

ST. JOHNS COUNTY

ST. AUGUSTINE, FLORIDA

BOARD OF COUNTY COMMISSIONERS

District 1 – Cyndi Stevenson

District 2 – Ron Sanchez

District 3 – William (Bill) A. McClure

District 4 – Jay Morris, Chair

District 5 – Rachael L. Bennett, Vice-Chair



REGULAR MEETING AGENDA

County Auditorium
500 San Sebastian View

Michael D. Wanchick, County Administrator
Patrick F. McCormack, County Attorney

TUESDAY, DECEMBER 3, 2013 – 9:00 A.M.

❖*Please be sure all cellular devices are silenced for the duration of the County Commission Meeting*❖

REGULAR MEETING

- ❖ Call to Order by Chair
- ❖ Roll Call by the Clerk of the Court
- ❖ Invocation
- ❖ Pledge of Allegiance
- ❖ Public Comment
- ❖ Deletions to Consent Agenda
- ❖ Approval of Consent Agenda
- ❖ Additions/Deletions to Regular Agenda
- ❖ Approval of Regular Agenda

Presenter – Teresa Bishop, AICP, Long Range Planning Manager

District 1

- 1. Public Hearing - Transmittal Hearing – COMPAMD 2013-05 Bartram Park DRI.** This is a transmittal hearing for a Comprehensive Plan Amendment related to the Bartram Park DRI located in St. Johns County, to amend a residential portion of the DRI from Residential-A to Residential-B, with a Text Amendment limiting the residential dwelling units to 616, for approximately 583 acres of land located along the north side of Racetrack Road. The Planning and Zoning Agency recommended approval with a 7-0 vote at its November 7, 2013 meeting.

Presenter – Phong T. Nguyen, Transportation Development Division Manager

District 2

- 2. Public Hearing - DEVAGRMOD 2013-01 Sunshine Holdings Development Agreement Modification.** Two public hearings are required to modify a Development Agreement. This is the second of the two required public hearings. The first public hearing was held on November 5, 2013 before the BCC. The Sunshine Holdings Development Agreement was approved by the Board of County Commissioners on March 23, 2005 for the Palm Lakes PUD, Sunshine 13 PUD, Sunshine 16 PUD (collectively referred to as Murabella), the Samara Lakes PUD, and the Liberty Park PUD (recently changed to Gran Lake PUD) to mitigate for project impacts to Pacetti Road and the SR 16/IGP/Pacetti Road intersection. The request for modification seeks to add 17.57 acres of land, which at the writing of this

report, is under review to be incorporated within the Sunshine 16 PUD pursuant to COMPAMD 2013-01 and MAJMOD 2013-02; approval of additional road impact fee credit for costs that resulted from design changes required by a permitting agency pursuant to Section 11.a of the Agreement in the total amount of \$317,723.48; and to relieve the developments from the remainder of the Phase II intersection improvements based on an updated analysis of the SR 16/IGP/Pacetti Road intersection.

Presenter – Georgia Katz, Senior Planner

District 5

- 3. Public Hearing - MAJMOD 2013-07 St. Johns Interchange Parcels Planned Unit Development.** This is a proposed Major Modification to the St. Johns Interchange Parcels Planned Unit Development Text to add Assisted Living Facility (ALF) to the Industrial category Master Development Plan Text specific to Sub parcel 10.3 to allow the conversion of an existing hotel to an ALF. Staff recommends approval based on its consistency with the Future Land Use Designation of DRI, consistency with development trends in the area and compatibility with surrounding properties. The Planning and Zoning Agency approved of the MAJMOD 2013-02 by a vote of 4-1 at its October 17, 2013 meeting.

Presenter – Suzanne Konchan, AICP, Growth Management Director

District 2

- 4. Public Hearing - ADMA 2013-01 Appeal to a decision by Staff pursuant to Land Development Code Section 9.07.02 of denial of Concurrency Reservation Fee Refund - Westchester PRD.** This is an appeal filed pursuant to Land Development Code Section 9.07.03, appeals from decisions of the County Administrator, filed by Toccoi Land Company, LLC. On March 26, 2013 McClure Bloodworth, PA filed an appeal on behalf of Toccoi Land Company, LLC as prescribed by the Land Development Code, requesting that the Board of County Commissioners reverse the decision rendered by Staff.

Presenter – Press Tompkins, P.E., County Engineer

- 5. Consider a Resolution approving and authorizing the execution of the Maintenance Agreement for Sawgrass Resort Waterways and Channels.**

Presenter – Neal Shinkre, Director of Public Works

- 6. Consider a transfer of \$3.1 million from the Transportation Trust Fund Contingency Reserve to finalize the funding for the CR210/I-95 Interchange Improvements Project.**

Presenter – Dawn Cardenas, Purchasing Manager

- 7. Consider a Resolution authorizing the County Administrator, or his designee, to award a contract for Bid #13-25R County Road 210 at Interstate 95 – Phase 2 Improvements Re-Bid to Petticoat-Schmitt Civil Contractors, Inc. as the lowest responsive, responsible bidder for a Lump Sum Bid of \$9,407,051.50 (Base Bid “A” - \$8,514,408.79 + Alternate 1-A - \$892,642.71) and to allow County Staff to investigate and negotiate value engineering opportunities with the successful bidder that best serve the interests of St. Johns County.**

Presenter – David Migut, Senior Assistant County Attorney

8. Public Hearing – Second Hearing and Enactment of Flavored Tobacco Ordinance.

This ordinance will prohibit any person, business, tobacco retailer, or other vendor from placing any flavored tobacco products in an open display unit or selling flavored tobacco products by any means other than a vendor-assisted sale in which the customer has no access to the flavored tobacco product without the assistance of the vendor. This restriction shall not apply to any establishment that prohibits persons less than 18 years of age on the premises. The ordinance provides for any enforcement action or legal remedy available under Florida law, including, but not limited to, a fine not exceeding \$500 or by imprisonment for a term not exceeding (60) days for a violation of the ordinance.

Presenter – Rebecca Lavie, Assistant County Attorney

9. Public Hearing – Second Hearing and Enactment of Hazardous Materials Ordinance.

It is in the interest of the public health, safety, and welfare of the people of St. Johns County for the Board to pass laws that promote clean air, water, and soil and protect wildlife and plants within the County. When hazardous materials are released into the environment, it has a negative effect on the quality of the air, water, and soil, is harmful to wildlife and plants, and poses a risk to human health, safety, and welfare. When hazardous materials are released into the environment, the County may be required to take remedial measures to clean up the materials and abate the effects of their release. When the County is required to respond to an incident of hazardous materials being released into the environment, it is appropriate for the party who is responsible for the release of the hazardous materials to compensate the County for the costs expended in connection with the County's response. The County is authorized under Chapter 125, Florida Statutes, to act in the common interest of the people of the County where such actions are not inconsistent with Florida law. It is in the common interest of the people of the County, and is not inconsistent with Florida law, for the County to require parties who are responsible for the release of hazardous materials into the environment to compensate the County for costs expended in connection with the County's clean-up and abatement of the effects of the released materials. This ordinance shall provide for recovery by the County of costs incurred in emergency response, incident assessment, control, containment, and abatement efforts directly related to the release of hazardous materials into the environment.

10. Public Hearing – Second Hearing and Enactment of Repealer Ordinance. In support of the Board's goals and objectives, the Office of the County Attorney is working to identify ordinances that have been superseded by statute or that are outdated, redundant, or no longer in the public interest. Once identified, these ordinances can be removed from the County Code, thereby providing the public with more efficient access to the County's ordinances that are still in effect. This ordinance is the first step in this process. It identifies ordinances that have either been repealed or that have been superseded by state law. It removes the ordinances that have already been repealed from the County Code, and it repeals the superseded ordinances and directs their removal from the County Code, as well. The ordinance also directs the Clerk to maintain a compilation of the repealed ordinances separate from the County Code.

- ❖ **Commissioners' Reports**
- ❖ **County Administrator's Report**
- ❖ **County Attorney's Report**
- ❖ **Clerk of Court's Report**

End of Regular Agenda

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CONSENT AGENDA

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TUESDAY, DECEMBER 3, 2013

CONSENT AGENDA

1. **Approval of the Cash Requirement Report.** *For information, contact Allen MacDonald, County Finance Director at 819-3669, and a copy of this report is available in the County Commission office.*
2. **Minutes:**
 - BCC Regular Meeting 10/15/13
3. Motion to adopt a Resolution approving the terms and authorizing the Chair, or designee, to execute a **Special Use Authorization with St. Johns River Water Management District allowing St Johns County to access the Deep Creek West Regional Stormwater Treatment Facility and spread excavated soil** onto the District's adjacent property located on George Miller Road. No funding is required. *For information, contact Mary Ann Blount, Land Management Director, at 209-0762.*
4. Motion to adopt a Resolution approving the **final plat for Deerfield Preserve Unit One-A (Roadway).** *For information, contact Kathy Nielsen, Application Review Manager, at 209-0698.*
5. Motion to approve a Resolution authorizing the Chair, or designee, to direct staff to submit an **application to the Department of Economic Opportunity for the 2013 Community Development Block Grant (CDBG) grant cycle.** *For information, contact Press Tompkins, P.E., County Engineer, at 209-0110.*
6. Motion to adopt a Resolution approving the terms and conditions of the **Agreement** between the **St. Johns County Board of County Commissioners and the City of St. Augustine to provide for certain tourist related services and operation of the St. Augustine/St. Johns County Visitors Information Center ("VIC")** and authorizing the County Administrator, or designee, to execute the agreement on behalf of the County. The contracted amount is \$160,000 and funded in the TDC Administration (Special Use) Fiscal Year 2014 Budget. *For information, contact Glenn Hastings, TDC Executive Director, at 209-4428.*
7. Motion to adopt a Resolution approving the terms and conditions of the **Agreement between the St. Johns County Board of County Commissioners and St. Johns County Chamber of Commerce to provide for certain tourist related services and operation of the Ponte Vedra Beach/St. Johns County Visitors Information Center ("VIC")** and authorizing the County Administrator, or designee, to execute the agreement on behalf of the County. The

contracted amount is \$6,600 and funded in the TDC Administration (Special Use) Fiscal Year 2014 Budget. *For information, contact Glenn Hastings, TDC Executive Director, at 209-4428.*

8. Motion to approve a **transfer from LETF Reserves (1194-59920) in the amount of \$18,000 to be used by the St. Augustine Society to support programs and services provided by the St. Francis House**, and Motion to approve a **transfer from LETF Reserves (1194-59920) in the amount of \$5,000 to be used to contribute to the Hands On Jacksonville program** providing assistance to challenged elementary students (in St. Johns County). *For information, contact Sheriff David Shoar, at 824-8304.*
9. Motion to approve a **transfer from Fire/EMS Impact Fee Capital Reserves in the amount of \$228,000 for design and engineering related to the construction of a Nocatee Fire/Rescue Station**; and Motion to approve a **transfer from Fire District Fund Capital Reserves in the amount of \$580,000 for the purchase of a Nocatee Fire/Rescue Station fire truck**. *For information, contact Jesse Dunn, Office of Management & Budget, at 209-0568.*
10. Motion to adopt a Resolution to authorize the County Administrator, or his designee, to enter into a **contract for Bid #14-10 Household Hazardous Waste Collection Services for one (1) year with three (3) available one-year renewals, with Perma-Fix of Florida, Inc, EQ Florida, Inc, and Tradebe Treatment & Recycling, LLC**. *For information, contact Dawn Cardenas, Purchasing Manager at 209-0152.*
11. Motion to adopt a Resolution authorizing the County Administrator, or his designee, to **purchase One (1) New CAT 308 Mini Excavator from Florida Sheriff's Association & Florida Association of Counties Contract # 13-11-0904 from Ring Power Corporation** in the amount of \$108,086.00. This is a replacement an older excavator that is in poor condition and has been budgeted for Fiscal Year 2014. *For information, contact Dawn Cardenas, Purchasing Manager at 209-0152.*
12. Motion to declare a list of **County assorted equipment items (from County Departments that are of varying conditions) as surplus** and authorize the County Administrator, or his designee, to dispose of the same in accordance with County Purchasing Policy 308 and Florida Statute 274. *For information, contact Dawn Cardenas, Purchasing Manager at 209-0152.*
13. Motion to adopt a Resolution **approving an Interlocal Agreement between St. Johns County and the Municipal Service District of Ponte Vedra Beach for construction of a pedestrian sidewalk along Ponte Vedra Boulevard**, and Motion to adopt a Resolution **recognizing unanticipated revenue in the amount of \$76,000 from the Ponte Vedra Municipal Services District and \$155,000 from residents who live along the area where the sidewalk will be constructed** and increasing the Transportation Trust Fund (1111-36603) and authorizing its expenditure pursuant to the terms of the Interlocal Agreement between the Municipal Service District of Ponte Vedra Beach for construction of a sidewalk along Ponte Vedra Boulevard. *For information, contact David Migut, Senior Assistant County Attorney, at 209-0805.*

End of Consent Agenda