

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
and
NOTICE OF PUBLIC MEETING

9:00 a.m. REGULAR MEETING December 15, 2009

MEETING CALLED TO ORDER: *Dr. Gwendolyn Y. Brown, Chairman*
INVOCATION: Rev. James F. Kelly, St. Mary's Episcopal Church
PLEDGE OF ALLEGIANCE

ITEMS SCHEDULED FOR TIME CERTAIN

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

9:30 A.M.

44. RINGLING INTERNATIONAL ARTS FESTIVAL

9:45 A.M.

48. INTERSECTION DESIGN (69TH STREET EAST AND ERIE ROAD)

1:30 P.M.

49. CANAL DREDGING (WARNER'S EAST BAYOU)
CANAL DREDGING (WARNER'S WEST BAYOU)

2:00 P.M.

43. PA 09-05 & PA 09-06/ORDINANCE 09-12 - SMR NW AND NE TEXT AND MAP AMENDMENTS

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

PROCLAMATION

1. The Perlman Music/Sarasota Winter Residency Program – Dec. 17, 2009-Jan. 2, 2010

ADMINISTRATOR

2. Human Resources Director – Confirm appointment of Dale Garcia as Human Resources Director effective December 19, 2009
3. Planning Director – Confirm appointment of John Osborne as Planning Director effective December 19, 2009

Dr. Gwendolyn Y. Brown, District 2, Chairman

Carol Whitmore, District 6 At-Large, 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 At-Large

ATTORNEY

4. **Bay Area Remodelers, Inc. vs. Manatee County** – Approve Offer of Judgment to Plaintiff Bay Area Remodelers, Inc.

COMMUNITY SERVICES

5. **Justice Assistance Grant (JAG) Agreement** – Execute agreement with Manatee Glens Corporation for \$85,600 funding through the Federal 2009 Edward Byrne Memorial JAG
6. **Justice Assistance Grant Agreements** – Execute agreements (6) with law enforcement entities for respective funding amounts, time periods, and funding sources, totaling \$622,355*
7. **Non-Profit Agency Agreements** – Execute agreements (4) with agencies for respective funding amounts totaling \$159,445

CONVENTION AND VISITORS BUREAU

8. **Marketing Expenses** – Approve expenditures of \$4,000 to reimburse *Realize Bradenton* for promotion of the American Watercolor Society International Traveling Exhibition
9. **Sports Tournaments** – Approve expenditures for three IBC Baseball Tournaments (\$8,800) and H2X Racing (\$6,800)

FINANCIAL MANAGEMENT

10. **Budget Amendment Resolution** – Adopt Budget Resolution B-10-016
11. **Geotechnical Engineering, Soils and Materials Testing** – Execute Addendum 2 to agreements (6) with firms to extend agreements with no fee increase for a period of one year
12. **Mechanical, Electrical, Plumbing Engineering Services** – Authorize County Administrator or designee to execute Addendum 1 to agreements with Forney Engineering, Inc., and ATP Engineering South, to extend agreements with no fee increases
13. **Surveying and Land/Aerial Mapping** – Authorize County Administrator or designee to execute Addendum 1 to agreements with ZNS Engineering, LC, George F. Young, Inc., and Hyatt Survey Services, Inc., to extend agreements with no fee increases
14. **Timber Sales and Harvesting Consulting Services** – Authorize County Administrator or designee to execute Addendum 3 to agreement with Kissimmee Valley Forester to extend agreement for one year, and adopt Budget Resolution B-10-013
15. **Water, Wastewater Treatment Chemicals** – Award IFB 09-3749CD (with exception of Item 1- Aluminum Sulfate) to multiple bidders meeting specifications for estimated annual total of \$3,650,000

NATURAL RESOURCES

16. **Hirsch Property** - Execute Option Agreement in the amount of \$2,075 with Clifford and Lesa Hirsch for the option to acquire their property of approximately ±3.19 acres located on approximately 1,781 feet of shoreline on the Braden River in the Evers Reservoir Watershed*
17. **Tampa Bay Reasonable Assurance Addendum** – Adopt Resolution R-09-272 supporting implementation of 2009 Tampa Bay Reasonable Assurance Addendum*
18. **“Tree City USA” Application** - Authorize Chairman to sign the application for certification as “Tree City USA”

NEIGHBORHOOD SERVICES

19. **Library Grant** – Execute Libraries Initiative Grant from the John S. and James L. Knight Foundation in the amount of \$250,000 to be used to enhance the provision of the Internet to the public

PARKS AND RECREATION

20. **Fee Waiver** – Waive concession fees for the Manatee East Little League for October and November 2009
21. **Myakka City Community Center** – Execute Second Amendment and Supplement to License Agreement with the Myakka City Community Center, Inc. to extend agreement to June 6, 2010*

PLANNING

22. **Final Plat: Britt Subdivision** – Approve, execute, and record

PROPERTY MANAGEMENT

23. **11th Street East Sidewalk Project** – Accept and record Pedestrian Sidewalk Easement from James J. Palawski; Affidavit of Ownership and Encumbrances
24. **Florida Energy Regulatory Commission Project** – Execute Contract for Sale of a Permanent Easement and Temporary Construction Easement and Utility Easement with Florida Gas Transmission Company, LLC for property located south of S.R. 62*

- 25. **Mary Kelly Property** – Adopt Resolution R-09-243 authorizing conveyance of county property to Educational Consultants Consortium, Inc., a non-profit corporation; execute and record Deed from County of Manatee*
- 26. **St. Stephen’s School** – Accept and record Utility Easement from the Episcopal Day Private School of Manatee County, Inc.; Affidavit of Ownership and Encumbrances

PUBLIC SAFETY

- 27. **Joint Use Agreement** – Execute Interlocal Agreement with School Board of Manatee County for installation of a transfer switch to accommodate a 1250 kw generator at Nolan Middle School*

PUBLIC WORKS

- 28. **Gamble Creek Watershed Management Program** – Execute Cooperative Funding Agreement with Southwest Florida Water Management District*
- 29. **Surplus Equipment** - 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
- 30. **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
- 31. **Traffic Signal Maintenance and Compensation Agreement** – Execute Amendment 1 and revised Exhibit “A” with Florida Department of Transportation

UTILITIES

- 32. **Growth Related Capital** – Adopt policy requiring that all Utility capital projects required to support growth be funded by Facility Investment Fees
- 33. **Uncollectible EMS Accounts** – Adopt Resolution R-09-271 to remove uncollectible accounts for ambulance services totaling \$237,462.86

REPORTS

- 34. **Dashboard Reports** - Accept into the record the Dashboard Report for month of November 2009
- 35. **Responses to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Future Traffic Study (B804225); 2) Use of cell towers for 911 service (B904902); 3) Sidewalk Issues (B904416); 4) Renaming of Erie Road Intersection (B904899); 5) Homestead Exemption (B905035)

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

CONVENTION AND VISITORS BUREAU

- Introduction of **Axel Kaus**, Managing Director, Kaus Media Service, Hannover, Germany

AGRICULTURE AND NATURAL RESOURCES

- 36. **Master Gardeners Graduation** – Confer the title of “Manatee County Master Gardener” on each graduate with thanks and appreciation for their hard work and future service to citizens of Manatee County

HUMAN RESOURCES

- 37. **Retirement Award** – Present award to **James W. Pritchard**, Beach Lifeguard II, Public Safety Department, honoring his 24 years of service with Manatee County Government

PROCLAMATION (APPROVED WITH CONSENT AGENDA)

- **The Perlman Music/Sarasota Winter Residency Program** – Dec. 17, 2009-Jan. 2, 2010

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

NOTHING SCHEDULED

MANATEE COUNTY COMMUNITY REDEVELOPMENT AGENCY

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 38-42

PLANNING

38. **PDR-05-60(Z)(P) NAP DUKE RANCH, LLC, MML I, LLC, and PGCI I, LLC/SILVERLEAF**
 (Miles Gentry, Principal Planner) DTS #20050460
(Continued from 6/04/09, 6/23/09, 8/06/09, 10/01/09, and 11/17/09) (To be continued to January 26, 2010)
 An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code) relating to zoning within the unincorporated area; providing for a rezone of approximately 263.35 acres at the northwest corner of Old Tampa Road and Chin Road from A/NCO (General Agricultural/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the North Central Overlay; approving a Preliminary Site Plan for 621 single-family detached units; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.
39. **LDA-09-03 LOCAL DEVELOPMENT AGREEMENT FOR SILVERLEAF DEVELOPMENT**
 (Miles Gentry, Principal Planner) DTS#20090096
(Continued from 11/17/09) (To be continued to January 26, 2010)
 Request: Approval of a Local Development Agreement providing for the issuance of a fifteen (15) year certificate of level of service compliance; providing for dedication of right-of-way and the payment of a proportionate share of the cost to mitigate impacts on public facilities; providing for design, permitting and construction of project entrance improvements including turn lanes; providing for severability, and providing for an effective date. The Local Development Agreement applies to Silverleaf for which approval is sought pursuant to pending application known as PDR-05-60(Z)(P) (263.35 ± acres). The proposed use of the properties is residential development. Pursuant to the pending zoning request, Silverleaf is seeking approval for 713 residential units, each with a maximum height of 35 feet.
40. **PLAN AMENDMENT 09-02 (ORDINANCE 09-02) COUNTY INITIATED LAND USE MAP CORRECTIONS & UPDATES**
 (Kathleen Thompson, Planning Manager) **(Continued from 12/03/09)**
 Adoption of a Plan Amendment of Manatee County, Florida, regarding Comprehensive Planning, amending Manatee County Ordinance No. 89-01, as amended the Manatee County Comprehensive Plan; providing purpose and intent, providing findings; and providing for an amendment to the Future Land Use Map from AG-R (Agricultural/Rural) to R/OS (Recreation/Open Space) (Area D3), CON (Conservation) to R/OS (Recreation/Open Space) (Area D10), MU (Mixed Use) to CON (Conservation) (Area E7, E8, E9, E10, E11, E12, E13), P/SP-1 (Public/Semi-Public 1) (Area D11), RES-1 (Residential 1 dwelling unit per acre) to CON (Conservation) (Area E2, E3, E4, E5, E6), RES-1 (Residential 1 dwelling unit per acre) to P/SP-1 (Public/Semi-Public 1) (Areas C1, C2, C3), RES-1 (Residential 1 dwelling unit per acre) to RO/S (Recreation/Open Space) (Areas D1, D2, D18), RES-3 (Residential 3 dwelling units per acre) to R/OS (Recreation/Open Space) (Areas D7, D17, D21), RES-6 (Residential 6 dwelling units per gross acre) to CON (Conservation) (Areas D12, D19, D20, E14, E15), RES-6 (Residential 6 dwelling units per gross acre) to P/SP-1 (Public/Semi-Public 1) (Area C4), RES-6 (Residential 6 dwelling units per gross acre) to P/SP-2 (Public/Semi-Public 2)

Dr. Gwendolyn Y. Brown, District 2, Chairman

Carol Whitmore, District 6 At-Large, 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 At-Large

(Areas B1, B2, B3), RES-6 (Residential 6 dwelling units per gross acre) to R/OS (Recreation/Open Space) (Areas D6, D9, D13, D14, D15, D16, D22), RES-9 (Residential 9 dwelling units per gross acre) to OL (Low Intensity Office) (Areas A2, A3), RES-9 (Residential 9 dwelling units per gross acre) to P/SP-1 (Public/Semi-Public 1) (Areas C7, C8) RES-9 (Residential 9 dwelling units per gross acre) to ROR (Retail/Office/Residential) (Area A1), RES-16 (Residential 16 dwelling units per gross acre) to P/SP-1 (Public/Semi-Public 1) (Area C9), RES-16 (Residential 16 dwelling units per gross acre) to ROR (Retail/Office/Residential) (Area A4), ROR (Retail/Office/Residential) to P/SP-1 (Public/Semi-Public 1) (Areas C5, C6), ROR (Retail/Office/Residential) to R/OS (Recreation/Open Space) (Area D8), UF-3 (Urban Fringe-3 dwelling units per gross acre) to CON (Conservation) (Area E1), UF-3 (Urban Fringe – 3 dwelling units per gross acre) to R/OS (Recreation/Open Space) (Areas C10, D4, D5), and UF-3 (Urban Fringe – 3 dwelling units per gross acre) to P/SP-1 (Public Semi-Public 1) (Area C10) as assigned, and retaining all overlays as appropriate; providing for severability; and providing for an effective date (610.3 ± acres).

41. **PLAN AMENDMENT 09-07 (ORDINANCE 09-20) TRAFFIC MAP SERIES UPDATE**

(Kathleen Thompson, Planning Manager) **(Continued from 12/03/09)**

Adoption of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (the Manatee County Comprehensive Plan); providing for an amendment to the Traffic Circulation Sub-element, providing for an update of the Traffic Circulation Map Series; (Map 5-B, Future Traffic Circulation Functional Classification; Map 5-C, Future Traffic Circulation Right-of-Way Protection Reservation; Map 5-D, Future Traffic Circulation Number of Lanes; Map 5-E, Designated Controlled Access Facilities and Map 5-F, Strategic Intermodal System (SIS) and Emerging Strategic Intermodal System); and associated Table 5-1; providing for severability; and providing an effective date.

42. **PLAN AMENDMENT 09-03 (ORDINANCE 09-03) COUNTY INITIATED ERRORS AND OMISSIONS**

(Kathleen Thompson, Planning Manager) **(Continued from 12/03/09)**

Adoption of a Plan Amendment of the Board of County Commissioners of Manatee County, Florida, amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing for a text amendment to update portions of the Comprehensive Plan text clarification, name update, and internal consistency updates; providing for severability; and providing for an effective date.

PRESENTATIONS SCHEDULED – ITEM 43

PLANNING

43. **2:00 P.M. TIME CERTAIN**

PLAN AMENDMENT 09-05 and PLAN AMENDMENT 09-06/ORDINANCE 09-12 SMR NW AND NE TEXT AND MAP AMENDMENTS

(Kathleen Thompson, Planning Manger) **(Continued from 12/03/09)**

Adoption of an Ordinance of Manatee County, Florida, regarding comprehensive planning, amending Manatee County Ordinance No. 89-01, as amended, the Manatee County Comprehensive Plan; providing a purpose and intent; providing findings; providing for an amendment to the text of the Future Land Use Element of the Manatee County Comprehensive Plan to establish a new Future Land Use Category known as the MU-C (Mixed Use – Community) along with associated subareas; amending the Future Land Use Map of the Future Land Use Element to designate specific real property to MU-C (Mixed Use – Community) Future Land Use Classification from 3 existing Future Land Use Classifications, ER (Estate Rural) (2,085± acres), RES-1 (Residential -1) (4,498 ± acres) and UF-3 (Urban Fringe – 3) (12 ± acres) comprising a total of 6,595 ± acres for property being generally located east of Lorraine Road, with the future extension of Dam Road serving as the eastern boundary, the northern boundary being approximately 2,200 ± feet north of SR 64 east and the Masters Avenue to the south; and from 2 existing future land use classifications, UF-3 (Urban Fringe – 3) (96 ± acres) and IL (Industrial – Light) (462 ± acres) comprising a total of 558 ± acres for property being generally located as bordered by the future extension of Pope Road on the east, SR 64 east on the north, the future extension of 117th Street East on the west, and north of 44th Avenue East; amending the text of the Future Land Use Element to set forth special provisions applicable to the above-described Future Land Use Map Amendments; amending Table 5-1, addendum in the thoroughfare plan; amending related text provisions of the comprehensive plan for internal consistency, additional guiding principles and development limitations, providing for severability and providing for an effective date.

Dr. Gwendolyn Y. Brown, District 2, Chairman

Carol Whitmore, District 6 At-Large, 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 At-Large

REGULAR AGENDA

ADMINISTRATOR

- 44. **9:30 A.M. TIME CERTAIN**
Ringling International Arts Festival – Authorize one-time contribution to Ringling International Arts Festival in the amount of \$250,000 and adopt Budget Resolution B-10-017
- 45. **City of Holmes Beach Annexation** – Support proposed local bill (special act) annexing unincorporated property into City of Holmes Beach*

NATURAL RESOURCES

- 46. **Ring Power (Ringhaver AP-04-14)** – Find that proposed wetland mitigation plan constitutes an overriding public benefit, as required to approve an amendment to Administrative Permit 04-14

PUBLIC WORKS

- 47. **Roundabouts** – Authorize staff to proceed with design of roundabouts on 38th Avenue East at intersections of 27th Street East and 30th Street East, Bradenton
- 48. **9:45 A.M. TIME CERTAIN**
Intersection Design (69th Street East and Erie Road) – Authorize staff to negotiate purchase of right-of-way for project (approved 11/17/09) when final right-of-way needs are determined
- 49. **1:30 P.M. TIME CERTAIN**
 - a. **Canal Dredging (Warner’s East Bayou)** - Present recommendation on canal dredging assessment project 6054401
 - b. **Canal Dredging (Warner’s West Bayou)** - Present recommendation on canal dredging assessment project 6054402

OTHER COUNTY BUSINESS

BOARD OF COUNTY COMMISSIONERS

- **Election of Officers for 2010** – Conduct elections of officers for the following Boards◇

BOARD OF COUNTY COMMISSIONERS

- CHAIRMAN
- 1ST VICE CHAIRMAN
- 2ND VICE CHAIRMAN
- 3RD VICE CHAIRMAN

PORT AUTHORITY

- CHAIRMAN
- 1ST VICE CHAIRMAN
- 2ND VICE CHAIRMAN
- 3RD VICE CHAIRMAN

CIVIC CENTER AUTHORITY

- CHAIRMAN
- 1ST VICE CHAIRMAN
- 2ND VICE CHAIRMAN
- 3RD VICE CHAIRMAN

COMMUNITY REDEVELOPMENT AGENCY

- CHAIRMAN
- VICE CHAIRMAN

TOURIST DEVELOPMENT COUNCIL

- DISCUSSION OF CHAIRMANSHIP

◇ *Terms shall begin January 1, 2010*

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 elect not to convene, if no business is scheduled; however, each reserves the right to take action on any matter during its meeting, including items not set forth within this agenda. The Chair of each governing body at his/her option may take business out of order if he/she determines that such a change in the schedule will expedite the business of the governing body.

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 12/10/2009