

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  
and  
NOTICE OF PUBLIC MEETING

**9:00 a.m. REGULAR MEETING March 16, 2010**  
MEETING CALLED TO ORDER: Donna G. Hayes, Chairman  
INVOCATION: Pastor Wendell Wilson, Loving Hands Ministry  
PLEDGE OF ALLEGIANCE

ITEMS SCHEDULED FOR TIME CERTAIN

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

**10:00 A.M.**

41. EVERS RESERVOIR WATERSHED AMENDMENT

**2:30 P.M.**

46. SOLAR BIOMASS INTEGRATED POWER PLANT

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. Florida Surveyors and Mappers Week – March 21-27, 2010
2. St. Mary's Missionary Baptist Church Day/Month – March 21, 2010/March 2010

ADMINISTRATOR

3. Use of County Facilities - Adopt Resolution R-10-024 authorizing other governments to use county facilities in the event of emergency conditions\*

ATTORNEY

4. Eminent Domain; 17th Street West (Parcels 105, 705) – Approve settlement with Janus Properties, LLC, *Manatee County v. Palmetto Mini-Storage, et al.*, Case 2007-CA-6995
5. Insurance Policies – Approve renewal of Option 2 of the Boiler & Machinery policy and Crime Coverage, and authorize County Attorney or designee to execute necessary documents
6. Workers Compensation – Authorize County Attorney's Office to settle claim of Danny Pfeffer, Jr., in the amount of \$58,400

COMMUNITY SERVICES

7. Emergency Home Energy Assistance Program (EHEAP) – Adopt Resolution R-10-051 authorizing acceptance of agreement with West Central Florida Area Agency on Aging, Inc., for EHEAP in the amount of \$73,893, and adopt Budget Resolution B-10-031

Donna G. Hayes, District 5, Chairman

Carol Whitmore, District 6 At-Large, 1st Vice-Chairman; John R. Chapple, District 3, 2nd Vice-Chairman; Larry Bustle, District 1, 3<sup>rd</sup> Vice-Chairman  
Dr. Gwendolyn Y. Brown, District 2; Ron Getman, District 4; Joe McClash, District 7 At-Large

8. **Specialty License Plate Fund** – Execute general fund agreements with Family Creation, Inc., Manasota SOLVE, Inc., North River Care, Inc., and Carenet Manasota, Inc., and adopt Budget Resolution B-10-029\*

#### FINANCIAL MANAGEMENT

9. **Budget Amendment Resolution** – Adopt Budget Resolution B-10-030
10. **Fort Hamer Bridge** – Authorize County Administrator or designee to execute agreement with URS Corporation Southern for bridge design over Manatee River at Fort Hamer Road in amount not to exceed \$2,905,900.55\*

#### INFORMATION SERVICES

11. **800 MHz Rebanding** – Approve Frequency Reconfiguration Agreement with Nextel Operations, Inc., and authorize County Administrator or designee to execute same\*

#### NATURAL RESOURCES

12. **Artificial Reef Construction** – Adopt Resolution R-10-046 authorizing submission of grant application to Fish and Wildlife Conservation Commission, Division of Marine Fisheries, and authorize Chairman, Vice Chairman, or director of Natural Resources Department to execute all documents related to grant application
13. **Tampa Bay Estuary Program** – Execute funding agreement with Tampa Bay Estuary Program in amount not to exceed \$32,217

#### NEIGHBORHOOD SERVICES

14. **Land Use and Deed Restriction** – Execute agreement with Good Homes of Manatee, Inc., for a Neighborhood Stabilization Program housing development (904 16<sup>th</sup> Street East, Palmetto)
15. **SHIP Mortgage Lien** – Deny request from Ruttnet Salter to satisfy existing mortgage lien in the amount of \$17,725\*

#### PLANNING

16. **Final Plat: Concession Golf Course** – Approve, execute, and record

#### PROPERTY MANAGEMENT

17. **44<sup>th</sup> Avenue East, Bradenton** – Adopt Resolution R-10-041 authorizing Property Acquisition to conduct pre-suit negotiations and make written offers to purchase certain parcels required for the road improvement project before proceeding with eminent domain
18. **61<sup>st</sup> Avenue East, Bradenton** – Accept and record Pedestrian Sidewalk Easement from First Industrial Financing Partnership, LP, for construction of a sidewalk; Affidavit of Ownership and Encumbrances; Joinder
19. **Corporate Way** – Accept and record Drainage and Utility Easement by Sysco West Coast Florida, Inc.; Affidavit of Ownership and Encumbrances
20. **Fort Hamer Road** – Execute and record in Road Plat Book, Specific Purpose Survey for a County-maintained road; Affidavits
21. **Malachite Drive** – Accept and record Warranty Deed and Grant of Off Site Temporary Turn-Around Easement from Lakewood Ranch Stewardship District; Affidavit of Ownership and Encumbrances
22. **Taylor Grade Road** – Execute Contract for Sale and Purchase of a Warranty Deed from Jones Potato Farm, Inc., for a 6.75-acre parcel
23. **U.S. Highway 301 North** – Accept and record Warranty Deed from 1<sup>st</sup> Manatee Bank; Affidavit of Ownership and Encumbrances
24. **Wares Creek Stormwater Improvement Project** – Adopt Resolution R-10-048 authorizing Property Acquisition to conduct pre-suit negotiations and make written offers to purchase certain parcels required for the stormwater improvement project before proceeding with eminent domain

#### PUBLIC SAFETY

25. **Community Emergency Response Team (CERT) Grant** – Adopt Resolution R-10-045 authorizing acceptance of agreement from Florida Division of Emergency Management and authorize Chairman or designee to execute agreement; and adopt Budget Resolution B-10-032\*
26. **Hernando deSoto Historical Society Grand Parade** – Approve parade entry applications for Emergency Medical Services (EMS), and execute stand-by agreement for EMS to provide medical coverage during Grand Parade and waive any applicable service fees for non-exclusive stand-by coverage; authorize temporary access to County communication systems for security and safety purposes during event

#### PUBLIC WORKS

27. **Payment in Lieu of Required Improvements** – Execute agreement with Manatee Organizational Corporation for payment of \$20,909.55 by 1<sup>st</sup> Manatee Bank\*

Donna G. Hayes, District 5, Chairman

- 28. **Reclaimed Water Storage Tank** – Execute Cooperative Funding Agreement with Southwest Florida Water Management District for Manatee County Regional 10MG Reclaimed Water Storage Tank Project\*
- 29. **Surplus Equipment** - Adopt Resolution R-10-044 authorizing donation to Victorious Life Christian Center, and 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
- 30. **University Parkway** – Adopt Resolution R-10-038 authorizing execution of Local Agency Program Supplemental Agreement with Florida Department of Transportation acknowledging increase in stimulus funding of \$761,376

**SUPERVISOR OF ELECTIONS**

- 31. **Precinct Changes** - Accept recommendations from Supervisor of Elections Robert Sweat to approve boundary changes and sites for certain precincts

**UTILITIES**

- 32. **Fee Waivers** – Waive total of \$1,050 in service fees assessed to utility customer accounts for returned bank items

**REPORTS**

- 33. **Response to Board Inquiries** - Accept into the record responses from various County departments to inquiries of the Board of County Commissioners: 1) Conservatory Park Progress (B904415), 2) Dredging Policy Work Session (B1000482), 3) Work Session Request (B1000487)

*RECOMMENDED MOTION: 1 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**

**HUMAN RESOURCES**

- 34. **Employee of the Month** – Present award to **Jeff Camden**, Plans Examiner, Building Department
- 35. **Team Award** – Present award to **Howard Cathey, Jeff Garner, Christopher Briden, Lew Hindman, and Bill Pryor**, Information Services Department, in recognition of outstanding service to Manatee County

**PROCLAMATIONS (APPROVED WITH CONSENT AGENDA)**

- **Florida Surveyors and Mappers Week** – March 21-27, 2010
- **St. Mary’s Missionary Baptist Church Day/Month** – March 21, 2010/March 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

**REGULAR AGENDA**  
 NOTHING SCHEDULED

**OTHER COUNTY BUSINESS**

**CHAMBER OF COMMERCE**

36. **Coalition of Business Organizations** – Economic development proposal

**DEPARTMENTAL REPORTS**

**NEIGHBORHOOD SERVICES**

37. **2010 Census**

**PROPERTY MANAGEMENT**

38. **2009 Annual Report**

**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 39-40**

**PROPERTY MANAGEMENT**

39. **R-10-040-V BAYWAY PARK**  
 Adopt Resolution R-10-040-V vacating an unimproved platted utility easement

**PLANNING**

40. **PA-10-03 (PROPOSED ORDINANCE 10-03) WARNER CROSSING**  
 (Kathleen Thompson, Planning Manager) DTS#20090178  
 Transmittal 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 a purpose and intent; providing findings; providing for an amendment to the Future Land Use Map of the Future Land Use Element to designate specific real property to ROR (Retail, Office, and Residential) Future Land Use Classification from the UF-3 (Urban Fringe - 3 dwelling units per gross acre) Future Land Use Classification (22.97± acres); said property being generally located on the northwest corner of the intersection of SR 64 East and Upper Manatee River Road; providing for severability and providing for an effective date.

*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).*

**PRESENTATIONS SCHEDULED - ITEMS 41-46**

**PLANNING**

**10:00 A.M. TIME CERTAIN**

41. **PA-10-05 (PROPOSED ORDINANCE 10-05) EVERS RESERVOIR WATERSHED AMENDMENT**  
 (Kathleen Thompson, Planning Manager)  
 Transmittal 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 for a purpose and intent; providing findings; providing for an amendment to the text of Chapter 3, Conservation Element regarding the Evers Reservoir Watershed, a part of the Watershed Overlay (WO) District to allow the beneficial reuse of treated effluent within a portion of the Evers Reservoir Watershed subject to specified requirements in the Conservation Element; amending the Conservation Element to add a new map entitled: “Beneficial Reuse Area of the Evers Reservoir Watershed”; the portion of the Evers Reservoir Watershed within which the beneficial reuse of treated effluent may occur is generally depicted on said map; amending the text of the conservation element to set forth special provisions applicable to the above-described amendment; amending related text provisions of the Comprehensive Plan for internal consistency; providing for severability and providing for an effective date.

42. **PA-10-14 (PROPOSED ORDINANCE 10-14) COUNTY INITIATED TEXT AMENDMENT**  
(Kathleen Thompson, Planning Manager)  
Transmittal 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 for a purpose and intent; providing findings; providing for a Text Amendment to Chapter 3, Conservation Element, regarding mitigation for development-related impacts to wetlands; providing a purpose and intent; setting forth findings; amending related provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; and providing an effective date.
43. **PA-10-02 (PROPOSED ORDINANCE 10-02) ROBINSON FARMS**  
(Stephanie Moreland, Planner) DTS#20090177 **(Continued from 3/04/10)**  
Transmittal 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 a purpose and intent; providing findings; providing for an amendment to the Future Land Use Map of the Future Land Use Element to designate specific real property to RES-3 (Residential -3 dwelling units per gross acre) from the RES-1 (Residential-1 dwelling unit per gross acre) Future Land Use Classification; said property being generally located north of 9<sup>th</sup> Avenue Northwest, approximately 600' east of 99<sup>th</sup> Street Northwest and south of 17<sup>th</sup> Avenue Northwest (49± acres); providing for severability and providing for an effective date.
44. **PA-10-01 (PROPOSED ORDINANCE 10-01) CROSSROADS AT SW MANATEE**  
(Sharon Tarman, Planner) DTS#20090176  
Transmittal 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 a purpose and intent; providing findings; providing for an amendment to the text of the Future Land Use Element to establish a new sub-area known as the MU-C/RU (Mixed Use – Community/Residential Urban Sub-area); 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, ROR (Retail Office Residential) 72± acres, RES-6 (Residential 6 dwelling units per gross acre) (456 ± acres) and RES-9 (Residential 9 dwelling units per gross acre) (892 ± acres) comprising a total of 1,420 ± acres; amending the Future Land Use Map of the Future Land Use Element to designate a specific sub-areas within the above -described property; said property being generally located south of Cortez Road, west and east of 75<sup>th</sup> Street West to 53<sup>rd</sup> Avenue West and on the north side of El Conquistador to 47<sup>th</sup> Street West; amending the text of the Future Land Element to set forth special provisions applicable to the above-described Future Land Use Map Amendments; adopting by reference the text amendments in Ordinance 09-12 in the event such text amendments do not become effective prior to the transmittal public hearing for this Ordinance; amending Table 5-1, addendum in the thoroughfare plan; amending related text provisions of the Comprehensive Plan for internal consistency; providing for development limitations; providing for severability and providing for an effective date.
45. **PA-10-19 (PROPOSED ORDINANCE 10-19) STANK, LLC – LARGE SCALE COMPREHENSIVE PLAN AMENDMENT**  
(Miles Gentry, Planning Manager)  
Transmittal 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 for a purpose and intent; providing findings; providing for an amendment to the Future Land Use Map of the Future Land Use Element of the Comprehensive Plan to designate specific real property from RES-3 (Residential – 3 dwelling units per gross acre) to MU (Mixed-Use 9 dwelling units per gross acre) (67.37 ± acres) for land generally located south of 29<sup>th</sup> Street East and west of I-75 at 4903 29th Street East; providing for severability; and providing for an effective date.

**2:30 P.M. TIME CERTAIN**

**46. PDPI-09-13(Z)(P) PATRON HOLDINGS/FB ENERGY – SOLAR BIOMASS INTEGRATED POWER PLANT**

(Lisa Barrett, Planning Manager) DTS #20090275 **(Continued from 2/23/10)**

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 a rezone of 47.92± acres, at 11551 and 11805 US 41 North, from PDEZ (Planned Development Encouragement Zone) to the PDPI (Planned Development Public Interest) zoning district; retaining the PDEZ zoning district on property located west of the railroad track (1.40± acres); approving a Preliminary Site Plan on 49.32± acres for the declared use of an Electricity Generating Facility using biomass fuels (Heavy Utility Use), with accessory buildings totaling 28,400 square feet; subject to stipulations as conditions of approval consistent with Ordinance No. 09-31 (i.e. Plan Amendment No. PA-09-08); setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**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 3/11/2010