

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 July 28, 2009
MEETING CALLED TO ORDER: *Dr. Gwendolyn Y. Brown, Chairman*
INVOCATION: Rev. Tony Miller, First Church of the Nazarene
PLEDGE OF ALLEGIANCE

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. **Children's Summit Day** – August 8, 2009
2. **Smokey Bear Day** – August 15, 2009
3. **STOP on Red Week** – August 2-8, 2009
4. **Recreation and Parks Month** – July 2009
5. **Firefighter Appreciation Month** – August 2009

ATTORNEY

6. **Third Party Administrative Services** – Approve County Attorney to give 60-day cancellation to Alternative Service Concepts for third-party workers' compensation administrative services and to enter into contract with Commercial Risk Management for third-party administrative services

COMMUNITY SERVICES

7. **Adult Daycare** – Execute agreement with Meals on Wheels Plus of Manatee, Inc., for services for the Community Care for the Elderly Program
8. **Facility Based Respite** – Execute agreement with Meals on Wheels Plus of Manatee, Inc., for services for the Community Care for the Elderly Program
9. **Home Delivered Meals** - Execute agreement with Meals on Wheels Plus of Manatee, Inc., for services for the Community Care for the Elderly Program
10. **Substance Abuse Treatment** – Execute Amendment One to agreement with Manatee Glens to replace Adolescent Recovery Center services with Children's Community Action Team services*
11. **Trolley Service** – Adopt Resolution R-09-174 accepting donations in the amount of \$8,000 each from City of Bradenton Beach, City of Anna Maria, and City of Holmes Beach to assist in the operation of ongoing trolley service*

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

12. **Beach Concession Services** – Execute Addendum 2 with P.S. Beach Associates, Inc., for services at Coquina and Manatee Beaches for the purpose of incorporating entitled liquidated damages extending the agreement to July 19, 2010, in accordance with terms and conditions of the agreement*
13. **Budget Amendment Resolution** – Adopt Budget Resolution B-09-033
14. **Parks Architectural/Engineering Services** – Execute Addendum 2 to agreements with CPH Engineers, Inc., IBI Group, Inc., Wade Trim, Inc., and WilsonMiller, Inc.
15. **Perico Cell Tower** – Enter into negotiations with Vertex Development, LLC to provide construction services

NEIGHBORHOOD SERVICES

16. **CDBG 2009/10 Annual Action Plan** – Adopt Resolution R-09-120 approving annual action plan for submission to the Department of Housing and Urban Development and authorization for Chairman to sign all appropriate submission documents
17. **Homelessness Prevention** – Approve and authorize Chairman to execute grant agreement with U.S. Department of Housing and Urban Development for the Homeless Prevention and Rapid Re-Housing Program
18. **Housing Program Policies** – Adopt Resolution R-09-169, amending R-08-295, providing for revisions to the Housing Program Internal Policies document

PLANNING

19. **Florida Planning and Zoning Association** – Approve payment for membership for seven Manatee County Planning Commission members

PROPERTY MANAGEMENT

20. **Palma Sola Park Waterline Project** – Accept and record Right of Entry Easement from Ahmad and Minoo Sahebzamani
21. **River Club Lift Station** – Accept and record Utility Easement from River Club Golf Course needed for construction of an emergency generator lift station facility; Affidavit of Ownership and Encumbrances; Joinder
22. **River Club Park of Commerce** – Accept and record Utility Easements from Wal-Mart Stores East, LP, and Casvak River Club, LLC; Affidavit of Ownership and Encumbrances; Consent and Joinder
23. **Road Plat Map** – Execute and record certification of Right of Way Maps in Road Plat Book for a county maintained road designated as Snead Island Road/Emerson Point Road; Affidavit
24. **Sarasota/Manatee Metropolitan Planning Organization (MPO)** – Accept and authorize Chairman to sign new lease extension agreement with Airport Commerce Center, Inc., for offices occupied by MPO*
25. **S.R. 45 (U.S. 41/14th Street West)** – Adopt Resolution R-09-175 for subordination of utility interests required by Florida Department of Transportation (FDOT), and authorize Chairman to execute Subordination Agreement with FDOT
26. **Whitfield Estates Waterline Project** – Accept and record Right of Entry Easements (13)
27. **Whitfield Estates Waterline Project** - Accept and record Right of Entry Easements (28)

PUBLIC SAFETY

28. **Animal Sterilization Program** – Adopt Resolution R-09-143 to release funds set aside for the Humane Society of Manatee County to aid with their sterilization program*
29. **Integrated Emergency Management Course** – Authorize County Administrator to sign Letter of Agreement with Department of Homeland Security, Federal Emergency Management Agency for conduct of an emergency management course

PUBLIC WORKS

30. **51st Avenue East Improvements** – Approve agreement with Seminole Gulf Railway for permissive rights to install a sidewalk within the railroad right-of-way and repairs to the grade crossing
31. **Coventry Park** – Execute Agreement in Lieu of Construction of Required Improvements with Woodlands of Manatee, LLC*
32. **Sponsor Employee** – Authorize sponsorship of employee, Yanrong “Sunny” Fu for H1-B (non-immigrant worker) immigration status, make and file all related applications or other forms, retain outside counsel specialization in immigration law to facilitate the application process, and execute agreement with Ms. Fu for payment of all related costs and attorney fees associated with the application process*

- 33. **Street Lighting Municipal Service Benefit Units (MSBU)** – Authorize setting public hearings (12) on August 25, 2009, to consider amending assessment rolls for existing street lighting MSBUs: Rubonia, Cape Vista, Tropical Harbor, Sylvan Oaks, 29th Street East and Apollo Park, Lake Park, Hernando Avenue, 28th Avenue East, Gulf & Bay Estates, Pic-Town, Holiday Heights, and Sunny Shores*
- 34. **Surplus Equipment** - Classify property which is uneconomical to upgrade or repair as surplus per Florida Statute §274.05 to enable appropriate and authorized disposition, and authorize disposal
- 35. **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

UTILITIES

- 36. **Uncollectible EMS Accounts** – Adopt Resolution R-09-168 to remove uncollectible accounts for ambulance services

REPORTS

- 37. **Dashboard Report** – Accept into the record dashboard report for month of June 2009
- 38. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Blackstone Park Little League Complex (B902378)

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)

- **Children’s Summit Day** – August 8, 2009
- **Smokey Bear Day** – August 15, 2009
- **STOP on Red Week** – August 2-8, 2009
- **Recreation and Parks Month** – July 2009

HUMAN RESOURCES

- 39. **July 2009 Employee of the Month** – Present award to **James Larsen**, Paramedic, Public Safety Department
- 40. **Retirement Award** – Present award to **Aurita Hewitt**, Administrative Specialist, Parks and Recreation Department, honoring her 25 years of service with Manatee County Government
- 41. **Retirement Award** – Present award to **Katherine A. Smith**, Program Assistant, Agriculture and Resource Conservation Department, honoring her 28 years of service with Manatee County Government

ADMINISTRATOR

- 42. **Employee Photo Contest** – Present winning photographers and photographs from first annual Manatee County Employee Photo Contest

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

AGENDA PROVIDED UNDER SEPARATE COVER BY PORT MANATEE STAFF

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

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 43-47

FINANCIAL MANAGEMENT

43. **ORDINANCE 09-52 PROCUREMENT POLICY**

(Robert M. Eschenfelder, Deputy County Attorney)

An Ordinance of Manatee County, Florida, relating to procurement; amending Chapter 2-26 of the Manatee County Code to comply with statutory amendments, clarify legislative intent, and simplify the regulatory framework related to county procurement; providing for codification and severability; and providing an effective date*

and

RESOLUTION R-09-177

A Resolution of the Board of County Commissioners of Manatee County, Florida, rescinding the Purchasing Rules and Instruction Manual adopted by Resolution 01-36; preserving other Board actions; making related findings; providing for severability; and providing for an effective date*

PLANNING

44. **PDC-09-07(P) BANK OF COMMERCE / RACETRAC - PEARL AVENUE**

(Lisa Barrett, Principal Planner)

(Continued from June 4, 2009) (To be continued to August 6, 2009)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving a Preliminary Site Plan for a 4,997 square foot convenience store with 24 gas pumps and a 11,525 square foot canopy on approximately 1.99 acres at the northeast corner of North Tamiami Trail and Pearl Avenue at 7259 North Tamiami Trail; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date

45. **PDPI-06-56(Z) MANATEE COUNTY CONSERVATORY PARK (COUNTY INITIATED)**

(Stephanie Moreland, Planner)

THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS. THE FIRST PUBLIC HEARING WAS HELD JUNE 23, 2009

An Ordinance of the Board of County Commissioners 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 55.385 acres 670 feet west of Whitfield Avenue, and approximately 1,700 feet north of University Parkway at 8027 Conservatory Drive from A-1/WP-E/ST (Suburban Agriculture/Evers Watershed Protection Overlay District/Special Treatment Overlay District) to the PDPI/WP-E/ST (Planned Development Public Interest) zoning district, retaining the overlays; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability; and providing an effective date

Gwendolyn Y. Brown, District 2, Chairman

46. **EPMP-09-01 MANATEE COUNTY CONSERVATORY PARK ENVIRONMENTAL PRESERVE MANAGEMENT PLAN**

(Stephanie Moreland, Planner)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, approving an Environmental Preserve Management Plan for a Passive Recreational Park in the CON Future Land Use Category; on approximately 55.385 ± acres 670 feet west of Whitfield Avenue, and approximately 1,700 feet north of University Parkway at 8027 Conservatory Drive; setting forth findings; providing a legal description; providing for severability; and providing an effective date

ATTORNEY

47. **LDA-06-04(R2) SECOND AMENDMENT TO LOCAL DEVELOPMENT AGREEMENT FOR LONG BAR POINT DEVELOPMENT**

(William Clague, Deputy County Attorney)

Request: Approval of a Local Development Agreement providing for the reservation of transportation capacity on El Conquistador Parkway; providing for dedication of right-of-way; providing for design and permitting of El Conquistador Parkway; providing for construction of El Conquistador Parkway; providing for performance security; providing for establishment of milestones; providing for payment for design, permitting, and construction of El Conquistador Parkway; providing for indemnification; providing for notice; providing for severability, and providing for an effective date. The Local Development Agreement applies to Longbar Pointe, Phase 1 and adjacent properties located south and west of the extension of El Conquistador Parkway (524 ± acres). The proposed use of the properties is residential development. Pursuant to existing zoning, Long Bar Pointe, Phase 1 is approved for 258 residential units located in 7 buildings, each with a maximum height of 59 feet. The remaining property is presently zoned to allow 1 residential unit, at a maximum height of 35 feet unless the County approves a greater height pursuant to its land development code. It is anticipated that the property owner will submit applications for greater residential density, building intensity, and height for such remaining property, for which reserved transportation capacity will be available pursuant to the Local Development Agreement. However, no such additional residential density, building intensity, or height is being approved under the Local Development Agreement.

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

COMMUNITY SERVICES

48. **Public Health Department Director** – Concur with appointment of Jennifer Bencie Fairburn, M.D., M.S.A., to position of Administrator of the Manatee County Health Department, and authorize Chairman to sign letter of notification*

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.