

OCTOBER 20, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 20, 1998, at 9:05 a.m.

Present were Commissioners:

Gwendolyn Y. Brown, First Vice-Chairman
 Joe McClash, Second Vice-Chairman
 Jonathan Bruce, Third Vice-Chairman
 Stan Stephens
 Amy Stein

Absent were Commissioners:

Patricia M. Glass, Chairman (Vacation)
 Lari Ann Harris (Illness)

Also present were:

Ernie Padgett, County Administrator
 Mark Barnebey, County Attorney
 Susan G. Romine, Board Records Supervisor,
 representing R. B. Shore, Clerk of Circuit Court

Invocation by Reverend Lyle Parker, Bayshore Church of the Nazarene

AGENDA CHANGES

Ernie Padgett, County Administrator, announced the following change to the Consent Agenda: Fireworks Display - DeSoto Speedway (deferred).

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mr. Bruce, the Consent Agenda for October 20, 1998, was adopted 5 to 0. Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

University Lakes/Courtney Downs Mitigation Security Agreement

1. Agreement with Colonial Realty Limited Partnership, guaranteeing performance of a wetland mitigation system, \$20,125.
2. Performance Bond: \$20,125 (Maintenance Bond LPM 8117560, Fidelity and Deposit Company of Maryland).

Heather Glen, Phase II

Performance Bond: \$40,651 (Letter of Credit 890311, First National Bank of Manatee).

River Club South, Subphase IV

1. Agreement with Manatee Joint Venture, warranting required improvements, \$125,598.
2. Defect Security: \$125,598 (Letter of Credit S98-09, Republic Bank).

Glenn Lakes, Phase II

Agreement with Centex Homes, guaranteeing completion of required sidewalks and bikeways, \$12,066.60.

Chaparral (a/k/a Mote Ranch, Phase VI)

Sidewalk Performance Bond: \$32,253.65 (Amendment 001 to Letter of Credit S970667 SunTrust Bank), extending expiration date to 10/01/99.

Release:

Glenn Lakes, Phase I-B

1. Agreement with Centex Real Estate Corporation, warranting required improvements, \$34,927.60.
2. Defect Security: \$34,927.60 (Surety Bond 5894923, Safeco Insurance Company of America).

Glenn Lakes, Phase II

Agreement with Centex Real Estate Corporation, guaranteeing completion of required sidewalks and bikeways, \$12,066.60.

West Lakes Plaza

1. Agreement with Lark Investments, N.V., guaranteeing completion of required sidewalks, \$9,659.
2. Performance Bond: \$9,659 (Letter of Credit STBSC-0895 SouthTrust Bank of the Suncoast).

River Club South, Subphase IV

1. Agreement with Manatee Joint Venture, guaranteeing completion of required improvements, \$121,290.
2. Performance Bond: \$121,290 (Letter of Credit S97-36 Republic Bank).

Heather Glen, Phase II

Sidewalk Performance Bond: \$40,651 (Letter of Credit 790311 First National Bank of Manatee).

Erie Ranches

1. Agreement with Marce, Inc., warranting required improvements, \$8,346.15.
2. Defect Security: \$8,346.15 (Certificate of Deposit 7605699 First Union National Bank of Florida).

Winn Dixie at West Lake Plaza

1. Agreement with Corporate Development Corporation, warranting required improvements, \$2,620.
2. Defect Security: \$2,620 (Surety Bond 30571107 Fidelity and Deposit Company of Maryland).

REFUNDS

Department of Health, Bureau of Emergency Medical Service (unspent EMS Grant Funds), \$2,942.74.

WARRANT LIST

Approve: October 6, 1998 to October 19, 1998
 Authorize: October 20, 1998 to October 26, 1998

AUTHORIZE CHAIRMAN TO SIGN**Satisfactions of Judgment:**

Michael F. Kelly, Jr., 95-932F
 Stephen Hosey, 90-7091T (2)
 Willie Bradley, 94-2188F (2)
 Patricia Fleet, 92-2460JD
 Jason Warren, 95-3524T (2)
 Estella Lovett, a/k/a Noga Isriel, 97-2239M
 Barbara A. Washington, 93-3239F
 Barbara A. Washington, a/k/a Tanya, 88-2289F; 88-3682M
 Estella Lovett a/k/a Barbara Ann Smith Washington, 97-2239M

Southwest Regional Wastewater Treatment Plant

Contract with Cardinal Contractors, Inc., IFB97-3808MP, \$4,026,000 for the anaerobic digester facility expansion; date Performance and Payment Bonds, and Power of Attorney, and accept Insurance Certificate (authorized 8/18/98). RECORD S46-1218

AUTHORIZE

Release funds for the **301 Park of Commerce** Participation Project Agreement between the County and Dan S. Blalock, as Trustee for street construction (approved 8/9/94 - amended 8/1/95), \$28,588.

ACCEPT**Pooled Commercial Paper Loan Program Agreement**

Closing documents on Draw A-3-2 authorized by R-98-51 (adopted 2/17/98).

Anna Maria and West Side Fire District

1999 Schedule of Monthly Joint Meetings and Special Meetings.

Southwest Florida Water Management District

1998/1999 Fiscal Year Budget and a copy of preliminary comments from Executive Office of the Governor.

West Coast Inland Navigation District

Fiscal Year 1998/1999 Budget Summary and Meeting Schedule and copies of Resolutions 98-6 and 98-7 adopting 1998/1999 millage rate.

COUNTY ADMINISTRATOR**COPS MORE 98 PROGRAM**

Delegate authority to the County Administrator to execute COPS More 98 grant agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services, 98CLWX0202 awarding funds to the Manatee Sheriff's Office, \$192,949. RECORD S46-1219

DEPARTMENT OF JUVENILE JUSTICE - LEVEL 10 FACILITY

Issue a utility easement (to be prepared) to Florida Power & Light to install a permanent transmission line to the Department of Juvenile Justice (DJJ) Level 10 Facility for a period of time exceeding the term of the lease with the DJJ.

MANATEE SHERIFF'S OFFICE LEASE

Execute lease with Steve Solomon, Inc., for 19,500 square feet for use by the Manatee Sheriff's Office (Lot 5 Building 16 Oneco Park Subdivision; 5/1/98-4/30/99; \$5,670 per month). RECORD S46-1220

ONE-CENT SALES SURTAX

Expend additional funds, not to exceed \$7,000, to provide information to the electorate regarding Ordinance 98-41, the levy of the one-cent sales surtax (\$10,000 approved by R-98-236).

COUNTY OFFICER BONDS

R-98-262 A RESOLUTION PROVIDING THE INTENTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY WITH RESPECT TO THE REQUIREMENT OF BONDS OF COUNTY OFFICERS. RECORD S46-1221

LAWSUITS: ANITA M. GLASGOW

Settlement with landowners, John I. Horst, Jr. and Elsie D. Horst, for an aggregate payment of \$74,496.48, inclusive of compensation for the land taken, attorney's fees, cost and expenses, and statutory interest, for parcel 142 (S.R. 70), in the eminent domain matter of Manatee County versus Anita Glasgow, et al., CA 95-2009.

CHILDREN'S SERVICES FUNDING

Execute Fiscal Year 1998-1999 agreements with:

<u>Cortez Community Center, Inc.</u> (Kids Do Count in Cortez)	\$45,000	S46-1222
<u>Just for Girls, Inc.</u> (Roots N' Wings III)	\$54,000	S46-1223
<u>Manatee County YMCA, Inc.</u> (Before/After School)	\$25,000	S46-1224
<u>Manatee County YMCA, Inc.</u> (East County Outpost)	\$42,300	S46-1225
<u>Manatee County Nursery School, Inc.</u> (Wrap Around)	\$20,000	S46-1226
<u>Manatee Opportunity Council, Inc.</u> (Community Caboodle)	\$75,960	S46-1227
<u>Manatee Opportunity Council, Inc.</u> (Family Empowerment)	\$200,617	S46-1228
<u>Palmetto Youth Center, Inc.</u> (Tiny Tots Before/After School Care)	\$88,500	S46-1229

RECORD

FLORIDA DEPARTMENT OF HEALTH

Execute contract with the Florida Department of Health, \$13,421,672 (\$1,574,849 County) for services at the Manatee County Health Department (10/1/98-9/30/99). RECORD S46-1230

MEDICAID WAIVER AGREEMENT

Execution of Fiscal Year 1998/99 Medicaid Waiver Agreement Amendment 1 with the West Central Florida Area Agency on Aging, Inc. for medicaid home and community based services for an increase of \$36,888, total of \$412,457. RECORD S46-1231

NON-PROFIT AGENCY FUNDING

Execute Fiscal Year 1998-1999 agreements with:

<u>Community Coalition on Homelessness Corporation.</u> (Transition Development)	\$43,709	S46-1232
<u>HOPE Family Services, Inc.</u> (Emergency Safe Shelter)	\$43,026	S46-1233
<u>Manatee County Cultural Alliance, Inc.</u> (Cultural Information Program)	\$10,927	S46-1234
<u>Meals on Wheels Plus of Manatee, Inc.</u> (Adult Day Care)	\$45,030	S46-1235
<u>Myakka City Community Center Inc.</u> (Adult Activity)	\$10,609	S46-1236
<u>Our Daily Bread of Bradenton, Inc.</u> (Daily Meals for Poor and Hungry)	\$5,464	S46-1237
<u>Volunteer Services of Manatee County, Inc.</u> (Volunteer Referral)	\$10,927	S46-1238

RECORD

SCHOOL HEALTH NURSE PROGRAM

Execute letter to the Legislation Delegation requesting future funding for the Public Health Department's School Health Nurse Program.

TRANSPORTATION DISADVANTAGED

R-98-260 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA, AUTHORIZING THE CHAIRMAN TO EXECUTE A TRANSPORTATION DISADVANTAGED TRIP/EQUIPMENT GRANT AGREEMENT WITH THE STATE OF FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED (total \$318,347; State Funds \$286,512; Fare Box Revenue \$31,835; for the period 10/1/98-9/30/99). RECORD S46-1239

TRANSIT DEVELOPMENT PLAN

Adopt 1998 Manatee County Transit Development Plan. RECORD S46-1241

WEST COAST INLAND NAVIGATION DISTRICT (WCIND)

1. R-98-250 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA ACCEPTING A WEST COAST INLAND NAVIGATION DISTRICT GRANT FOR COUNTYWIDE NAVIGATION IMPROVEMENT; GULF COAST WORLD OF SCIENCE WATER WORKS; ANNA MARIA ISLAND POWER SQUADRON

BOATING SAFETY AND EDUCATION; SRQ COMPOSITE SQUADRON CIVIL AIR PATROL; CIVIL AIR PATROL; MANATEE COUNTY SHERIFF'S OFFICE MARINE LAW ENFORCEMENT, AND TOWN OF LONGBOAT KEY POLICE DEPARTMENT LONGBOAT KEY MARINE PATROL PROJECTS; DESIGNATING THE COUNTY LIAISON FOR THE PROJECTS AND AUTHORIZING THE CHAIRMAN TO ENTER INTO AGREEMENTS.

	RECORD S46-1242
County Wide Navigation Improvements - M86	\$248,071 S46-1243
Gulf Coast World of Science Water Works - M87	\$1,900 S46-1244
Anna Maria Power Squadron Boating Safety and Education - M88	\$3,000 S46-1245
Manatee Sail & Power Squadron Boating Safety and Education - M89	\$175 S46-1246
SQR Composite Squadron Civil Air Patrol - M90	\$3,300 S46-1247
Manatee County Sheriff's Office Marine Law Enforcement - M91	\$2,500 S46-1248
Longboat Key Police Department, Longboat Key Marine Patrol - M92	\$4,500 S46-1249
(Fiscal Year 1998-1999 Funding Agreements)	RECORD

2. Execute WCIND Project Amendments, extending projects for one year expiring September 30, 1999, with:
 - South Ellenton Homeowners Association - M76 Benzing Canal Dredging S46-1250
 - City of Palmetto - M78 Jet Park Navigational Improvements S46-1251
 - City of Anna Maria - M79 Lake LaVista Inlet Maintenance S46-1252
 - City of Palmetto - M80 Navigation Restoration South of 10th Street West S46-1253
 - City of Holmes Beach - (M81) Boat Ramp S46-1254
 - United States Coast Guard Auxiliary Flotilla 83 - M82 Boating Safety and Education S46-1255
 - United States Coast Guard Auxiliary Flotilla 85 - M83 Boating Safety S46-1256
 - Civil Air Patrol SRQ Senior Squadron - M85 Civil Air Patrol S46-1257
 - City of Anna Maria/City of Holmes Beach - CIP-25 Key Royale Pass Dredging S46-1258

CONVENTION AND VISITORS BUREAU

1. Execute agreements with: (1) Global Contact and (2) Destination Marketing Limited for additional marketing in Germany and England at an annual cost of \$18,000 each, for a total of \$36,000 (plus postage incurred) for Fiscal Year 1998-99. RECORD S46-1259
2. Execute agreement with South Florida Museum and Bishop Planetarium for the maintenance, care and feeding of a second manatee at South Florida Museum, not to exceed \$21,750. RECORD S46-1261

SUPERVISOR OF ELECTIONS LEASE

Execute Addendum 1 to lease for the Supervisor of Elections with Louis P. Thomas, d/b/a Thomas Estates extending current lease (at 305 15th Street West, Bradenton, 10/31/98-10/31/00). RECORD S46-1262

BUDGET AMENDMENTS

- Various Departments B-98-070
Transfer of Funds; Unanticipated Revenue Appropriations Supporting Description and Detail Attached (Sheriff's Budget Amendment 98-03) RECORD S46-1263
- Various Departments B-99-007
Transfer of Funds; Unanticipated Revenue Appropriations Supporting Description and Detail Attached RECORD S46-1264

MATERIALS AND SERVICES

1. Mainframe Computer Maintenance - Sole source purchase from Digital Controls Corporation, estimated annual cost of \$144,446.76.
2. Mainframe Computer Maintenance and License Fees - Sole source purchase from NCR Corporation, estimated total of \$164,200.
3. Euromach Walking Excavators (3)/Euromach Flail Mower - Sole source purchase from Globe Trailers of Florida, Inc., \$381,000.
4. Landfill Fuel Site - Award IFB 98-6514MP to the lowest responsive, responsible bidder, Apollo Construction and Engineering Services, Inc., not to exceed \$207,071; date Performance and Payment Bonds and accept Insurance Certificate.
5. Utilities Fuel Site - Award IFB 98-6513MP to lowest responsive, responsible bidder, Apollo Construction and Engineering Services, Inc., not to exceed \$175,949; and date Performance and Payment Bonds and accept Insurance Certificate.
6. Computer Aided Intake/Dispatch and Management System - Enter contract negotiations with Trapeze Software Group for the Transit Division.

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(Continued)

7. **Pipe and Fittings** - Award IFB 98-6883DC for construction of a pump station, to the lowest responsive, responsible bidder meeting specifications Southeast Municipal Supply Company (SEMSCO), \$65,293.84.

ODOR AND CORROSION CONTROL

1. Execute Change Order 6 to Work Assignment 1 for professional chemical engineering evaluation, consultation and chemical/biological treatment of odor and corrosion within the waste water system to Davis Water & Waste Industries, Inc. for an additional six months (10/1/98-3/31/99) and an increase of \$290,000, total not to exceed \$2,530,000. RECORD S46-1265
2. Execute Change Order 6 to Work Assignment 2 for professional engineering evaluation, consultation and lease of equipment (scrubbers) for the treatment and control of odors in the waste water system to Davis Water & Waste Industries, Inc., for an additional six months (10/1/98-3/31/99) and an increase of \$91,500, total not to exceed \$805,500. RECORD S46-1266

LIBRARY DONATIONS

Accept donations of \$494.95 to the Library Division during the Fiscal Year 1997-98 quarter covering July, August, and September 1998 in accordance with Resolution R-86-278 and procedures established by the County Administrator's Office.

CIRCLE "L" - FINAL PLAT

1. Final Plat
2. Mortgagee's Joinder in Declaration only from NationsBank, N.A.
3. Agreement with Circle L Holdings, L.C. to defer completion of required sidewalks. RECORD S46-1267

COUNTRY CREEK, PHASE II - FINAL PLAT

1. Final Plat
2. Mortgagee's Joinder in Declaration only from Florida Community Bank
3. Agreement with Country Creek Properties, Inc. guaranteeing completion of required sidewalks and bikeways, \$42,751.80.
4. Performance Bond: \$42,751.80 (Letter of Credit 1998-23, Florida Community Bank)
5. Agreement with Country Creek Properties Inc. warranting required improvements, \$79,587.47.
6. Defect Security: \$79,587.47 (Letter of Credit 1998-22, Florida Community Bank)
7. Conservation Easement from Country Creek Properties Inc.
8. Maintenance Agreement for Right-of-Way Island with Country Creek Homeowners Association of Manatee, Inc. RECORD S46-1268
9. Agreement with Country Creek Properties, Inc., for installation of private improvements RECORD S46-1269
10. Supplemental Declaration.

EDGEWATER VILLAGE, SUBPHASE A, UNIT 5 - FINAL PLAT

1. Final Plat
2. Mortgagee's Joinder in Declaration only from Northern Trust Bank of Florida, N.A.
3. Mortgagee's Joinder in Declaration only from Lakewood Ranch Community Development District 2
4. Agreement with SMR Communities Joint Venture guaranteeing required improvements, \$602,835.61.
5. Performance Bond: \$602,835.61 (Bond 123419, Frontier Insurance Company)
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$16,393.
7. Performance Bond: \$16,393 (Bond 123418, Frontier Insurance Company)
8. Interlocal agreement with Lakewood Ranch Community Development District 2 RECORD S46-1270
9. Agreement with SMR Communities Joint Venture for installation of private improvements RECORD S46-1271
10. Supplemental Declaration

AIRPORT DRAIN SILTATION BASIN

Execute Assistance Amendment with the Environmental Protection Agency, which terminates the agreement for the Airport Drain Siltation Basin Project/National Estuary Program. RECORD S46-1272

60TH AVENUE EAST (ELLENTON) - IMPACT FEE REIMBURSEMENT

Execute a reimbursement agreement with J. P. Igloo, Inc. for design and construction of a portion of 60th Avenue East (from 29th Street East to Mendoza Road), \$135,521. RECORD S46-1273

HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN

R-98-261 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING THE AGREEMENT 99CP-3V-08-51-22-024 FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR THE ANNUAL UPDATE OF THE HAZARDOUS MATERIALS EMERGENCY RESPONSE PLAN, AND, AUTHORIZING THE CHAIRMAN OR IN HIS ABSENCE THE VICE CHAIRMAN TO EXECUTE ALL APPROPRIATE DOCUMENTS

RECORD S46-1274
S46-1275

(State Funds \$22,822; no match required).

LOCAL HAZARD MITIGATION STRATEGY

Execute subcontracts with municipalities within Manatee County for completion of the County unified local mitigation strategies: City of Anna Maria, \$15,000; City of Bradenton, \$30,000; City of Bradenton Beach, \$15,000; City of Holmes Beach, \$30,000; City of Palmetto, \$15,000.

RECORD S46-1279
S46-1280

S46-1276
S46-1277
S46-1278

FEE WAIVER - COMMUNITY SERVICE PROJECT

Approve, ratify and confirm placement of three 20-yard roll-offs in the Palmetto area on October 3, 1998, at the request of the North County Action Team for neighborhood cleanup; and waiver of appropriate service and tipping fees.

DEEDS AND EASEMENTS

1. **5th Street West (Shoppes on Memory Lane)** - Dedication of Right-of-Way from Bryan Holding Corporation; Affidavit of Ownership and Encumbrances; Joinder from Helen E. Ritter; Joinder from Walter Burn and Ruth Irwin.
2. **55th Street West/Manatee Avenue West** - Warranty Deed; Affidavit of Ownership and Encumbrances; and Pedestrian Sidewalk Easement from Autozone, Inc.
3. **71st Street Northwest** - Temporary Construction Easements (2) from the School Board of Manatee County for improved sewer service to Palma Sola Elementary School.

LAWSUIT - AMERICAN RECYCLING COMPANY INC., ET AL.

Authorize filing a Motion to Bifurcate Determination of the County's claim for fees and costs in the State Court proceedings in American Recycling Company, Inc., et al. versus. Manatee County, Case 96-885-CIV-T-24B.

IRIDIUM NORTH AMERICA

Execute Subscriber Test Agreement with Iridium North America to test and evaluation services and iridium subscriber equipment.

(End Consent Agenda)

RECORD S46-1281

AWARDS**Retirement Award**

Karen Windon, Public Safety Director, presented a Retirement Award to Meldore D. Balkman, Office Assistant II, Animal Control, honoring her 23 years of service.

PROCLAMATION

Motion was made by Mr. McClash and seconded by Mr. Stephens, to adopt a Proclamation designating October 24, 1998, as **United Nations Day**. Motion carried 4 to 1, with Mr. Bruce voting nay.

RECORD S46-1282

P.S. BEACH ASSOCIATES, INC.

Ernie Padgett, County Administrator, reviewed the proposed Settlement and Termination Agreement with P.S. Beach Associates, Inc., for concession services to be provided at Coquina Beach and Manatee Beach. He advised the restructuring of arrears owed the County would permit concession operations during the season and coincide with the bid process until contract termination.

Discussion: Terms of agreement; payment period; bid process may take up to ten months; goal to keep operation during season; interest from other vendors, etc.

Patricia McVoy, Assistant County Attorney, discussed the procedure for a bid process. She stated a short-term, interim contract could be considered; however, it would not allow time for vendors to develop a business plan. She explained P.S. Beach is willing to continue operation with no income in an effort to repay the County.

Cliff Walters, representing P.S. Beach, stated the proposed agreement is an appropriate arrangement.

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(Continued)

Motion was made by Mr. Stephens to approve the settlement as presented by the County Administrator. Mrs. Stein seconded the motion. Discussion: Plan for RFP process to begin immediately; parameters need to be provided; financial impact on county; Letter of Credit can be pulled; termination agreement, etc.

The motion carried 4 to 1, with Mr. McClash voting nay.

RECORD S46-1283

Larry Wedrow and **Harry Young**, employees of P.S. Beach, stated the financial problems of P.S. Beach are due to the weather conditions of the past season. They requested operation on a percentage basis be considered rather than a flat rate.

PUBLIC ART

John Moody and **Ron Allen** discussed an art project for downtown Bradenton. Mr. Moody referred to a picture of a sculpture of a mother manatee and calf commissioned by the Arts Council ten years ago. He noted the project was to be funded through private donations and placed in the fountain at the County Administration Building. Mr. Allen had donated \$10,000 to the County toward the sculpture; however, the Art Council dissolved and the project ceased.

Mr. Moody requested consideration of this art project at the fountain across from the new City Centre on Barcarrota Boulevard. Mr. Allen requested the funds (\$10,000) originally dedicated to the County be transferred to support this project.

Mr. McClash moved to transfer the original funds (\$10,000) to support the placement of the manatee art sculpture at the depicted fountain site. Mr. Stephens seconded the motion, which carried 5 to 0.

CITIZENS' COMMENTS

Tom Davenport, Manatee Community College, encouraged support of the Institute of Government. He discussed the various levels of training provided for County employees and distributed information packets.

Scott Scoville expressed his concern for maintaining access to his produce market during the 15th Street East/301 Boulevard project. He noted without assured access, his business will suffer.

(Note: Discussed later in the meeting)

Kathryn Ohm presented a petition to appeal the sewer assessment project (R-98-192, 10/6/98) at 29th Street East, Ellenton. She stated there have been discrepancies in the amounts for the project and that road repaving expense should be a consideration.

Disposition: New postcard poll will be initiated.

301 BOULEVARD/15TH STREET EAST PROJECT

Bob Satinski, Parsons, Brinckerhoff, Quade & Douglas, Inc., (PBQD), presented the conceptual design report for 301 Boulevard/15th Street East (from 53rd Avenue East to U.S. 41). He referred to a handout containing the plans, as well as information from a public meeting. He pointed out the proposed four-lane divided typical section and the four signalized intersections. Referring to plan sheets, he stated the typical 100 foot section consists of: a 22-foot raised median; 4-foot bicycle lanes; curb and gutter; contained drainage system; 6-foot sidewalks; and a 4-foot buffer area on the outside of sidewalks, which allows utilities and lighting for the entire corridor of the project.

Mark Jennings, PBQD, noted from 53rd Avenue to 700 feet north of 52nd Avenue, the right-of-way is restricted to 66 feet, therefore, they propose a reduced typical section for that segment. He stated evaluation for widening this area concluded in the preferred Alternative 1 to widen to the west side, which eliminated business relocations.

Discussion: Review median options for business access; final design will resolve the median issue; project will be funded by gas tax; 12-foot median would require right-of-way acquisition; consolidation of ponding area at 49th Avenue should be given consideration, etc.

Drew Jorgensen, business owner, stated that with no access he would suffer a fifty-percent loss of business.

Mr. Bruce moved to direct staff to work with engineers to create an open turn lane from 51st Avenue East to 53rd Avenue East, as well as review the locations of ponds. The motion was seconded by Mr. McClash and carried 5 to 0.

HEALTH COUNCIL OF WEST CENTRAL FLORIDA

The floor was opened for nominations to two seats to the Health Council of West Central Florida (HCWCF).

Non-Governmental Health Care Provider

Nomination: Janet Ross - by Mr. McClash

There being no further nominations, Mr. McClash moved to appoint Janet Ross. Motion was seconded by Mr. Stephens and carried 5 to 0.

Health Care Consumer over the Age of Sixty

Nomination: Melvin Eisenberg, M.D. - by Mr. Bruce

There being no further nominations, Mr. Bruce moved to appoint Melvin Eisenberg, M.D. Motion was seconded by Mrs. Stein and carried 5 to 0.

Recess/Reconvene. All members present except Mrs. Glass and Mrs. Harris.

WASTE TIRE GRANT

Ben Alex, Solid Waste Section, reported that the Florida Department of Environmental Protection (FDEP) has available grant funds in the amount of \$131,696 for the primary use of removal and subsequent processing the reuse of tires. He noted funding from the grant is reimbursement only.

Mr. Alex noted that historically Public Works and Parks and Recreation have requested money from the grant. He advised this year, requests have come from Manatee High School and Just for Girls Club. He stated all four parties are requesting a total of \$246,773 as follows:

1. **Public Works** - \$60,000 for processing waste tires.
2. **Parks and Recreation** - \$70,000 for chrome rubber enhancement of parks.
3. **Manatee High School** - \$68,013 for a recycled rubber track (\$1,200 for a performance bond and \$3,782 for taxes, which may not be reimburseable).
4. **Just for Girls Club** - \$48,760 for playground surface (\$11,500 for a 6-inch concrete slab would not be reimburseable under the grant).

Discussion: Compromise on staff recommendation; Public Works and Parks and Recreation to receive \$101,627 (same as last year); remaining \$30,069 of funds to Manatee High School for the track; high school will not come back for funding next year; track will be an asset to the community; amount budgeted; balance of funds for the track; impact on County entities.

Joe Kinnan, Athletic Director of Manatee High School, advised \$30,000 has been identified in the Athletic Department to complete the track project. He noted once the track becomes part of the facility the maintenance would be budgeted.

Discussion: Explore School Board sales tax funding; Public Works and Parks and Recreation have a need for the funding at last year's level; County has not budgeted funds.

Becky Canesse, Executive Director of Just for Girls, stated they have requested grant funds for a playground surface project, which would be used by the East Bradenton community. She stated they would like the rubber tire crumbles for placement over the concrete base to provide a cushioned playground surface.

Discussion: Selby Foundation funding; Parent Action League playground safety study; mulch or sand surface acceptable for insurance purposes; Public Works utilizes grant funds annually to offset cost of contracting for waste tire processing operation; Parks and Recreation utilizes funds for enhanced projects; assist Just for Girls to find other funding; will track be accessible to the public, etc.

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Motion was made by Mr. McClash to maintain County grant funding at the existing level (\$101,627) with the remainder of funds going to Manatee High School (\$30,069). The motion was seconded by Mr. Bruce and carried 3 to 2, with Ms. Brown and Mrs. Stein voting nay.

FEE WAIVER - SITE PLAN REVISION (BRADEN WOODS)

Robert Pederson, Planning Department, noted a recent settlement agreement among the County, Heartland Sarasota/Bradenton Limited Partnership, and Braden Woods Homeowners Association contemplated a future application to close an access point on the site plan known as Braden Wood Plaza (PDC-87-01). He referenced Section 2.f)C. of the settlement agreement "The application fee for the requested amendment of the site plan shall have been waived by the County or paid by the Association." He advised the Association requested the County waive the fee of \$840 for site plan revision, plus the cost of advertising.

Discussion: Setting a precedence; result of a lawsuit; first time situation; etc.

Wilhelmina McFee, representing the Braden Woods Homeowners Association, requested the County waive the fee and the Homeowners Association would absolve any other fees involved with the action.

Mark Barnebey, Chief Assistant County Attorney, advised that the agreement set forth terms by which an amendment can be brought forward by the Homeowners Association requesting the cross access be closed.

Discussion: Litigation settlement; future application to delete vehicle access; public safety; access is not physically constructed; Heartland should be responsible for fee; land use decision; public service; etc.

Mr. Stephens moved to deny the fee waiver for site plan revision. Motion was seconded by Mr. McClash and carried 3 to 1, with Mrs. Stein voting nay, and Mr. Bruce abstaining due to a conflict.

(Depart Mrs. Stein)

ORDINANCE 98-44 - NO THROUGH TRAFFIC

Public hearing (Notice in the Bradenton Herald 10/8/98) was held to consider

ORDINANCE 98-44 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-06; TO REGULATE THE TRAVEL OF CERTAIN THROUGH TRAFFIC ON STREETS LOCATED IN **BRADEN WOODS SUBDIVISION** AND THE **TRAILS SUBDIVISION**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Harry Mendenhall, Transportation Department, reviewed the request.

Wilhelmina McFee and Richard Sulick, President of Braden Woods Homeowners Association, submitted a letter (10/20/98) and spoke in support of the Ordinance.

Mr. Bruce moved to adopt **Ordinance 98-44**. The motion was seconded by Mr. McClash and carried 4 to 0.

RECORD S46-1284

SOLID WASTE RATE SCHEDULE

Public hearing (Notice in the Bradenton Herald 10/7/98) was held to consider

R-98-248 A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING RATES, FEES AND CHARGES FOR MANDATORY SOLID WASTE COLLECTION AND DISPOSAL SERVICES BASED ON THE INCREASE IN THE CONSUMER PRICE INDEX; PROVIDING FOR LANDFILL TIPPING FEES; PROVIDING FOR ROLL-OFF BILLING; PROVIDING FOR THE HANDLING OF DELINQUENT ACCOUNTS; PROVIDING FOR SECURITY DEPOSITS AND SPECIAL CHARGES; ALLOWING FOR CHANGES IN SERVICE REQUESTS; PROVIDING FOR CHARGE ACCOUNTS; PROVIDING FOR MISCELLANEOUS RELATED MATTERS; RESCINDING ALL PRIOR SOLID WASTE RATE RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

David Brangaccio, Public Works Department, stated the franchise agreements with the solid waste haulers require an annual adjustment to the rates based on the Consumer Price Index.

Mr. McClash moved to adopt **Resolution R-98-248**. Motion was seconded by Mr. Stephens and carried 4 to 0. RECORD S46-1285

Recess/Reconvene. All present, except Mr. McClash, Mrs. Glass and Mrs. Harris

BEACH RENOURISHMENT

Jack Gorzeman, Environmental Management Department, referred to an aerial map and reported on the beach renourishment project. He discussed the importance of easements from beachfront property owners in the City of Anna Maria for a transition of sand from private to public property. He used a map to show easements acquired over the past year, as well as those easements not obtained. He noted a viable shoreline length for a beach nourishment project is a minimum of one mile. He advised there may be several holdouts with lengths of 200-300 feet and the project could be built around those properties.

He requested direction as to including the City of Anna Maria Gulf shoreline (beginning at 77th Street north for one mile) in the upcoming beach nourishment project, as it is time to begin engineering and design work for the project.

(Enter Mr. McClash during presentation)

Rick Spadoni, Coastal Planning and Engineering, advised that the State will not allow the extension of an erosion/control line beyond an area where sand is placed. He noted the purpose of the erosion/control line is to divide the upland private property from State lands. He noted an erosion control/line cannot be placed in front of any property where sand is not placed.

Charles Shumard, Mayor of Anna Maria, stated due to beach loss resulting from Hurricane Georges that he requested the City be included in the project.

Motion was made by Mr. McClash to include the City of Anna Maria shoreline in the beach nourishment project and submit the two projects in parallel (original project and City project). Motion was seconded by Mr. Stephens and carried 5 to 0.

STATE REVOLVING FUND LOAN AGREEMENT

Jim Seuffert, Financial Management Director, submitted Resolution

R-98-241 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, AUTHORIZING EXECUTION OF THE STATE REVOLVING FUND LOAN AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE SOUTHWEST REGIONAL WATER TREATMENT PLANT IMPROVEMENTS (\$5,515,300; construction of the anaerobic digester and sidestream improvements).

He explained that Resolution R-98-177 authorized execution of the State Revolving Fund Loan (SRF) Agreement. The County Attorney's Office found changes, which required rescinding R-98-177. There was a requirement that the County must budget, if necessary, non-utility revenues. When borrowing on the open market there is no commitment or pledge beyond the revenues of the utility system and this requirement affects the capacity to borrow for non-utility projects.

Mr. Seuffert recommended not using the SRF money for the Southwest Regional Anaerobic Facility Project, but rather finance it with utility system revenue or borrow the funds. He referenced a letter from financial advisor, **David Thornton**, regarding the comparative rates through the SRF. He noted other governmental agencies have agreed to the restrictive covenant to take advantage of the rates.

R. B. Shore, Clerk of Circuit Court, noted this covenant has been reviewed with the financial advisor and bond counsel who agree the requirements are onerous considering the credit worthiness of the County in the bond market.

OCTOBER 20, 1998

(Continued)

Discussion: All funds other than non ad valorem; interest rates; no pre-payment penalty on SRF; attempting to change the requirements; refinancing plan will be presented in the future, etc.

Mr. McClash moved to accept staff recommendation to fund the Southwest Regional Water Treatment Plant with in-house dollars and **rescind Resolution R-98-177**. The motion was seconded by Mr. Bruce and carried 5 to 0.

RECLAIMED WATER RATES

Dave Brangaccio, Public Works Department, reported on the recommendations made by rate consultant, Black and Veatch, to increase participation in use of reclaimed water by reducing connection costs, monthly customer charges, and consumption charges. He advised that in one year the number of customers increased from 325 to 542.

Discussion: Base rate of fifty cents per thousand gallons; increase in customer base has been mostly residential, etc.

Len Bramble, Public Works Director, stated design and extension of the reclaimed water system is considered with road projects.

Disposition: Staff to include reports on laying of reclaimed water lines in conjunction with road projects in the annual CIP report.

(Depart Mr. Stephens)

RIVERVIEW POINTE - ADJACENT PROPERTY

David Rothfuss, Assistant County Administrator, stated Florida Communities Trust (FCT) was contacted to examine the possibility of amending the FCT application relating to Riverview Pointe, to include the 1.7 acre Diocese of Venice parcel. He advised that FCT recommended, should the property be acquired, the County submit an application for funding during the upcoming cycle (May 1999).

Mr. Rothfuss addressed soliciting contributions from the public to defray the cost. The entire parcel was appraised at \$296,000 and the 1.7-acre parcel was appraised at \$187,000. He advised that a draft letter has been prepared and a resolution will be prepared, to establish a Trust and Agency Account for contributions.

Discussion: Reimbursement for land purchase; private contributors for last acquisition; remove last sentence from paragraph four of the draft letter.

Ernie Padgett, County Administrator, recommended authorizing staff to negotiate and enter into a purchase option agreement with the Diocese of Venice contingent on funding from the FCT.

Mr. McClash moved to authorize staff to seek a purchase option from the Diocese of Venice relating to the acquisition of the 1.7-acre parcel of real property located immediately adjacent to Riverview Pointe. Motion was seconded by Mr. Bruce and carried 4 to 0.

Mrs. Stein moved for staff to bring back an appropriate resolution regarding fundraising from the private sector and approve the letter prepared by staff as modified at this meeting. Motion was seconded by Mr. McClash and carried 4 to 0.

LAWSUIT - ALEXANDER VERSUS WELLS

James Minix, Assistant County Attorney, requested appointment of a mediation representative to attend the settlement conference for Alexander versus Wells, Case CA 97-4701. He stated this lawsuit arises from a sheriff's vehicle impacting a girl on a bicycle.

Mr. McClash moved to appoint Mrs. Stein as mediation representative and Mr. Bruce as an alternate in the case of Alexander versus Wells. The motion was seconded by Mrs. Stein and carried 4 to 0.

LAWSUIT - ROGERS VERSUS WELLS

James Minix, Assistant County Attorney, requested appointment of the County Administrator, with his designee as an alternate, in the case of Rogers versus Wells, Case CA 97-2696. He stated this lawsuit arises from a sheriff's vehicle impacting another vehicle.

Mr. McClash moved to appoint the County Administrator as mediation representative and his designee as an alternate in the case of Rogers versus Wells. Motion was seconded by Mrs. Stein and carried 4 to 0. (Enter Mr. Stephens)

FLORIDA POWER AND LIGHT BUILDING

Mitchell Palmer, Assistant County Attorney, discussed the negotiations with Florida Power and Light (FPL) officials to purchase the building adjacent to DeSoto Square Mall. He requested approval of the Contract for Sale and Purchase at a price of \$2,300,000. He advised this is a 4.27-acre site containing a two-story office building with 24,000-square feet. He noted the building has been occupied since April 1994 by the Tax Collector, who is paying a base rental rate of \$168,000 per annum.

He advised the County must work with the Tax Collector in an attempt to replace parking spaces lost due to the 301 Boulevard road project. He indicated the County will receive credit for \$492,917.81 paid to FPL for the road right-of-way.

Jim Sueffert, Financial Management Director, addressed proposed financing. He noted the \$168,000 that the Tax Collector is paying in rent produces a revenue stream to pay for the financing.

Discussion: Lost parking spaces; MAI and SRPA appraisals; 1998 assessed value \$2,002,; 1997 taxes were \$39,848; Tax Collector utilizes 75 percent of building; 50-year useful building life; Land Resources Investment Co. is a subsidiary of FPL, etc.

Mr. McClash moved to approve and execute the Agreement for Purchase and Sale of FPL office building site (with Land Resources Investment Co.) for \$2,300,000. Motion was seconded by Mrs. Stein and carried 5 to 0.

RECORD S46-1286

ONE-CENT SALES TAX

Ernie Padgett, County Administrator, reported on meetings and mailing of public information for the one-cent sales tax referendum. He noted group responses have been favorable and the overall response positive. (Depart Mr. Stephens)

COMMISSIONERS' COMMENTS

37th Street East - Garden Lakes

Mr. Bruce requested staff to bring back an issue with respect to three streetlights in the vicinity of the Garden Lakes neighborhood. He noted 37th Street East is a thoroughfare and the streetlights are being maintained by the association.

Zero-Based Budgeting

Mr. Bruce requested a work session on the implementation of zero-based budgeting and the implications of same in Manatee County.

One-Cent Sales Tax

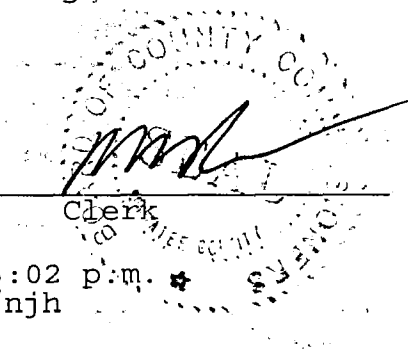
Mr. McClash requested discussion (if the one-cent sales tax passes) to clarify the establishment of a Citizens' Review Committee to inform the public how the sales tax monies are being utilized. He noted this Committee would also provide public input needed for certain projects.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman
11/9/99

Adj: 3:02 p.m. *
/njh