Price Boulevard from the Intersection of Price Boulevard and Sumter Boulevard to the Intersection of Price Boulevard and Toledo Blade Boulevard (QUASI-JUDICIAL)
- Attachments:** [Ex Parte Communications](#)
[November 7, 2019 PZAB Draft Minutes](#)
[Var 19-171 Ex Parte Communications](#)
[Additional public comment backup](#)

ORDINANCES: Second Reading

- E. [ORD. NO. 2019-11](#) An Ordinance of the City of North Port, Florida, Amending the City of North Port Unified Land Development Code to Allow for Urban Market Gardens by Amending Chapter 25 – Parking and Loading Regulations, Article II – Off-Street Parking, Section 25-17 – Minimum Off-Street Parking Requirements; Amending Chapter 53 – Zoning Regulations, Part 2 – Schedule of District Regulations to Allow Urban Market Gardens as a Permitted Principal Use in the CG Commercial General District, CG-S Commercial General Special District, ILW Light Industrial and Warehousing District, and NC-HI/NC-LI Neighborhood Commercial High/Low Intensity Districts; Amending Part 3 – Special District Regulations, Article XX Special Circumstance Regulations, Section 53-240 Special Structures; Amending Chapter 55 – Activity Center Design Regulations to Allow Urban Market Gardens as a Permitted Principal Use in Panacea (Activity Center #4), Midway (Activity Center #5), The Shire (Activity Center #6), And The Gardens (Activity Center #8); Amending Chapter 61 Definitions, Section 61-3 Definitions and Word Usage; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date. (TXT-18-208)

Attachments:

[Ordinance 2019-11 for Second Reading 11.7.19](#)
[Ordinance 2019-11 for Second Reading](#)
[Ordinance 2019-11](#)
[Staff Report with Exhibits](#)
[Backup from 7-24-18 Meeting](#)
[TXT-18-208 Presentation](#)
[Draft minutes from September 24, 2019 Commission meeting](#)

- F. [ORD. NO. 2019-48](#) An Ordinance of the City of North Port, Florida, Amending the Non-District Budget for Fiscal Year 2018-19 by Providing for Changes related to Fleet Management, Self Insurance and Employee Benefits; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Attachments:

[Ordinance No. 2019-48 Second Reading](#)
[2019-48 Exhibit A Second Reading](#)
[2019-48 Fund Balance Reports for Self Insurance and Employee Benefits Fund](#)
[Ordinance No. 2019-48 First Reading](#)
[2019-48 Exhibit A First Reading](#)
[2019-48 Fund Balance Reports for Self Insurance and Employee Benefits Fund](#)

ORDINANCES: First Reading - Continued

- G. [ORD. NO. 2019-46](#) An Ordinance of the City of North Port, Florida, Adopting the West Villages Village District Pattern Book for ±8000 Acres in the "Village" Future Land Use; Providing for Findings; Providing for Adoption; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Attachments: [Ordinance 2019-46](#)
[VBA-19-065 Staff Report with Exhibits](#)
[Additional Backup](#)

- H. [ORD. NO. 2019-50](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Bring Meeting Notice and Advertisement Requirements of the Fire Rescue District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article II – North Port Fire Rescue District, Section 66-33 – Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Attachments: [Ordinance](#)
[Commission Direction](#)

- I. [ORD. NO. 2019-51](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Provide Consistency and to Bring Meeting Notice and Advertisement Requirements of the Road and Drainage District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article III – Road and Drainage District, Section 66-51 – Governing Body, and Section 66-60 – Meetings; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date.

Attachments: [Ordinance](#)
[Commission Action](#)

- J. [ORD. NO. 2019-52](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida, to Provide Consistency and to Bring Meeting Notice and Advertisement Requirements of the Solid Waste District into Conformity with Florida Statutes, by Amending Chapter 66 – Special Districts, Article IV – Solid Waste District, Section 66-86, Section 66-87, and Section 66-94; and by Creating Section 66-97; Providing For Conflicts; Providing For Severability; Providing For Codification; And Providing An Effective Date.

Attachments: [Ordinance](#)
[Commission Direction](#)

- K. [ORD. NO. 2019-53](#) An Ordinance of the City of North Port, Florida, Amending the Code of the City of North Port, Florida Related to Advisory Boards, by Repealing in Its Entirety Chapter 4, Article V, Entitled "The Beautification and Tree/Scenic Highway Committee"; by Amending Section 4-182 Regarding the Powers and Duties of the Environmental Advisory Board; Providing for Conflicts; Providing for Severability; Providing for Codification; and Providing an Effective Date

Attachments: [Ordinance No. 2019-53](#)
[Ord No 2019-53. Third Reading](#)

RESOLUTIONS:

- L. [RES. NO. 2019-R-28](#) A Resolution of the City of North Port, Florida, Authorizing the Acquisition of Multiple Parcels of Real Property Located at the End of Vestridge Drive, South of the Unimproved Spring Haven Drive, South of the West Price Boulevard and West of South Sumter Boulevard in North Port, Florida and Described as Parcel Identification Numbers 0976265022, 0976265023, 0976265024, 0976265025, 0976265210; Providing for Filing of Documents; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Attachments: [Resolution No. 2019-R-28](#)
[Agreement for Purchase and Sale of Real Property](#)
[Q Smith Appraisal 5.31.19](#)
[Property Information Report](#)
[Exhibit A Plat](#)
[Map of Parcels](#)
[Competitive Exemption Form](#)

- M. [RES. NO. 2019-R-27](#) A Resolution of the City of North Port, Florida, Directing the City Manager to Temporarily Suspend Enforcement of Section 42-24 of the Code of the City of North Port, Florida, Entitled "Maintenance of Stormwater Drainage Area," Subsections (a)(1)b, (a)(2)b, (a)(3), and (a)(4), Solely as it Pertains to the Requirement to Mow the Center of the Swales; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Attachments: [Resolution 2019-R-27](#)
[Section 42-24 -Maintenance of Stormwater Drainage Area](#)
[Ordinance 2017-09](#)

7. GENERAL BUSINESS:

- A. [19-1429](#) Discussion and Possible Action Regarding Changes to Ordinance No. 2019-06, Impact Fee Ordinance

Attachments: [Ordinance 2019-06 Impact Fees](#)
- B. [19-1319](#) Discussion and Possible Action Regarding Signing the City of Miami Beach's Amicus Curiae Brief Related to Preemption of Human Rights Ordinances in Yanes, et al. v. OC Food & Beverage, LLC, et al., Case No. 5D19-1853 (5th DCA Fla.)

Attachments: [City of Miami Beach Correspondence](#)
[Notice of Appeal](#)
[Order Granting Motion to File Amicus](#)
- C. [19-1334](#) Discussion and Possible Action to Compose a Resolution for Best Practice Procedure/Policy for the Reduction of Single Use Plastics on City Properties.
- D. [19-1344](#) Discussion and Possible Direction Related to RLI 2020-10 Redevelopment and Financing of City of North Port Dallas White Park Campus

Attachments: [RLI 2020-10 Recap Memo](#)
[RLI NO. 2020-10 Redevelopment and Financing for Dallas White Park Campus](#)
[RLI 2020-10 Letters of Interest Non-Submittal Sheet](#)
[RLI 2020-10 Letters of Interest Receipt Sheet](#)
- E. [19-1388](#) Discussion and Possible Action Regarding Agreement with Teen Court of Sarasota, Inc. to Address Terms and Conditions while Utilizing Space in City Facilities

Attachments: [Agreement between City of North Port and Teen Court.pdf](#)
[Minutes from March 5, 2019.pdf](#)
- F. [19-1397](#) Discussion Regarding Florida League of Cities Legislative Priorities

Attachments: [2020 Florida League of Cities Action Agenda](#)

8. PUBLIC COMMENT:

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9. COMMISSION COMMUNICATIONS:

- A. [19-1421](#) Commissioner Emrich's Communications

- B. [19-1422](#) Commissioner Carusone's Communications
- C. [19-1423](#) Commissioner Hanks' Communications
- D. [19-1424](#) Vice Mayor Luke's Communications
- E. [19-1425](#) Mayor McDowell's Communications

10. ADMINISTRATIVE AND LEGAL REPORTS:

- A. [19-1387](#) City Manager Report

Attachments: [City Manager Commission Update Report 11.26.19](#)

- B. [19-1374](#) City Attorney Report

Attachments: [City Attorney Report on Commission Directed Items](#)

- C. [19-1420](#) City Clerk Report

Attachments: [City Clerk Update](#)

11. ADJOURNMENT:

NOTICE OF AVAILABILITY OF REPORTS - The Agenda is a summary of the proposed actions to be taken by the City Commission. For almost every agenda item, the City staff has prepared materials for Commission consideration and provided a staff recommendation. All of these materials are available at the City Clerk's Office, during normal business hours, for inspection and (for a fee) copying. Questions on these materials may be directed to the staff member who prepared them, or to the City Clerk's Office, who will refer you to the appropriate person.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status, marital status, sexual orientation, gender identity or expression, or physical characteristic in administration of its programs, activities or services.

No stenographic record by a certified court reporter is made of these recordings. Accordingly, anyone seeking to appeal any of the decisions involving the matters herein will be responsible for making a verbatim record of the meeting/testimony and evidence upon which any appeal is to be based. Copies of the recordings are available (for a fee) at the City Clerk's Office.