

JULY 26, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:02 a.m.

Present were Commissioners:

Carol Whitmore, Chairman  
John R. Chappie, First Vice-Chairman  
Lawrence E. Bustle, Jr., Second Vice-Chairman  
Michael Gallen, Third Vice-Chairman  
Robin DiSabatino  
Joe McClash

Absent was Commissioner:

Donna Hayes (vacation)

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 Pastor Fidel Diaz, First Hispanic Baptist Church.

#### AGENDA

Agenda of July 26, 2011, and agenda update memorandum.

[BC20110726DOC001](#)

#### EMPLOYEE OF THE MONTH

Charlie Bishop, Property Management Director, and Dave Thompson, Division Manager, presented the Employee of the Month award to **Randall Siebert**, Property Management Building Supervisor.

[BC20110726DOC002](#)

#### EMPLOYEE SUGGESTION AWARD

Cheri Coryea, Neighborhood Services Director, presented an "Award of Recognition" to **Judy Mullen**, Librarian II, for her suggestion to reduce costs by revising the Library's Gift Book Receipt procedures.

[BC20110726DOC003](#)

#### BUILDING OFFICIAL OF THE YEAR

John Barnott, Building and Development Services Director, presented the "Building Official of the Year" award by the Gulf Coast Chapter of the Building Officials Association of Florida to **C. J. Dupré**, Manatee County Building Official.

[BC20110726DOC004](#)

#### TOASTMASTERS INTERNATIONAL

Mary Moeller, Toastmasters President; Tom Boyd, Area Governor for Toastmasters International; and Ed Hunzeker, County Administrator, presented Exceptional Achievement Certificates in the **Toastmasters International Communication Program** to the following recipients: Sage Kamiya, Rossina Leider, Jerson Lopez, Mary Moeller, Stephanie Moreland, Simone Peterson, Kelli Polanski, Phyllis Strong, Sharon Tarman, and Olga Wolanin.

[BC20110726DOC005](#)

#### PROCLAMATIONS

Motion was made by Mrs. DiSabatino, seconded by Mr. Chappie, and carried 6 to 0, to adopt a Proclamation designating August 1-7, 2011, as World Breastfeeding Week, which was accepted by **Fred Leonard** and **Katie Powers**.

[BC20110726DOC006](#)

**CONSENT AGENDA****Citizen's Comment**

**Joe Shea** noted he is reporting for the Manatee County Times (his own publication) and looks forward to serving the County.

Motion was made by Mrs. DiSabatino, seconded by Mr. Bustle, 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 **Change Order 3 Bennett Park/Design Build Construction Services/Phase I; Classified Vehicles for Surplus; and Dashboard Reports** (separate actions).

**CLERK'S CONSENT**[BC20110726DOC007](#)**BONDS****Accept:**

Sheriff's Public Employees and Deputy Sheriff's Blanket Bond (15 additions, 18 deletions).

[BC20110726DOC008](#)**44th Avenue East, Phase I and II**

**Release** Agreement Warranting Required Improvements - Securing School "G" Access, and Defect Security (Surety Bond 5030238 and any associated rider[s]), \$322,478.81.

**Lake Club, Phase I**[BC20110726DOC009](#)

**Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Final Lift of Asphalt, and Performance Bond (Surety Bond 5028088 and any associated rider[s]), \$336,130.20.

[BC20110726DOC010](#)**Lakewood Ranch Business Park - 44th Avenue East Portion (west of LWR Boulevard)**

1. **Release** Agreement Warranting Required Improvements, and Defect Security (Surety Bond 5030260 and any associated rider[s]), \$65,448.55.
2. **Release** Agreement Warranting Required Improvements - Final Lift of Asphalt, and Defect Security (Surety Bond 5030262 and any associated rider[s]), \$7,885.29.

**Lakewood Ranch Community District 2**[BC20110726DOC011](#)

**Release** Agreement Warranting Required Improvements - Securing Turnover of Lift Stations 4, 10, 11, and 13, and Defect Security (Surety Bond 5025415 and any associated rider[s]), \$97,441.11.

[BC20110726DOC012](#)**Lakewood Ranch Community District 5**

1. **Release** Agreement Warranting Required Improvements - LaCantera Sewer System, and Defect Security (Surety Bond 5033896 and any associated rider[s]), \$33,776.85.
2. **Release** Agreement Warranting Required Improvements - Sanitary Sewer System, and Defect Security (Surety Bond 5033194 and any associated rider[s]), \$142,365.61.

**Residences at University Groves**[BC20110726DOC013](#)

**Release** Agreement Guaranteeing Completion of Required Improvements - Infrastructure Improvement for Shade Avenue, and Performance Bond (Surety Bond 105133968 and any associated rider[s]), \$190,870.23.

[BC20110726DOC014](#)**River Plantation, Phase II**

**Accept** Agreement Guaranteeing Wetland Mitigation System with CL Realty LLC, and Performance Bond (Surety Bond 105608240), \$61,619.30.

[BC20110726DOC015](#)**University Parkway Right-In/Right-Out Access Connection**

1. **Release** Agreement Guaranteeing Completion of Required Improvements - Infrastructure Improvements, and Performance Bond (Surety Bond 929509665 and any associated rider[s]), \$104,829.91.
2. **Accept** Agreement Warranting Required Improvements with Benderson Properties, and Defect Security (Surety Bond 929530751), \$8,063.84.

[BC20110726DOC016](#)**Woods of Moccasin Wallow**

**Release** Agreement Guaranteeing Completion of Required Sidewalks and Bikeways, and Performance Bond (Letter of Credit 68018774, and any associated amendment[s]), \$33,637.50.

[BC20110726DOC017](#)

**Woods of Moccasin Wallow, Phase I**

**Release Agreement Warranting Required Improvements, and Defect Security (Letter of Credit 68018773 and any associated amendment[s]), \$74,207.23.** [BC20110726DOC018](#)

**REFUNDS**

Florida Department of Transportation – Grant Overpayment	\$1,219.65
Pulte Homes – Impact Fees	\$11,927.50
Pulte Homes – Impact Fees	\$121,289.95
Sarabay Associates LLLP – Legend’s Bay – Impact Fee	\$3,506.50

**WARRANT LIST**

June 21, 2011, through July 25, 2011 [BC20110726DOC019](#)

[BC20110726DOC020](#)

**MINUTES**

May 24, 2011, June 2, 7, 16, and 21, 2011. [BC20110726DOC021](#)

**ACCEPT**

**Administrative Contract Adjustments (Pursuant to Resolution R-07-189):**

1. **Lake Manatee – Dam Tainter Gates – Adjustment One to Purchase Order (P0102624) with Johnson Brothers Corporation; increase of \$83,302.60, adjusted total \$5,820,386.02.** [BC20110726DOC022](#)
2. **Southwest Water Reclamation Facility – Filter Piping Improvements – Adjustment One to Purchase Order (P1100678) with RTD Construction, Inc.; increase \$29,678.88, revised total \$1,856,048.88.** [BC20110726DOC023](#)

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

3. **Architectural/Engineering Services - Engineer of Record – Addendum Five to Agreement with McKim and Creed, Inc., extending the Agreement 120 days (8/29/11-12/27/11).** [BC20110726DOC024](#)
4. **Beverage and Snack Food Vending Machine Concessions – Addendum Five to License Agreement with Snackworks, Inc., extending the Agreement 60 days (6/20/11-8/19/11).** [BC20110726DOC025](#)
5. **Alzheimer’s Disease Initiate – Respite Service – Addendum Four to Agreement with Tidewell Home Health LLC dba Approved Home Health extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$104,579, revised total \$217,381.** [BC20110726DOC026](#)
6. **Community Care for the Elderly – Homemaker Service – Addendum Three to Agreement with Tidewell Home Health LLC dba Approved Home Health extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$108,120, revised total \$229,227.** [BC20110726DOC027](#)
7. **Community Care for the Elderly – Personal Care Service – Addendum Four to Agreement with Tidewell Home Health LLC dba Approved Home Health extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$137,311, revised total \$291,020.** [BC20110726DOC028](#)
8. **Community Care for the Elderly – Respite Service – Addendum Four to Agreement with Tidewell Home Health LLC dba Approved Home Health extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$77,490, revised total \$164,382.** [BC20110726DOC029](#)
9. **Community Care for the Elderly – Homemaker Service – Addendum Two to Agreement with All Stat Home Health extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$22,550, revised total \$55,650.** [BC20110726DOC030](#)
10. **Community Care for the Elderly – Homemaker Service – Addendum Two to Agreement with Home Instead Senior Care extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$56,800, revised total \$132,383.** [BC20110726DOC031](#)
11. **Community Care for the Elderly – Personal Care Service – Addendum Three to Agreement with Home Instead Senior Care extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$13,500, revised total \$27,888.** [BC20110726DOC032](#)
12. **Community Care for the Elderly – Homemaker Service – Addendum Two to Agreement with Utopia Home Care, Inc., extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$42,525, revised total \$94,507.** [BC20110726DOC033](#)

13. **Community Care for the Elderly – Personal Care Service** – Addendum Three to Agreement with Utopia Home Care, Inc., extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$34,425, revised total \$78,735. [BC20110726DOC034](#)
14. **Community Care for the Elderly – Emergency Alert Response (EAR) Services** – Addendum Two to the Agreement with ADT Security Services, Inc., extending the Agreement one year (7/1/11-6/30/12); total not to exceed \$10,894, revised total \$22,504. [BC20110726DOC035](#)
15. **Exotic Plant Eradication Services** – Addendum One to Agreement with E\_CO Consultants, Inc., extending the Agreement one year (5/22/11-5/21/12). [BC20110726DOC036](#)
16. **Force Main Replacement – Lift Station 12 – Anna Maria Island** – Contract (IFB 11-0497-OV, including Addendum 1 with Andrew Sitework LLC, \$139,552.33; Performance Bond; Labor and Material Payment Bond; and Certificate of Liability Insurance. [BC20110726DOC037](#)
17. **Holiday Heights Water – Phase III** – Change Order One to Contract with Andrew Sitework; decrease \$15,825.56, adjusted total \$983,910.39; and an additional 97 calendar days for a revised completion date of July 9, 2011. [BC20110726DOC038](#)
18. **Mechanical, Electrical, Plumbing Engineering Services** – Addendum Three to Agreements with ATP Engineering South and Forney Engineering, Inc., extending the Agreements one year (8/26/11-8/25/12). [BC20110726DOC039](#)
19. **Neal Preserve Habitat Restoration and Mitigation Construction** – Contract (IFB 11-1974-DS) with Woodruff & Sons, Inc.; \$171,592.96; Performance Bond; Payment Bond; and Certificate of Liability Insurance. [BC20110426DOC040](#)
20. **Oneco Terrace, Sunniland, and Kirk Haven – Water Phase 2** – Change Order Three (Final) to Contract with Harris McBurney Company; decrease of \$95,111.11, revised total \$778,851.01. [BC20110726DOC041](#)
21. **Parks and Recreation Special Interest Classes Instructor’s Agreement** – Nancy Cothron – Volleyball Camp. [BC20110726DOC042](#)
22. **Professional Auctioneering Services of Surplus Property** – Agreement (11-1072-DW) with Tampa Machinery Auction, Inc., for one year (6/28/11-6/28/12). [BC20110726DOC043](#)
23. **Professional Tourism Inquiry and Fulfillment Services** – Agreement (11-1067-DW) with Phase V of Southwest Florida, Inc.; not to exceed \$100,000; for one year (8/1/11-7/31/12). [BC20110726DOC044](#)
24. **Rebranding Study and Services – Professional Consulting Services** – Agreement with Aqua Marketing and Communications, Inc., \$24,400. [BC20110726DOC045](#)
25. **Southeast Water Reclamation Facility – Utility Architectural/Engineering Services** – Work Assignment Seven to Agreement with Malcolm Pirnie, Inc., \$460,915. [BC20110726DOC046](#)
26. **Sport Tourism Marketing Services** – Addendum Two to Agreement with Oan Events and Sports Marketing, Inc., to facilitate all administrative work as it relates to the bid process forms, meetings, and travel documents, maintain all sports related files the Bradenton Area Convention Visitors Bureau (BACVB) sponsors; maintain a calendar of events specifically related to sports business sponsored by BACVB; increase flat monthly rate to \$4,400; increase mileage reimbursement to \$.51 per mile; these changes effective June 1, 2011. [BC20110726DOC047](#)
27. **Stormwater Engineering Services** – Addendum One to Agreements with AECOM Technical Services, Inc., and URS Corporation Southern, extending the Agreements one year (9/14/11-9/13/12). [BC20110726DOC048](#)
28. **Utility and Rehabilitation Services** – Addendum Two to Agreements with Gator Grading and Paving LLC; Seavy and Associates; TLC Diversified, Inc.; and Woodruff and Sons, Inc., extending the Agreements one year (8/25/11-8/24/12). [BC20110726DOC049](#)

**FY 2011-12 Proposed Budgets for:**

1. **Buckeye Park Community Development Districts;** [BC20110726DOC050](#)
2. **Greyhawk Landing Community Development District;** [BC20110726DOC051](#)
3. **Palma Sola Trace Community Development District;** [BC20110726DOC052](#)

4. **Sanctuary Cove Community Development Districts;** [BC20110726DOC053](#)
5. **SouthBay Community Development Districts;** [BC20110726DOC054](#)
6. **Villages of Avignon Community Development District;** [BC20110726DOC055](#)
7. **Villages of Glen Creek Community Development Districts; and** [BC20110726DOC056](#)
8. **Waterlefe Community Development District.** [BC20110726DOC057](#)

**Harrison Ranch Community Development District** - Resolution 2011-06 identifying FY 2011-12 meeting dates, time, and location per *Florida Statute 189.417(1)*. [BC20110726DOC058](#)

**Manatee Community Action Agency, Inc.** - Audit and Financial Statement for FY ended 2010. [BC20110726DOC059](#)

**Tara Community Development District 1** - Resolution 2011-04 identifying FY 2011-12 meeting dates, time, and location per *Florida Statute 189.417(1)*. [BC20110726DOC060](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Corrective Document: Ordinance PDMU-06-16(P)(R3) - University Groves** - Scrivener's error in the approval date (adopted 1/7/10). [BC20110726DOC061](#)

**COUNTY ADMINISTRATOR**

**ACCEPT PURSUANT TO RESOLUTION R-09-161**

**44th Avenue East (U.S. 41 To 15th Street East)**

Authorization to execute and record Subordination of Utility Interests and Agreement for Reimbursement of Additional Facility Relocations with Florida Power & Light Company, including the resolution of real estate interest in eminent domain cases: Manatee County v. Joyce N. Courchesne, etc., et al., Case 2011-CA-2439, Parcels 102 and 103; Manatee County v. Citrus Grove Home Owners Association, Inc., etc., et al., Case 2011-CA-2442, Parcel 107; Manatee County v. Sheila D. Leach, as Trustee of the Sheila D. Leach Trust U/A dated May 6, 2002, et al., Case 2011-CA-2444, Parcels 129, 130, and 730; and Manatee County v. El Rancho Village, Inc., etc., et al., Case 2011-CA-2445, Parcel 731.

**Refund**

Authorization for refund to the Florida Department of Transportation expenses that were not charged to the **DUI Grant Program**, but were inadvertently reimbursed, \$1,219.65.

**West Central Florida Area Agency on Aging**

1. Execution of Amendment 2 to the 2010-11 **Alzheimer's Disease Initiative Agreement (ADI-10/11-MAN)** with the West Central Florida Area Agency on Aging, Inc.; increase of \$2,058, adjusted total \$134,518.
2. Execution of Amendment 3 to the 2010-11 **Community Care for the Elderly Agreement (CCE-10/11-MAN)** with West Central Florida Area Agency on Aging, Inc.; increase of \$5,678, adjusted total \$847,688.

**Edward Byrne Memorial Justice Assistance Grant**

1. Execution of a Certificate of Participation with the Florida Department of Law Enforcement for Manatee County to serve as the coordinating unit of government for the Federal Fiscal Year 2011 Edward Byrne Memorial Justice Assistance Grant Program.
2. **R-11-158** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT (FDLE); AUTHORIZING THE CHAIRMAN, THE COUNTY ADMINISTRATOR, OR THE DEPUTY COUNTY ADMINISTRATOR TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO GRANT SUBMISSION AND ACCEPTANCE; AND AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT DIRECTOR OR DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS REQUIRED IN CONNECTION WITH GRANT ADMINISTRATIVE FUNCTIONS; and
3. Execution of letter to the Florida Department of Law Enforcement approving allocation of Federal Grant Funds to the **Juvenile Services Program, Inc. - Juvenile Detention Screening Project; Manatee Glens Corporation - Manatee**

**County Drug Court; and Manatee County Probation Division – Case Manager.  
University Parkway Resurfacing (U.S. 301 to I-75)**

Authorization for the County Administrator or his designee to execute Change Order 2 to Purchase Order P0101736 with Superior Asphalt, Inc.; decrease of \$113,740.81 (westbound portion); decrease of \$164,184.81 (eastbound portion); total decrease of \$277,925.62, adjusted total \$1,978,866.65; with an additional 133 calendar days, for a revised completion date of February 25, 2011.

**Robinson Preserve**

Authorization for the County Administrator to execute Cooperative Agreement F11AC00466 with the U.S. Department of Interior, Fish and Wildlife Service, for restoration of four acres of wetlands and one acre of uplands, \$22,525. [BC20110726DOC062](#)

**LAWSUITS**

1. **1187 Upper James of Florida LLC/The Bearded Clam** - Authorization for the County Attorney's Office and the County Administrator, through his designated staff, to attend the mediation and dispute resolution process to be scheduled as required by Florida Statutes, regarding PDMU-98-03(P)(R), Case DR-11-01. [BC20110726DOC063](#)
2. **Trisha L. Pratt v. Manatee County** - Authorization for the County Attorney's Office, Division of Risk Management, to settle the workers' compensation claim, \$35,000. [BC20110726DOC064](#)

**FINAL PLAT**

**Central Park, Subphase C-ba**

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee's Joinder In and Ratification of the Subdivision Plat and All Dedications and Reservations Thereon for Central Park, Subphase C-ba, 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 5039418, Bond Safeguard Insurance Company), \$30,616.54;
5. Agreement for Final Wearing Course of Asphalt on Roadways with Central Park Lifestyles LLC;
6. Conservation Easement from Central Park Lifestyles LLC; and
7. Supplemental Amendment to Declaration of Covenants, Conditions, and Restrictions for Central Park to add Subphase C-ba. [BC20110726DOC065](#)

**CHOOSE LIFE SPECIALTY LICENSE PLATE**

1. Execution of the 2010-11 Annual Choose Life Specialty License Plate Report as required by the Department of Highway Safety and Motor Vehicles.
2. **Budget Amendment**  
**Community Services Department      B-11-062**  
Supporting Description and Detail Attached
3. Execution of FY 2010-11 Choose Life Specialty License Plate general fund agreements with non-profit agencies: Family Creations, Inc., \$5,083; Manasota S.O.L.V.E., Inc., \$5,083; Kimberly Home, Inc., \$5,083; and Care Net Manasota Pregnancy Center, Inc.; \$1,750; total \$16,999 (10/1/10-9/30/11). [BC20110726DOC066](#)

**BUDGET AMENDMENT**

**Various Departments      B-11-063**

Supporting Description and Detail Attached

[BC20110726DOC067](#)

**IMPACT FEE CREDITS**

1. Execution of Credit Authorization CA-09-01(T) and Final Authorization of Transportation Credit for Dick Road-Blend-All Hotel Development, Inc., Walden Avenue-Blend-All Hotel Development, Inc., and WR-I Associates, Ltd., for eligible right-of-way dedication on Cooper Creek Boulevard for **Cooper Creek Office Campus**, \$81,100. [BC20110726DOC068](#)
2. Execution of Final Authorization of Transportation Credit CA-08-01(T) for Tramlaw LLC, for eligible right-of-way dedication at University Parkway and Honore Avenue, for **University Park Center**, \$174,018. [BC20110726DOC069](#)

**INFORMATION TECHNOLOGY INVENTORY**

Removal of various depreciated assets from Information Technology inventory, \$6,377.75. [BC20110726DOC070](#)

**ECONOMIC DEVELOPMENT INCENTIVE GRANTS**

1. **R-11-163** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RECOMMENDING THAT “**PROJECT VIOLET**” BE APPROVED AS A QUALIFIED TARGET INDUSTRY BUSINESS PURSUANT TO §288.106, *FLORIDA STATUTES*, AFFIRMING THIS IS A MANUFACTURING PROJECT; REQUESTING A WAIVER OF THE AVERAGE WAGE REQUIREMENT OF §288.106(4)(b)1.a., *FLORIDA STATUTES*, PROVIDING LOCAL FINANCIAL SUPPORT FOR FISCAL YEAR 2012-2013 THROUGH 2017-2018; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110726DOC071](#)
2. **R-11-164** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT “**PROJECT CAMELLIA**” BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110726DOC072](#)
3. **R-11-165** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FINDING THAT “**PROJECT SHARP**” BE APPROVED FOR AN ECONOMIC DEVELOPMENT INCENTIVE (EDI) GRANT AND A TRANSPORTATION IMPACT FEE INCENTIVE (TIFI) FOR FISCAL YEARS 2011-2012 THROUGH 2015-2016; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110726DOC073](#)
4. **R-11-168** 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 2013-2014 THROUGH 2016-2017; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110726DOC074](#)
5. **R-11-166** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-10-246, AND FINDING THAT “**PROJECT GOLD**” IS 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 YEAR 2012-2013 THROUGH 2017-2018; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110726DOC075](#)
6. **R-11-167** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-11-010, AND FINDING THAT “**PROJECT HEART**” IS 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 YEAR 2012-2013 THROUGH 2017-2018; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20110726DOC076](#)

**RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM**

Execution of the Residential Construction Mitigation Program (RCMP) State-Funded Subgrant Agreement with the State of Florida, Division of Emergency Management; grant amount \$150,000. [BC20110726DOC077](#)

**15TH STREET EAST AT 51ST AVENUE EAST RIGHT-OF-WAY IMPROVEMENT PROJECT**

1. Execution of a Contract for Purchase of a Warranty Deed with Casa Restauracion Salem in Palmetto, Inc., for a 4,014-square-foot parcel, \$24,425.50, inclusive of attorney’s fees and costs (Parcel 108); **and** authorization for Finance to make the check payable to the Bella Y. Patel, P.A., Trust Account. [BC20110726DOC078](#)
2. Execution of a Contract for Purchase for a Warranty Deed with John W. Walls, as Trustee of the John W. Walls Revocable Living Trust Dated February 11, 2004, for a 3,630-square-foot parcel, \$11,783.66 (Parcel 109). [BC20110726DOC079](#)
3. Acceptance of Warranty Deed and Affidavit of Ownership and Encumbrances from Robert W. and Mary F. Flanders (Parcels 111, 112, and 113). [BC20110726DOC080](#)
4. Execution of a Contract for Purchase for a Warranty Deed with John L. Legault for a 479-square-foot parcel, \$2,000 (Parcel 117). [BC20110726DOC081](#)

5. Execution of a Contract for Purchase of a Right-of-Way Easement and Temporary Construction Easement with Pioneer Park LLC, \$19,618.55, inclusive of attorney's fees and costs (Parcels 806/706); **and** authorization for Finance to make the check payable to the Bella Y. Patel, P.A., Trust Account. [BC20110726DOC082](#)
6. Execution of a Contract for Purchase of a Right-of-Way Easement and Temporary Construction Easement with Ali F. and Fatma S. Arin, \$9,475 (Parcels 801/701A/701B).

**DEEDS AND EASEMENTS**

[BC20110726DOC083](#)

1. **24th Street East Extension** - Special Warranty Deed from AP Bradenton Limited Partnership conveying a stormwater retention site and additional right-of-way. [BC20110726DOC084](#)
2. **Hidden River Trail** - Utility Easement and Affidavit of Ownership and Encumbrances from Lakewood Ranch Community Development District 5. [BC20110726DOC085](#)
3. **503 Pine Avenue, Anna Maria** - Utility Easement and Affidavit of Ownership and Encumbrances from TOPAZFISH LLC and WHITEFISH LLC. [BC20110726DOC086](#)

**44TH AVENUE EAST (12TH STREET EAST TO 19TH STREET COURT EAST)**

Execution of Contract for Sale and Purchase of a Warranty Deed with Manasota Industrial Park Associates LLC for .42 acres for right-of-way improvements, \$77,850 (Parcel 149).

**WARES CREEK STORMWATER IMPROVEMENT PROJECT**

[BC20110726DOC087](#)

1. Execution of a Contract for Sale and Purchase for a Warranty Deed and Access and Maintenance Easement with Christopher E. Costantino, Ralph F. Costantino, and Donnatta Costantino-Lowenhaupt, \$105,500 (Parcel E105A); **and** authorization to issue three checks to: (1) Christopher E. Costantino, \$35,166.67; (2) Ralph F. Costantino, \$35,166.67; and (3) Donnatta Costantino-Lowenhaupt, \$35,166.66. [BC20110726DOC088](#)
2. Acceptance of Warranty Deed, Access and Maintenance Easement, and Affidavit of Ownership and Encumbrances from Benjamin and Lisa Shives (Parcel E128); Disclaimer from Stephanie S. River and Christina B. Faulk, tenants; and Partial Release of the fee acquisition and Consent to the easement from Wells Fargo Bank, N. A., as successor in interest to World Savings Bank, FSB. [BC20110726DOC089](#)

**WHITFIELD ESTATES SUBDIVISION**

Execution of a Contract for Purchase of a Utility Easement with MELAV LLC for an easement over property located at 201 Magellan Drive, required for the replacement of a force main along U.S. 41 (Tamiami Trail), \$20,000 (Parcel 801); **and** authorization for Finance to make the check payable to Wachovia Bank, a Wells Fargo Company.

**UNCOLLECTIBLE EMS ACCOUNTS**

[BC20110726DOC090](#)

**R-11-159** 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. [BC20110726DOC091](#)

**WASHINGTON GARDENS, PALMETTO – STREET LIGHTING**

Authorization to set a public hearing on August 23, 2011, at 9:00 a.m. or as soon thereafter as possible, to consider creating a **Street Lighting Municipal Service Benefit Unit**. [BC20110726DOC092](#)

**SURPLUS PROPERTY**

1. Authorization to classify property which is uneconomical to upgrade or repair as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition of said property, and authorization to thereafter dispose of such property; and
2. RESOLUTIONS OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLASSIFYING CERTAIN TANGIBLE PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DONATION THEREOF PURSUANT TO *SECTION 274.05, FLORIDA STATUTE*

**R-11-161** – Projection Carts to **Manatee United Methodist Church**; and  
**R-11-162** – Traffic Controller to **Pinellas County**.

[BC20110726DOC093](#)



**SERVICE FEE WAIVERS**

Authorization to waive \$455 in service fees assessed to various utility customer accounts for returned bank items. [BC20110726DOC094](#)

(End Consent Agenda)

**CITIZENS' COMMENTS**

**Springfield Project**

**Charles Haynes**, representing a 25th Street property owner, voiced opposition and concerns regarding PDR-11-03 Springfield Subdivision scheduled for public hearing on August 4, 2011.

Discussion: Board has not reviewed this issue; heard by Planning Commission; etc.

Tedd Williams, County Attorney, noted public comment regarding a land use request is not appropriate for discussion and should be part of the record at the August 4, 2011, public hearing.

Sarah Schenk, Deputy County Attorney, stated Mr. Haynes' comments could be incorporated into the record by the Clerk for the August 4th land use public hearing; however, should not be discussed today.

Mr. Williams indicated his position is that comments heard inadvertently outside of the context of the public hearing can be incorporated into the public hearing record, but the Board should not entertain comments outside the public record as part of the normal course of events.

Ms. Schenk noted due to several citizens' requests to speak, and in the absence of the applicant, public comments must be made at the August 4 public hearing.

Ms. Whitmore announced no additional public comments would be heard on this issue until the August 4 public hearing. [BC20110726DOC095](#)

**PUBLIC HEARINGS – PRESENTATION UPON REQUEST**

**PARRISH LAKES DRI 28**

Public hearing (Notices published) was opened to consider

**ORDINANCE 11-18 – PARRISH LAKES DRI 28**

Request: Approval of a new Development of Regional Impact to allow:

- a. 3,300 residential units;
- b. 400,000 square feet of retail; and
- c. 50,000 square feet of office.

The applicant also requests approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses, within specific ranges.

This DRI is proposed in two phases; Phase 1, which includes 1,500 residential units and 250,000 square feet of retail, with a build-out date of 2020, and Phase 2, which includes 1,800 residential units, 150,000 square feet of retail and 50,000 square feet of office, with a build-out date of 2030. Specific Approval is requested for both Phases 1 and 2.

The Parrish Lakes DRI is located generally south of Moccasin Wallow Road and north of Erie Road, approximately 1 mile east of I-75. The adopted Future Land Use is Mixed Use (MU), and the current zoning is A (General Agriculture), A-1 (Suburban Agriculture) and A/NCO (General Agriculture/North Central Overlay District) (±1,155 acres).

Motion was made by Mrs. DiSabatino, seconded by Mr. Chappie, and carried 6 to 0, to continue the public hearing for Ordinance 11-18 to October 6, 2011, at 9:00 a.m. or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, First Floor Chambers. [BC20110726DOC096](#)

**NO PARKING**

Public hearing (Notices published) was held to consider

**ORDINANCE 11-028**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING SECTION 2-22-22 OF THE MANATEE COUNTY CODE; INSTITUTING AND CREATING AN ADDITIONAL NO STOPPING, STANDING, OR PARKING ZONE TO INCLUDE PORTIONS OF THE 119TH STREET WEST AND HARBOUR LANDINGS DRIVE, BRADENTON; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Chappie, seconded by Mrs. DiSabatino, and carried 6 to 0, to adopt Ordinance 11-028. [BC20110726DOC097](#)

**FLORIDA DEPARTMENT OF HEALTH**

Dan Schlandt, Deputy County Administrator, stated there is an August 1, 2011, deadline for a land use agreement with the Florida Department of Health that would allow an application for \$2 million to construct additional facilities at the Health Department campus. Part of the funding will be required to demolish an old, unusable building, and staff will be relocated.

Discussion: Forward a concept plan to the Board; etc.

Motion was made by Mr. McClash, seconded by Mr. Chappie, and carried 6 to 0, to execute a land use agreement with the Florida Department of Health to permit Manatee Health Department to use certain property located at 202 6th Avenue East, Bradenton, subject to the County Attorney's Office legal review and approval. [BC20110726DOC098](#)

**HISTORIC PRESERVATION ORDINANCE**

Mr. Gallen noted an earlier request for a work session. In the interim, the Board was visited by Clerk of Circuit Court and University of South Florida (USF) representatives to review a draft Historic Preservation ordinance. One benefit of a Historic Preservation ordinance is becoming a Certified Local Government (CLG). CLG status would necessitate staff time to accomplish tasks and requirements; thus the staff recommendation is not to support the ordinance. Following discussions with the Clerk, USF, and non-profit organizations it was indicated the County would not have to seek CLG status immediately. He requested a work session to discuss a time line and review implementing an ordinance with delayed CLG status.

Discussion: CLG enables certain grant potential and historic preservation funds; ordinance will benefit the County even without CLG status; correct the current language in the ordinance; the Board and the County Administrator agreed to schedule a work session regarding this item; etc. [BC20110726DOC099](#)

**COMMISSIONERS' COMMENTS**

**Groover's Market**

Mr. Gallen stated the judge issued an Order in the Groover's Market case, including an injunction with several requirements of the business. Two major requirements include implementing cameras throughout the property and maintaining security or off duty police officers during business hours. He thanked all who supported this effort. [BC20110726DOC100](#)

**"We Buy Gold" and Gaming Facilities**

Mr. Gallen noted numerous e-mails have been circulated regarding establishments that advertise "We Buy Gold" and suggested discussion to ensure it is not encouraging crime.

The State Gaming Committee in Tallahassee sent a slide presentation, which indicated the County could regulate these games if they are not defined as slot machines.

Discussion: No problem with some of the gaming businesses; accusations that some businesses are not following State policy/procedure before they melt the gold; smash and grab robberies of heirlooms, and pieces cashed in and melted with no questions asked and no means of tracking; the Repetitive Crime position was created and needed as the key person to look at community issues and report to the Board in a non-law enforcement manner; victims are frustrated that businesses are not holding gold for at least fifteen days and reporting same to the Sheriff's Office; price of gold has hit an all time high which aggravates the problem; Board requested a report from staff regarding the Repetitive Crime position during budget discussions; etc.

[BC20110726DOC100](#)

#### **Land Use Matters**

Ms. Whitmore submitted standard language to be used when responding to citizen e-mails regarding quasi-judicial land use matters issued by the County Attorney's Office. Commissioners should delegate assistants to respond accordingly to citizens.

[BC20110726DOC100](#)

#### **Pain Management Clinics Ordinance**

Ms. Whitmore submitted a copy of Chief Deputy County Attorney, Jim Minix's response regarding the Sarasota County Ordinance on Pain Management Clinics. Manatee County's Pill Mill Ordinance was a temporary ordinance. Due to Medicare requirements, all physicians in the country must be on eScribe by June 30, 2011. The State requires specific forgery-proof prescription pads, as well as a report of all dispensed medicine. There was consensus for Mr. Minix to create a permanent ordinance.

[BC20110726DOC100](#)

#### **Animal Services Advisory Board**

Ms. Whitmore attended a meeting where an Anti-Tethering Animal Ordinance (submitted) was presented. Sarasota County has adopted an Anti-Tethering Ordinance. The Advisory Board voted for staff to make a presentation to the County Commission.

Discussion: Address the issue when Animal Services brings back the "no kill" policy; etc.

[BC20110726DOC100](#)

#### **Security at the Judicial Center**

Ms. Whitmore submitted a letter from the Sheriff's Office regarding security equipment and video storage at the Judicial Center.

Mr. Hunzeker noted the Judicial Center opened four years ago with security cameras; however, as cameras were added, the retention capability degraded. Discussion is planned for the budget meeting (6/29/11).

Discussion: If security is recorded, Statute requires retaining for thirty days; etc.

[BC20110726DOC100](#)

#### **United Way Bowling Tournament**

Ms. Whitmore noted she and other Commissioners participated in the recent United Way Bowling Tournament, which was a fundraising event.

[BC20110726DOC100](#)

#### **Recognition of County Citizens**

Ms. Whitmore recognized local citizens and thanked them for participating in events and showcasing Manatee County. They all should receive proclamations:

**We The Kings** - The young rock band will receive a proclamation from the Board in October.

**Jose's Real Cuban Food** - The restaurant will be featured on the Food Network show, Diners, Drive-Ins, and Dives, on September 19th.

**Hell's Kitchen** - Jamie Gregorich, a local woman and chef at **Euphemia Haye**, has made it through the second round on the television show Hell's Kitchen.

America's Got Talent - The Flores Family from Myakka City performed a motorcycle stunt act on America's Got Talent. [BC20110726DOC100](#)

**Shirley Talley**

Mrs. DiSabatino wished Ms. Talley, County Commission Executive Assistant, a speedy recovery from a recent illness. [BC20110726DOC100](#)

**South County Community Redevelopment Area**

Mrs. DiSabatino requested information regarding the membership application process. Several citizens have expressed interest in serving on the Advisory Board. [BC20110726DOC100](#)

**School Board**

Mrs. DiSabatino expressed disappointment regarding the recent vote by the School Board to continue Early Wednesday Dismissal. This issue will be re-examined next year. [BC20110726DOC100](#)

**Economic Incentive Awards**

Mrs. DiSabatino noted e-mails circulated during the recess from Turner Trees and Landscaping regarding a landscaping project, which involved a company that received economic incentive awards. She requested that staff address the local preference ordinance (copy submitted) when working with economic incentive recipients.

Discussion: County Administrator and County Attorney to review the incentive program for inclusion; opportunity to find local business/contractor list; filtering/screening mechanism of environmental aspects of new business to insure no burden is placed on nutrient load; screening process when evaluating potential businesses; staff will report; etc. [BC20110726DOC100](#)

**District 4 Business Expo**

Mrs. DiSabatino announced that District 4 is planning a Business Expo on September 17th, at the Bayshore Recreation Center and extended an invitation to all. [BC20110726DOC100](#)

**Impact Fee Credits**

Mr. McClash questioned if the impact fee credit policy includes that the impact fee credit should be based on the land before approval not after the property is improved. Credits based on values after the property is improved, makes it more expensive to the County. [BC20110726DOC100](#)

**BENNETT PARK**

Tom Yarger, Property Management Department, discussed Change Order 3 (\$481,373.46) to the Bennett Park project and noted \$430,803 will come from the Tree Trust Fund (Board actions in October 2008 and January 2011). The Change Order allows transfer of funds to the construction contract to pay for work completed by Turner Tree and Landscape.

Motion was made by Mr. Gallen to authorize the County Administrator, or his designee, to execute Change Order 3 with Holland Construction Corporation for Bennett Park; increase of \$481,373.46; adjusted total \$3,028,784.52; and an additional 63 days contract days for a revised completion date of June 15, 2011. The motion was seconded by Mr. Chappie and carried 6 to 0. [BC20110726DOC101](#)

**SURPLUS VEHICLES**

Ms. Whitmore noted an Animal Services truck is on the surplus list and requested transfer of same to an animal organization that aids the County.

William Hutchison, Public Safety Director, stated there are a number of animal agencies that work with the County (primarily rescue groups). The best way to become a "No Kill" Community is to keep the animals out of the County system, which is the goal of rescue groups. Gulf Shore Animal League has aided the County by taking cats and dogs for a savings of \$4,900 to date.

County cost to euthanize an animal is \$33. In 2012, County calls regarding feral cats will be turned over to the Gulf Shore Animal League for trapping, neutering, and releasing. This is an opportunity for the County to donate a truck equipped with a specifically-designed animal carrier. This type of vehicle brings limited money at auction.

Motion was made by Mr. McClash to approve authorization to classify vehicles which are uneconomical to operate as surplus, per *Florida Statute 274.05*, to enable appropriate and authorized disposition of said property and authorization to thereafter dispose of such property with the exception of Asset 46378, 2004 Chevrolet Silverado 2500 Animal Control Truck. The motion was seconded by Mrs. DiSabatino and carried 6 to 0.

Mr. McClash moved to allow Asset 46378, 2004 Chevrolet Silverado 2500 Animal Control Truck to be donated to the Gulf Shore Animal League. The motion was seconded by Mrs. DiSabatino and carried 6 to 0. [BC20110726DOC102](#)

### MONTHLY DASHBOARD REPORTS

Mr. Bustle recommended changes to improve information in the following Dashboard Reports:

Public Safety Department/ECC 911 Calls - inclusion of response time from receipt of the emergency call notification to the time the ambulance arrives on the scene (rather than the current reported time, which is from ambulance notification to arrival on the scene).

Mr. Hutchinson indicated the current format is the way response time (wheels turning to wheels stop) is required for State reporting purposes. He noted the front-end pre-dispatch time is a measure of performance and variable; however, staff will provide this information.

Financial Management Department/Impact Fees - should include the impact fees received.

Mr. Hunzeker agreed the report should show how much activity is taking place in the impact fee arena.

Public Works Department/Transit Ridership - Mr. Bustle reviewed the Longboat Key trolley ridership stating in June 2009, ridership was 9,700, in June 2010, was 8,100, and in June 2011, was 6,100. This shows a drastic decrease, and at the same time Longboat Key is trying to decrease service.

Discussion: Decrease in transit services causes ridership to go down; analysis derived from the report; explain the difference in trolley ridership chart vs. fixed route, para-transit and island trolleys chart; one chart is ridership the other is dollars; Anna Maria ridership has increased considerably this year; islands have been jammed this summer; etc.

Motion was made by Mr. Bustle, seconded by Mr. Gallen, and carried 6 to 0, to accept into the record the attached Dashboard Report for the month of June 2011. [BC20110726DOC103](#)

### TRANSIT FOR SENIOR CITIZENS

Ms. Whitmore requested staff to determine transit ridership for customers 80 years of age and over. A report showed the number of riders age 80 and above was 10-20 or equal to \$2-3,000 in cost. She requested consideration of free transit ridership for customers 80 and over noting this action may encourage elders to give up their vehicles.

(Gavel to Mr. Chappie, presiding)

Ms. Whitmore moved that the County provide free transit for citizens age 80 and over (excluding para-transit). Motion was seconded by Mr. McClash.

Tedd Williams, County Attorney, requested that his office have the opportunity to review the matter.

Discussion: Motion could include “depending on legal approval”; request staff review and take no action today; staff has supplied the numbers; etc.

Mr. McClash requested a friendly amendment to have staff and the County Attorney bring this back on a future agenda.

Ms. Whitmore restated the motion to have staff look into providing free transit service for citizens age 80 and over, excluding para-transit, as a future agenda item. Mr. McClash agreed, and the motion carried 6 to 0. [BC20110726DOC104](#)

(Gavel to Ms. Whitmore, presiding)

**COUNTY ADMINISTRATOR**

**Council of Governments**

Mr. Hunzeker announced the meeting of Council of Governments is scheduled August 2, 2011, 4:00 p.m., at the City of Bradenton.

**Chambers Renovation**

Mr. Hunzeker discussed the renovations to Commission Chambers and acknowledged Property Management staff for changes to the podium and staff work area for compliance with ADA requirements. [BC20110726DOC105](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 10:47 a.m.  
/vj/mr/njh

Minutes Approved: August 23, 2011