

NOVEMBER 21, 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
Lawrence E. Bustle, Jr., Second Vice-Chairman
Michael Gallen, Third Vice-Chairman
Robin DiSabatino
Donna Hayes
Joe McClash

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

A moment of silence was observed.

AGENDA

Agenda of November 21, 2011, and agenda update memorandum.

[BC20111121DOC001](#)

FIRST RESPONDERS GOLF TOURNAMENT

Sandra Rios, Longboat Key Club & Resort, submitted a check to Ed Hunzeker, County Administrator, from the First Responders Golf Tournament.

[BC20111121DOC002](#)

PROCLAMATIONS

Motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried 7 to 0, to adopt:

1. A Proclamation designating November 28, 2011, as American Association of University Women (AAUW) Day accepted by **Kathleen Dodge** and **Elaine Graham**. [BC20111121DOC003](#)
2. A Proclamation designating November 2011 as National Hospice and Palliative Care Month was accepted by **Denise Pope** of Tidewell Hospice. [BC20111121DOC004](#)

CONSENT AGENDA

Motion was made by Mrs. Hayes, seconded by Mr. McClash, and carried 7 to 0, to approve the Consent Agenda incorporating the language in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda), with the deletion of **Silver Lake Sanitary Sewer Lift Station and Force Main** (deferred) and **Commission Redistricting** (separate action). Items APPROVED:

[BC20111121DOC005](#)

CLERK'S CONSENT CALENDAR

[BC20111121DOC006](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bond (29 additions, 12 deletions).

[BC20111121DOC007](#)

Heritage Harbour, Phase 1, Subphase F, Units 1, 2, and 3

Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Securing Landscape and Irrigation; **and** Performance Bond (Surety Bond FGAC-05254), \$351,013.70.

REFUNDS

[BC20111121DOC008](#)

Utility Customer 128079-112442 – Fee Waiver	\$3,050.69
Ryan Companies US, Inc. – Application Fee	\$3,425.00
Fred M. Starling – Permit Fee	\$800.00

Manatee County Habitat for Humanity – Impact and Building Permit Fees	\$8,209.82
Rockwell Contracting, Inc. – Overpayment of Fees	\$2,660.00
Lennar Homes – Overpayment of Fees	\$1,200.00
David Weekly Homes – Overpayment of Fees	\$4,885.00
Forest Creek Associates – Overpayment of Fees	\$540.00

WARRANT LIST

[BC20111121DOC009](#)

November 8, 2011, through November 18, 2011

[BC20111121DOC010](#)

MINUTES

October 6, 2011

[BC20111121DOC011](#)

ACCEPT

1. **Summer Woods Community Development District – FY 2012 Proposed Operating Budget.** [BC20111121DOC012](#)
2. **City of Palmetto Notice of Annexation – Pursuant to Chapter 171 Florida Statutes, Ordinance 2011-29** annexing certain property (Waste Services of Florida, Inc., 1615 and 1619 Oakwood Avenue) into the City limits. [BC20111121DOC013](#)
3. **Manatee County Girls Club, Inc., dba Just For Girls –** Scrivener’s error correcting the address on page 2 of the Agreement (approved 11/8/11) for Stepping Up to Success and GAPS programs. [BC20111121DOC014](#)
4. **Tax-Advantaged Bonds –** Written Policies and Procedures. [BC20111121DOC015](#)

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

Downtown Bradenton Transit Station – Administrative Contract Adjustment One to Contract T1100058 with Zirkelbach Construction, Inc.; increase of \$36,112.41, adjusted total \$1,787,968.41; and an additional 10 contract days for a revised completion date of March 21, 2012. [BC20111121DOC016](#)

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

1. **Rowlett Elementary School Sidewalk, Phase IV –** Contract with Woodruff and Sons, Inc., \$302,631.93; Performance Bond; Payment Bond; and Certificate of Liability Insurance. [BC20111121DOC017](#)
2. **Oneco Terrace Waterline Replacement, Phase III –** Contract with Harris-McBurney Company, \$197,176; Performance/Payment Bond; and Certificate of Liability Insurance. [BC20111121DOC018](#)
3. **Professional Marketing Research Services for the Bradenton Area Convention and Visitors Bureau –** Addendum Four to Agreement with Research Data Services, Inc., extending the agreement one year (1/1/12-12/31/12). [BC20111121DOC019](#)
4. **Professional Advisory Services –** Engagement Letter with KPMG LLP. [BC20111121DOC020](#)
5. **2011/2012 Ad Campaign and Enews/Blog Content –** Change Order 1 to Work Assignment CVB069 with Insight Strategies, Inc., extending the agreement one year (10/1/11-3/31/12). [BC20111121DOC021](#)
6. **Monitoring of Lena Road and Erie Road Landfills –** Contract 11-2064FL to Work Assignment 11-01 with Atkins North America, Inc., \$353,388. [BC20111121DOC022](#)
7. **Professional Real Property Appraisal Services –** Agreement 10-1785FL with R&W Enterprises, Inc., for a period of one year (11/4/11-11/4/12) with four additional one year periods, \$500,000. [BC20111121DOC023](#)
8. **66th Street Utilities Maintenance Building**
 - a. Administrative Contract Adjustment One to Contract T1100059 with Holland Construction; increase of \$6,775.75, adjusted total \$2,093,907.75; and an additional 30 calendar days for a revised completion date of February 6, 2012; and
 - b. Administrative Contract Adjustment Two to Contract T1100059 with Holland Construction; decrease of \$2,834.16, adjusted total \$2,091,073.59; and an additional 30 calendar days for a revised completion date of February 6, 2012. [BC20111121DOC024](#)

COUNTY ADMINISTRATOR

AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

Execution of an Interlocal Agreement with the Manatee County and Sarasota County Sheriff’s Offices, and Manatee and Sarasota Counties, regarding procurement and

installation of the Automated Fingerprint Identification System (AFIS); not to exceed \$800,000 from each County. [BC20111121DOC025](#)

LAWSUIT – 9TH STREET EAST

Approval of the settlement of fees and costs with Watkins Investment Limited Partnership, in the eminent domain case of Manatee County v. Bradenton THCI Holding Company, et al., Case 2009-CA-3661, Parcels 105, 705A and 705B, \$31,250. [BC20111121DOC026](#)

LAKE CLUB, PHASE II, UNIT 1-B (AKA VINEYARDS)

1. Final Plat;
2. Lot Drainage and Grading Plans;
3. Mortgagee's Consent to Subdivision Plat and All Dedications and Reservations Thereon from Northern Trust, NA, fka Northern Trust Bank of Florida, N.A.;
4. Consent to Subdivision Plat and All dedications and Reservations Thereon from Lakewood Ranch Stewardship District; and
5. Supplemental Declaration from Lake Club Investors LLC. [BC20111121DOC027](#)

DRIVER EDUCATION SAFETY PROGRAM

1. Execution of an Agreement with the School Board of Manatee County for FY2011-12 Driver Education Safety Program for the **Dori Slosberg Driver's Education Enhancement Program**, \$140,475; and
2. **Budget Amendment**
Community Services **B-12-013**
Supporting Description and Detail Attached [BC20111121DOC028](#)

NON-PROFIT AGENCY FUNDING

Execution of FY 2010-11 Non-profit Agency Agreements with the following agencies:

1. HOPE Family Services, Inc. – Advocacy, \$18,376; **Emergency Safe Shelter**, \$37,668;
2. Manatee Glens Corporation
 - a. **Drug Court Residential**, \$14,140;
 - b. **Aging Services**, \$5,225;
 - c. **Mental Health Transport**, \$93,970;
 - d. **Addictions Emergency Response Services**, \$450,000;
3. Suncoast Center for Independent Living – Equipment Loan and Repair, \$16,066; **Portable Modular Ramps**, \$12,789;
4. Suncoast Partnership to End Homelessness, Inc. – Continuum of Care/Homeless Management Information System; \$86,828; and
5. United Way 2-1-1 of Manasota – 2-1-1 Information & Referral; \$35,765.

SUMMER FOOD SERVICE PROGRAM

Authorization for the Community Services Department to refund the Florida Department of Education for meals claimed but not validated for the Summer Food program for June 2011, \$958.30. [BC20111121DOC030](#)

BUDGET AMENDMENT

Various Departments **B-12-014**
Supporting Description and Detail Attached [BC20111121DOC031](#)

COURTHOUSE CHILLER PIPING

Authorization for the County Administrator or his designee to execute Change Order 6 to contract with B&I Contractors, Inc.; increase of \$9,288, adjusted total \$1,306,465.68; and an additional 15 calendar days for a revised completion date of November 15, 2011.

FINANCIAL REPORTING GUIDELINES

Approval of Local Guidelines to be followed in conjunction with Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, effective for fiscal years ending on or after September 30, 2011. [BC20111121DOC032](#)

ODOR AND CORROSION CONTROL SERVICES

Authorization for the County Administrator or his designee to execute an agreement with Siemens Industry, Inc., for an estimated annual expenditure not to exceed \$2,505,000. [BC20111121DOC033](#)

CONVENTION AND VISITORS BUREAU ROOF RESTORATION

Authorization for the County Administrator or his designee to execute Change Order 1 to the contract with All Steel Consultants, Inc., for roof restoration at the Convention and [BC20111121DOC034](#)

Visitors Bureau; increase of \$22,338, adjusted total \$642,568; and an additional 103 calendar days for a revised completion date of December 14, 2011. [BC20111121DOC035](#)

DREDGE MATERIAL DISPOSAL

Approval of the submission of West Coast Inland Navigation District (WCIND) funding request for **disposal of dredge material** temporarily staged on the Bayside Park side of Coquina Beach, on the south side of the Marine Resources Building, and authorization for the Chairman to execute the WCIND agreement, \$50,000. [BC20111121DOC036](#)

MANATEE AGRICULTURE REUSE SYSTEM - GRANT

Authorization for the Chairman to sign a letter to Carlos Suarez, State Conservationist, USDA, supporting an amendment to the agreement between USDA and the Florida West Coast Resource Conservation and Development Council (FWCRDC) providing for the expenditure of federal appropriations in support of the reclaimed water delivery system of the **Manatee Agricultural Reuse System**. [BC20111121DOC037](#)

COMMUNITY REDEVELOPMENT AREA ADVISORY BOARDS

R-11-248 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REVISING RESOLUTIONS 03-243 AND 03-244 RELATING TO QUALIFICATIONS FOR CRA ADVISORY BOARD MEMBERS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND TREATMENT OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20111121DOC038](#)

DEEDS AND EASEMENTS

1. 44th Avenue East Road Project

a. Personal Representative's Deed from April Renee Sumner and Clifford Conrad Summer as Personal Representatives of the Estate of Russell Hollis Sumner, and Quit Claim Deed from April Renee Sumner and Clifford Conrad Summer (Parcel 110). [BC20111121DOC039](#)

b. Warranty Deed, Temporary Construction Easement, and Affidavit of Ownership and Encumbrances from Aer-Flo Canvas Products Inc.; Partial Release and Joinder from The Bank of Commerce (Parcels 146, 147). [BC20111121DOC040](#)

2. **Plantation Village Co-Op, Inc.**, - Utility Easement and Affidavit of Ownership and Encumbrances from Plantation Village Co-Op, Inc., and Joinder from BankAtlantic.

EMERGENCY SUBSCRIBER LIST

Execution of a License Agreement with Verizon Florida, Inc., to provide the Emergency Subscriber List Information, which will be used with the Twenty-First Century Emergency Notification System, (annual cost of \$1,656). [BC20111121DOC042](#)

COMMUNITY TRANSPORTATION COORDINATOR

R-11-242 A RESOLUTION OF MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS REQUESTING THE SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION APPROVE AND RECOMMEND THAT THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS CONTINUE TO BE THE DESIGNATED COMMUNITY TRANSPORTATION COORDINATOR (CTC) FOR MANATEE COUNTY. [BC20111121DOC043](#)

TRANSPORTATION MANAGEMENT CENTER

R-11-239 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MANATEE TMC ACOUSTIC PANELS FPN:430847-1-58-01

(JPA with Florida Department of Transportation, \$60,000). [BC20111121DOC044](#)

PRECINCT CHANGES

Accept recommendations from Supervisor of Elections, Robert Sweat, to approve boundary changes and sites for certain precincts

1. New polling locations: **Precincts 4 and 28**;

2. Precincts no longer available: **Precincts 53, 69, and 75**; and

3. Precincts to be closed; **Precincts 54, 60, 61, 73, 78, 83, 84, 85, 101, 107, 120, 122, and 125**. [BC20111121DOC045](#)

(End Consent Agenda)

COMMISSION REDISTRICTING

Motion was made by Mr. Chappie and seconded by Mr. Bustle to adopt Resolution:

R-11-226 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REDISTRICTING THE COUNTY INTO COMMISSIONER DISTRICTS OF CONTIGUOUS TERRITORY AS NEARLY EQUAL IN POPULATION AS PRACTICABLE.

Discussion: Align precinct boundaries to follow the Commission district; align District 4 with Lockwood Ridge Road; constituent requests were followed; populations not equal in some districts; etc.

Bob Sweat, Supervisor of Elections, indicated that the County Commission districts do not have precinct splits; however, the state and federal districts will have splits.

Jim Minix, Chief Deputy County Attorney, stated district populations are as equal as possible.

Discussion: "Squaring off" the districts; need Supervisor of Elections Office signage; etc.

The motion carried 6 to 1, with Mrs. DiSabatino voting nay.

[BC20111121DOC046](#)

BENNETT PARK AND LEGISLATION

Mark Ogles, former Florida House of Representatives member, thanked the Board for Bennett Park and commented on the efforts by the Board in this economy.

Mr. Ogles noted working on three Legislative Bills this year. One is for the Science, Technology, Engineering, and Mathematics (STEM) program. Another is to move oversight of submerged lands from the Florida Department of Environmental Protection (FDEP) to the Southwest Florida Water Management District (SWFWMD). The Florida Property Assessment Clean Energy Program could create 1,500 jobs in Manatee County over five years and would bring in approximately \$200 million by lowering insurance costs by hardening businesses and homes through energy efficiency such as water conservation. The third Bill is for the Sister Cities Program to create jobs by partnering with countries in the Caribbean, and Central and South America.

Discussion: Work session; options; input from County Administrator on how to proceed; urgency for Sister Cities Program; etc.

[BC20111121DOC047](#)

CHICKENS IN RESIDENTIAL AREAS

Robert Kluson spoke in support of allowing chickens in residential neighborhoods. He noted other Florida cities allow chickens and spoke of educational programs for owning chickens.

Discussion: Cities of Palmetto and Sarasota passed Ordinances; staff research for Land Development Code (LDC) amendments; majority at Federation of Manatee County Community Association opposed; permits, inspections, and consent forms; setbacks; staff costs; etc.

Motion

Motion was made by Mr. McClash and seconded by Mrs. Hayes, to direct staff to investigate the issues surrounding different ordinances and place this item as a work session along with other LDC issues.

Mrs. DiSabatino submitted an article titled "*Urban Henfare A Model Approach to Keeping Chickens Within Residential Areas.*"

Mr. Kluson advised of a group called CLUCK (Citizens Lobbying for Urban Chickens).

Motion - Call the Question

Motion was made by Mr. Bustle, seconded by Mrs. Hayes, and carried 7 to 0, to call the question.

Motion – Carried

The motion by Mr. McClash carried 6 to 1, with Mrs. DiSabatino voting nay.

Mr. McClash clarified that this item should not take priority over any other LDC issues.

Later in the meeting, Mr. Chappie thanked the Board for this discussion.

[BC20111121DOC048](#)

TARA BOULEVARD BRIDGE

Darby Connor, Tara Community Development District Chairman, discussed widening Tara Boulevard in the area determined to be a wetland mitigation area by the Army Corps of Engineers and FDEP. SWFWMD representatives confirmed the area should not be disturbed, as it could affect the stormwater system. He discussed meetings with County planners to remove this area from the Sarasota Manatee Metropolitan Planning Organization list.

Sandy Gilbert, representing the Tara Community Affairs Committee Master Association, opposed the Tara Boulevard Bridge, but expressed support for reducing the lanes from four to two if the bridge goes forward.

Discussion: Bridge was in the Comprehensive Plan in 1989; part of grid system; future needs; report requested in 2009; etc.

Motion was made by Mrs. Hayes and seconded by Mr. McClash, to proceed forth with changing the Comprehensive Plan to reduce the four-lane section of Tara Bridge to a two-lane section as proposed June 9, 2009.

Discussion: County Administrator to bring back Comprehensive Plan amendment; project is unfunded; long-range plan; annual approval of Capital Improvements Element; Board action taken twice; staff report for timing of project; no reason to remove from sequence; etc.

The motion carried 6 to 1, with Mr. Bustle voting nay.

[BC20111121DOC049](#)

TOURIST DEVELOPMENT PLAN

Public hearing (Notices published) was held to consider

ORDINANCE 11-050

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC FINANCE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FINDINGS; AMENDING AND RESTATING ARTICLE II OF CHAPTER 2-29 OF THE MANATEE COUNTY CODE OF ORDINANCES (SECTIONS 2-29-21 THROUGH 2-29-27); PROVIDING FOR THE LEVY AND COLLECTION OF A TOURIST DEVELOPMENT TAX AS AUTHORIZED PURSUANT TO *SECTION 125.0104, FLORIDA STATUTES*; PROVIDING FOR PROHIBITIONS; PROVIDING FOR THE TAX TO CONSTITUTE A LIEN; PROVIDING FOR LOCAL COLLECTION AND ADMINISTRATION OF THE TAX; PROVIDING FOR DISPUTE RESOLUTION; PROVIDING FOR A TRUST FUND TO BE ESTABLISHED; PROVIDING FOR A TOURIST DEVELOPMENT PLAN; PROVIDING FOR AMENDMENT AND RESCISSION; PROVIDING FOR A TOURIST DEVELOPMENT COUNCIL; PROVIDING FOR ISSUANCE OF BONDED INDEBTEDNESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Elliott Falcione, Convention and Civic Center Director, indicated that the Tourist Development Council recommended adoption of the Ordinance.

Recess/Reconvene. All members present.

Bill Clague, Deputy County Attorney, outlined changes and priorities for funding the Convention and Visitors Bureau, the Civic Center, and promotion of Tourism. The City of Bradenton receives funds for the Pittsburgh Pirates, which will be limited to \$400,000 for use only at Pirate City.

The South Florida Museum gets funding to feed the manatees and remaining funds go to reserves.

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to adopt Ordinance **11-050**. [BC20111121DOC050](#)

REFINANCING PORT MANATEE LOAN

Public hearing (Notices published) was held to consider

R-11-246 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE, OF THE NOT EXCEEDING \$4,975,000 MANATEE COUNTY PORT AUTHORITY REVENUE NOTE, DRAW NO. B-2-1 (THE "2011B NOTE"), TO BE ISSUED IN CONNECTION WITH THE JPMORGAN CHASE BANK, N.A. CREDIT ENHANCED POOLED COMMERCIAL PAPER LOAN PROGRAM, SERIES B (AMT ISSUE) OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION FOR THE PURPOSE OF REFINANCING CERTAIN ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO PORT MANATEE PREVIOUSLY FINANCED BY THE MANATEE COUNTY PORT AUTHORITY THROUGH A BORROWING UNDER ONE OF THE OTHER POOLED COMMERCIAL PAPER LOAN PROGRAMS OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION; APPROVING THE ISSUANCE OF THE 2011B NOTE WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT BY AND BETWEEN MANATEE COUNTY, FLORIDA AND THE MANATEE COUNTY PORT AUTHORITY; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION.

Mr. Clague indicated that this is a rollover of the Port Manatee loan.

Motion was made by Mr. Gallen, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt Resolution **R-11-246**. [BC20111121DOC051](#)

FIRE MARSHAL APPEALS BOARD/FIRE PREVENTION CODE ENFORCEMENT BOARD

Public hearing (Notices published) was held to consider

ORDINANCE 11-045

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REPEALING CHAPTER 1-10 OF THE MANATEE COUNTY CODE RELATED TO THE FIRE MARSHAL APPEALS BOARD AND THE FIRE PREVENTION CODE ENFORCEMENT BOARD CREATED BY SPECIAL ACT 85-416; PROVIDING FOR REPEAL AND SUNSET OF THE BOARDS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr. Chappie, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt Ordinance **11-045**. [BC20111121DOC052](#)

CHILDREN'S SERVICES FUNDING

Public hearing (Notices published) was held to consider an emergency request by the Manatee Community Action Agency, Inc., for additional funding in an amount not to exceed \$67,385 for the Whole Child Manatee Program for October 1, 2011, through September 30, 2012.

Discussion: Earlier requests for funding from the Community Coalition on Homelessness for bus passes and IDs; funding was found; bring back a report; etc.

Motion was made by Mr. Chappie, seconded by Mr. Gallen and carried 7 to 0, to:

1. Authorize execution of an Agreement with Manatee Community Action Agency, Inc., for an additional \$67,385 (total of \$122,354) for the **Whole Child Manatee Program** (10/1/11-9/30/12); and

2. Budget Amendment
Community Services

B-12-015

[BC20111121DOC053](#)

PURCHASING REGULATIONS

Public hearing (Notices published) was held to consider

ORDINANCE 11-043

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO PROCUREMENT; AMENDING CHAPTER 2-26 OF THE MANATEE COUNTY CODE TO PROVIDE FOR OUTREACH TO SMALL BUSINESSES, TO ESTABLISH APPROVAL AUTHORITY FOR CERTAIN CONCESSIONS, TO ENHANCE ETHICAL STANDARDS; TO ESTABLISH OVERSIGHT AUTHORITY OF THE PURCHASING OFFICIAL, TO PROVIDE FOR SOLE SOURCE PROCUREMENTS, TO CLARIFY PROTEST PROCESS, TO MAKE VARIOUS OTHER MINOR REVISIONS TO THE CHAPTER; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Rob Eschenfelder, Deputy County Attorney, advised contracts with the County will be presented for approval. Additional updates to the Ordinance were reviewed.

Mr. Minix indicated that delegation of authority for execution of documents is being reviewed by the County Attorney.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to adopt Ordinance **11-043** and Resolution

R-11-241 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTIONS 93-22 AND 09-73; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND TREATMENT OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. [BC20111121DOC054](#)

PORT AUTHORITY

Based on a request by Mr. McClash to open a Port Authority meeting, there was a ruling of Port Authority Chairman, Larry Bustle, not to open a Port Authority meeting.

Jim Minix, Chief Deputy County Attorney, indicated that the Port Authority Rules allow a member to place an item on an agenda.

Motion was made by Mr. McClash and seconded by Mrs. DiSabatino, to open a Port Authority meeting.

Discussion: The Port staff and Port Attorney are not present; the public has not been informed; bring up item at next Port Authority meeting; call an emergency meeting; etc.

Mr. McClash indicated that he wanted to request Carlos Buqueras, incoming Port Executive Director, to accept a change to his employment contract to reflect the 5 percent limit on deferred compensation as previously agreed to by his text to Commissioner Bustle.

The motion carried 7 to 0.

[BC20111121DOC055](#)

(Note: See Port Authority meeting of this date for additional action)

Recess/Reconvene. All members present.

SURPLUS VEHICLES

Mrs. Hayes questioned the surplus of vehicles with less than 100,000 miles.

Mike Brennan, Fleet Services, reported that one vehicle was removed due to excess needs, and another was returned due to a transmission failure. The John Deere motorgrader has 6,500

hours and needs excessive repairs.

Motion was made by Mrs. Hayes, seconded by Mrs. DiSabatino, and carried unanimously, to classify vehicles which are uneconomical to operate as surplus per *Florida Statute 274.05* to enable appropriate and authorized disposition, and authorize disposal. [BC20111121DOC056](#)

Recess/Reconvene. All members present.

COMMISSIONERS' COMMENTS

Twenty-First Century Group

Mr. McClash expressed concern with the lobbying contract with Twenty-First Century Group and requested clarification of the efforts of the firm for the Advanced Traffic Management System. He questioned transportation funding for the Port Connector Road, and suggested contacting either Representative John Mica or Representative Vern Buchanan.

Discussion: Transportation funding requests; endangering future approvals; why spend funds; Twenty-First Century cannot lobby for Port Manatee; address next week; etc. [BC20111121DOC057](#)

2012 County Commission Officers

Mr. McClash inquired and confirmed that Mr. Chappie would accept the nomination for the County Commission Chair.

Mr. Chappie commented on the importance of water and West Coast Inland Navigation District issues.

Discussion: Include Commissioners DiSabatino and Gallen as possible Chairs for the Port Authority; not time to discuss Chair positions; committee selections; etc.

Ms. Whitmore noted she is in support of nominating Mr. Chappie for the County Commission Chair. She requested consideration for Port Chair. [BC20111121DOC057](#)

Strategic Materials

Mrs. DiSabatino noted there is a Strategic Materials business in her district that ships products out of the Port of Tampa that should be persuaded to shift their business to Port Manatee. [BC20111121DOC057](#)

Septic Systems

Mrs. DiSabatino submitted a homeowner's guide for septic systems that is available at the Health Department. [BC20111121DOC057](#)

Bradenton Transition Center

Mrs. DiSabatino visited the Center and staff is working on affordable housing placement. [BC20111121DOC057](#)

Blake Trauma Center

Ms. Whitmore announced the Trauma Center was state approved and opened on Saturday. [BC20111121DOC057](#)

Transportation Disadvantaged

Ms. Whitmore spoke of attending the Transportation Disadvantaged Council meeting where she was informed that when passengers on public transportation are injured, the Risk Management limit for the uninsured is \$2,500. [BC20111121DOC057](#)

Bennett Park

Ms. Whitmore remarked on the park opening, and commented that former County employee, Mike Sosadeeter was hired by Turner Tree and Landscaping. [BC20111121DOC057](#)

Manatee Beach Sign

Ms. Whitmore noted the new sign is very bright and requested the Citizen's Action Center and

Mr. Chappie addressed dimming the light.

Mr. McClash commented that the sidewalks are being installed (on S.R. 64) and almost completed, and that Public Works is reviewing a solution for pedestrian-friendly access to the beach.

[BC20111121DOC057](#)

County Events

Ms. Whitmore noted ribbon cutting ceremonies at Bennett Park, Wares Creek, and Rocky Bluff Library, and commented on District Commissioner's involvement, and participant's recognition.

Discussion: Invitation to opening events; include everyone involved; etc.

[BC20111121DOC057](#)

Propeller Club

Mr. Chappie spoke of the Port of Tampa Propeller Club working with technical schools and suggested the local Propeller Club do the same.

[BC20111121DOC057](#)

Fort Hamer Bridge

Mr. Chappie inquired on the status of the bridge, and Mr. Hunzeker read a summary of events, which he will forward to the Board.

[BC20111121DOC057](#)

Kingfish Boat Ramp

Mr. Chappie commented on the lights and how good the area looks.

[BC20111121DOC057](#)

Rocky Bluff Library

Mr. Chappie applauded staff for the library transformation.

Discussion: Recognize all involved; impressive opening; volunteers; etc.

[BC20111121DOC057](#)

South County Addresses

Mr. Chappie spoke of Sarasota addresses in the southern portion of Manatee County, and the need to change those to better reflect and represent Manatee County.

Discussion: Market our region; Whitfield Estates citizens do not want to change addresses; lower sales tax in Manatee County; more important issues; Post Office designates addresses; Longboat Key and Lakewood Ranch, etc., cross into Sarasota County; previous discussion; no Board consensus; begin at Federal level; etc.

[BC20111121DOC057](#)

FERTILIZER BILL

Mr. Gallen spoke of attending the Charlotte Harbor Estuary Committee meeting when discussion was held on House Bill 421 granting exemption to commercial applicators regarding the fertilizer ordinance (11-21). He submitted the meeting agenda. Staff will review for a policy statement.

Following discussion, motion was made by Mr. Gallen, seconded by Mrs. DiSabatino, and carried 7 to 0, for the Board to make House Bill 421 and its Senate companion, a legislative priority.

[BC20111121DOC058](#)

COMMISSIONERS' COMMENTS (Continued)

Sustainable Water Resource Management

Mr. Gallen spoke of a report on sustainable water resource management for the Peace Creek Watershed, in north Florida, which provides incentives for developers to restore historic water flows. He will forward the report to the Board and staff.

[BC20111121DOC057](#)

Vacant/Abandoned/Foreclosed Properties

Mr. Gallen inquired on the legal responsibilities for maintenance of bank-owned properties. A report will be supplied.

[BC20111121DOC057](#)

Groover's Market

Mr. Gallen requested a criminal nuisance report at 1st and 2nd Avenues near Groover's Market in Palmetto. A report will be supplied. [BC20111121DOC057](#)

Washington Park Borrow Pit (aka 88 Acres)

Mr. Gallen mentioned a 10-acre portion of the Borrow Pit could be filled in and developed.

Discussion: Try to place fill dirt where needed; WCIND funds to move sand/dirt; need for clean fill; etc. [BC20111121DOC057](#)

Do-Ray Villas

Mr. Chappie spoke of previously requesting extra fill dirt for the 40-acre area behind Do-Ray Villas, where the County is to build ball fields. Information will be brought back to determine if the item will be placed on an agenda or will be in a work session. [BC20111121DOC057](#)

Lincoln Park

Mr. Gallen relayed community appreciation for the renovated basketball courts. [BC20111121DOC057](#)

Tip Line

Mr. Gallen noted the State Attorney will verify his research for a tip line to report felons with weapons. [BC20111121DOC057](#)

Southeast High School Rowing Crew

Mr. Chappie congratulated the school for forming a new rowing crew. [BC20111121DOC057](#)

Manatee High School Football

Mrs. Hayes congratulated the football team for reaching the playoffs. [BC20111121DOC057](#)

Suncoast Workforce Board

Mrs. Hayes noted a favorable audit that reflected 7 percent administration expenses, and 93 percent of the funds used for community programs. [BC20111121DOC057](#)

Lakewood Ranch Business Alliance

Mrs. Hayes spoke of inquiries for the Lakewood Ranch transit project, and explained grant funding would be lost if the program began before 2015. [BC20111121DOC057](#)

Interstate 75 Signage

Mrs. Hayes commented on requesting former FDOT District Secretary Stan Cann to address interstate markings on S.R. 70, and that the ramps are now clearly marked. [BC20111121DOC057](#)

Port Manatee Tour

Mrs. Hayes noted a great response from her advisory committee who toured Port Manatee. [BC20111121DOC057](#)

Artists Show

Mrs. Hayes commented on the Neal Communities Christmas Card designed by Willis Elementary School students. [BC20111121DOC057](#)

Prayer at Commission Meetings

Mrs. Hayes noted a policy decision should be made regarding prayer at Commission meetings.

Discussion: County Attorney Request for Legal Services; laws; Constitutional right to pray; no religious favoritism; need press release; lawsuit; positive values; etc.

Jim Minix, Chief Deputy County Attorney, clarified there is no lawsuit, the County is in legal compliance, and there is no need for any changes. [BC20111121DOC057](#)

Drug Testing for Public Assistance Recipients

Mrs. Hayes commented that Governor Rick Scott's drug testing proposal is now being considered in other states. [BC20111121DOC057](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 12:44 p.m.
/qa/mr

Minutes Approved: December 20, 2011