

APRIL 12, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:01 a.m.

Present were Commissioners:

Carol Whitmore, Chairman
John R. Chappie, First Vice-Chairman
Michael Gallen, Third Vice-Chairman
Robin DiSabatino
Donna Hayes
Joe McClash

Absent was Commissioner:

Lawrence E. Bustle, Jr., Second Vice-Chairman (Fighter Wing Reunion)

Also present were:

Ed Hunzeker, County Administrator
Tedd Williams, Jr., County Attorney
Susan G. Romine, Board Records Director,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Shirley Baucom, CareNet

AGENDA

Agenda of April 12, 2011, and agenda update memorandum.

[BC20110412DOC001](#)

EMPLOYEE OF THE MONTH

Tom Yarger, Property Management Department, presented the Employee of the Month Award to **Debra-Lynn Leavenworth**, Construction Coordinator, Property Management Department.

[BC20110412DOC002](#)

PROCLAMATIONS

Motion was made by Mrs. Hayes, seconded by Mrs. DiSabatino, and carried 6 to 0, to adopt:

1. A Proclamation designating April 13, 2011, as Commuter Services Day, accepted by **Brenda Rogers**, Community Services Director, who invited everyone to attend promotional activities planned on the Historic Courthouse lawn on April 13, 2011.
[BC20110412DOC003](#)
2. A Proclamation designating April 11-16, 2011, as Crime Victims Rights Week, accepted by **Susie Brown**, Victim Rights Council.
[BC20110412DOC004](#)
3. A Proclamation designating April 2011 as Child Abuse Prevention Month, accepted by **Fred Leonard**, Healthy Start Coalition, who announced that "Pinwheels for Prevention" will be displayed on the Historic Courthouse lawn.
[BC20110412DOC005](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 6 to 0, 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), with deletion of: **Mental Health Funding; 17th Street East (U.S. 41-Canal Road); and Flood Insurance** (all separate actions). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20110412DOC006](#)

BONDS

44th Avenue East, Phase II

Accept Verification Certificate to Defect Security (Surety Bond 5030238), \$322,478.81.

[BC20110412DOC007](#)

Central Park, Phase A-1a and B-1

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt, **and** Performance Bond (Letter of Credit F854913 and associated amendment[s]), \$117,445.72.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC – Final Lift of Asphalt, \$117,445.72.
3. **Accept** Performance Bond, \$117,445.72, (Surety Bond 5039285, Bond Safeguard Insurance Company). [BC20110412DOC008](#)

Central Park, Phase G-1b

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt, **and** Performance Bond (Official Check 4734793089), \$31,372.43.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC – Final Lift of Asphalt, \$31,372.43.
3. **Accept** Performance Bond, \$31,372.43, (Surety Bond 5039286, Bond Safeguard Insurance Company). [BC20110412DOC009](#)

Forest Creek, Phase I and II-A (Red Rooster Road)

Release Agreement Warranting Required Improvements – Infrastructure Improvements, **and** Defect Security, (Surety Bond SU5023999 and associated rider[s]), \$28,678.77.

Gillette Grove Subdivision

Release Agreement Guaranteeing Completion of Required Sidewalks and Bikeways, **and** Performance Bond (Letter of Credit 55101598, and associated amendment[s]), \$91,447.20. [BC20110412DOC010](#)

Hidden River Trail

Accept Verification Certificate to Defect Security (Surety Bond 5030160), \$132,888.73.

Lakewood Ranch Country Club Village, Subphase MM (aka LaCantera)

Release Agreement Guaranteeing Completion of Required Improvements – Final Lift of Asphalt, **and** Performance Bond (Surety Bond 5024887 and associated rider[s]), \$58,825. [BC20110412DOC012](#)

Old Mill Preserve (aka Jacklyn Oaks)

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt, \$74,839.80.
2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Taylor Morrison of Florida, Inc. – Final Lift of Asphalt, \$74,839.80. This agreement will be for a **one-year extension** (expiring 4/27/12), secured by a previously accepted Performance Bond (Cash – Wire Transfer).
3. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Landscaping, \$74,264.24.
4. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements Taylor Morrison of Florida, Inc. – Landscaping, \$74,264.24. This agreement will be for a **one-year extension** (expiring 4/27/12), secured by a previously accepted Performance Bond (Cash – Wire Transfer). [BC20110412DOC013](#)

South Oak (aka Cottesbrook)

Accept Continuation Certificate for Defect Security, (Surety Bond 82043260), \$92,073.

Twin Rivers, Phase IV

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Lot front replacement trees; \$146,466. [BC20110412DOC015](#)

2. **Accept** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Gamble Creek LC and Twin Rivers II LC - Lot front replacement trees, \$146,466. This agreement will be for a **one-year extension** (expiring 4/3/12), secured by a previously accepted Performance Bond (Letter of Credit 9660080071/00010 fka 9660080071-00008).
3. **Accept** Performance Bond, \$146,466, (Letter of Credit 9660080071/00010 fka 9660080071-00008, Branch Banking and Trust Company). [BC20110412DOC016](#)

REFUNDS

Utility Customer 152984-60006 - Refund/Fee Waiver \$4,020.52
 Utility Customer 160471-136432 - Refund/Fee Waiver \$1,595.33

WARRANT LIST

April 7, 2011 through April 11, 2011 [BC20110412DOC017](#)
[BC20110412DOC018](#)

ACCEPT

Town of Longboat Key - Notification letter of elected officials for Mayor and Vice Mayor (March 2011-March 2012) and term dates for Town Commissioners. [BC20110412DOC019](#)

Contract Documents (Pursuant to Manatee County Code, Chapter 2-26):

1. **Employee Health Insurance Evaluations** - Addendum Two to Agreement with AON HEWITT, extending the agreement for one year (10/1/10 - 9/30/11). [BC20110412DOC020](#)
2. **Lincoln Park Recreation Complex Expansion** - Amendment One to Agreement with Ugarte & Associates, Inc.; increase of \$3,368.19, adjusted total \$73,921.19. [BC20110412DOC021](#)

Public Works Facility (East Bradenton) - 26th Fuel Island Rehabilitation - Contract with C & S Technical Resources, Inc., \$127,435; Performance Bond, Labor and Material Payment Bond, and Insurance Certificate. [BC20110412DOC022](#)

COUNTY ADMINISTRATOR

ORDINANCE 11-08 - MOTOR VEHICLES AND TRAFFIC

Authorization to publish Notice of Public Hearing on Ordinance 11-08, amending Section 2-22-25 of Chapter 2-22 of the Manatee County Code entitled Motor Vehicles and Traffic and providing for designated parking for disabled persons and enforcement.

CODE ENFORCEMENT - STEVEN M. AND KIMBERLEY A. JUDD

Execution of and authorization to record Partial Release of Lien in Code Enforcement Case **CE2007020522**. [BC20110412DOC023](#)

Discussion: Explanation of liens; staff anticipates the violation can be resolved; etc.

FINAL PLATS

[BC20110412DOC024](#)

Central Park, Subphase C-aa

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee Joinder In and Ratification of the Subdivision Plat and all Dedications and Reservations Thereon from FC LLC;
4. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Central Park Lifestyles LLC - Final Lift of Asphalt; **and** Performance Bond (Surety Bond 5039284) from Bond Safeguard Insurance Company, \$41,393.96;
5. Agreement for Final Wearing Course of Asphalt on Roadways with Central Park Lifestyles LLC; and
6. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Central Park to add Subphase C-aa. [BC20110412DOC025](#)

Oakhurst - Revised Portion

1. Final Plat;
2. Stormwater, Drainage, and Lot Grading Plans (East and West Half); and
3. Second Amendment to Amended and Restated Declaration of Protective Covenants for Oakhurst. [BC20110412DOC026](#)

COMMUNITY CARE FOR THE ELDERLY

Execution of Amendment 2 to FY 2010-11 funding agreement with Meals on Wheels Plus
BCC MB 48/4094

of Manatee, Inc., for **Adult Daycare**; increase of \$23,000, adjusted total \$96,240.

BUDGET AMENDMENT[BC20110412DOC027](#)**Various Departments B-11-046**

Supporting Description and Detail Attached

[BC20110412DOC028](#)**BUDGET STRATEGY FOR CONSTITUTIONAL OFFICERS**

Approval of budget strategy for FY 2011-12 as it relates to budgets of certain Constitutional Officers (Sheriff, Clerk of Circuit Court, and Supervisor of Elections).

IMPACT FEE CREDIT[BC20110412DOC029](#)

Execution of Credit Authorization CA-10-05(T) and Final Authorization of Transportation Credit for Pulte Homes for payment in lieu of construction of required non-site-related road improvements for **Harrison Ranch**, \$361,273.13.

[BC20110412DOC030](#)**ECONOMIC DEVELOPMENT INCENTIVE GRANT**

R-11-096 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT LOGIC**” BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO §288.106, *FLORIDA STATUTES*, AND PROVIDING LOCAL FINANCIAL SUPPORT FOR PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM FOR FISCAL YEARS 2012-2013 THROUGH 2014-2015 AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20110412DOC031](#)**2011 ARTS AND CULTURE AWARD PROGRAM**

Execution and submittal of applications to The National Association of Counties for:

1. **Crosley Carriage House and Historic Restoration**; and
2. **Old Parrish School House Restoration**.

[BC20110412DOC032](#)[BC20110412DOC033](#)**15TH STREET EAST (301 BOULEVARD) AT 51ST AVENUE EAST**

R-11-092 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE RIGHT-OF-WAY REQUIRED FOR THE 15TH STREET EAST (301 BOULEVARD) AT 51ST AVENUE EAST ROAD RIGHT-OF-WAY IMPROVEMENT PROJECT, PARCELS ARE IDENTIFIED AS EXHIBIT “A”, TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTIES SOUGHT TO BE ACQUIRED.

(**Property Owners:** Ali F. and Fatma S. Arin, \$7,245, \$1,240, \$990; and Emmanuel Makris, \$19,760, \$1,685).

[BC20110412DOC034](#)**44TH AVENUE EAST (12TH STREET EAST TO 19TH STREET COURT EAST)**

Execution of Contract for Sale and Purchase for a Warranty Deed and Drainage Easement with El Rancho Partners LTD and Mike Carter I, Inc., for two properties with a total of 10.19 acres and a drainage easement of .54 acre, \$1,970,500 (Parcels 150, 151, 852); and authorization to make the check payable to the escrow account of Signature Title Company for closing.

[BC20110412DOC035](#)**DEEDS AND EASEMENTS**

1. **63rd Avenue West** - Utility Easement and Affidavit of Ownership and Encumbrances from Brian Martineau and Deena R. McKinzie for construction/maintenance of a water meter.
2. **Bennett Park** - Easement to Florida Power and Light Company for installation/maintenance of an electrical power line to pavilion/restroom facilities.
3. **Whitfield Avenue/69th Avenue East** - Temporary Construction Easement from Eaton Aerospace LLC to relocate meter vault, piping, and appurtenances.

[BC20110412DOC036](#)[BC20110412DOC037](#)[BC20110412DOC038](#)**WARES CREEK STORMWATER IMPROVEMENT PROJECT, PHASE III**

1. Acceptance of Warranty Deed and Affidavit of Ownership and Encumbrances from Donald R. Olmstead (Parcel E106).
2. Authorization for payment of \$2,250 for reimbursement of moving costs to Ilene Thelma Krueger (Parcel E122.002O, Lot 73).

[BC20110412DOC039](#)[BC20110412DOC040](#)**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION**

Execution of annual Exhibit A to Traffic Signal Maintenance and Compensation Agreement with Florida Department of Transportation for FY 2011-12, \$134,937.46.

[BC20110412DOC041](#)

UNIVERSITY PARKWAY

Execution of Amendment 8 to Interlocal Agreement with Sarasota County to provide for the addition of a permanent right-turn-in/right-turn-out only intersection on the south side of University Parkway, 725 feet west of the center line of North Cattleman Road/Cooper Creek Boulevard. [BC20110412DOC042](#)

UNCOLLECTIBLE EMS ACCOUNTS

1. **R-11-081** RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND ADJUSTED TO ZERO IN THE ACCOUNTS RECEIVABLE LEDGER. [BC20110412DOC043](#)
2. **R-11-084** RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND ADJUSTED TO ZERO IN THE ACCOUNTS RECEIVABLE LEDGER. [BC20110412DOC044](#)

Discussion: Amount of write-off; summary report with both agenda packages; staff to report in greater depth at a future work session; etc.

(End Consent Agenda)

MENTAL HEALTH AND SUBSTANCE ABUSE FUNDING

Presented for adoption was Resolution:

R-11-094 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REQUESTING MANATEE COUNTY'S STATE LEGISLATIVE DELEGATION, ON BEHALF OF THOUSANDS OF INDIVIDUALS RESIDING IN MANATEE COUNTY WHO RECEIVE MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES FROM AREA NONPROFIT PROVIDERS, SUPPORT FUNDING FOR MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.

Mary Ruiz, Manatee Glens President/CEO, submitted a letter advising that if Senate budget cuts prevail, adult mental health and substance abuse services to 3,300 patients will be terminated effective, July 1st. Continuation is critical for adult psychiatric physician services, case management and recovery services, and dispensing medications. The Governor has recognized that mental health and addiction needs to be funded at 100 percent. The House of Representatives concur; however, the Senate has reached a different conclusion.

Discussion: 12,000 patients are served annually; the 3,300 figure represents the number of patients who are unable to pay; homeless individuals are never charged; etc.

Following discussion, a motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried 6 to 0, that letters be sent to Senators Mike Haridopolis, J.D. Alexander, and Andy Gardiner to restore the mental health and addiction general revenue funds to the Senate Appropriations DCF budget, and that letters be sent to Representatives Dean Cannon, Denise Grimsley and Matt Hudson to stand firm with the Senate on their position of no cuts to mental health and addictions services. Without objection, Ms. Whitmore asked that Senator Mike Bennett be included in the letters.

Discussion: Unfunded mandate language is not in the Resolution; these are services the County cannot do without; etc.

Following further discussion, a motion was made by Mr. McClash to approve Item 7 (adopt R-11-094), and include language for the unfunded mandate in the Resolution. The motion was seconded by Mr. Gallen and carried 6 to 0.

It was the consensus of the Board to insert the language into the letters.

[BC20110412DOC045](#)

CITIZENS' COMMENTS

Bearded Clam Restaurant – Noise

Wade Yarchan, resident on Westmoreland Drive, submitted a packet outlining problems with the noise generated by the Bearded Clam Waterfront Restaurant/Tiki Bar (in the Ramada Inn Waterfront Hotel). Further concern is that the restaurant's owner has applied to modify Stipulation 4 of the current Zoning ordinance [PDMU-98-03(Z)(P)], governing noise. He requested the current Stipulation be upheld.

John Barnott, Building and Development Services Director, advised that Code Enforcement has cited the restaurant owner, who has until April 21 to comply. The requested modification will be required to go through the public hearing process.

Discussion: Current restrictions allow up to 50 db, with specified hours; Board can authorize legal staff to seek an injunction; Ramada Inn anticipates revenue from fishing tournament scheduled April 27 (Civic Center License Agreement 31-070); etc. [BC20110412DOC046](#)

(Note: Discussion held in the Civic Center Authority meeting of this date.)

Safe Haven Animal Rescue

Mary Lupi, President of Safe Haven (animal rescue organization), thanked the Board for continued funding of the Animal Rescue Coalition Spay/Neuter Program. She also thanked Ms. Whitmore and Public Safety Department staff for the No Kill Program. [BC20110412DOC047](#)

UNITED WAY

Jerry Koontz, United Way Director, complimented the employees of Manatee County and the Constitutional Officers in making the 2010-11 United Way campaign a success and for raising \$110,356. He recognized the efforts of Kay Rogers, Public Works, United Way Coordinator. [BC20110412DOC048](#)

Recess/Reconvene. All members present except Mr. Bustle.

14TH STREET WEST COMMUNITY REDEVELOPMENT AGENCY

Mrs. DiSabatino announced a 14th Street West CRA business owners' meeting at 6:00 p.m., at Miller's Dutch Kitchen. [BC20110412DOC049](#)

STREET VACATION - RICHLAND FARMS SUBDIVISION

Public hearing (Notice published) was opened to consider

R-11-019-V A RESOLUTION ON APPLICATION BY MARK CAHILL INVESTMENTS, STEVE P. JORGENSEN, AND BARRY W. GREER VACATING CERTAIN UNIMPROVED RIGHTS-OF-WAY IN RICHLAND FARMS.

Joaquin Servia, Property Management Department, advised R-11-019-V vacates certain rights-of-way on the south side of S.R. 64, adjacent to Lena Road Landfill.

Motion was made by Mr. McClash, to continue the public hearing for Resolution R-11-19-V to May 24, 2011, at 9:00 a.m. The motion was seconded by Mrs. DiSabatino and carried 6 to 0. [BC20110412DOC050](#)

JOHN H. MARBLE COMMUNITY CENTER

Mike Whelan, Parks and Recreation Department, stated this item was deferred (3/15/11) due to interest expressed by a church group to tour the John H. Marble Community Center on 53rd Avenue East. Other organizations have contacted Parks and Recreation to submit proposals to repair, maintain, and operate the Community Center building. The County could either demolish the building, or issue a Request for Proposals (RFP) to lease the facility. He recommended an RFP to be equitable to all that are interested. Photographs from Mr. McClash were shown.

Jonathan Bruce and **Pastor Mark Campbell**, Bible Baptist Church, toured the facility. The Church is interested in leasing the facility and Mr. Bruce is meeting next week with the County **BCC MB 48/4097**

Administrator. Staff estimates the cost of all upgrades at \$1,144,000; however, primary operational needs of electrical work and an air condition compressor are estimated at \$15,000.

Mr. Bruce met with Building and Development Services Department staff, who advised the building can be repaired. He is seeking a letter from the Fire Marshall regarding fire safety.

Pastor Campbell submitted a list of programs the Church could implement at the facility, which included a commitment to continue general maintenance.

Jim Somers distributed a summary of programs provided by Manasota ARC (Association of Retarded Citizens). **Deidra Walker**, Executive Director of Manasota ARC, stated ARC is seeking a new location to consolidate programs and administrative headquarters and requested consideration as a potential tenant.

Cindy Turner, Parks and Recreation Director, stated several attempts were made to renegotiate a contract with the YMCA, during which time a building assessment was performed. The YMCA estimated over \$1 million to bring the building up to standard. Ms. Turner recommended an RFP.

Discussion: Pictures indicate no structural deficiency or exterior rust; interior condition is good; one meter serves the entire property; no flooding observed during recent rains; Board has latitude to work with a nonprofit organization; formal bid process unnecessary; RFP expense; work with Bible Baptist Church, other organizations have interest (ARC and Henry Lawrence Foundation); joint use; work with separate entity to maintain lawn and tennis courts; etc.

Motion was made by Mr. McClash that the County Administrator be permitted to work with Bible Baptist Church and bring something back within 30 days for the Board to review. The motion was seconded by Mr. Gallen.

Discussion: RFP experience with Manatee Public Beach; precedent of not doing an RFP; allows opportunity to all; no matter who assumes the building, there will be renovation costs; etc.

Tedd Williams, County Attorney, advised that *Florida Statute 125.38* does not mandate the County to do an RFP. The County can deed the property, or enter into a long-term lease with a nonprofit corporation.

Discussion: Staff time to prepare RFP; County retains liability if property is leased; building has no Code issues unless the facility use changes; motion delays the RFP process, allows an entity to save/use the building for community use, and operate summer programs serving South county; RFP process does not preclude a group from submitting a joint proposal; etc.

Tom Yarger, Property Management Department, stated the building is free of asbestos. Certain areas of the building need work, including a restroom that is not handicapped compliant; however, staff asserts that extensive renovations are required to bring the building up to Code.

Motion - Failed

The motion **failed** 1 to 5, with Mr. Chappie, Mrs. DiSabatino, Mr. Gallen, Mrs. Hayes, and Ms. Whitmore voting nay.

Motion

Motion was made by Mrs. DiSabatino, to authorize the issuance of an RFP to consider leasing the Community Center building at the John H. Marble Park to an interested community organization, and transfer of the John H. Marble aquatic seasonal program operations to the Parks and Recreation Department. The motion was seconded by Mr. Chappie.

Discussion: RFP pertains to the Community Center building, not the outside storage building; do not restrict the RFP to prevent other groups from expressing interest to lease the entire property, including the pool; etc.

Motion - Amendment

Mr. McClash moved to amend the motion that the RFP be modified so as not to be as restrictive as what is in the agenda, but allow people to propose different concepts. Mrs. DiSabatino seconded the motion.

Discussion: Issue with previous tenant was use of the outside, storage building; whether amendment gives latitude to specify the outside storage building for storage only; draft RFP to allow others to operate the pool; interested groups did not express interest in the pool; etc.

The motion to amend carried 6 to 0.

Motion - Carried

The motion, as amended, carried 6 to 0.

Motion - Pool

Motion was made by Mr. McClash to allow the Parks and Recreation Department to operate the pool June to August 2011 at a cost of approximately \$36,000. The motion was seconded by Mr. Chappie and carried 6 to 0.

[BC20110412DOC051](#)

CORTEZ BRIDGE

Florida Department of Transportation (FDOT) District One Secretary **Stan Cann** stated the Cortez Bridge was built in 1956 and is in need of repair. The rehabilitation project is funded in the FY 2014 Tentative Work Program.

Jim Jacobsen, District One Structures Maintenance Engineer, gave a slide presentation on the details of rehabilitating the structure; current bridge status/condition resulting from 55 years of exposure to salt water; and current budget for the scope of repairs. The bridge was repainted this past year, and the project will focus on strengthening the bridge.

Chris Piazza, District One Project Development Engineer, continued the slide presentation while speaking of the Project Development and Environment (PD&E) Study that was approved in 1989 as an environmental assessment and given a Finding of No Significant Impact (FONSI). The preferred alternative at that time was for twin, two-lane high level, fixed span bridges with a northern alignment, in conjunction with the four-lane widening on Cortez Road to Palma Sola Boulevard, and six-lane widening from Palma Sola Boulevard to 26th Street West.

Mr. Piazza noted FDOT plans to conduct a new PD&E Study in FY 2012-13 to examine alternatives for further rehabilitation or replacement and hold workshops and a public hearing, with a 24-26 month completion schedule. The study will be in coordination with the U.S. Coast Guard. Inasmuch as S.R. 684 is now a constrained facility with the MPO, four lanes are no longer necessary. FDOT is considering a two-lane structure, with right-of-way impacts reevaluated.

Lengthy discussion continued: Historic structures; budget of \$1.5 million; 1989 data will be examined but cannot be relied upon; whether the bridge can be replaced at the same height under Coast Guard and/or FDOT rules; FDOT to look at replacement of a similar structure; FDOT criteria; Ms. Whitmore does not support a fixed, high-span bridge; destroying the existing community and infrastructure; FDOT to examine the cost/impact of replacing the bridge at the existing alignment; availability of parts to repair the existing drawbridge; replacement with a new drawbridge would require new design and new equipment; height of Manatee Bridge versus Cortez Bridge; etc.

Secretary Cann assured the Board that bridge repair and rehabilitation, as well as the PD&E Study, will be performed with extensive, public involvement.

(Depart Mr. McClash)

Katie Pierola urged the Board to support remodeling Cortez Bridge and not replacing the bridge. She requested a fourth bridge crossing between the Ringling and Anna Maria bridges.

James Kissick stated the only logical place to put a bridge to relieve island traffic congestion is at the extension of 53rd Avenue, at a maximum surge height of 18 feet, across Sarasota Bay, landing 800 feet north of Longboat Pass Bridge. The Cortez Bridge cannot be replaced with a high bridge because the high bridge is not 65 feet, but 80 feet.

Charlie Czech, MPO Advisory Board member for Longboat Key, stated the bridge extension, recommended by Mr. Kissick would be a good hurricane evacuation point.

(Enter Mr. McClash)

Discussion: Concept of a high bridge at 53rd Avenue is not realistic due to environmental impacts; focus on cost of replacing the bridge at its existing location; seek guidance from bridge contractors; latitude for a RFI (Request for Information); etc.

Mr. Cann emphasized the new PD&E Study will examine all alternatives, encompass the concerns of island residents and businesses, and the many changes that have occurred since the 1989 study.

[BC20110412DOC052](#)

Recess/Reconvene. All members present except Mr. Bustle.

EASTER SEALS ART INITIATIVE

Karen Davenport, Easter Seals Art Instructor, commented on the Art Initiative program and the artwork displayed in the County Administrative Center Lobby. Three artists were present to display their artwork and indicated they have sold some of their creations.

[BC20110412DOC053](#)

RED LIGHT RUNNING ENFORCEMENT PROGRAM

Cheri Coryea, Neighborhood Services Director, requested approval to implement the Automated Red Light Running Enforcement Program, for a minimum 30-day warning period for cameras at two, county-maintained, intersections (53rd Avenue West/34th Street West, and 57th Avenue East/15th Street East, Bradenton.) At a recent work session there were concerns of adding equipment due to the possible repeal of the State legislation. Inasmuch as the Legislative session is still under way, the vendor will not make equipment investments and the County will not implement the program until review is complete.

Abby Jenkins, Affiliated Computer Services, Inc., (ACS), showed slides outlining the program, video clips and storage, Notice and Citation samples, payment options, and public awareness campaigns. Equipment is installed at the four County approaches, and six additional locations on state roads are proposed.

Discussion: At March 22nd work session, S.R. 70/Tara Boulevard was not on the list; proposed state road locations in the agenda package are not in order of priority; staff seeks to proceed with a warning period and implement an awareness campaign at the four areas; etc.

Maureen Sikora, Deputy County Attorney, stated the contract with ACS was prior to last year's enacted legislation. The contract conflicts with legislation, and staff is working on a revision that would change the payment methodology to a per-intersection-location basis. The revision will come back to the Board if last year's legislation is not repealed.

Discuss: Staff is negotiating an agreement with the Sheriff for citation services; payment would

be \$4,650 per month per approach; costs incurred by vendor for installed equipment; staff monitoring City of Bradenton program; staff is negotiating for a "revenue neutral" clause in the contract, which allows no additional costs to county at the end of each year; staff has not suggested any new cameras at this time; modify contract in its entirety; defer until legislature finalizes action; etc.

Ed Hunzeker, County Administrator, stated that during the 30-day warning period, staff will modify the contract to present to the Board, along with a detailed revenue/expense analysis.

Motion was made by Mr. McClash to authorize staff to implement the Automated Red Light Running Enforcement Program at no cost to the County, except for staff time, for a minimum 30-day warning period or longer, for cameras installed at two, county-maintained, road intersections. The motion was seconded by Mrs. DiSabatino.

Ms. Sikora advised there may be costs incurred with the Sheriff's Office, and, if the motion is including the Sheriff's Office in staff costs, then the motion is acceptable.

Discussion: Costs of warning notices is borne upfront by ACS; this provision is in contract; etc.

Mr. McClash offered a friendly amendment to include wording to say that basically, the contract will not be amended. This will just allow the violation notices to go out, but this is not part of any contract; it is just part of the warning period. The contract will be modified during this time period and brought back to the Board. There were no objections.

Ms. Sikora advised this will be clarified to ACS by letter.

The motion carried 6 to 0.

Mr. McClash requested the sample Notice of Violation be brought back for Board review.

Mrs. Hayes voiced disappointment that a camera is not at the S.R. 70/Tara Boulevard location.

[BC20110412DOC054](#)

Recess/Reconvene. All members present except Mr. Bustle.

GULF COAST OPEN FISHING TOURNAMENT - CROSLY ESTATE

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 6 to 0, to allow an amount, not to exceed \$3,000 out of the Sports Marketing Fund (TDC budget) to be used to help sponsor the Gulf Coast Open Fishing Tournament event to be held at the Crosley Estate (4/27/11), and help pay for any of the Crosley expenditures that were identified in the Civic Center item (License Agreement 31-070 with National Boat Owners Association). [BC20110412DOC055](#)

FLOOD INSURANCE

Mike Terrell, Risk Manager, and James Cooney, Deputy County Attorney, explained why flood insurance is being carried on certain properties, and contents and liability are insured separately.

Motion was made by Mrs. Hayes, seconded by Mr. McClash, and carried 6 to 0, to authorize payment of \$70,410 to renew flood insurance coverage with New Hampshire Insurance Company on 11 properties (listed on invoice/spread sheet from First Florida Insurance Brokers [FFIB] dated 3/18/11). [BC20110411DOC056](#)

17TH STREET EAST, PALMETTO (U.S. 41 TO CANAL ROAD)

Rob Cuthbert, Financial Management Department, explained Change Order 4 to contract with Peter A. Basile Sons, Inc., for 17th Street East (U.S. 41-Canal Road) increases the original contract by \$173,944.61, and adds 68 calendar days, for a revised completion date of

February 28, 2011. Change Order 4, along with Change Order 3, results from a claim filed by the contractor (1/4/10); completed in accordance with the Recommended Order (6/10/10), and approved by the Board (8/24/10) for additional compensation to dispose of contaminated fill. Change Order 4 represents full and final settlement of all issues.

(Depart Ms. Whitmore; Mr. Chappie presiding)

The County terminated the contract with Peter A. Basile Sons, Inc., will complete the work, reduce the retainage accordingly, and submit a final change order.

(Enter Ms. Whitmore, presiding)

Motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried 6 to 0, to approve the request as presented on the agenda memorandum. [BC20110412DOC057](#)

FERTILIZER ORDINANCE

Mr. McClash moved to schedule a public hearing for the Fertilizer Ordinance as quickly as legally possible. The motion was seconded by Mr. Gallen. Mr. McClash recommended it be advertised to the extent similar to Pinellas County/Tampa Bay Natural Estuary Policy recommendation. The motion carried 6 to 0. [BC20110412DOC058](#)

COMMISSIONERS' COMMENTS

Chaz Equipment Company

Mr. McClash asked the County Administrator to report on whether Manatee County has had any piggyback contract dealings with Chaz Equipment Company, similar to the events Sarasota County recently experienced.

Mr. Hunzeker advised controls are in place with Manatee County's Procurement Policy in order to mitigate the possibility of a similar situation. Board members will be sent information.

Mr. Cuthbert stated that Manatee County has not done business with Chaz. [BC20110412DOC049](#)

Urban Core

Mrs. DiSabatino stated the discussion at the recent land-use meeting regarding renovating the urban core generated positive input from the public and local builders. [BC20110412DOC049](#)

Beazer Homes USA, Inc.

Mrs. DiSabatino stated Beazer Homes is launching a new home rental division to purchase, upgrade, and rent previously-owned homes to consumers who are not ready to purchase a house, or who cannot qualify for a mortgage. [BC20110411DOC059](#)

Tampa Bay Regional Planning Council

Mrs. DiSabatino attended the TBRPC meeting yesterday and the Parrish Lakes DRI was approved. [BC20110412DOC049](#)

Port Manatee

Ms. Whitmore spoke of the need to extend the Free Trade Zone across from the Port; the need for open dialogue with Port staff; and desire for consistent communication about Port business.

Discussion: Board members separating themselves from Port business; a nonemployee is needed to market the area and solicit customers to the Port, the Port Encouragement Zone, a conglomeration of private entities; both County and Port need to share this endeavor; etc.

Mr. McClash asked the County Administrator to bring back the option of motivating a firm to bring business into the Encouragement Zone, encourage a Port-related use as first priority, and insert language that encourages Port-related uses. [BC20110412DOC049](#)

(Depart Ms. Whitmore; Mr. Chappie presiding)

Junior Leadership Manatee

Mr. Chappie said he, Mrs. DiSabatino, and Mr. Hunzeker spoke at the Junior Leadership Manatee meeting last week.

[BC20110412DOC049](#)

Peace River/Manasota Regional Water Supply Authority

Mr. Chappie said the Peace River/Manasota Regional Water Supply Authority plans to send a letter to Southwest Florida Water Management District (SWFWMD), relaying concern of the potential elimination and/or consolidation of the basin boards. The County Commission may want to consider sending a letter.

[BC20110412DOC049](#)

Criminal Nuisance Abatement Board

Mr. Chappie advised that John Barnott, Building and Development Services Director, plans to advertise for the position of Repetitive Crime Specialist (formerly held by Anne Marie Harper).

[BC20110412DOC049](#)

Abandonment of Real Property/Unsafe Structures

Mr. Chappie advised staff is working on a draft ordinance to create a program requiring owners of vacant, abandoned property to register the property within a data base for county and city in order for law enforcement to know who is responsible for upkeep and securing the property.

Discussion: Relief is needed in the interim; safety issue; policy is in the Unsafe Structures Ordinance; property owners are responsible for securing abandoned structures; Code Enforcement issue; Board limitations; burned out homes in Bayshore Gardens area; the Repetitive Crime Specialist position is integral to the program; future work session; etc.

Rob Eschenfelder, Deputy County Attorney, stated Code Sections 2-6-20 through 2-6-23.4 deals with unsafe structures. The regulations are in place, but it is more an issue of resources.

[BC20110412DOC049](#)

Home Solicitation

Mr. Chappie questioned how home solicitation is addressed in unincorporated areas of the county. Solicitors in Bradenton Beach are required to register with the Police Department.

Mr. Eschenfelder advised that Florida Statute limits the ability of local government to require solicitors to register their professions.

[BC20110412DOC049](#)

County Smoking Policy

Mr. Chappie stated it may be time for the County to revisit a preference to hire non-smokers.

Discussion: County health insurance program encourages employees to have healthy habits; different tiers of health insurance offered; employees who report they have quit smoking, but quit temporarily to pass medical tests; legal staff is preparing a memorandum to the Board; etc.

[BC20110412DOC049](#)

Funding Appropriations

Mr. Gallen requested funded appropriations/sources be clearly delineated in agenda back-up material. The County Administrator will address this.

[BC20110412DOC049](#)

Tour of County-owned Buildings

Mrs. Hayes recently toured County-owned buildings and observed the amount of vacant space. She spoke with an individual who is interested in a large portion of the space and referred him to Charlie Bishop, Property Management Director.

[BC20110412DOC049](#)

Fairway Bend Traffic Signs

Mrs. Hayes submitted a letter of thanks from **Lance Kronzer**, Fairway Bend Homeowners' Association, to Public Works staff for their quick response to a request for traffic signs in the Fairway Bend neighborhood of Palm Aire.

[BC20110412DOC060](#)

63rd Avenue West Speed Limit Sign

Mrs. DiSabatino received a telephone call from a woman commending staff for timely replacement of a speed limit sign headed west, from the intersection at Tuttle Avenue.

The County Administrator stated those employees who received public praise will be recognized during the department head meeting. Personal letters will be sent to their homes acknowledging their service to the community. [BC20110412DOC049](#)

East County Transit Survey

Mrs. Hayes spoke about the results of a survey by Jeff Orenstein published in "Living Out East," polling the need for transit in East County. Copies will be provided to Board members. [BC20440412DOC061](#)

86th Street West/Cortez Road

Mrs. Hayes was made aware of a dangerous traffic issue near a boat storage facility and the community is requesting safety measures. [BC20110412DOC049](#)

Whitfield Homeowners' Association

Mrs. DiSabatino plans to attend the Whitfield Homeowners' Association meeting on May 9th. [BC20110412DOC049](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 1:51 p.m.
/pk/rll

Minutes Approved: June 2, 2011