

FEBRUARY 8, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 8, 1994, at 9:03 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Joe McClash, First Vice-Chairman
 Kent G. Chetlain, Second Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Also present were:

David Rothfuss, Assistant County Administrator
 H. Hamilton Rice, Jr., County Attorney
 Judy LaMee, Director of Communications and Development,
 representing R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by The Reverend Bill Clayton, First Church of God.

The meeting was called to order by Chairman Stephens.

CHAIRMANSHIP RECOGNITION

In appreciation and recognition of services rendered as Chairman during 1993, gavel plaques were presented to Lari Ann Harris, Chairman of the Board of County Commissioners; Joe McClash, Chairman of the Environmental Action Commission; Kent G. Chetlain, Chairman of the Civic Center Authority; and Stan Stephens, Chairman of the Manatee County Port Authority.

FACILITIES OF MERIT AWARD - MCKECHNIE FIELD

David Rothfuss, Assistant County Administrator, presented a rendering of a framed article depicting McKechnie Field, Thirteenth Annual Facilities of Merit Award Winner.

PROCLAMATIONS

Black History Month and Community Black History Exposition Day

Upon motion by Mrs. Glass and second by Mrs. Harris, a Proclamation was unanimously adopted designating the month of February 1994 as Black History Month and the third Saturday of February 1994 as Community Black History Exposition Day in Manatee County, Florida. RECORD S43-1232

Shriners' 1994 Hospital Benefit Days

Upon motion by Mrs. Harris and second by Mr. Gause, a Proclamation was unanimously adopted designating February 10, 11, and 12, 1994, as Shriners' 1994 Hospital Benefit Days in Manatee County, Florida. RECORD S43-1233

CITIZENS' COMMENTS

One-Cent Sales Surtax Referendum

William R. Wheeler, 611 33rd Street East, questioned the decision not to use mail ballots for the one-cent sales surtax referendum. He was advised this was an issue agreed upon by the School Board, not the Board of County Commissioners. He was reminded that absentee ballots are available to anyone unable to go to the polling locations.

Public Officials

Mac Barr, 4105 79th Street West, commented on an article appearing in the February 8, 1994, issue of The Bradenton Herald regarding a Fort Myers Superintendent of Schools who had been shot to death.

Illegal Signs

Murray R. Klees, 5400 34th Street West, stated his "For Sale" sign has been confiscated by the County and he is being assessed \$15 to retrieve his sign. Instead of removing such signs and imposing fines, he recommended the County warn the owners allowing them to remove the signs. He requested his fine be waived.

Discussion: Discuss policy and provisions in the Land Development Code at future time; staff time needed to call violators; etc.

Motion - Died

Mr. Chetlain moved to return the sign to Mr. Klees, reimburse him, and establish a policy to warn owners by phone. Motion died for lack of a second.

Disposition: Mr. Klees was referred to Rita Mooney, Planning, Permitting and Inspections/Code Enforcement Division. The Chairman requested the County Administrator review the policy and report recommendations.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mrs. Harris, the Consent Agenda dated February 8, 1994, was unanimously approved. Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Sheriff's Public Deputies Blanket Bond (15 Additions; 5 Deletions) RECORD S43-1234

BILLS FOR PAYMENT

Camp Dresser & McKee - Lake Manatee/East County Wellfield	
Pay Req 4-2163 (8/1/93-10/30/93)	\$ 3,559.19
Pay Req 4-2164 (Inception-10/30/93)	75,484.16
Pay Req 4-2267 (10/31/93-11/27/93)	2,868.56
Briley Wild & Assoc - Lychee Acres Sewer Collection Sys	7,509.64

Detention Facility:

R S Elliott & Assoc - Exterior Insulation/Finish Sys	23,624.00
Hughes Supply - Reinforcing Steel	6,162.79
" " - Plumbing Fixtures	30,715.16
The Trane Company - Air Conditioning Equipment	477,323.92
Conservation Consultants - Mitigated Wetlands Maint	1,100.00
Centex-Rooney/National Development -	
Construction Manager's Compensation (PO 97771)	130,203.24
Long-lead Procurement of Site Work & Certain	
Detention Equipment (PO 98879)	441,241.00
Construction in accordance w/Guaranteed Maximum	
Price (PO 99117)	1,879,928.00

REFUNDS

Neal Communities - Impact Fee	768.06
Mark Ventriglia - Impact Fee	1,403.47
Manatee Ventures Inc - Sewer Facility Investment Fee	1,300.00

WARRANT LIST

Approve: February 1, 1994, through February 7, 1994
 Authorize: February 8, 1994, through February 14, 1994

AUTHORIZE CHAIRMAN TO SIGN

9th Avenue Northwest-Road/Utility Improvements - Contract (approved 1/11/94) with Stately Contractors, Inc., \$216,366.95; acceptance of performance/payment bond, \$216,366.95 (American Casualty Company of Reading, Pa., Surety). RECORD S43-1235

Blackstone Park Food Concession - Contract (approved 1/27/94) with Orange Blossom Catering, Inc.; acceptance of cash deposit performance bond, \$5,000 (Barnett Bank, Manatee - Official Check 04179344). RECORD S43-1236

Buffalo Creek Golf Course/Irrigation System - Contract (approved 1/18/94) with MGI, Inc., \$144,244; acceptance of performance/payment bond, \$144,244 (Bankers Insurance Company, Surety) RECORD S43-1237

Satisfaction of Judgment - Mary E. Butler, Case 90-2519F/90-2520F (\$100.00)

Partial Release of Special Improvement Assessment Liens: Projects 5130; 301-2503; 301-5152 (2); 405-5235; 410-8601; 5047; 5147

ACCEPT

Peace River/Manasota Regional Water Supply Authority Financial Statements, together with Reports of Independent Accountants for Fiscal Year ended September 30, 1993.

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(Cont'd)

**COUNTY ADMINISTRATOR
MATERIALS & SERVICES**

Radio Communication Equipment - Annual sole source purchase of various 800 Mhz radio units and miscellaneous accessories from Ericsson G. E. Mobile Communications Distribution, Inc., for Public Works/Utilities and Planning, Permitting and Inspections/Code Enforcement, \$29,264.57.

SURPLUS PROPERTY

Classify excess property as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition in accordance with Manatee County Procurement Code 84-02, Sections 8.107 through 8.111. RECORD S43-1238

SECTION 16 CAPITAL GRANT AND SECTION 18 RURAL OPERATING ASSISTANCE GRANT

Execution of grant application for Federal Transit Administration, Section 16 Capital Grant and Section 18 Rural Operating Assistance Grant, as required by Federal Transit Administration and State of Florida Department of Transportation, \$70,000 (County's portion, \$7,000) and \$27,800 (County's portion, \$7,000 out of the required local share of \$13,900), respectively.

FIVE-YEAR TRANSIT DEVELOPMENT PLAN

Execution of agreement with Sarasota/Manatee Metropolitan Planning Organization allowing for the receipt of \$12,500 to be utilized for the update of Manatee County's Five-year Transit Development Plan as required by Florida Statute. RECORD S43-1239

NONPROFIT AGENCY FUNDING AGREEMENTS FOR FISCAL YEAR 1994

Execution of agreements with Manatee Lighthouse for the Blind, Inc., \$17,000, and Manatee Council on Aging, Inc., \$3,580 for Fiscal Year 1994 funding. RECORD S43-1240

PRESERVATION 2000 FUNDING

Adoption of **R-94-57** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, URGING THE LEGISLATURE OF THE STATE OF FLORIDA TO APPROPRIATE FUNDING FOR PRESERVATION 2000 IN THE COMING YEAR AND THE REMAINING SIX YEARS OF THE PROGRAM. RECORD S43-1242

PARKS AND RECREATION SUMMER CAMP

Parks and Recreation Department to sell T-shirts to Summer Camp participants for \$8 each, with surplus being sold to the general public at the same price for Fiscal Year 1994.

YOUTH AFTERSCHOOL PROGRAMS

Chairman to execute Health and Rehabilitative Services (HRS) Licensing Applications for Youth Afterschool Programs at G. T. Bray Park and Daughtrey Elementary School; and authorization for Director of Parks and Recreation Department, or designee, to execute the HRS Affidavits.

FEE WAIVER - RUBONIA MARDI GRAS

Placement of one 20-yard roll-off to be placed on the east side of Perry's Grocery Store lot, February 13, 14, and 15, 1994; and waive the appropriate service and tipping fees.

BUDGET AMENDMENTS

Adoption of Budget Amendment Resolutions amending the 1993-94 budget to provide for the receipt and appropriation of unanticipated revenues and item to item transfers:

PUBLIC WORKS/UTILITIES

B-94-062/1 Item Transfers \$654,000 S43-1243
B-94-062/2 Increase Revenue/Expenditure 334,501 S43-1244

Provides additional funding for Cortez Road from 19th Street West to 75th Street West; 60th Avenue West from 34th Street West to U.S. 41; and 71st Street West north to Village Green Golf Course reclaimed water projects from reserves and additional revenues as described in 10/31/93 Project Status Report. RECORD

PUBLIC WORKS/UTILITIES

B-94-063 Item Transfers \$654,000 S43-1245
 Reduces Marlita; 43rd Street West and 18th Avenue West, and 34th Street West from 60th Avenue West to Florida Boulevard reclaimed water projects to reserves in the State Revolving Loan Fund as described in 10/31/93 Project Status Report. RECORD

HEALTH DEPARTMENT

B-94-064/1 Item Transfers \$751,287 S43-1246
 B-94-064/2 Increase Revenue/Expenditure 312,874 S43-1247
 Closes completed Public Health Unit projects in the Health Department Construction Fund and reappropriates balances to the Health Department Maintenance cost center in the General Health Care Fund. RECORD

MISCELLANEOUS GRANTS

B-94-065/1 Item Transfers \$ 69,551 S43-1248
 B-94-065/2 Increase Revenue/Expenditure 208,649 S43-1249
 Provides funding for the Comprehensive Drug Abuse Program from state grant funding and reserves established for that purpose as approved by the Board 9/23/93. RECORD

PUBLIC WORKS/TRANSPORTATION

B-94-066 Increase Revenue/Expenditure \$11,015 S43-1250
 Rescinds and replaces B-94-056 due to scrivener's error. RECORD

(End Consent Agenda)

Recess/Reconvene. All members present.

FOUR CORNERS MINE - ENVIRONMENTAL MONITORING PROFESSIONAL SERVICES

Rob Cuthbert, Purchasing Director, requested authorization to enter into contract negotiations with the top-ranked firm, Environmental Science & Engineering, Inc., for environmental monitoring professional services for the Four Corners Mine operation in accordance with RFP 311909TC.

Upon question, Neal Parker, Mining Coordinator, responded that the project is funded completely by IMC Fertilizer in the amount of \$550,000 over five years.

Discussion: Monitoring wells have not yet been installed; having Environmental Action Commission conduct the monitoring; company is currently mining; inordinate amount of time to complete RFP process; third party monitoring required; etc.

Motion - Carried

Mr. Chetlain moved to enter into contract negotiations starting with the top-ranked firm, Environmental Science & Engineering, Inc., for environmental monitoring professional services for the Four Corners Mine operation in accordance with RFP 311909TC. Motion was seconded by Mrs. Glass.

Under discussion, the Chairman noted that a firm with a similar name submitted correspondence regarding another proposal indicating it did not wish to conduct business with Manatee County. He directed staff to research the matter to determine which firm it is prior to the conclusion of negotiations.

Motion carried unanimously.

Motion - Carried

Mrs. Glass moved that a response be obtained regarding the name of the company to determine whether it was the one outlined by Mr. Stephens. Motion was seconded by Mrs. Hooper.

Discussion: Whether negotiations should be postponed until matter is researched; etc.

Motion carried unanimously.

CROSLY ESTATE/USF OFFER - TIME EXTENSION

By memorandum dated February 4, 1994, W. J. Estabrook, County Administrator, requested authorization to grant the University of South Florida (USF) an additional 120 days in which to respond to the County's offer to sell the Crosley Estate.

Mrs. Glass stated USF officials have indicated they are still very interested in the proposal. She advised that they are examining the funding mechanisms and the possibility of a partnership with the County.

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(Cont'd)

Motion

Motion was made by Mr. Gause, and seconded by Mrs. Glass, to extend the offer an additional 120 days.

Upon question, Mr. Stephens advised it was his understanding the extension is needed for USF to develop a plan as to use of the facility and to determine possible educational purposes and joint utilization with Manatee Community College.

Motion - Amended

Mr. McClash amended the motion to authorize the Chairman to send a letter to USF requesting they provide an action plan for the use of the facility. Motion was seconded by Mr. Chetlain and carried unanimously.

Vote - Amended Motion

Motion, as amended, carried unanimously.

MANATEE AREA VOCATIONAL AND TECHNICAL CENTER - GOLF CARTS

Mrs. Harris relayed a request from Manatee Area Vocational and Technical Center for two golf carts from the County's 66th Street facility from February 14-18, 1994, for Vocation Education Week.

Motion was made by Mrs. Harris to approve the request. Motion was seconded by Mr. Gause and carried unanimously.

COMMISSIONERS' COMMENTSPersonnel - Certification Testing Fees

Mrs. Harris advised that a group of employees from the Bayshore Wastewater Treatment Plant are due to take recertification tests in April and that the State requires a class in first aid as a prerequisite for certification. She reported that budgeted funds for the class have been withdrawn and she has requested the County Administrator review the matter.

6th, 7th, and 8th Avenues Northwest/Sidewalks

Mr. McClash stated there was some confusion regarding whether sidewalks would be constructed on one or both sides of 6th, 7th, and 8th Avenues Northwest between 75th and 71st Streets.

Disposition: Mr. Stephens indicated that staff had been directed to place sidewalks on one side only. He stated he has received correspondence and a petition from Mr. Hargreaves and that he would respond accordingly.

71st Street West and Riverview Boulevard

Mr. Chetlain requested a status report regarding acquiring right-of-way for sidewalk construction at the southeast corner of 71st Street West and Riverview Boulevard, i.e., eminent domain proceedings.

Disposition: Referred to County Administrator.

BUS ROUTES: LONGBOAT KEY AND RED BARN FLEA MARKET

Mr. Gause stated that two temporary changes which have been made to the Longboat Key and Red Barn Flea Market bus routes have been very successful and recommended they be made permanent.

Motion was made by Mr. Gause, and seconded by Mrs. Glass, to approve and maintain the two routes. Motion carried unanimously.

COMMISSIONERS' COMMENTS (Cont'd)Handicapped Parking Fines Fund

Mr. Gause expressed concern that handicapped parking fines are not listed in the budget reports.

James Seuffert, Office of Financial Management Director, advised that the funds are not appropriated for budgetary reasons and, therefore, do not appear on budget reports, but are reported on the general ledger.

Mr. Stephens reported that discussion regarding ADA requirements will be brought forward and a full report on funds collected will be included.

MANATEE BEACH PIER

Mr. Chetlain questioned when the Manatee Beach Pier would be opened to the public. Mr. Stephens advised that engineering is expected before the end of the month and the pier could be opened in March or April.

Mr. Chetlain moved to post "at your own risk" signs and open the pier until such time as the County is ready to make improvements. Mrs. Glass seconded the motion for discussion.

H. Hamilton Rice, Jr., County Attorney, stated the County has experienced a series of lawsuits arising from individuals injured while using the piers. He stated that even though signs are posted, the public may not fully understand the nature and extent of the danger.

Voting "Aye" were Mrs. Glass, Mr. Chetlain, Mrs. Hooper, and Mr. Stephens. Voting "Nay" were Mr. McClash, Mr. Gause, and Mrs. Harris. Motion carried.

COMMISSIONERS' COMMENTS (Cont'd)

Manatee Beach Concessions

Mr. Chetlain relayed request from Manatee Beach Concessions to correct problems with the facilities.

Disposition: Request has been forwarded to the County Administrator.

Island Officials' Meeting/Presentation by Tourist Development Council

Mr. Stephens requested Mr. McClash attend the next Island officials' meeting to make a Tourist Development Council presentation.

Commission Assistants/Action Form

Mr. Stephens announced that Commissioners' Assistants are not to request information directly from Division Managers, but are to use the appropriate Action Form through the County Administrator's office.

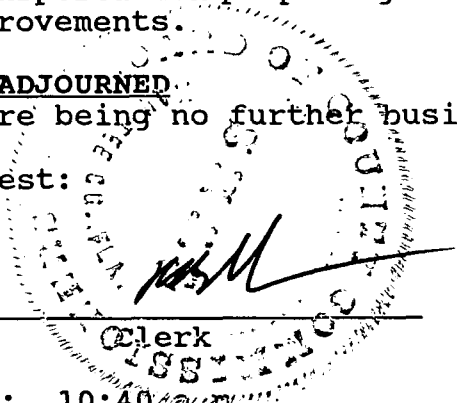
Cortez Road/Improvements

Mr. Stephens requested Mr. McClash review for concurrence or modification the response received from the Florida Department of Transportation proposing alternate recommendations regarding Cortez Road improvements.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:



Clerk

APPROVED:



Chairman 3/24/94

Adj: 10:40
/eml