

JANUARY 5, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 5, 1999, at time 9:03 a.m.

Present were Commissioners:

Stan Stephens, Chairman  
 Gwendolyn Y. Brown, First Vice-Chairman  
 Joe McClash, Second Vice-Chairman  
 Jonathan Bruce, Third Vice-Chairman  
 Patricia M. Glass  
 Lari Ann Harris  
 Amy Stein

Also present were:

Ernie Padgett, County Administrator  
 Teddy N. Williams, Jr., County Attorney  
 Susan G. Romine, Board Records Supervisor,  
 representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. W. Robert Hodges, Faith United Methodist Church.

#### ELECTION OF OFFICERS

##### BOARD OF COUNTY COMMISSIONERS

R. B. Shore, Clerk of the Circuit Court, opened the floor for nominations for Chairman of the Board of County Commissioners:

##### Chairman - Mr. Stephens

Nominations: Mr. McClash by Mr. Bruce  
 Mr. Stephens by Mrs. Glass

Voting for Mr. McClash were Mrs. Stein, Mr. Bruce, and Mr. McClash. Voting for Mr. Stephens were Mrs. Harris, Ms. Brown, Mrs. Glass, and Mr. Stephens. By majority vote, Mr. Stephens was elected Chairman.  
 (Mr. Stephens presiding)

##### First Vice-Chairman - Ms. Brown

Nominations: Mr. McClash by Mrs. Stein  
 Ms. Brown by Mrs. Glass

Voting for Mr. McClash were Mrs. Stein, Mr. Bruce, and Mr. McClash. Voting for Ms. Brown were Mrs. Harris, Mrs. Glass, Mr. Stephens, and Ms. Brown. By majority vote, Ms. Brown was elected First Vice-Chairman.

##### Second Vice-Chairman - Mr. McClash

Nominations: Mr. McClash by Mrs. Harris

There being no further nominations, Mr. McClash was elected Second Vice-Chairman.

##### Third Vice-Chairman - Mr. Bruce

Nominations: Mr. Bruce by Mrs. Harris

There being no further nominations, Mr. Bruce was elected Third Vice-Chairman.

#### PORT AUTHORITY

##### Chairman - Mrs. Harris

Nominations: Mrs. Harris by Mrs. Glass  
 Mr. Bruce by Mr. McClash

Voting for Mrs. Harris were Ms. Brown, Mrs. Glass, Mrs. Harris, and Mr. Stephens.

By majority vote, Mrs. Harris was elected Chairman.

First Vice-Chairman - Mrs. Glass

Nominations: Mrs. Glass by Mrs. Harris  
Mr. Bruce by Mr. McClash

Voting for Mrs. Glass were Mrs. Harris, Ms. Brown, Mrs. Glass, and Mr. Stephens.

By majority vote, Mrs. Glass was elected First Vice-Chairman.

Second Vice-Chairman - Mrs. Stein

Nominations: Mrs. Stein by Mr. Bruce  
Mr. McClash by Ms. Brown

Voting for Mrs. Stein were Mrs. Harris, Mr. McClash, Mr. Bruce, and Mrs. Stein.

By majority vote, Mrs. Stein was elected Second Vice-Chairman.

Third Vice-Chairman - Mr. Bruce

Nominations: Mr. Bruce by Mr. McClash

There being no further nominations, Mr. Bruce was elected Third Vice-Chairman.

CIVIC CENTER AUTHORITY

Chairman - Ms. Brown

Nominations: Ms. Brown by Mrs. Harris  
Mr. McClash by Mrs. Stein

Voting for Ms. Brown were Mrs. Harris, Mrs. Glass, Mr. Stephens, and Ms. Brown. By majority vote, Ms. Brown was elected Chairman.

First Vice-Chairman - Mr. Bruce

Nominations: Mr. Bruce by Mr. McClash

There being no further nominations, Mr. Bruce was elected First Vice-Chairman.

Second Vice-Chairman - Mrs. Stein

Nominations: Mrs. Stein by Mrs. Harris  
Mr. McClash by Ms. Brown

Voting for Mrs. Stein were Mrs. Harris, Mr. McClash, Mr. Bruce, Mrs. Stein, and Mr. Stephens.

By majority vote, Mrs. Stein was elected Second Vice-Chairman.

Third Vice-Chairman - Mr. McClash

Nominations: Mr. McClash by Mr. Bruce

There being no further nominations, Mr. McClash was elected Third Vice-Chairman.

TOURIST DEVELOPMENT COUNCIL

Motion was made by Mr. McClash that whoever is appointed by the Chair to serve as representative on the Tourist Development Council also be the Chairman of the TDC. Motion was seconded by Mrs. Stein and carried unanimously.

CONSENT AGENDA

Upon motion by Ms. Brown and second by Mrs. Harris, the Consent Agenda dated January 5, 1999, was unanimously approved incorporating the language as stated in the recommended motions in the agenda memoranda, with deletion of the following: (1) Emergency Medical Services uncollectible accounts (deferred); (2) five-year CIP update; (3) negotiate park architectural/engineering services with Wade-Trim, Inc.; (4) award bid for security camera parts (all separate actions).  
Items APPROVED:

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(Continued)

**CLERK'S CONSENT CALENDAR****BONDS****Accept:****Mote Ranch, Phase V**

1. Agreement with Lennar Mote Ranch, Ltd., warranting required improvements (\$37,594.35).
2. Defect Security: \$37,594.34 (Letter of Credit S980679, SunTrust Bank, Miami).

**Chapparral, Phase III (aka Mote Ranch, PH 7)**

1. Agreement with Lennar Mote Ranch, Ltd., warranting required improvements (\$25,621.59).
2. Defect Security: \$25,621.59 (Letter of Credit S980677, SunTrust Bank, Miami).

**The Trails, Phase III and IV**

1. Agreement with Frank Homes Development, Inc., guaranteeing completion of required sidewalks and bikeways (\$3,900).
2. Performance Bond: \$3,900 (Assignment of Certificate of Deposit 012111630822052, First Union National Bank, Sarasota).

**Release:****Mote Ranch, Phase V**

1. Agreement with Lennar Mote Ranch, Ltd., guaranteeing completion of required improvements (\$471,437.79).
2. Performance Bond: \$471,437.79 (Letter of Credit S961002, and amendment, SunTrust Bank, Miami).

**Chapparral, Phase III (aka Mote Ranch, PH 7)**

1. Agreement with Lennar Mote Ranch, Ltd. guaranteeing completion of required improvements (\$338,280.67).
2. Performance Bond: \$338,280.67 (Letter of Credit S970378, SunTrust Bank, Miami).

**The Trails, Phase III and IV**

1. Agreement with Frank Homes Development, Inc., guaranteeing completion of required improvements/sidewalks (\$27,137.50).
2. Performance Bond: \$27,137.50 (Letter of Credit 31, Modifications 3 and 4, Seminole Bank).

**Oakbrook II (fka River Club N., Cluster IV)**

1. Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$7,137.00).
2. Performance Bond: \$7,137.00 (Cashier's Check 61-014385937, SouthTrust Bank of West Florida).

**Sarapalms, Phase II**

1. Agreement with Glenbrooke Investment Corporation warranting required improvements (\$8,657.15).
2. Defect Security: \$8,657.15 (Surety Bond PPB460240-0, Commercial Casualty Insurance Company of Georgia).

**Sugar Ridge Subdivision**

1. Agreement with Bradenton Resort Properties, Inc., warranting required improvements (\$59,607.58).
2. Defect Security: \$59,607.58 (Letter of Credit SM-03287-095, NationsBank of Florida, N.A.).

**WARRANT LIST**

Approve: December 15, 1998 through January 4, 1999

Authorize: January 5, 1999 through January 18, 1999

**MINUTES**

September 15, 17, and 22, 1998

**AUTHORIZE CHAIRMAN TO SIGN**

**Yule Fest '98** - Resolution R-98-303 correcting a duplicate resolution number issued for R-98-281 adopted October 27, 1998. RECORD s46-1581

**Satisfactions of Judgment:**

Shawn Black, Case 98-1133T  
 Carolyn Corey, Case 97-1084JD,B  
 William Farrow, Case 96-575F(2)  
 Fred Hudson, Case 97-512T  
 Ida Mae Johnson, Case 98-1794F  
 Karolyn Lioce, Case 97-4145T and 97-4389T  
 Diane Perez, Case 95-5511M  
 Miguel Tovar, Case 98-858F  
 Mary Trepanier, Case 98-5285M  
 Lynette Williams, Case 98-4608M  
 Anthony and Mary Wilson, Case 96-1946JD-B

**Force Main Rehabilitation** - Agreement with Steve A. Clapper & Associates of Florida, Inc., for 14D and 15D, \$982,640.80; date performance/payment bonds; accept insurance certificate (approved 12/1/98). RECORD S46-1582

**Partial Releases of Special Improvement Liens** - Projects 5041; 5062(2); 5130; 5144; 5147; 5254; 5256; 3004/2507(4); 3005/5235; 3006/2505; 3007/2508; 3009/5147(2); 3011/2506; 3100/2509; 3102/2502(2); 3103/2502A(2); 3106/5144

**Annual Local Government Financial Report** - Manatee County State Annual Financial Report FY 1997-1998 RECORD S46-1583

**Mosquito Control District** - Bonds and Oaths of Office for newly elected commissioners, Ralph G. Garrison and Timothy E. Matthews

**Anaerobic Digester Facility Expansion** - Certification of Contractor's Insurance and Bonding for Cardinal Contractors, Inc., general contractor, for improvements at Southwest Regional Treatment Plant (bid awarded 8/18/98; contract executed 10/20/98). RECORD S46-1584

**ACCEPT**

**Cedar Hammock Fire Control District and Southern Manatee Fire/Rescue** - Revised meeting schedule for 1999

**Braden River Fire Control and Rescue District** - Meeting schedule for 1999

**Sarasota Manatee Airport Authority** - Annual meeting and workshop schedules for 1999

**Boggy Creek Mitigation Park Grant** - Executed Addendum I to Conceptual Approval Agreement with Florida Communities Trust for **Preservation** 2000 grant funds (approved 11/18/97). RECORD S46-1585

**COUNTY ADMINISTRATOR**

**MANATEE SCULPTURE**

Execute funding agreement with Bradenton Downtown Development Authority and Westco Builders, Inc., for transfer to the Authority of \$10,000 previously donated by Westco Builders to the County for a manatee sculpture. RECORD S46-1586

**DETENTION FACILITY - ONE CENT SALES SURTAX**

1. Expend funds from the Renewal and Replacement Account to replace equipment at the Manatee County Detention Facility (MCDF) to assure year 2000 compliance, not to exceed \$104,000 (replace card access system and a fuel tank for the emergency generator).
2. Expend funds from the Renewal and Replacement Account to replace equipment (mugshot system, JMS computers and master control) at the MCDF to assure year 2000 compliance and to add 43 parking spaces at the Stockade, not to exceed \$225,500).

**FAIRGROUNDS - LAND ACQUISITION**

1. Execute letter agreement with the Manatee River Fair Association, Inc., to pay one-half the cost of the Phase I Environmental Site Assessment, \$1,137.50 (associated with the purchase of a portion of Jackson's Factory Subdivision, 14th Avenue West). RECORD S46-1587
2. Execute Contract for Sale and Purchase for a Warranty Deed with Cecil Whittaker to purchase property adjacent to the fairgrounds (1026 14th Avenue West), \$65,000. RECORD S46-1588

**WORKERS' COMPENSATION CLAIM - HIRSHBERG**

Approve payment of attorney's fees for \$18,332 (Deanna Parrish, Esquire) to settle an outstanding fee issue in the case of Thomas Hirshberg vs. Manatee County.

**INJURY CLAIM - DUBIELAK**

Deny claim by Thomas Dubielak and make no counter-offer (injured while employed by concert promoter/rock group at Civic Center).

**NONPROFIT AGENCIES FUNDING**

1. Agreement with Manatee Educational Television Consortium, Inc., for programming services and equipment purchases (10/1/98-9/30/99), \$163,000. RECORD S46-1589
2. Agreement with Legal Aid of Manasota, Inc., for legal aid services (1/1/99-12/31/99), \$39,900. RECORD S46-1590
3. Agreement with NAMI (National Alliance for the Mentally Ill) of Manatee County, Florida, Inc., for social activities (10/1/98-9/30/99), \$1,500. RECORD S46-1591
4. Children's Services dedicated millage funding agreement with the Manatee County Health Department for school health nurse services (10/1/98-9/30/99), \$250,000. RECORD S46-1592

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**COMMUNITY DEVELOPMENT BLOCK GRANT**

Execute letter to the Department of Community Affairs in response to the Community Development Block Grant audit of **PAL Charter School and Neighborhood Center** (confirming school as an accessory use and hours of operation).

**SAMOSET HEALTH CENTER**

Execute funding agreement with the Manatee County Rural Health Services, Inc., for costs associated with construction of the new Samoset Health Center, 2501 15th Street East, \$202,725.

RECORD S46-1593

**ARTIFICIAL REEF PROGRAM GRANT**

**R-99-04** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT AWARD FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE CONSTRUCTION OF AN ARTIFICIAL REEF AT THE THREE-MILE SOUTH REEF "D" SITE IN THE GULF OF MEXICO

(and authorizing execution of a grant agreement with the Florida Department of Environmental Protection, not to exceed \$25,000 ending 6/30/99).

RECORD S46-1594  
S46-1595**LANDSPREADING PERFORMANCE BOND**

Execute Irrevocable Standby Letter of Credit 973547 (NationsBank, N.A.) for Blue Septic Services, Inc., required by Landspreading Ordinance 97-26, Section VIII, 14, for performance security.

**SEA TURTLE PROTECTION**

Execute Fiscal Year 1998-99 funding agreement with Anna Maria Island Turtle Watch, Inc., for monitoring on Anna Maria Island, \$3,000.

RECORD S46-1596

**BUDGET AMENDMENT****VARIOUS DEPARTMENTS** (B-99-013)

Transfer of Funds; Unanticipated Revenue Appropriations Supporting description and detail attached

RECORD S46-1597

**APPRAISAL SERVICES - 30TH AVENUE WEST**

1. Work Assignment 1 with Richard W. Bass Associates for the east segment, not to exceed \$37,000. RECORD S46-1598
2. Work Assignment 1 with R & W Enterprises, Inc., (Dan Richardson) for the west segment, not to exceed \$47,700. RECORD S46-1599

**SURVEYING SERVICES - 53RD AVENUE WEST**

Work Assignment 8 with Foresight Surveyors, Inc., to survey soft-dig utility locations, not to exceed \$34,021.57.

RECORD S46-1600

**STATE REVOLVING FUND LOAN PROGRAM**

**R-99-03** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, TENTATIVELY AWARDED CONSTRUCTION CONTRACT FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) STATE REVOLVING FUND LOAN PROGRAM, SUBJECT TO REGULATORY APPROVAL (DEP PROJECT CS120540220, MANATEE COUNTY BID 973809); and award bid to the lowest responsive, responsible bidder meeting specifications, Beach Construction Co., Inc., for the Southwest, Southeast, and North County wastewater treatment plant belt filter presses, \$1,977,998; subsequently execute contract and simultaneously date performance/payment bond, and accept insurance certificate.

RECORD S46-1601

**SURPLUS PROPERTY**

Classify excess property as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition of property in accordance with Procurement Code 84-02, Section 8.108; and authorize disposal:

1. Equipment and vehicles from various departments; and adopt **R-99-01** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (conveying one tractor loader backhoe, Asset 26846, and one one-ton truck, Asset 28801, to the Sheriff).
2. Vehicles from various departments.

RECORD S46-1602  
S46-1603  
S46-1604**MATERIALS AND SERVICES**

1. **Automobile Parts** - Award IFB 98-6066KK on an as-required basis to the lowest responsive, responsible bidders meeting specifications for an estimated annual cost of \$76,383.60:
 

Fleet Products	Tampa Brake & Supply Co., Inc.
Hi-Line, Inc.	The Parts Pro Automotive Warehouse
Marc Industries	Vehicle Maintenance Program, Inc.
The Parts Source, Inc. d/b/a Ace Auto Parts	

2. **Fairway Mower** - Purchase via RFP 972335SV, one Toro reel mower from Wesco Turf, Inc., not to exceed \$31,886.
3. **Bleachers** - Purchase from Outdoor Aluminum, Inc., off the State Negotiated Agreement Price Schedule Agreement 805922, for Buffalo Creek and Lakewood Ranch Parks, not to exceed \$58,166.
4. **Tropical Shores Sewer and Road Improvements** - Award IFB 99-1303DC to the lowest responsive, responsible bidder meeting specifications, Woodruff & Sons, Inc., \$1,110,961.25; subsequently execute contract and date performance/payment bonds, and accept insurance certificate.

**LAWN CARE SERVICES**

Issue Change Order 1 to Purchase Order 9000621 with Southern Land Services of Manasota for services at treatment plants and lift stations with an increase of \$665 and adjusted Purchase Order not to exceed \$19,570.

**LIBRARY MATERIALS**

Execute Addenda 3 to agreements for paperback books with Ingram Library Services, Inc., and Baker & Taylor Books, Inc.; and for books, videos, CD ROMs, audios, etc., with Baker & Taylor, Inc. (primary vendor), and Ingram Library Services, Inc., and Brodart Company (secondary vendors).

RECORD S46-1605-  
S46-1609

**SOLID WASTE ENGINEERING SERVICES**

Execute Addendum 2 with HDR Engineering, Inc., extending professional services for two years and incorporating a revised rate schedule.

RECORD S46-1610

**TEMPORARY EMPLOYMENT SERVICES**

Issue Change Orders to Purchase Order P8001711 with ADECCO for an additional 496 hours (\$6,944), and extension of services for approximately 5,576 hours (\$78,064) with an approximate increase of \$85,008 and estimated total of \$87,360.

**TALKING BOOK PROGRAM**

Execute interlocal agreement with Sarasota County to administer the program for Fiscal Year 1998-99, \$91,421.

RECORD S46-1611

**DONATION**

Accept a donation of cement slabs, sports turf for batting cages, and shell throughout Braden River Park from the Braden River Little League, \$26,000.

**FINAL PLATS**

**Bright Future Subdivision**

1. Plat.
2. Mortgagee's Joinder from Citizens and Southern National Bank.

**Covered Bridge Estates**

1. Plat.
2. Agreement with Covered Bridge Development Corporation guaranteeing completion of required improvements (\$55,777.86).
3. Performance Bond: \$55,777.86 (Cashier's Check 0234151, The Huntington National Bank).
4. Agreement with Covered Bridge Development Corporation guaranteeing completion of required sidewalks and bikeways (\$22,241.44).
5. Performance Bond: \$22,241.44 (Cashier's Check 0234152, The Huntington National Bank).
6. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval, with Covered Bridge Estates.  
RECORD S46-1612
7. Maintenance Agreement for Right-of-Way Island with Covered Bridge Estates.  
RECORD S46-1613
8. Declaration of Covenants, Conditions, and Restrictions for Covered Bridge.
9. Supplemental Declaration Number 1 to the Covenants, Conditions, and Restrictions for Covered Bridge (including Articles of Incorporation and By-laws).

**Foster's Creek, Unit I**

1. Plat.
2. Agreement with Trebor Development Corporation guaranteeing completion of required sidewalks and bikeways (\$18,876).
3. Performance Bond: \$18,876 (Letter of Credit 98-08-01, Century Bank).
4. Agreement with Trebor Development Corporation warranting required improvements (\$45,328).

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5. Defect Security: \$45,328 (Assignment and Second Assignment of Certificate of Deposit 0300394441, Century Bank).
6. Maintenance Agreement for Right-of-Way Island with Foster's Creek Homeowners Association, Inc. RECORD S46-1614
7. Declaration of Maintenance and Land Use Provisions of Foster's Creek (including Articles of Incorporation and By-laws).

**Mote Ranch, Phase IV-A**

1. Plat.
2. Mortgagee's Joinder from First National Bank of Chicago.
3. Agreement with Lennar Mote Ranch, Ltd., guaranteeing completion of required improvements (\$281,499.99).
4. Performance Bond: \$281,499.99 (Letter of Credit S980353, SunTrust Bank, Miami, N.A.).
5. Agreement with Lennar Mote Ranch, Ltd., guaranteeing completion of required sidewalks and bikeways (\$8,491.60).
6. Performance Bond: \$8,491.60 (Letter of Credit S980385, SunTrust Bank, Miami, N.A.).
7. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval, with Lennar Mote Ranch, Ltd. RECORD S46-1615
8. Supplemental Amendment to the Declaration of Covenants and Restrictions for Mote Ranch.
9. Conservation Easement from Lennar Mote Ranch, Ltd.

**RIVERVIEW POINTE MANAGEMENT PLAN**

Execute Memorandum of Understanding with the National Park Service, DeSoto National Memorial, for management services; and authorize the County Administrator to approve revisions to the Management Plan in accordance with comments by the Florida Communities Trust. RECORD S46-1616  
S46-1617

**TALLEVAST ROAD IMPROVEMENTS**

Execute license agreement with Seminole Gulf Railway for rail facilities (crossing) on Tallevast Road from U.S. 301 to Lockwood Ridge Road, \$519,937. RECORD S46-1618

**FEE WAIVERS**

1. **Anna Maria Fall Cleanup** - Approve, ratify, and confirm four roll-offs throughout the City of Anna Maria, and the use of two packer trucks, November 21, 1998; waive service and tipping fees.
2. **Manatee County Fair** - Waive tipping fees at the landfill for solid waste disposal from the 1999 fair, January 21-30, 1999.
3. **Rubonia Mardi Gras** - Place one 20-yard roll-off at Perry's Grocery Store, February 13-14, 1999; waive service and tipping fees.

**UNIVERSITY PARKWAY WATER MAIN**

Execute license agreement with Seminole Gulf Railway for underground pipe installation and occupation for the Public Works Department to install and maintain a 16-inch water main crossing on University Parkway east of U.S. 301 to Shade Avenue. RECORD S46-1619

**TIME PAYMENT AGREEMENTS**

Execute and record agreements for FIF's, connection, and line extension charges with Terry and Tammie J. Milbert; Johannes G. VanHoof; Edwin T. and Mary M. Holman; Ronnie and Helen Williams; Lewie Schofield; Desiree Mullen; Albert and Norah Henzell; Leewin G. and Yoniece Miller; Eva Mae Brown; and Frank M. Ingram. RECORD S46-1620-  
S46-1629

**9TH STREET EAST**

1. Pay relocation moving cost reimbursement of \$450 to Robert Bone for his residence which was acquired for road improvements.
2. Pay replacement housing payments to Gladys Lane and Napoleon King, Sr., of \$8,950 each for their home and property acquired for road improvements; and pay moving cost reimbursement of \$1,700 incurred as a result of taking the home.

**DEEDS AND EASEMENTS**

1. **20th Avenue East** - Quit Claim Deed from Tropicana Products, Inc., and B & H Project, Inc., to clear up a title problem.
2. **Cortez Road, 26th Street, and 43 Avenue West** - Warranty Deed, from Olympia Development Group, Inc., for right-of-way on Cortez Road and 26th Street West; Right-of-Way Easement and Pedestrian Sidewalk Easement for 43rd Avenue West; Affidavit of Ownership and Encumbrances; Partial Release and Joinder from NationsBank.

3. Lockwood Ridge Road - Warranty Deed from William J. and Jan M. Mauck; Affidavit of Ownership and Encumbrances; Satisfaction of Mortgage from Tropical Federal Credit Union.
4. Rexrode Road and River Road - Corrective Quit-Claim Deed from Samuel Addison Cornwell, Jr., for right-of-way; Affidavit of Ownership and Encumbrances.

**HONORE AVENUE**

Accept and record Declaration of Dedication by the County for rights-of-way known as Honore Avenue (declaring the meandering 120-foot wide swath of land within the University Park area is specifically for roadway, utility and drainage purposes).

**STREET VACATION - BAYSHORE ESTATES PROFESSIONAL CENTER**

R-99-08-V RESOLUTION DECLARING A PUBLIC HEARING ON FEBRUARY 23, 1999, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE, BY APPLICATION OF HARRIS AND MICHELINE SILVERMAN TO VACATE A FIVE-FOOT NONVEHICULAR INGRESS/EGRESS EASEMENT ALONG 26TH STREET WEST (LOTS 1 AND 2, BAYSHORE ESTATES PROFESSIONAL CENTER SUBDIVISION).

RECORD S46-1630

**CODE ENFORCEMENT LIEN SETTLEMENT**

Accept offer by Paul L. Bruce to pay \$100 to satisfy liens in Case CE8020073X, and authorize the Director of Public Safety or her designee, to execute a satisfaction and release or discharge of the lien balance.

**WARES CREEK**

Authorize Teddy N. Williams, Jr., County Attorney, to sign Retainer Agreement with The Dutko Group for professional services relating to obtaining Fiscal Year 2000 appropriations by Congress for the Wares Creek flood control project, \$60,000. RECORD S46-1631

**WORKERS' COMPENSATION SERVICES**

Execute Addendum 5 with Johns Eastern Company, Inc., for servicing claims (1/1-2/28/99). RECORD S46-1632

(End Consent Agenda)

**AWARDS**

**Retirement**

Fred Loveland, Community Services Director, presented a plaque to George Gilman, Transit Attendant, honoring his retirement after 10 years of service.

**Retirement**

Sam Love, Facilities Management Director, presented a plaque to Richard Routh, Electrical Services Supervisor, honoring his retirement after 15 years of service.

**Transit**

Mr. Loveland presented the 1998 Florida Transit Association "Driver of the Year" plaque to Elmore "Mo" Brinson, Transit Operator, as first runner-up for the State. Mr. Brinson previously received a cash award of \$200 from the Association.

Carl Gaites, Transit Department Director, announced that the County Area Transit Division won the Statewide "Unit Safety Award" (fixed route) and the "Most Improved Safety Award" for 1998.

**Proclamation**

Upon motion by Mrs. Glass and second by Mrs. Harris, a Proclamation was unanimously adopted designating January 15, 1999, as Michael Wood Day in Manatee County. RECORD S46-1633

**Gavel Plaques**

Ernie Padgett, County Administrator, presented gavel plaques for 1998 chairmanships to Mrs. Glass, Board of County Commissioners; Mrs. Harris, Port Authority; Ms. Brown, Civic Center Authority; and Mr. Stephens, Tourist Development Council.

**HOMEOWNERS ASSOCIATIONS**

Richard West and William Wheeler, residents of Briarwood Subdivision, requested the County be responsible for the requirement of homeowners associations in subdivisions and establish an organization to enforce rules, regulate fees, and mediate/resolve neighbor conflicts. Mr. West referred to his letter to the Board (12/28/98).



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Discussion: Investigate whether other counties have an agency to address; investigate violent actions of residents.

Disposition: Referred to the County Attorney and a work session scheduled in February.

**ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE**

Charlie Hunsicker, Ecosystems Administrator, requested appointment of members to the Environmental Lands Management and Acquisition Committee for one-year terms.

**Florida Engineering Society**

Upon motion by Mr. McClash and second by Mrs. Harris, **John Banks** (sole applicant) was unanimously appointed.

**Natural Sciences**

Nominations: Doug Voltolina by Mr. McClash  
David Brown by Mrs. Harris

Motion was made by Mr. McClash, and seconded by Mrs. Harris, to close nominations and cast a unanimous ballot for **Mr. Voltolina** and **Mr. Brown**. Motion carried unanimously.

**Outdoor Sports**

Nominations: Roy Parker, Jr. by Mr. McClash

Motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to cast a unanimous ballot for **Mr. Parker**.

**Local Environmental Groups**

Nominations: Patricia Hobson by Mrs. Glass  
Arlene Sweeting by Mr. Bruce

**Ms. Hobson** was appointed by majority vote.

**Chamber of Commerce**

Upon motion by Ms. Brown and second by Mrs. Glass, **Mike Burton** was unanimously appointed.

**Anna Maria Island and Longboat Key**

Nominations: James Zacharias by Mrs. Glass  
Arlene Sweeting by Mrs. Stein

Upon motion by Mrs. Harris and second by Mrs. Glass, the nominations were closed and a unanimous ballot was cast for **Mr. Zacharias** and **Ms. Sweeting**.

**Finance and Real Estate**

Nominations: Gary Trapp by Mr. Bruce

Mrs. Harris moved to cast a unanimous ballot for **Mr. Trapp**. Motion was seconded by Mrs. Glass and carried unanimously.

**Agricultural**

Nominations: Joseph Mustion by Mrs. Harris

Mrs. Glass moved that nominations be closed and a unanimous ballot be cast for **Mr. Mustion**. Motion was seconded by Mrs. Harris and carried unanimously.

**School Board**

Nominations: Rick Meyers by Mrs. Glass

Upon motion by Mr. McClash and second by Mrs. Harris, nominations were closed and a unanimous ballot was cast for **Mr. Meyers**.

**U.S. 41/CORTEZ ROAD**

Harry Mendenhall, Transportation Department, requested selection of a design for improvements on U.S. 41/Cortez Road between 14th Street West and 301 Boulevard. A Project Development and Environment (PD&E) Study was completed in 1995.

**Bryan Williams**, Florida Department of Transportation (FDOT), submitted design Alternatives A, B, and C, which were discussed at a design reevaluation public hearing (12/1/98), and Alternatives D and E not yet discussed. He recommended Alternative D stating the objective was to minimize impacts on businesses and improve traffic service.

**Rhett Harper**, FDOT Project Manager, outlined the Alternatives Matrix noting that Alternative D was 119.5 feet wide, with a median of 15.5 feet (with no openings), 12-foot travel lanes, a bike lane, and a 12-foot border width with sidewalks at a cost of \$18.6 million (down from \$28.4 million for Alternative A approved with the PD&E Study).

Discussion: Impacts on Little Star Mobile Home Park; parking spaces (adjacent to mall) and car wash; area dangerous for bike lanes; bike lanes do not link to others; establishing an alternative bike route for area; look at Alternative E with less cost; FDOT includes bike paths with road improvements if approved by MPO and consistent with Comprehensive Plans; Manatee Avenue has 11-foot widths; whether bike paths/sidewalks would be used; need to discourage auto traffic, etc.

Motion

Motion was made by Mrs. Glass, and seconded by Ms. Brown, to recommend Alternative D.

Discussion: Provide detailed designs depicting the bike paths.

Motion - Amended

Motion was made by Mrs. Stein, and seconded by Mr. McClash, that approval be subject to a presentation to the Board of the exact design concept plan to be assured of what we are getting in terms of bike path areas. Motion carried 4 to 3, with Mrs. Glass, Ms. Brown, and Mr. Stephens voting nay.

Vote on Motion

Motion approving Alternative D, as amended, carried 6 to 1, with Mr. Stephens voting nay.

The Chairman clarified that the design should include how paths interface with cross sections of the roads.

Recess/Reconvene. All members present.

LAUREL OAK PARK SUBDIVISION - INTERNEIGHBORHOOD TIE

John Osborne, Planning Department, advised that Laurel Oak Park Subdivision was approved (5/26/98) with an interneighborhood tie to Sunset Estates to the east, limited to bicycles and pedestrians, with the option that the Board may open it in the future (Stipulation 12).

He noted that residents of Azalea Park requested (11/11/98) the interneighborhood tie east from Laurel Oak Park be open to traffic as is the tie west into Azalea Park, or that both be closed to traffic.

Mr. Osborne submitted options and associated costs: (1) Azalea Park or Laurel Oak Park requests the Board to revise site plan to close the ties; (2) opening tie from Laurel Oak to Sunset Estates to a full access (consistent with staff recommendations); (3) no change. He reviewed photographs of the interneighborhood ties.

(Depart Ms. Brown)

Discussion: Treating subdivisions equally; installing stop signs for construction traffic into Laurel Oak; establish policy to prohibit construction noise/traffic in existing subdivisions.

**Greg Meissner**, attorney representing Azalea Park Homeowners Association, recommended Option 2, to distribute the traffic within the subdivisions, and referred to petitions (submitted 5/26/98) for limiting vehicular traffic.

**Mark Nelson**, representing Sunset Estates Homeowners Association, recommended Option 3.

(Enter Ms. Brown)

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(Continued)

**Pat Neal**, Laurel Oak Park developer, objected to any change affecting paving, sewer and drainage, which was costly. He submitted photographs of a dust control truck on site. He requested no changes; however, if a change is approved, he requested a public hearing so affected property owners could be heard. Mr. Neal agreed to install temporary stop signs for the subdivision immediately.

**Ken Williamson, Jr.**, Azalea Park Homeowners Association President, stated that residents were not notified of the public hearing May 26, 1998, and noted that Option 1 is feasible.  
(Depart Mrs. Harris)

Sunset Estates residents opposed to opening the west interneighborhood tie were **Marian Tatar**, **George Leonard**, and **Gail Garden** stating concerns of child safety and traffic. They recommended Option 3;

**Martin Eason** and **Murle Collins**, Azalea Park, opposed the additional access referring to child safety and traffic. **Eunice Hartshorn**, Azalea Park, recommended opening all accesses.  
(Enter Mrs. Harris)

**William Wheeler** stated that interneighborhood ties are not in the best interest of subdivision communities and should be removed from plans.

Mark Barnebey, Chief Assistant County Attorney, advised that a public hearing would be necessary if changes were recommended.

Discussion: Closing road would require re-engineering subdivision; Sheriff enforcing speed limits in area; prohibiting construction traffic through Azalea Park; cost estimate of \$20,000 to open access to Sunset Estates; construction traffic violation; bring back options for an emergency access gate (1/26/99); setting future discussions regarding interneighborhood ties and gated communities.

Mr. Neal objected to changing the subdivision, which would require a redesign and affect the access/egress of existing parcel and resident.

No action was taken.

#### PRIVATE PENDING LITIGATION - NORDIC

**Teddy N. Williams, Jr.**, County Attorney, requested opening a pending litigation meeting in the case of Nordic of Florida Development, Inc., et al. versus Manatee County, CA 97-343 to discuss settlement negotiations or strategy related to litigation expenditures.

The meeting was opened by the Chairman and continued to 1:15 p.m. in the ninth floor conference room with Board members, County Attorney, County Administrator, and Assistant County Attorney, Mitchell Palmer, to be in attendance.

(Note: Action later in meeting.)

#### MIGRANT TUTORING PROGRAM

Motion was made by Mr. McClash, seconded by Mrs. Glass, and carried unanimously, to set a public hearing on January 19, 1999, to consider a recommendation from the Children's Services Advisory Board to provide funding to the **Myakka City Community Center, Inc.**, for a migrant tutoring program (1/4/99-9/30/99), not to exceed \$21,450.

Recess/Reconvene. All members present except Ms. Brown.

#### TRANSIT FIXED ROUTE SYSTEM

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 6 to 0, authorizing a public hearing on February 2, 1999, at 9:00 a.m., to consider recommendations for modifying the fixed route transit system.

EMERSON POINT MANAGEMENT PLAN

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 6 to 0, to accept recommendations (by staff) to establish the Emerson Point Management Plan Advisory Committee (consisting of a representative from the lead managing agency/the County, Florida Department of Environmental Protection and Southwest Florida Water Management District, Snead Island Homeowners Association, the Soil and Water District, the Manatee-Sarasota Fish & Game Association, and a County Commission member); **and** to designate Mr. McClash as member of the Board to serve on the committee.

(Enter Ms. Brown)

FLORIDA GREENWAYS AND TRAILS SEED GRANT

Motion was made by Mrs. Glass, seconded by Mr. Bruce and carried unanimously, to adopt

**R-99-09** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OFFICE OF GREENWAYS AND TRAILS FOR A SEED GRANT PROGRAM (authorizing the Chairman, or the Vice-Chairman, to execute all documents for submission of the application).

RECORD S46-1634  
S46-1635

IMPACT FEE ASSISTANCE - WEED AND SEED PROGRAM

In response to a request by Pastor Pollard of the Mount Raymond Full Gospel Baptist Church (3/24/98) to waive impact fees and utility connection fees regarding construction of a church, the County Administrator submitted

**R-99-17** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PRESCRIBING THE CRITERIA PURSUANT TO WHICH NOT-FOR-PROFIT ORGANIZATIONS LOCATED WITHIN **WEED AND SEED PROGRAM AREAS** MAY QUALIFY FOR FINANCIAL ASSISTANCE FROM MANATEE COUNTY AS RELATED TO THE PAYMENT OF WATER AND SEWER CONNECTION AND IMPACT FEES (authorizing the County Administrator, or designee, to accept and review requests, secure pertinent information for evaluation, and present recommendation to the Board of County Commissioners).

Motion was made by Mrs. Harris and seconded by Mrs. Glass, to adopt R-99-17.

Discussion: Establish budget funds for these fees; set financial limits and parameters; recognizing crime prevention/reduction impacts.

Motion carried unanimously.

RECORD S46-1636

MYAKKA CITY FIRE DISTRICT - PANTHER RIDGE FACILITY

**Robert Dodge**, Myakka City Fire District Chief, requested County assistance regarding a grant/loan from the U.S. Department of Agriculture for Rural Development through Peace River Electric Coop. He stated the grant was to build the Panther Ridge Public Safety Building for prehospital emergency medical service, fire rescue, law enforcement, and public education, on five acres at S.R. 70 and Verna Bethany Road, which would be donated by Panther Ridge developers. The cost for the facility, site work, and utilities would be \$515,900.

Chief Dodge advised that 20 percent equity (\$100,000) is required to apply for the grant and that any further in-kind service, cash or real property would benefit the application.

Discussion: Contracting with Sarasota for services; using impact fees; has County participated in other fire station construction or remodeling when it interfaces with EMS; other areas needing community facilities; balance in EMS impact fee funds/targeted uses, etc.

The item was continued to a future date.

PRIVATE PENDING LITIGATION - NORDIC (Continued)

Mr. Williams advised that the pending litigation meeting in the case of Nordic of Florida Development, Inc., et al. v. Manatee County, CA 97-343, was concluded at 2:00 p.m. today.

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(Continued)

**PARKS ARCHITECTURAL/ENGINEERING SERVICES**

Rob Cuthbert, Purchasing Director, addressed the bid process and criteria for awarding bids for architectural and engineering services since most vendors receiving bids were not local. He advised that the bid package for parks architectural/engineering services was originally associated with the one-cent sales tax, which was defeated, and was a broad-scope solicitation for a firm with expertise to develop an entire park.

Daniel Hopkins, Parks and Recreation Director, outlined the park expansion plans, which will take longer to develop without the tax, and noted that broader services will be needed.

Discussion: Out-of-town vendors may use local firms as subcontractors; experience criteria; cost efficiency; new parks development different from expansion of parks.

Mr. Bruce moved to authorize negotiations with the top-ranked, short-listed firm of Wade Trim, Inc., for parks architectural/engineering services. Motion was seconded by Mr. McClash and carried unanimously.

**SECURITY CAMERA PARTS**

After discussion as to why the bid for security camera parts was not solicited in separate groups so the lowest quotes could be selected, Mr. McClash moved approval to award IFB 98-986757AA, to the only responsive, responsible bidder meeting specifications, SecurityLink from Ameritech, for an estimated annual amount of \$73,283.

**CAPITAL IMPROVEMENT PROGRAM - FY 1999-2003**

After comment by Mrs. Harris to expedite the widening of 9th Street East, between 57th and 53rd Avenues, to remedy traffic problems associated the Winn Dixie Marketplace, motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to adopt

**R-99-02** A RESOLUTION TO ADOPT A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND A POLICY REGARDING THE ADMINISTRATION OF THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM. **RECORD** S46-1637

**COMMISSIONERS' COMMENTS****Sarasota Manatee Airport Authority**

Mrs. Glass requested that a letter be prepared in response to an Airport Authority letter (11/16/98) referring to a possible conflict of interest by Steve Belack, Chairman of the Planning Commission.

Mr. Williams stated that the County Attorney's office found no conflict of interest on behalf of Mr. Belack, and advised that a letter will be prepared advising the Authority of the finding.

**Wild Oak Bay Water Pressure**

Mrs. Harris relayed a complaint from a member of the Wild Oak Bay Steering Committee regarding the high pressure of reclaimed water delivered to the complex.

**Disposition:** Referred to the County Administrator.

**Bryn Mawr Canal**

Mrs. Harris submitted a letter from the Bryn Mawr Canal Association seeking participation by the County to get the canal dredged.

**Disposition:** Notify Association when the work session is set to discuss dredging issues.

**Trailer Estates Treatment Plant**

Mrs. Harris advised that Trailer Estates is still pursuing the purchase of County land, west of the treatment plant and surrounded by mobile homes, and recommended the matter be brought back.

**Bayshore Gardens and Trailer Estates Dredging**

Mrs. Harris requested the County Attorney expedite sign-off by the contractor so Bayshore Gardens, with approval of Trailer Estates, can use residual project funds for a land restoration project.

Tidevue Estates Mowing

Ms. Brown requested a solution be worked out to allow a Tidevue Estates homeowner to continue mowing the grass on County land adjacent to the Tidevue Estates mobile home community.

Discussion: Resident originally requested building a shed on the land to store lawn equipment; County agreed to put mowing on its schedule;  
Disposition: Referred to County Administrator.

Christmas Lights on Lift Stations

Mr. McClash recognized staff for decorating lift stations throughout the County for the holidays.

Parking - Buffalo Creek Park

Mrs. Stein reported that cars are parking on the shoulder of the narrow road that abuts Buffalo Creek Park rather than the parking lot provided.

Disposition: Referred to the County Administrator to expedite sign installation.

Southern Manatee Fire District - Flooding

Mr. Bruce requested discussions to address a possible relocation of the Southern Manatee Fire District facility due to flooding problems.

Discussion: Issue set for consideration at round-table fire district meetings.

Sheriff Substation

Mr. Bruce requested consideration of a Sheriff substation on S.R. 70 east of Oneco (15th Street East).

57th Avenue East Improvements

Mr. Bruce requested information whether a building used as a nonprofit halfway house will be removed when 57th Avenue East is widened.

Lakewood Ranch Boulevard/S.R. 64 Signalization

Mr. Bruce advised that the traffic light at Lake Ranch Boulevard and State Road 64 is currently flashing and will be in full operation in a matter of days.

Board Member Appointments to Committees

Mr. Stephens requested that Board members advise him if they wish to serve on a particular committee.

Tampa Bay Regional Planning Council

Ms. Brown volunteered to substitute for Mrs. Harris on the Tampa Bay Regional Planning Council until March 1999.

Gulf Coast Latin Chamber of Commerce

Mrs. Harris relayed an invitation from the Gulf Coast Latin Chamber of Commerce to attend Fifth Night, a traditional Hispanic celebration to distribute gifts and food to needy families at 5 p.m. today at the Salvation Army Church.

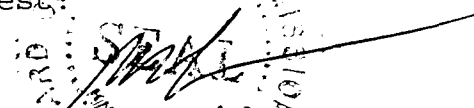
ORDINANCE - BOATING REGULATIONS

After requests by Mr. Stephens, Mr. McClash, and Mrs. Stein to consider regulation of **air boat noise, water skiing in small lakes, manatee protection, and erosion**, motion was made by Mrs. Harris, seconded by Mr. McClash and carried unanimously, to advertise a public hearing.

MEETING ADJOURNED.

There being no further business, the meeting was adjourned.

Attest:

  
Clerk

APPROVED:

  
Chairman 3/23/99

Adj: 3:12 p.m.  
/jr