

BOARD OF COUNTY COMMISSIONERS  
PORT AUTHORITY  
CIVIC CENTER AUTHORITY  
COMMUNITY REDEVELOPMENT AGENCY  
MANATEE COUNTY, FLORIDA

WEBSITE: [WWW.MYMANATEE.ORG](http://WWW.MYMANATEE.ORG)

Manatee County Administrative Center  
Commission Chambers - First Floor - 1112 Manatee Avenue West  
Bradenton, Florida 34205

Commission Office: (941) 745-3700  
Commission Fax: (941) 745-3790

**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

## - AGENDA -

**9:00 a.m. REGULAR MEETING March 17, 2009**

MEETING CALLED TO ORDER: *Dr. Gwendolyn Y. Brown, Chairman*  
INVOCATION: Rev. Paul Scheele, Congregational United Church of Christ  
PLEDGE OF ALLEGIANCE

ITEMS REMOVED FROM CONSENT AGENDA WILL BE CONSIDERED AT **11:30 A.M.**  
THE BOARD WILL GENERALLY RECESS FOR A LUNCH BREAK AT OR NEAR **12:00 P.M.**

### CITIZEN'S COMMENTS

*Comments should be limited to two minutes per person and should concern items on **Consent Agenda**.*

### CONSENT AGENDA

*THE FOLLOWING ITEMS ARE DETERMINED TO BE ROUTINE IN NATURE AND SHOULD BE CONSIDERED IN A SINGLE MOTION. ITEMS DETERMINED TO WARRANT INDIVIDUAL DISCUSSION SHOULD BE REMOVED FROM THIS LIST PRIOR TO THE MOTION TO ADOPT. SUCH ITEMS SHOULD BE DISCUSSED SEPARATELY.*

#### CLERK OF CIRCUIT COURT

- **Clerk's Consent Calendar:** Approval

#### PROCLAMATIONS

1. **Manatee Heritage Days** – March 2009 (*NO PRESENTATION SCHEDULED*)
2. **Autism Awareness Month** – April 2009

#### ADMINISTRATOR

3. **Building Department Director** – Confirm appointment of John Barnott as Building Department Director effective March 28, 2009
4. **Employee Classifications** – Adopt Resolution R-09-059, amending Section 3-2-1 of the Manatee County Code, for the purpose of designating certain classes of employees as 'at-will'\*

#### ATTORNEY

5. **Eminent Domain: 17<sup>th</sup> Street West (Parcels 101A&B, 701A,B&C)** – Approve Offer of Judgment/Proposal for Settlement by Manatee County to Varnadore Properties, L.L.C., *Manatee County v. Hugh E. McGuire, Jr., as Trustee, et al.*, Case 2007-CA-4921

#### COMMUNITY SERVICES

6. **Burial Procedures** – Adopt Resolution R-09-076, superseding R-07-106, and providing for nominal increase in payments made to funeral homes rendering cremation services for Manatee County Government\*
7. **Specialty License Plate** – Execute FY 2008-09 Choose Life Specialty License Plate general fund agreements with: Carenet Manasota, Inc., Family Creations, Inc., Manasota S.O.L.V.E., Inc., and North River Care, Inc.\*

#### CONVENTION AND VISITORS BUREAU

8. **Softball Tournament** – Approve expenditures for seven National Softball Association tournaments to be held at G.T. Bray Park and Palma Sola Park (April-November 2009)
9. **Tourism Tax** – Authorize setting public hearing on April 7, 2009, to consider adoption of Ordinance 09-27, increasing the tourism (resort tax) by one percent\*

Gwendolyn Y. Brown, District 2, Chairman

Carol Whitmore, District 6 County-wide, 1st Vice-Chairman; Donna Hayes, District 5, 2nd Vice-Chairman; Larry Bustle, District 1, 3<sup>rd</sup> Vice-Chairman  
John R. Chappie, District 3; Ron Getman, District 4; Joe McClash, District 7 County-wide

**FINANCIAL MANAGEMENT**

10. **Budget Amendment Resolution** – Adopt Budget Resolution B-09-021
11. **Debt Collection Services** – Execute Addendum 2 with Merchants Association Collection Division, Inc., dba MAF Collection Services
12. **Emergency Generators** – Execute Change Order 2 to Work Assignment 55 with URS Corporation for design services for the installation of rehabilitated generators at the Ellwood II and Cortez Road Booster Stations
13. **Fiscal, Economic, and Community Planning Services** – Execute Addendum 1 to extend agreement with 'no-fee increases' with TischlerBise, Inc.
14. **Fuel Supplies** – Award IFB 09-0400BS to Quick Fuel Fleet Services, BV Oil Company, and Palmdale OFL Company, for gasoline and diesel fuel
15. **Robinson Preserve** – Execute Change Order 1 (final) with Superior Asphalt, Inc., for Robinson Preserve asphalt trail project
16. **Transportation Planning and Project Review** – Enter into negotiations with Miller Legg, PBS&J, Renaissance Planning Group, and URS Corporation Southern to provide professional services for transportation planning and project review
17. **U.S. 301 Roadway Improvements** - Award IFB 08-3010BG to Woodruff & Sons, authorize subsequent execution of contract with simultaneous dating of performance/payment bonds, and acceptance of insurance certificates
18. **Vending Services** – Execute Addendum 1 to license agreement with Bradenton Vending Services to provide services at various Parks and Recreation Department facilities
19. **White Goods and Scrap Metal** – Execute Addendum 3 with Trademark Metals Recycling, LLC, to renew collection and purchase of white goods and scrap metal agreement

**NATURAL RESOURCES**

20. **Artificial Reef Construction** – Adopt Resolution R-09-075 authorizing submission of grant application to Fish and Wildlife Conservation Commission, Division of Marine Fisheries, and authorize Chairman, Vice Chairman, or Director of Natural Resources Department to execute all documents related to grant project
21. **Donation** – Accept donation of three porch benches (total value of \$150) from B & S Café, Steve and Bonnie Olsen, owners, for placement at Emerson Point Preserve Welcome Center
22. **Tampa Bay Estuary Program (TBEP)** – Execute funding agreement with TBEP for payment of Manatee County's FY 2008-09 contribution to the TBEP
23. **Tree Trust Fund** – Authorize Natural Resources Department to acquire funds from Tree Trust Fund to provide restoration of long leaf pines at Duette Preserve and coastal upland restoration at Robinson Preserve

**NEIGHBORHOOD SERVICES**

24. **Neighborhood Stabilization Program** – Approve and authorize Chairman to execute Funding Approval and Grant Agreement with Department of Housing and Urban Development

**PARKS AND RECREATION**

25. **Donation** – Accept check from Patrick K. Neal for \$30,000 as donation towards construction of a concession/press box/restroom building at Lakewood Ranch Park baseball field

**PLANNING**

26. **Final Plat: Buckeye Industrial Park** – Approve, execute, and record
27. **Service Fee Waiver** – Waive service fee assessed to Vision Homes for a returned check

**PROPERTY MANAGEMENT**

28. **26<sup>th</sup> Avenue at 15<sup>th</sup> Street East** – Execute Contract for Sale and Purchase for a Right-of-Way Easement from Cindy Dring and George Stolt
29. **Bayshore Gardens** – Accept and record Temporary Construction easements (3) from Michael Callinan, Linda Lennon, and Frederic C. Obermiller
30. **Bear Bay Road** – Execute Contract for Sale and Purchase for a Warranty Deed for parcel owned by James E. and Stefani B. Hartin
31. **Buckeye Road** – Accept and record Utility Easement from HRK Holdings, LLC; Affidavit of Ownership and Encumbrances; Joinders (2)
32. **El Conquistador Parkway** – Accept and record Pedestrian Sidewalk Easement from Valgo I Association, Inc., Valgo II Association, Inc., Valgo III Association, Inc., and IMG/Bollettieri Academies Country Club, LLC; Affidavit of Ownership and Encumbrances; Joinders (2)
33. **Morgan Johnson Road** – Accept and record Utility Easement from The Bible Baptist Church; Affidavit of Ownership and Encumbrances

Gwendolyn Y. Brown, District 2, Chairman

- 34. **Parrish Fire District** – Approve and authorize execution of lease agreement with Parrish Fire District to allow Manatee County to maintain and operate a fueling station on District property\*
- 35. **Portal Crossing** – Execute Deed to Portal Crossing-RT 64, LLC; accept and record Warranty Deed, Pedestrian Sidewalk and Utility Easement; Affidavit of Ownership and Encumbrances; Partial Release and Joinder
- 36. **St. Francis Cabrini** – Accept and record Conservation Easement from Frank J. Dewane, as Bishop of Diocese of Venice; Affidavit of Ownership and Encumbrances
- 37. **Trailer Estates** – Accept and record Right-of-Entry Easement from Jeffrey L. Muller, Personal Representative of Marjorie H. Kimmence, required for the waterline and sewer project

**PUBLIC WORKS**

- 38. **Facilities Encroachment Agreements** – Adopt Resolution R-09-074 authorizing execution of two agreements with CSX Transportation, Inc., for easement encroachment at railroad crossings for installation of fiber optic conduit and cable boxes on CSX property by MasTec North America, Inc.
- 39. **Surplus Equipment** - Adopt Resolutions R-09-065, R-09-066, R-09-067, and R-09-068 authorizing donation of excess property to The Salvation Army, Manatee Children’s Services, St. Joseph Catholic Church, and Reflections of Manatee; and classify property which is uneconomical to upgrade or repair as surplus per Florida Statute §274.05 to enable disposition in accordance with Purchasing Code 99-37, Section 1.106, and authorize disposal
- 40. **Street Lighting Assessment Roll (28<sup>th</sup> Avenue East)** – Authorize setting public hearing for May 19, 2009, to consider amending assessment roll for 28<sup>th</sup> Avenue East Street Lighting Municipal Service Benefit Unit
- 41. **Street Lighting Assessment Roll (29<sup>th</sup> Street East, 30<sup>th</sup> Street East)** - Authorize setting public hearing for July 28, 2009, to consider creating a Municipal Service Benefit Unit for street lighting on 29<sup>th</sup> Street East from 2<sup>nd</sup> Avenue East to 5<sup>th</sup> Avenue East, and on 30<sup>th</sup> Street East from 2<sup>nd</sup> Avenue East to 8<sup>th</sup> Avenue East
- 42. **Street Lighting Municipal Service Benefit Unit (29<sup>th</sup> Street East, Apollo Park)** – Adopt Resolution R-09-060 amending the Street Lighting MSBU by deleting parcels owned by Rosetta Washington and Janet James
- 43. **Street Lighting Municipal Service Benefit Unit (Sylvan Oaks)** – Adopt Resolution R-09-063 modifying assessment roll for the Sylvan Oaks Street Lighting MSBU
- 44. **Utility Standards** – Approve revisions to Manatee County Public Works Utility Standards

**UTILITIES**

- 45. **Fee Waiver** – Waive services fees assessed to utility customer accounts for returned bank items

**REPORTS**

- 46. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Bryn Mawr Dredging (PW-B804229), 2) 33<sup>rd</sup> St E Sidewalk (PW-B805901), 3) Utilities (PW-B900181), 4) Transit Transfer Site (PMD-B900182), 5) Buffalo Creek Fencing (PR-B900439), 6) Tara Bridge (PW-B900501)

*RECOMMENDED MOTION: I MOVE TO APPROVE THE CONSENT AGENDA INCORPORATING THE LANGUAGE AS STATED IN THE RECOMMENDED MOTIONS IN THE AGENDA MEMORANDA (AS MAY HAVE BEEN AMENDED IN THE SUPPLEMENTAL AGENDA).*

**(END CONSENT)**

**AWARDS/PRESENTATIONS/PROCLAMATIONS**

**HUMAN RESOURCES**

- 47. **March Employee of the Month** – Present award to **Patricia Adams**, Transit Operator, Community Services Department

**PROCLAMATION (APPROVED WITH CONSENT AGENDA)**

- **Autism Awareness Month** – April 2009

**CITIZEN'S COMMENTS**

*COMMENTS SHOULD BE LIMITED TO TWO MINUTES PER PERSON AND SHOULD CONCERN BUSINESS WHICH MAY, IF APPROPRIATE, BE PLACED ON A FUTURE AGENDA.*

**MANATEE COUNTY PORT AUTHORITY**

RON GETMAN, CHAIRMAN  
 DONNA HAYES, FIRST VICE-CHAIRMAN  
 LARRY BUSTLE, SECOND VICE-CHAIRMAN

THE CONSENT AND REGULAR AGENDA ITEMS FOR ANY PORT AUTHORITY MEETING ARE SET FORTH IN THE PORT AUTHORITY MEETING AGENDA MATERIALS NOTEBOOK. PORT STAFF ASSUMES RESPONSIBILITY FOR DISTRIBUTION OF THE AGENDA FOR THE PORT AUTHORITY MEETING AND HAS COPIES OF THE AGENDA AVAILABLE PRIOR TO AND AT THE COMMENCEMENT OF THE PORT AUTHORITY MEETING

NOTHING SCHEDULED

**MANATEE COUNTY CIVIC CENTER AUTHORITY**

CAROL WHITMORE, CHAIRMAN  
 JOE McCLASH, FIRST VICE-CHAIRMAN  
 JOHN R. CHAPPIE, SECOND VICE-CHAIRMAN

NOTHING SCHEDULED

**MANATEE COUNTY COMMUNITY REDEVELOPMENT AGENCY**

DONNA HAYES, CHAIRMAN  
 JOHN R. CHAPPIE, FIRST VICE-CHAIRMAN

**CONSENT AGENDA**

- **Minutes for Approval:** January 13, 2009
- 48. **Commercial Revitalization Matching Grant** (14<sup>th</sup> Street West CRA) – Execute agreement with Mr. Cheesecake, Inc., to provide matching grant for enhancement to the exterior of the property
- 49. **Commercial Revitalization Matching Grant** (South County CRA) – Execute agreement with T E Partners, Inc., to provide matching grant for enhancements to exterior of the property

*RECOMMENDED MOTION:* I MOVE TO APPROVE THE CRA CONSENT AGENDA INCORPORATING THE LANGUAGE AS STATED IN THE RECOMMENDED MOTIONS IN THE AGENDA MEMORANDA (AS MAY HAVE BEEN AMENDED IN THE SUPPLEMENTAL AGENDA).  
**(END CRA CONSENT)**

**ADVISORY BOARD/COMMITTEE APPOINTMENTS**

**NEIGHBORHOOD SERVICES**

- 50. **South County CRA Advisory Board** – Reappoint John Mann to a three-year term beginning April 15, 2009

**ADVERTISED PUBLIC HEARINGS**

*9:00 a.m. or as soon thereafter as same may be heard*  
**SWEARING IN OF STAFF AND PUBLIC WHO WILL GIVE TESTIMONY**

**PRESENTATIONS UPON REQUEST – ITEM 51**

**PROPERTY MANAGEMENT**

- 51. **Peridia Office Park Access Easement** – Adopt Resolution R-09-030-V vacating a platted access easement located in the Peridia Office Park subdivision\*

*RECOMMENDED MOTION:* I MOVE TO APPROVE THE PRESENTATIONS UPON REQUEST AGENDA INCORPORATING THE LANGUAGE AS STATED IN THE RECOMMENDED MOTIONS IN THE AGENDA MEMORANDA (AS MAY HAVE BEEN AMENDED IN THE SUPPLEMENTAL AGENDA).

**PRESENTATIONS SCHEDULED – ITEMS 52-53**

**PLANNING**

- 52. **PDMU/PDC-98-04(P)(R4) The Woods of Moccasin Wallow/Imagine School**  
 (Laurie Suess, Principal Planner)  
 An Ordinance of Manatee County, Florida, regarding land development pertaining to approximately 200.13 acres on the south side of Moccasin Wallow Road and west of I-75, extending south to I-275 in the PDMU/PDC (Planning Development Mixed Use and Planned Development Commercial) zoning districts; approving a revised Preliminary Site Plan and amending and restating the approved Ordinance; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing an effective date; and to:

1. Redesignate and redesign Phase III to permit a 70,000 square foot school;
2. Redesignate an approximately 1.9 acre portion of Phase III for 7,500 sq. ft. of commercial uses;
3. Amend the Zoning Ordinance to permit schools in Phase III;
4. Amend Stipulations B.6, B.11, and other stipulations as necessary to implement the above changes and for internal consistency; and
5. Amend the site plan and Zoning Ordinance to reflect the above changes as required for internal consistency and code compliance.

**ATTORNEY**

**53. Local Preference in Purchasing  
Resolution R-09-73**

A Resolution of the Board of County Commissioners of Manatee County, Florida, establishing policy concerning the execution of contracts during established appeal periods; making related findings; providing for severability; and providing for an effective date

**Ordinance 09-21**

An Ordinance of Manatee County, Florida, relating to procurement; amending various sections of Chapter 2-26 of the Manatee County Code; eliminating any time period between the date construction contract bids are solicited, and the award of the contract, for construction contracts worth \$500,000 or less; defining local business; providing for codification and severability; and providing an effective date.

**Ordinance 09-23**

An Ordinance of Manatee County, Florida, relating to procurement; amending Chapter 2-26 of the Manatee County Code to allow local businesses to match the low bids of non-local bidders in certain circumstances and thereby winning the award of the contract; providing for codification and severability; and providing an effective date.

**REGULAR AGENDA**

**ATTORNEY**

**54. Noninterference Policy – Discuss adoption of Resolution R-09-061**

**COMMISSIONERS' AGENDA**

**BROWN**

**55. Parrish Property – Proposal by Tim Hix, representative of property owner**

**ADMINISTRATION/COMMISSION COMMENTS**

**ADJOURN**

\* Documents have been reviewed by County Attorney's Office

<p>The Board of County Commissioners of Manatee County, the Manatee County Port Authority, the Manatee County Civic Center Authority, and the Manatee County Community Redevelopment Agency may take action on any matter during this meeting, including but not limited to, those items as set forth within this agenda. The Chair at his/her option may take business out of order if he/she determines that such a change in the agenda's schedule will expedite the business of the Commission.</p>
<p>The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to, participation in, employment with, or treatment in, its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802, wait 60 seconds; FAX 745-3790.</p>
<p><b>PUBLIC NOTICE:</b> According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners (or the other entities that are meeting) with respect to any matter considered at said public hearing/meeting will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.</p>

Prepared/**Revised** on 3/13/2009