

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 October 20, 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.**

### ITEMS SCHEDULED FOR TIME CERTAIN

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

**1:30 P.M.**

40. **OFFSHORE DRILLING**

### 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. **Gulf Coast Latin Chamber of Commerce Day** – October 20, 2009
2. **Family Week** – October 31-November 7, 2009

#### ADMINISTRATOR

3. **Tampa Bay Regional Council** – Adopt Resolution R-09-241 supporting the Tampa Bay Regional Planning Council as hosts of the 2012 National Association of Regional Councils Annual Conference

#### ATTORNEY

4. **Eminent Domain: 9th Street East** – Adopt Resolutions R-09-235, R-09-237, and R-09-239, amending Resolutions R-09-040, R-09-042, and R-09-044, respectively, which determined determining public purpose and necessity, and Resolutions R-09-236, R-09-238, and R-09-240, amending Resolutions R-09-041, R-09-043, and R-09-045, respectively, authorizing use of eminent domain "quick take" proceedings, in the acquisition of certain parcels of privately-owned realty as related to the proposed improvements to 9<sup>th</sup> Street East Road Improvement Project from 53<sup>rd</sup> Avenue East to 57<sup>th</sup> Avenue East
5. **Workers Compensation Claim (John R. Kearns)** – Authorize County Attorney's Office to settle claim for \$125,000

Dr. 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

**COMMUNITY SERVICES**

6. **Non-Profit Agency Funding** – Execute agreements totaling \$155,759 with Hope Family Services, Inc., Myakka City Community Center, and We Care Manatee (2) for programs funded through General Revenue
7. **West Coast Inland Navigation District (WCIND)** – Execute agreements (7) totaling \$89,858 with recipients of WCIND project funding

**FINANCIAL MANAGEMENT**

8. **17<sup>th</sup> Street West Road and Utility Improvements** – Award IFB 09-15830V to McLeod Land Services in the amount of \$3,403,403.16 (Option A-460 calendar days), and authorize County Administrator or designee to execute contract and related documents
9. **Budget Amendment Resolution** – Adopt Budget Resolution B-09-042
10. **Budget Amendment Resolution** – Adopt Budget Resolution B-10-008
11. **Court Surcharges** – Authorize setting public hearing to consider adoption of Ordinance 09-48 establishing new surcharge on non-criminal traffic cases\*
12. **Health and Dental Plan Rates** – Approve 2010 monthly premiums for eligible former employees electing to participate in the Manatee County Health Plan and 2010 Dental Plan rates for all covered employees, dependents, and retirees
13. **Marine Rescue Headquarters** – Authorize County Administrator or designee to execute contract and related documents from Zirkelbach Construction, Inc., for design build construction services in the amount of \$1,149,175 with all work to be completed in 252 days

**INFORMATION SERVICES**

14. **Accounts Receivable** – Authorize write off of accounts receivable amounts from 16 accounts totaling \$23,294.78 dating from April 1998 to May 25, 2005

**NATURAL RESOURCES**

15. **Perico Preserve** – Authorize Chairman to sign Cooperative Funding Agreement with Southwest Florida Water Management District for Perico Preserve Environmental Restoration for an amount not to exceed \$452,372

**NEIGHBORHOOD SERVICES**

16. **Americorps VISTA Program** – Execute agreement for \$34,000 with Volunteer Services of Manatee County, Inc., to provide assistance with various projects within Neighborhood Services Department
17. **Housing Trust Fund** – Adopt Resolution R-09-230 supporting elimination of the cap on the State and Local Housing Trust funds and supporting full appropriation of the Housing Trust Funds for Housing Programs
18. **Monteux at the Villages of Avignon** – Execute Amendment One to Land Use and Deed Restriction Agreement with Avignon Holdings, LLC

**PROPERTY MANAGEMENT**

19. **57<sup>th</sup> Street East (Morgan Johnson Road)** – Accept and record Pedestrian Sidewalk Easement and Utility Easement from St. Mark's Orthodox Church Inc., Affidavit of Ownership and Encumbrances, Joinder
20. **University Parkway at Airport Circle** – Accept and record Utility Easement from SRQ Innovation Green, LLC, Affidavit of Ownership and Encumbrances

**PUBLIC SAFETY**

21. **Hazardous Materials Emergency Response Plan** – Adopt Resolution R-09-233 accepting agreement from State of Florida Department of Community Affairs, Division of Emergency Management, for funds of \$7,960 with no match required, for the State Hazardous Materials Emergency Response Plan update, and authorizing Chairman or Vice-Chairman to execute all appropriate documents

**PUBLIC WORKS**

22. **Imagine Charter School at the Woods** – Execute Agreement for Payment in Lieu of Construction of Required Improvements with Woods Charter School Development, LLC, for payment of \$7,000 in lieu of construction of interim traffic signal at intersection of Moccasin Wallow Road and Artisan Lakes Parkway

**UTILITIES**

23. **Fee Waiver** – Waive \$879.45 in service fees assessed to utility customer accounts for returned bank items
24. **Uncollectible EMS Accounts** – Adopt Resolution R-09-232 to remove uncollectible accounts for ambulance services totaling \$268,202.34

Dr. 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

**REPORTS**

- 25. **Dashboard Reports** - Accept into the record the Dashboard Report for month of September 2009
- 26. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Comprehensive Plan Thoroughfare Roadway System; 2) Radio Towers

*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**

**FINANCIAL MANAGEMENT**

- 27. **National Recognition for Employee Health Benefits** – Acknowledge awards presented to **Bob Goodman**, Health Benefits Manager, and Employee Health Benefit staff for recognition received at the 18<sup>th</sup> Annual Employee Benefits Expo & Conference, and the Pioneer Institute’s Better Government Competition

**PROCLAMATIONS (APPROVED WITH CONSENT AGENDA)**

- **Gulf Coast Latin Chamber of Commerce Day** – October 20, 2009
- **Family Week** – October 31-November 7, 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**  
 NOTHING SCHEDULED

**MANATEE COUNTY CIVIC CENTER AUTHORITY**  
 CAROL WHITMORE, CHAIRMAN  
 JOE MCCLASH, FIRST VICE-CHAIRMAN  
 JOHN R. CHAPPIE, SECOND VICE-CHAIRMAN

**CONSENT AGENDA**

- **Minutes for Approval:** September 15, September 22, 2009
- 28. **Brunch on the Bay** – Executive Director or designee to execute license agreement 29-152 with University of South Florida Board of Trustees for event on November 5-9, 2009

*RECOMMENDED MOTION: I MOVE TO APPROVE THE CIVIC CENTER 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 CIVIC CENTER CONSENT)**

**MANATEE COUNTY COMMUNITY REDEVELOPMENT AGENCY**  
 NOTHING SCHEDULED

**ADVISORY BOARD/COMMITTEE APPOINTMENTS**

**FINANCIAL MANAGEMENT**

- 29. **Housing Finance Authority** – Adopt Resolution R-09-231 appointing one member (James J. Heagerty, Jr.)

**PLANNING**

- 30. **Planning Commission** – Appoint three persons

**ADVERTISED PUBLIC HEARINGS**  
 NOTHING SCHEDULED

**REGULAR AGENDA**

**PUBLIC WORKS**

- 31. **County Incentive Grant Program Priorities** – Approve list of project priorities for submission to the Florida Department of Transportation to request funding (FY 2010-2012) under the County Incentive Grant Program, and authorize Chairman to submit approved list and any required supporting documentation on behalf of Manatee County

**PROPERTY MANAGEMENT**

- 32. **Palmetto Park and Ride** – Execute Contract for Sale and Purchase for a Warranty Deed from Varnadore Properties, LLC, for the purchase of approximately 1 acre parcel on 8<sup>th</sup> Avenue West, Palmetto, for the proposed Palmetto Park and Ride facility, at a cost of \$874,782.50 inclusive of attorney fees and costs, and authorize Finance to process check payable to Signature Title Company for closing\*
- 33. **Parrish Railroad Property Exchange** – Approve recommendation to not pursue a land exchange for the Florida Railroad Museum due to unavailable funding source

**NATURAL RESOURCES**

- 34. **Duette Preserve** – Authorize expenditures of \$140,000 for three follow up treatments for Tropical Soda Apple infestation funded from the Phosphate Severance Fund, and direct staff to work with Manatee Sheriff’s Office to relocate all cattle from Duette Preserve within 120 days

**COMMUNITY SERVICES**

- 35. **Homeless Stand Down** – Authorize Manatee County to co-sponsor the Manatee County Stand Down on Saturday, October 31, 2009, to provide vitally needed goods and services to local veterans and homeless persons
- 36. **Indigent Health Care Services** – Discussion concerning addition of Outpatient Chemotherapy and Outpatient Infusion (IV) Therapy as services eligible for reimbursement under the Manatee County Hospital & Hospital Based Physician Indigent Health Care Program, and increase in number of eligible days of Inpatient Psychiatric Care at Manatee Memorial Hospital from 2 to 3 days within a 12-month period

**ATTORNEY**

- 37. **Appointment of Special Counsel** – Enter into agreement with law firm of Nabors, Giblin & Nickerson, P.A., for legal services relating to proposed litigation to collect unpaid tourist development taxes
- 38. **Use of Board Letterhead** – Adopt Resolution R-09-234
- 39. **West Coast Inland Navigation District** – Designate alternate member to WCIND

**1:30 P.M.**

**ADMINISTRATOR**

- 40. **Offshore Drilling** - Report and discussion on offshore drilling by Dr. Frank Alcock, Mote Marine Laboratory

**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 10/15/2009