

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 19, 2009

MEETING CALLED TO ORDER: *Dr. Gwendolyn Y. Brown, Chairman*

INVOCATION: Pastor Joey Mimbs, Bethel Baptist 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.

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. **Drug Court Month** – May 2009
2. **Memorial Day** – May 25, 2009
3. **Code Enforcement Officers' Appreciation Week** – June 1-5, 2009

ADMINISTRATOR

4. **Summer Youth Program** – Authorize County Administrator to execute worksite application and agreement with Suncoast Workforce Board, Inc., and to control County's participation in that program*

ATTORNEY

5. **EMS Compensation Study** – Authorize County Attorney to sign engagement letter with firm of Ogletree, Deakins, et al., to allow that firm to complete a study of EMS Compensation requested by Public Safety

BUILDING

6. **Bad Debt** – Authorize write off of uncollectible checks

COMMUNITY SERVICES

7. **Early Care and Education Program** – Execute non-profit agency Children's Services Dedicated Millage funding agreement with the Early Learning Coalition of Manatee County, Inc.
8. **Emergency Home Energy Assistance Program** – Execute Amendment 1 to grant program agreement EH-09/10-MAN with West Central Florida Area Agency on Aging, Inc.
9. **Manatee County Area Transit Title VI Plan** – Adopt Manatee County Area Transit Federal Transit Administration Title VI Plan*

FINANCIAL MANAGEMENT

10. **Bennett Park** – Enter into negotiations with Ruben/Holland Development to provide design build construction services for Bennett Park/Phase 1
11. **Budget Amendment Resolution** – Adopt Budget Resolution B-09-030

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

12. **Debris Management** – Execute Addendum 1 for non-exclusive on-demand services with Ashbritt, Inc., Bamaco, Inc., CrowderGulf Joint Venture, Inc., Omni Pinnacle, LLC, and Phillips and Jordan, Inc.
13. **Environmental Services** – Execute Addendum 6 to agreements with GLE Associates, Inc., and Professional Services Industries, Inc., to extend agreements
14. **G.T. Bray Recreation Center** – Enter into negotiations with Halfacre Construction, Inc., to provide design build construction services for the G.T. Bray Recreation Center
15. **Surveying and Land/Aerial Mapping** – Execute Addendum 1 to agreement with George F. Young, Inc., to adjust fee rates to match rates of other three contractors for underground utility location surveys
16. **Transit Bus Shelters** – Enter into negotiations with Tolar Manufacturing Co Inc., to provide pre-manufactured transit bus shelters

NATURAL RESOURCES

17. **Channel Marking Project** – Approve project; authorize staff to contact entities currently responsible for privately maintained public channels to arrange transfer of permits to county; and authorize Chairman to execute Florida Fish and Wildlife Conservation Commission grant agreement for the Manatee County Channel Marking Project and for Chairman or County Administrator to execute all related documents
18. **Duette Preserve Restoration** – Authorize acquisition of funds from Tree Trust Fund to provide restoration of long leaf pines at Duette Preserve, and adopt Budget Resolution B-09-029 amending the annual budget for FY 2008-09
19. **Equipment Lease** – Execute Cooperative Equipment Loan Agreement with Florida Department of Agriculture and Consumer Services, Division of Forestry for loan/lease of fire truck for prescribed fire procedures*
20. **Geraldson Community Farm** – Approve Geraldson Community Farm Lease with Florida West Coast Resource Conservation & Development Council, Inc.*

NEIGHBORHOOD SERVICES

21. **Code Enforcement (Estate of Charles Edward Johnson-CE2004050014, CE2006010670)** - Reduce fines to \$3,000, as previously recommended by Special Magistrate, subject to conditions
22. **Code Enforcement (LaSalle Bank National-CE2008030534)** – Reduce fines to \$1,500, as previously recommended by Special Magistrate, subject to conditions
23. **Code Enforcement (US Bank National Association-CE2008020092)** – Reduce fines to \$1,500, as previously recommended by Special Magistrate, subject to conditions
24. **Qualified Target Industry** – Adopt Resolution R-09-126 finding that “Project Slate 2009” is approved as a qualified applicant pursuant to §288.106, Florida Statutes, and providing matching funds as local participation in the Qualified Target Industry Tax Refund Program

PLANNING

25. **Final Plat: River Sound** – Approve, execute, and record
26. **Subscription** – Approve payment for subscriptions to *Planning Commissioners Journal* to be sent to seven Manatee County Planning Commissioners

PROPERTY MANAGEMENT

27. **Artisan Lakes Master Pump Station** – Accept and record Warranty Deed from Taylor Woodrow Communities at Artisan Lakes, LLC, Affidavit of Ownership and Encumbrances
28. **Manatee County Habitat for Humanity** – Record Corrective Utility Easement to replace previously recorded document
29. **Manatee County Rural Health Services** – Accept and sign Lease Agreement with Manatee County Rural Health Services, Inc., extending term of existing, matured contract on County property
30. **Meals on Wheels Plus of Manatee** - Accept and sign Lease Agreement with Meals on Wheels Plus of Manatee, Inc., extending term of existing, matured contract on County property
31. **Palma Sola Park Waterline Improvements Project** – Accept and record Right of Entry Easements (6)
32. **Wares Creek Stormwater Improvement Project** – Adopt Resolution R-09-121, correcting previously adopted 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*

- 33. **Wares Creek Stormwater Improvement Project (Parcel E194)** – Accept and record Quit Claim Deed from Margaret C. and John C. Fellows; Certificate of Title (2); Affidavit of Ownership and Encumbrances
- 34. **Wares Creek Stormwater Improvement Project (Parcel E194)** – Authorize payment of Claim for Reimbursement of Moving Costs to Margaret C. Fellows
- 35. **Wares Creek Stormwater Improvement Project (Parcel W264)** – Accept Corrective Warranty Deed from Patricia T. Copp for conveyance of a vacant parcel of land

PUBLIC SAFETY

- 36. **Homeland Security Grant** – Adopt Resolution R-09-122 authorizing submittal of application and acceptance of matching grant from U.S. Department of Homeland Security, Assistance to Firefighters Program, for improvement and expansion of Manatee County’s Emergency Medical Services

PUBLIC WORKS

- 37. **Ordinance 09-33 No Parking** – Authorize setting public hearing on June 9, 2009, to consider adoption of Ordinance 09-33 to amend Manatee County Code to add new ‘no parking’ zone on portions of Fort Hamer Road*
- 38. **Surplus Vehicles** - Classify vehicles which are uneconomical to operate as surplus per Florida Statute §274.05 to enable appropriate and authorized disposition, and authorize disposal, and adopt Resolution R-09-119 authorizing donation to Manatee County Sheriff’s Office
- 39. **Traffic Signal Maintenance and Compensation** – Execute annual Exhibit “A” to agreement with Florida Department of Transportation for FY 2009-10

REPORTS

- 40. **Dashboard Report** - Accept into the record dashboard report for month of April 2009
- 41. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Landfill Location (PD-B803938), 2) CDD Dissolution (PD-B804543), 3) Historic Structures Survey (PD-B804987) 4) 59th St Boat Ramp (PW-B901123), 5) Ft. Hamer Rd Intersection (PW-B901125), 6) Multi-way Stop Sign Request (PW-B901566)

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

PRESENTATION

- 42. **Fire Science Program** – Presentation by students of Firefighter Tech Prep team from Manatee Technical Institute

PROCLAMATIONS (APPROVED WITH CONSENT AGENDA)

- **Drug Court Month** – May 2009
- **Memorial Day** – May 25, 2009
- **Code Enforcement Officers’ Appreciation Week** – June 1-5, 2009

ADMINISTRATOR

- 43. **United Way Report** – Presentation of final report for Manatee County Government Employee’s United Way Campaign for 2008-09

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

NOTHING SCHEDULED

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 44-49

PROPERTY MANAGEMENT

44. **RESOLUTION R-09-094-V – ROSE PARK PLAT**

Adopt Resolution R-09-094-V vacating certain platted lots and rights-of-way in Rose Park Subdivision*

ADMINISTRATOR

45. **ORDINANCE 09-45 - RED LIGHT RUNNING**

An Ordinance of Manatee County, Florida, amending § 2-22-72 and replacing §2-22-73 and §2-22-74 of the Manatee County Code related to enforcement and appeal provisions of the Red Light Running Ordinance; providing for codification and severability; and providing an effective date.

PLANNING

46. **ORDINANCE 09-35 - COOPER CREEK (DRI #14)**

(Norm Luppino, Planning Manager)

Request: Determination of whether the proposed modifications to the Cooper Creek DRI constitute a Substantial Deviation to the Cooper Creek DRI Development Order, pursuant to Section 380.06, Florida Statutes:

1. Amend Condition A.(4) to include schools as a permitted trade-off use in the DRI; and
2. Amend the Development Order to update terminology and departmental references; and other changes for internal consistency.

The Cooper Creek Center DRI is northwest of the University Parkway and I-75 interchange. Present Zoning is: PDMU/WP-E/ST (Planned Development Mixed Use/Evers Reservoir Watershed Protection and Special Treatment Overlay Districts) (604.68 ± acres).

47. **ORDINANCE 09-24 – SIDEWALK AND STREET TREE BONDING LAND DEVELOPMENT CODE AMENDMENT**

(Laurie Suess, Principal Planner) **(Continued from 5/07/09)**

An Ordinance of Manatee County, Florida, regarding land development; amending Sections 715.3.4 and 722.3 of the Manatee County Land Development Code (Ordinance 90-01, as amended) to amend installation requirements for street trees, sidewalks and associated performance security requirements, and; providing for severability; providing for codification, and providing an effective date.

48. **ORDINANCE 09-36 – EDUCATIONAL FACILITIES IMPACT FEES**

An Ordinance regarding educational facilities; amending Section 2-29-86 of the Manatee County Code of Ordinances to suspend the charging and collection of educational facilities impact fees for a period of 2 years; providing for applicability; providing for severability; providing for codification and providing an effective date of July 27, 2009.

49. **ORDINANCE 09-37 –ROAD IMPACT FEES**

An Ordinance regarding land development; amending Section 803.1.2.2. of the Manatee County Land Development Code to provide for a 50% percent reduction of roads impact fees for a period of 2 years; providing for applicability; providing for codification; providing for severability; and providing an effective date of July 27, 2009.

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

PUBLIC WORKS

50. **Intersection Improvements (99th Street NW at 17th Avenue NW)** – Authorization to proceed with revised plan for intersection to improve safety and access to Robinson Preserve

ATTORNEY

51. **Fort Hamer Bridge** – Resolution approving real property exchange agreement for Fort Hamer Bridge

PUBLIC WORKS

52. **Fort Hamer Road Intersection Realignment** – Approve interim realignment of S.R. 43/U.S. 301 and Fort Hamer Road intersection to remain in place after Fort Hamer Road is reconstructed to meet the West Parrish Bypass route

53. **MPO Project Priorities** – Approve list of proposed improvement projects to be submitted to the Sarasota/Manatee Metropolitan Planning Organization for prioritization on the MPO’s Major Project Priority List and for funding in the annual update of the Florida Department of Transportation Five Year Work Program, and authorize Chairman to sign and submit the approved project list on behalf of Manatee County

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 5/14/2009