

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 May 5, 2009

MEETING CALLED TO ORDER: *Dr. Gwendolyn Y. Brown, Chairman*
INVOCATION: Lexie Taylor, Manatee Religious Services
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

10:30 A.M.

57. MASTER PLAN (TBARTA)

10:45 A.M.

58. I-75 PD&E STUDY (FDOT)

11:00 A.M.

59. ANNA MARIA ISLAND BRIDGE (FDOT)

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. National Day of Prayer – May 7, 2009
2. National AmeriCorps Week – May 9-16, 2009
3. Tourism Week – May 9-17, 2009
4. Law Enforcement Week – May 10-16, 2009
5. Safe Boating Week – May 16-22, 2009
6. Small Business Week – May 18-22, 2009
7. Emergency Medical Services Week – May 17-23, 2009

ATTORNEY

8. **9th Street East Road Improvement Project** – Approve settlement offer to Austerman, Inc., dba A & A Auto Recycling for business damages in the eminent domain case, Manatee County v. Bradenton THCI Holding Company, LLC, et al., Case 2009-CA-3661
9. **Bay Area Remodelers, Inc. v. Manatee County** – Approve Offer of Judgment to Plaintiff, Bay Area Remodelers, Inc.

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

10. **Buffalo Road Realignment Project** – Renew lease agreement with Charles A. and Melanie Stepanov Bueker of the residential property for a period of an additional three months

COMMUNITY SERVICES

11. **Bryne Memorial Justice Assistance Grant** – Execute certificate of participation with Florida Department of Law Enforcement to serve as coordinating unit of government
12. **Children’s Services Funding** – Execute agreement with Sarasota Board of County Commissioners and Sarasota County Health Department to provide for a Family Safety Alliance System Advocate position (3/1/09-2/28/10)*
13. **DUI Court Program** – Approve, ratify, and confirm execution of Subgrant Application for Highway Safety Funds to Florida Department of Transportation; and execute Amendment 1 to agreement with Manatee Glens Corporation for changes to the Manatee County DUI Court Program*
14. **Funding for Elderly Programs** – Adopt Resolution 09-114 urging the Governor and Florida Department of Elder Affairs not to decrease funding to critical programs for the elderly
15. **Justice Assistance Grant** – Adopt Resolution R-09-104 authorizing submission and acceptance of Federal 2009 Recovery Act Byrne Memorial Justice Assistance grant from Bureau of Justice Assistance
16. **WCIND** – Adopt Resolution R-09-107 approving projects (as listed on agenda memo), and authorizing Chairman to execute project applications, and sign letter to WCIND

CONVENTION AND VISITORS BUREAU

17. **Website** – Approve expenditures for Miles Media to refresh CVB website (www.FloridaGulfIslands.com)

FINANCIAL MANAGEMENT

18. **Budget Amendment Resolution** – Adopt Budget Resolution B-09-028
19. **North Regional Water Reclamation Facility** – Award IFB 09-0250DC to Reynolds, Inc., and authorize subsequent execution of contract with simultaneous dating of performance/payment bonds, and acceptance of insurance certificates
20. **Payment in Lieu of Taxes** – Adopt Resolution R-09-105 confirming authorization of imposition and payment of FY 2008-09 payments in lieu of taxes upon certain property owned by county’s Utilities system, as previously approved by Board and anticipated in FY 2008-09 budgets
21. **Southeast Wastewater Treatment Plant** – Execute Change Order 2 to contract with Andritz Separation, Inc.

NATURAL RESOURCES

22. **Hunting Permits** – Authorize advertising public hearing to adopt Ordinance 09-29 related to hunting permit terminology in the Manatee County Code, Section 2-24-31, to allow the Natural Resources Department Director to change the enlistment procedures for participants from year to year, if warranted*

NEIGHBORHOOD SERVICES

23. **Code Enforcement (JMM Holdings LLC–CE2008040483)** – Rescind orders and fines, as previously recommended by Special Magistrate, and authorize Neighborhood Services Director to sign release of liens, if rescinded
24. **Code Enforcement (Madden–CE2005100487)** – Reduce fines, as previously recommended by Special Magistrate, subject to conditions
25. **Code Enforcement (US Bank National Association–CE2003030257)** – Reduce fines, as previously recommended by Special Magistrate, subject to conditions

PARKS AND RECREATION

26. **John H. Marble/YMCA** – Authorize Parks and Recreation Department to holdover, on a month-to-month basis, the current license agreement with Manatee County Family YMCA for the operation of the John H. Marble Park while negotiating a new long-term agreement that included capital improvement enhancements and other significant changes*

PLANNING

27. **Credit Authorization (Braden River Congregation of Jehovah Witness, Inc.)** - Execute Credit Authorization CA-06-11(T), and Final Authorization of Transportation Credit for eligible right-of-way dedication
28. **Membership** – Approve payment for membership to the American Planning Association for seven Manatee County Planning Commission members

PROPERTY MANAGEMENT

29. **17th Street West Road Improvement Project** – Accept and record Deed and Temporary Construction Easement from City of Palmetto

Gwendolyn Y. Brown, District 2, Chairman

- 30. **Bear Bay Road** – Accept Warranty Deed from James E. and Stefani B. Hartin, record Seller's Affidavit and Solicitation
- 31. **Gateway to the Ranch** – Accept and record Conservation Easement from Lion's Gate Gateway Development, Inc., Affidavit of Ownership and Encumbrances, Joinders (2)
- 32. **Lake Verna Estates** – Accept and record Warranty Deed from Lake Verna, LLC, Affidavit of Ownership and Encumbrances, Partial Release
- 33. **Lizard Rock Restaurant** – Accept and record Warranty Deed from Eva Maritato, as Trustee, Affidavit of Ownership and Encumbrances
- 34. **Palma Sola Bay Club** – Accept and record Utility Easement from Palma Sola Bay Club Development, Inc., Affidavit of Ownership and Encumbrances, Joinder
- 35. **Palma Sola Park Waterline Replacement Project** – Accept and record Utility Easement and Right of Entry Easement from Carolyn Gregov, Affidavit of Ownership and Encumbrances, Joinder
- 36. **Palma Sola Park Waterline Replacement Project** – Accept and record Utility Easement and Right of Entry Easement from Robert and Jenel Katzenberger, Affidavit of Ownership and Encumbrances, Joinders (2)
- 37. **Palma Sola Park Waterline Improvement Project** – Accept and record Right of Entry Easements (5) from property owners
- 38. **Storcon Self Storage** – Accept and record Right of Way Easement and Utility Easement from Corsoto Storage Associates, LLC, Affidavit of Ownership and Encumbrances, Joinder
- 39. **Vacant Church Structure** – Adopt Resolution R-09-072 dedicating a vacant church structure to King of Kings Baptist Church, LLC, and execute and record Agreement for Disposition of County-Owned Structure*
- 40. **Wares Creek Stormwater Improvement Project** – Adopt Resolution R-09-115 authorizing Property Acquisition to conduct pre-suit negotiations and make written offer to purchase a 3.70 acre vacant parcel of land owned by Old City Hall Associates, LLLP, before proceeding with eminent domain

PUBLIC SAFETY

- 41. **EMS Identity Theft Prevention Program** – Adopt Resolution R-09-110 adopt the Identity Theft Prevention Program *
- 42. **State Homeland Security Grant** – Adopt Resolution R-09-102 accepting grant from Florida Division of Emergency Management

PUBLIC WORKS

- 43. **Highway Lighting, Maintenance, and Compensation** – Execute Exhibit A to agreement with Florida Department of Transportation for FY 2009-10
- 44. **Multi-Way Stop Signs** – Authorize Public Works to permanently install multi-way stop signs at intersection of 127th Street and 126th Street West
- 45. **Surplus Equipment** - Adopt Resolutions R-09-103, R-09-109, and R-09-112, authorizing donation of excess property to Manatee County Girls Club, Inc., United Community Centers, Inc., and Manatee Educational Television Consortium; 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

UTILITIES

- 46. **Fee Waiver** – Waive service fees assessed to utility customer accounts for returned bank items
- 47. **Uncollectible EMS Accounts** – Adopt Resolution R-09-108 to remove uncollectible accounts for ambulance services
- 48. **Utilities Identity Theft Prevention Program** – Adopt Resolution R-09-113 to adopt Red Flag Identity Theft Prevention Program*

REPORTS

- 49. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Swale on 29th St E (PW-B900724)

<p><i>RECOMMENDED MOTION:</i> 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).</p> <p>(END CONSENT)</p>

AWARDS/PRESENTATIONS/PROCLAMATIONS

HUMAN RESOURCES

50. **May 2009 Employee of the Month** – Present award to **Kathi Gentile**, Fiscal Specialist II, Property Management Department

PROCLAMATIONS (APPROVED WITH CONSENT AGENDA)

- **National Day of Prayer** – May 7, 2009
- **National AmeriCorps Week** – May 9-16, 2009
- **Tourism Week** – May 9-17, 2009
- **Safe Boating Week** – May 16-22, 2009
- **Small Business Week** – May 18-22, 2009
- **Emergency Medical Services Week** - May 17-23, 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

NOTHING SCHEDULED

ADVISORY BOARD/COMMITTEE APPOINTMENTS

COMMUNITY SERVICES

51. **Mental Health and Substance Abuse Planning Council** - Appoint individuals to fill six seats to a Mental Health and Substance Abuse Planning Council

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 52-53

NEIGHBORHOOD SERVICES

52. **CDBG Annual Action Plan Substantial Amendment** – Adopt Resolution R-09-106 amending R-08-153 to substantially amend the 2008-09 Community Development Block Grant One Year Action Plan and authorize Chairman to sign all appropriate submission documents

PUBLIC WORKS

53. **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)

[THIS IS THE SECOND OF TWO PUBLIC HEARINGS, THE FIRST PUBLIC HEARING WAS APRIL 21, 2009]

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).

REGULAR AGENDA

ATTORNEY

54. **Sarkozy Boat Dock**

NEIGHBORHOOD SERVICES

55. **Foreclosure Prevention** – Presentation on efforts by Neighborhood Services Department regarding foreclosure prevention

ADMINISTRATOR

56. **Federal Transportation Legislative Update**

OTHER COUNTY BUSINESS

TAMPA BAY AREA REGIONAL TRANSPORTATION AUTHORITY

57. **Master Plan**

FLORIDA DEPARTMENT OF TRANSPORTATION

58. **I-75 PD&E Study**

59. **Anna Maria Island Bridge**

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.