

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

WEBSITE: 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 April 21, 2009

MEETING CALLED TO ORDER: *Dr. Gwendolyn Y. Brown, Chairman*
INVOCATION: Pastor Gary Eldred, Faith United Methodist Church
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.**

ITEMS SCHEDULED FOR TIME CERTAIN

TO THE EXTENT POSSIBLE, THE FOLLOWING ITEMS WILL BE CONSIDERED AT THE TIMES INDICATED

9:30 A.M.

52. **PALMETTO ELEMENTARY SCHOOL RELOCATION**

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. **Space Day** – April 24, 2009
2. **Volunteer Appreciation Week** – April 19-25, 2009
3. **Parliamentary Law Month** – April 2009
4. **National County Government Week** – May 3-9, 2009

ADMINISTRATOR

5. **Volunteer Community Service** – Execute program agreement with Suncoast Workforce Board, Inc., to offer opportunities in county programs for Manatee County citizens seeking food stamps*

ATTORNEY

6. **American Recovery and Reinvestment Act** – Adopt Resolution R-09-097 authorizing the Chairman or designee to sign and submit applications for financial assistance and grant funds under the American Recovery and Reinvestment Act

COMMUNITY SERVICES

7. **Medical Examiner Services** – Authorize Chairman to sign letter to Sarasota County approving District 12 Medical Examiner budget request
8. **Summer Food Service Program** – Adopt Resolution R-09-099 authorizing submission and acceptance of a grant from Florida Department of Education, and authorizing Chairman to execute all necessary grant documents, and for Community Services Director to sign application forms and ESE 198 forms

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, 3rd Vice-Chairman
John R. Chappie, District 3; Ron Getman, District 4; Joe McClash, District 7 County-wide

FINANCIAL MANAGEMENT

9. **Architectural Services** – Execute agreements (6) with firms to provide services on an as-required basis
10. **Auctioneering Services** – Execute Addendum 4 to extend agreement with Tampa Machinery Auction, Inc.
11. **Budget Amendment Resolution** – Adopt Budget Resolution B-09-026
12. **Commercial Paper Loan** – Adopt Resolution R-09-101, rescinding and replacing R-08-257, approving principal repayment to the Florida Local Government Finance Commission Commercial Paper Program for S.R. 64, and authorize County Administrator to execute any documents necessary to effect repayment of loan
13. **East County Wellfield Expansion Project** – Execute Change Order 1 to contract with A.C. Schultes of Florida, Inc., for project at Duette Preserve
14. **Elevators and Escalator Maintenance** – Execute agreement with Schindler Elevator Corporation for preventative maintenance services for elevators and escalator at the Judicial Center*
15. **Emergency Medical Transportation Billing Services** – Execute Addendum 2 to agreement with PST Services, Inc.
16. **Lena Landfill Facilities** – Execute (final) Change Order 2 to contract with Woodruff & Sons, Inc.
17. **Pirate City Property Taxes** – Authorize payment to City of Bradenton as return of county portion of county property taxes paid on Pirate City property
18. **Tara Master Lift Station** – Award IFB 09-06700V to Westra Construction Corporation and authorize execution of contract with simultaneous dating of performance/payment bonds, and acceptance of insurance certificate

INFORMATION SERVICES

19. **Donations** – Accept donations of \$5,587.06 given to Library Division

NATURAL RESOURCES

20. **Kayak/Canoe Storage** – Authorize implementation of six-month and one-year rental agreements for kayak/canoe storage at Robinson Preserve*

NEIGHBORHOOD SERVICES

21. **Code Enforcement (Guillen/Jasso CE2006030539)** – Reduce fines of subject to conditions
22. **Code Enforcement (Guritz CE2007050582)** – Rescind fines, as previously recommended by Special Magistrate, and authorize Neighborhood Services Department Director to sign release of liens, if rescinded
23. **Code Enforcement (Judd CE2007040247)** – Reduce fines, as previously recommended by Special Magistrate, subject to conditions
24. **Code Enforcement (Washington Mutual Bank CE2006120309)** – Reduce fines, as previously recommended by Special Magistrate, subject to conditions
25. **Local Housing Assistance Plan (2006-2009)** – Adopt Resolution R-09-098, amending R-09-048, providing for revisions
26. **Local Housing Assistance Plan (2009-2012)** – Adopt Resolution R-09-091 and authorize Chairman to execute Certification to Florida Housing Finance Corporation for approval of Plan for State Housing Initiative Partnership program

PARKS AND RECREATION

27. **Conservatory Park** – Approve final conceptual site plan of Conservatory Park as agreed upon by staff and four homeowners associations within close proximity to park*

PLANNING

28. **Credit Authorization (Tramlaw, LLC)** – Execute Credit Authorization CA-08-01-(T), and Final Authorization of Transportation Credit for eligible road construction cost

PROPERTY MANAGEMENT

29. **38th Avenue East, Bradenton** – Accept and record Warranty Deed, Drainage Easement and Utility Easement from Braden River Congregation of Jehovah's witnesses, Inc., Affidavit of Ownership and Encumbrances
30. **39th Street East, Bradenton** – Accept and record Conservation Easement from Apostolic United Pentecostal Church of Bradenton, Incorporated, Affidavit of Ownership and Encumbrances, Joinder
31. **Rose Park Plat** – Adopt Resolution R-09-093-V declaring a public hearing on May 19, 2009, to consider and act upon application to vacate certain platted lots and rights-of-way*

UTILITIES

- 32. **Fee Waiver** – Waive service fees assessed to utility customer accounts for returned bank items
- 33. **Indoor Water Conservation Project** – Execute Cooperative Funding Agreement with Southwest Florida Water Management District*

REPORTS

- 34. **Dashboard Report** - Accept into the record dashboard report for month of March 2009

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

PROCLAMATIONS (APPROVED WITH CONSENT AGENDA)

- **Volunteer Appreciation Week** – April 19-25, 2009
- **Parliamentary Law Month** – April 2009
- **National County Government Week** – May 3-9, 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
NOTHING SCHEDULED

MANATEE COUNTY CIVIC CENTER AUTHORITY
CAROL WHITMORE, CHAIRMAN
NOTHING SCHEDULED

MANATEE COUNTY COMMUNITY REDEVELOPMENT AGENCY
DONNA HAYES, CHAIRMAN
NOTHING SCHEDULED

ADVISORY BOARD/COMMITTEE APPOINTMENTS

BUILDING

- 35. **Construction Trades Board** – Appoint John Cook to Lay Seat #8

NEIGHBORHOOD SERVICES

- 36. **Palmetto/North Manatee County EZDA** – Confirm appointments of individuals as nominated by each authority: Seat 2 – Palmetto City Commissioner: Mary Lancaster; and Seat 5 – Suncoast Workforce Board: Fedora Ford-Kendricks

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 - ITEMS 37-45

FINANCIAL MANAGEMENT

- 37. **ORDINANCE 09-16 LOCAL OPTION FUEL TAX**

An Ordinance of Manatee County, Florida, regarding finance; amending Sections 2-29-31 and 2-29-32 of the Manatee County Code of Ordinances for consistency with Florida Statutes; amending Article III of the Manatee County Code of Ordinances to establish Section 2-29-33 to provide for the use of the proceeds of the local option fuel tax; providing for codification; providing for severability; and providing an effective date*

PUBLIC SAFETY**38. ORDINANCE 09-22 EMERGENCY ACCESS STANDARDS**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding emergency access to automatic security gates; setting forth findings; amending Section 2-28-2 of the Manatee County Code of Laws; clarifying the minimum requirements for the public safety emergency access standards; providing for codification; providing for severability; and providing an effective date*

PUBLIC WORKS**39. ORDINANCE 09-18 NO PARKING**

An Ordinance of Manatee County, Florida, amending Section 2-22-22 of the Manatee County Code; creating additional no stopping, standing or parking zones to include portions of Creekside Trail, Cheswick Street, West Country Club Lane and Carlyle Lane; requiring the erection of appropriate signs; providing for codification; providing for severability; and providing an effective date*

40. RESOLUTION R-09-022 35TH AVENUE DRIVE WEST (ALABAMA AVENUE)

Approve and adopt Special Road Assessment Roll for Road Assessment Project 6055160 on 35th Avenue Drive West (Alabama Avenue), and adopt Resolution R-09-022 confirming the Special Assessment Roll and imposing liens on 35th Avenue Drive West (Alabama Avenue)

PLANNING**41. PDR-09-05(Z)(G) - HABITAT FOR HUMANITY / CORTEZ LANDINGS**

(Miles Gentry, Principal Planner)

An Ordinance of Manatee County, Florida, regarding land development; amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 4.88 acres generally near the intersection of 42nd Terrace E. and 11th Street E. (Bradenton) from RDD-6 (Residential Duplex District – 6 dwelling units per acre) to the PDR (Planned Development Residential) zoning district; approving a General Development Plan for 45 lots for single-family detached dwellings and 8 lots for single-family semi-detached dwellings; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

42. LDA-07-07 – TIDY ISLAND LOCAL DEVELOPMENT AGREEMENT

(Laurie Suess, Principal Planner)

Request: Approval of LDA-07-07 to: 1) extend the Certificate of Level of Service for seventeen years; and 2.) extend completion of vertical project development by March 26, 2028, an eighteen year extension. This project has been previously described in PDR-02-07(P). Tidy Island currently has 98 residential units and 40 previously approved units have not been built. The maximum height for all structures at Tidy Island is 35'*

43. PDC-98-11(G)(R) – WR-I ASSOCIATES, LTD / NORTH RIVER INTERCHANGE PARK

(Erika Barrett, Planner)

An Ordinance of Manatee County, Florida, regarding land development, pertaining to approximately 11.9 acres on the south side of Factory Shops Boulevard and west of 60th Avenue East, Ellenton in the PDC (Planned Development Commercial) zoning district; approving a revised General Development Plan and amending and restating Zoning Ordinance PDC-98-11(Z)(G) approved on February 23, 1999; to amend Stipulation No. 6 to include as permitted uses: drinking establishments, personal service establishments, dry cleaners, and schools of special education; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

44. PDMU-96-01(Z)(G)(R-6) - COOPER CREEK CENTER

(Norm Luppino, Planning Manager)

Request: Approval of an amended Zoning Ordinance and General Development Plan to:

1. Amend Table 1 of the Zoning Ordinance to implement the tradeoff mechanism of the Cooper Creek DRI (Ordinance 05-54) to:
 - A. Increase the gross floor area allocated for office, school of special education, and commercial uses; and
 - B. Decrease the number of residential units.
2. Amend the General Development Plan to:
 - A. Allow a corresponding increase in gross floor area allocated for the school of special education, office, and commercial uses and decrease in the number of residential units; and
 - B. Add a new access on Honore Avenue approximately 450' south of the entrance into Carolina Landings.
3. Amend the Zoning Ordinance to update terminology and departmental references; and make other changes for internal consistency.

The Cooper Creek DRI is northwest of the University Parkway and I-75 intersection (604.68 ± acres). Present zoning is PDMU-WP-E/ST.

45. LDA-09-02 – PDC-07-02(P) UNIVERSITY COMMONS/CENTRE AT UNIVERSITY PARKWAY (a.k.a. WALMART SUPER CENTER)

(Socrates Shinas, Transportation Planning and Concurrency Manager)

Request for approval of a Local Development Agreement (LDA-09-02) to provide for the construction of necessary public facilities infrastructure between Walmart Stores, Inc. and University Parkway Associates, Ltd. (collectively referred to as "Applicants") and Manatee County to allow redevelopment of an existing retail center on the project site consisting of 27.75 ± acres in the PDC (Planned Development Commercial) Zone District. The project site is located within Manatee County generally bounded by Lockwood Ridge Road on the east, University Parkway on the south and generally located at the northwest corner of the Intersection of Lockwood Ridge Road and University Parkway, the maximum building height proposed is 35 feet for residential or commercial uses, measured pursuant to applicable provisions of the Manatee County Land Development Code pertaining to a maximum height of structures; said property being within the ROR (Retail/Office/Residential) Future Land Use Classification of the Comprehensive Plan. Through the prior approvals, the project site has been approved for 286,135 square feet of non-residential uses, comprised of a total of 286,135 square feet of commercial uses. The most recent Preliminary Site Plan approved under PDC-07-02(P) reflected the demolition of 32,835 square feet of commercial uses and the addition of 55,684 square feet of retail sales area for a net gain of 22,849 square feet (including canopy area).

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 46-47

PLANNING

46. PA-09-08 (PROPOSED ORDINANCE 09-31) / FLORIDA BIOMASS ENERGY

(Leon Kotecki, Principal Planner)

Request: Transmittal of an amendment to The Manatee County Comprehensive Plan; providing for an amendment to the Future Land Use Map of the Future Land Use Element of the Comprehensive Plan from IL Industrial-Light to P/SP(1) Public/Semi Public (1) maintaining all overlays as applicable; with a declared use as an Electricity Generating Facility and maintaining the light industrial uses as provided for in the IL Industrial-Light Future Land Use Category on lands on the west side of US 41 North at 11551 and 11805 US 41 North; providing for severability; and providing for an effective date (44.35 ± acres)*

47. **PA-09-04 (PROPOSED ORDINANCE 09-06) MANFULL/WASTE MANAGEMENT - CLASS III LANDFILL**

(Leon Kotecki, Principal Planner)

Request: Transmittal of an Ordinance of Manatee County, Florida, amending Manatee County Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan); providing for an amendment to the Future Land Use Map of the Future Land Use Element of the Comprehensive Plan from AG/R (Agricultural/Rural) to P/SP(1) (Public/Semi Public (1)) for a Class III landfill on lands located on the west side of County Route (CR) 39 at the Manatee-Hillsborough County line at 14215, 14307, and 14415 fronting CR 39, north of Duette; providing for severability; and providing for an effective date (208.15 ± acres)*

REPORTS

NEIGHBORHOOD SERVICES

48. **Community Redevelopment Agency** – Report on the CRA (14th Street West and South County)

REGULAR AGENDA

COMMUNITY SERVICES

49. **County Work Program** – Adopt Resolution R-09-057 establishing the Manatee County Offender Work Program consisting of an alternative to incarceration for probationers sentenced by the County and/or Circuit Court; adopt Budget Resolution B-09-027; and adopt Resolution R-09-100 authorizing staffing level changes for the Community Services Department to provide for the Manatee County Offender Work Program*

NEIGHBORHOOD SERVICES

50. **Economic Development Incentives** – Adopt Manatee County Economic Development Incentive Program

ADMINISTRATOR

51. **Impact Fees**

9:30 A.M. TIME CERTAIN

52. **Palmetto Elementary School Relocation** - Accept staff recommendations relating to Manatee County Government involvement resulting from the relocation of Palmetto Elementary School, including participation in the ongoing operation and maintenance of relocated Little League fields, ownership of land on which relocated fields lay, and financial participation

ADMINISTRATION/COMMISSION COMMENTS

ADJOURN

* Documents have been reviewed by County Attorney's Office

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.

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.

PUBLIC NOTICE: 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.

Prepared/Revised on 4/16/2009