

FEBRUARY 16, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 16, 1999, at 9:07 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Gwendolyn Y. Brown, First Vice-Chairman
 Joe McClash, Second Vice-Chairman (entered during meeting)
 Jonathan Bruce, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris participated via telephone
 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 the Rev. L. B. Gragg, New Start Ministries of Ellenton.

AGENDA CHANGES

Ernie Padgett, County Administrator, noted **Aquifer Storage Recovery Services** agreement with Montgomery Watson Americas, Inc., has been deferred to a later date.

CONSENT AGENDA

Motion was made by Mrs. Glass, seconded by Mr. Bruce and carried 6 to 0, to approve the Consent Agenda for February 16, 1999. Items APPROVED:

CLERK OF CIRCUIT COURTCONSENT AGENDABONDSSheriff's Public Employees and Deputy Sheriffs Blanket Bonds

(23 additions; 7 deletions).

RECORD S46-1735

WARRANT LIST

Approve: February 2, 1999, through February 15, 1999
 Authorize: February 16, 1999, through February 22, 1999

MINUTES

December 8 and 15, 1998

AUTHORIZE CHAIRMAN TO SIGNSatisfactions of Judgment

Tracey King, Case 97-2858F
 Tracey A. King, Case 97-2858F
 John Labreck, Cases 97-2306F(2) and 97-2806M(2)

Palma Sola Boulevard Force Main 19-D Replacement - Agreement with Kuxhausen Construction, Inc., \$156,330; date performance/payment bonds; and accept insurance certificate (approved 1/19/99).

RECORD S46-1736

Leffis Key/Coquina Beach Bayside Park Restoration Project - Agreement with Energy Resources Inc., \$134,870; date performance/payment bonds; and accept insurance certificate (approved 1/19/99).

RECORD S46-1737

Partial Releases of Special Improvement Liens

Projects 3009/5147; 3102/2502; 5150; 5147

Telecommunications Towers

Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to Enter Real Property and Remove Abandoned Telecommunications Tower with the Owner/Operator of Telecommunication Facility, Jacor Broadcasting of Tampa Bay, Inc., 900 33rd Street West, Palmetto (AP-98-52).

RECORD S46-1738

AUTHORIZEEmerson Point Archaeological Survey

Execute second quarterly report for Emerson Point Archaeological Survey (Resolution R-98-48 adopted 2/24/98).

RECORD S46-1739

APPROVE, RATIFY, AND CONFIRM

Parks & Recreation Special Interest Classes Instructor's Agreement

Gale S. Klein - Yoga and Somatic Yoga

RECORD S46-1740

ACCEPT

Mosquito Control District

Annual Post Audit Report for Fiscal Year ended September 30, 1998.

DNR Beach Escrow Account Statement

Summary of Account through September 30, 1998.

Lakewood Ranch Community Development Districts 1 and 2 Minutes

Meetings of the Boards of Supervisors, December 3, 1998.

Litigation Assessment Meetings Transcripts (8/5/97, 9/30/97, 12/2/97)

Jennifer Jensen vs. Manatee County and John Miller.

City of Bradenton

Annexation Ordinance 2595, (passed 1/13/99).

Housing Finance Authority

Audited Financial Statements for year ended September 30, 1998, Annual Local Government Financial Report, FY 1997-1998.

Corrective Document (Scrivener's error)

Construction Loan Agreement for Santos Martinez (approved 11/24/98), Exhibit 1, Description of Materials, Page 3, Item 22 (Plumbing).

Cedar Hammock Fire Control District

Current map of the district with station locations pursuant to Chapter 189.418(3)F.S.

Annual Notice of Any Changes (Public Facilities) pursuant to Chapter 189.418(2)F.S.

COUNTY ADMINISTRATOR

PAYMENTS TO INMATES UPON COMPLETION OF SENTENCE

R-99-41 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR PAYMENTS TO SENTENCED INMATES UPON COMPLETION OF THEIR SENTENCES, IN ACCORDANCE WITH THE

PROVISIONS OF FLORIDA STATUTE 951.04.

RECORD S46-1741

(Sentence of 4 months or more \$5; less than four months \$3)

WORKERS' COMPENSATION - HERMAN FOSTER

Authorize full settlement of Workers' Compensation claim of Herman Foster for \$46,750.

FEE WAIVER - JAMES E. RUE

Authorize fee waiver (\$1,112) for James E. Rue to appear before the Board of Zoning Appeals for issuance of a variance.

RURAL HEALTH SERVICES INC. - AIDS COUNCIL OF MANATEE

1. Execute letter to Aids Council of Manatee acknowledging termination of funding agreements to be undertaken by Rural Health Services, Inc. RECORD S46-1742
2. Execute Fiscal Year 1998-1999 agreements with Manatee County Rural Health Services, Inc. (3/1/99-9/30/99):
 - Outreach Education and Prevention (\$9,522) and \$19,015 S46-1743
 - Client Assistance (\$9,493) \$3,426 S46-1744
 - PWA Speakers Bureau RECORD

CHILDREN'S SERVICES EVALUATION PROJECT

Execute agreement with the University of South Florida, \$19,304, for completion of a study of early services for children 0-3 years of age in Manatee County. RECORD S46-1745

CHILDREN'S SERVICES FUNDING

1. Manatee County Children's Services Annual Plan/Report. RECORD S46-1746
2. Authorize announcement of the availability of \$3,700,000 of Children's Services Dedicated Millage to be awarded for services to children in Manatee County.

NONPROFIT AGENCY FUNDING AGREEMENTS

Execute Fiscal Year 1998-1999 agreements with nonprofit agencies (10/1/98-9/30/99):

- League of Women Voters (Citizen Guides) \$530 S46-1747
- Manatee Opportunity Council, Inc. (First Call for Help) \$10,609 S46-1748
- Neighborly Senior Services, Inc. (Telephone Reassurance) \$3,912 S46-1749

RECORD

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(Continued)

HOME RECONSTRUCTION PROGRAM

1. Execute Amendment One to the Construction Loan Agreement (approved 7/28/99) extending the construction period to June 30, 1999, for home reconstruction for Betty Jean Dunbar. RECORD s46-1750
2. Execute Amendment One to the Construction Loan Agreement (approved 7/28/98) extending the construction period to March 31, 1999, for home reconstruction for Rebecca and Virginia Brown. RECORD s46-1751

TAMPA BAY COMMUNITY REINVESTMENT CORPORATION

Execution of agreement substantially in accordance with the draft agreement with Tampa Bay Community Reinvestment Corporation for a revolving loan program for **CBG Avalon Housing Corporation** project in the amount of \$250,000 and \$2,220 in Capital Grant match.

RECORD s46-1752

MANATEE OPPORTUNITY COUNCIL - REPRESENTATIVES

Execute letter to the Manatee Opportunity Council Board of Directors reaffirming **Brenda Rogers, Karen Collins-Fleming, and Garnet McDonald** as the Manatee County Government representatives.

HIGH SPEED RAIL PROJECT

Execute letter to Governor Jeb Bush supporting his intention not to fund the High Speed Rail Project and requesting redirection of funds to support public transit needs in Manatee County.

POWEL CROSLY MUSEUM

1. Accept donation in accordance with Ordinance 86-05 from The Robert and Marcia M. Costello Family Foundation, \$1,000, to be held in escrow for the formation of the Powel Crosley Museum of the Entrepreneur.
2. Authorize additional travel expense of \$170.71 for Dave Crocker who provided assistance in the radio selection for display at the Crosley Museum Showcase.

EGMONT KEY BEACH STABILIZATION PROJECT

Execute letter to Egmont Key Alliance conveying support for a beach stabilization project to protect the natural and historical resources on Egmont Key.

BUDGET AMENDMENT RESOLUTION**VARIOUS DEPARTMENTS (B-99-017)**

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached)

RECORD s46-1753

34TH STREET WEST

Execute (Final) Change Order 1 to IFB 97-3142DC with Westra Construction Corp., net decrease of \$210,862.30 and addition of 145 days to contract completion, for adjusted contract amount of \$4,224,195.44 and revised completion date of November 23, 1998.

RECORD s46-1754

59TH STREET WEST

Execute Change Order 1 to Work Assignment 1 with Post, Buckley, Schuh and Jernigan, Inc., for engineering services for roadway improvements to 59th Street West from Manatee Avenue to Cortez Road, increase of \$26,527 and adjusted total not to exceed \$746,898.

RECORD s46-1755

ANNA MARIA BEACH RENOURISHMENT

Execute Addendum 1 to extend agreement for engineering services for beach renourishment with Coastal Planning and Engineering, Inc., for one year (6/9/98-6/9/99).

RECORD s46-1756

SURPLUS PROPERTY

1. Authorization to classify excess property as surplus property per Florida Statute 274.05 to enable appropriate and authorized disposition of said property in accordance with Procurement Code 84.02, Section 8.108, and authorize disposal of property. RECORD s46-1757
2. **R-99-32** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (dishes and glassware to **Manatee County Sheriff**). RECORD s46-1758
3. **R-99-33** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (computer equipment to **Manatee United Methodist Church**). RECORD s46-1759

4. **R-99-46** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES
(computer equipment to **Fellowship Alliance Church**). RECORD s46-1760

MATERIALS AND SERVICES

1. **Fiber Optics Installation/Southwest Wastewater Treatment Plant** - Award IFB 98-7171NB to lowest responsive, responsible bidder meeting specifications, Comtel Systems Corp., \$27,810.
2. **Fleet Maintenance Management System** - Enter into negotiations with CCG Systems Inc., for a computerized fleet maintenance management system and professional integration services for the Fleet Services Division, Transportation Department.
3. **Golf Ball Retrieval** - Award IFB 98-6244DM to the most responsive, responsible bidder meeting specifications and offering the highest total offer, Golf Ball Recovery of Florida, and subsequent execution of an agreement.
4. **ISD Backbone Switch** - Approve, ratify and confirm emergency purchase for Information Services from Anixter-Distribution, \$59,331.
5. **Polymer** - Award IFB 98-6065MP, on an as-required basis, to lowest responsive, responsible bidder having the lowest polymer cost per ton of recovered sludge, Ciba Specialty Company, estimated annual amount \$260,409.60.
6. **Rip Rap** - Award IFB 99-1500MP, on an as-required unit price basis to lowest responsive, responsible bidder meeting specifications, Abbotts Back Hoe Services Inc., estimated amount of \$1,217,500.
7. **Roof Repair/Central Library** - Award IFB 99-1047DC to lowest responsive, responsible bidder meeting specifications, Anderson and Shah Roofing, Inc., \$38,200.
8. **1998-1999 Light Vehicles** - Authorize purchase via State Contract and Florida Sheriff's Association and Association of Counties Contract for various departments, \$552,770:

<u>Bell Chevrolet</u>	- \$20,665	<u>Ernie Haire Ford</u>	- \$113,662
<u>Don Reid Ford</u>	- \$93,690	<u>Gateway Chevrolet</u>	- \$57,285
<u>Duval Ford</u>	- \$184,597	<u>Kaiser Pontiac</u>	- \$24,723
<u>Ed Morse Chevrolet</u>	- \$17,916	<u>World Ford</u>	- \$39,231

LAND INFORMATION SYSTEM

Issuance of Change Order 1 to Purchase Order P9000668 to Gateway Computer Associates for increase of \$1,108.44, for an adjusted amount of \$76,948.27, for an upgrade of primary domain controller.

AIR STRIPPER TOWER MAINTENANCE

Issuance of Change Order 1 to Purchase Order P9000555 for extension of service with Water Equipment Service, Inc., for an annual inspection during FY 1998-99, \$23,800, for adjusted Purchase Order of \$25,420 and adjusted project amount of \$49,220.

FLOODPLAIN STUDY

Execute Change Order 2 to Work Assignment 3 with Boyle Engineering Corporation for engineering services for a 25-year Manatee County Floodplain Study, for an increase of \$10,412 for an adjusted total not to exceed \$224,036. RECORD s46-1761

MCLEWIS BAYOU

Execute Work Assignment 14 with Boyle Engineering Corporation to provide engineering design and permitting for maintenance dredging for McLewis Bayou, not to exceed \$26,392. RECORD s46-1762

SANITARY SEWER LINE REHABILITATION

Execute Addendum 2 to agreement with Insituform Southeast, Inc., amending the agreement for sanitary sewer line rehabilitation services acknowledging a corporate name change to Insituform Technologies, Inc. RECORD s46-1763

STORMWATER MANAGEMENT MASTER PLAN - BOWLEES CREEK

Execute Addendum 1 to contract with Camp, Dresser and McKee, Inc., for engineering services for preparation of Stormwater Management Plan (Part II Services, Basin Master Plan for a Priority Basin, Bowlees Creek), \$191,809. RECORD s46-1764

CONVENTION AND VISITORS BUREAU - WEBSITE

Execute Addendum 1 to extend agreement with RAZAR Interactive to provide computer website development and design services (1/7/99-1/6/00) with all other terms and conditions remaining. RECORD s46-1765

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DONATIONS - PARKS AND RECREATION DEPARTMENT

1. **G. T. Bray Park** - Accept donation, in accordance with the provisions of Ordinance 86-05, by the Manatee Wildcats Football, Inc. in the form of adding central air conditioning, which will include duct work, air handler, etc. to the concession stand/press box at G.T. Bray Park, with a total value of \$835.
2. **R-99-25** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE DONATION OF A PALM TREE TO THE **WEST GLENN HOMEOWNERS ASSOCIATION** IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 125.38, FLORIDA STATUTES (as a memorial to Jennifer Zaffino). RECORD s46-1766

IMPACT FEE CREDIT

1. Execute Credit Authorization CA-98-07(T) and Final Authorization of Transportation Credit, \$246,375, for eligible right-of-way dedication, per Credit Authorization CA-98-07(T) for Taylor Woodrow Communities/City of Bradenton (for Honore Avenue).
RECORD s46-1767
s46-1768
2. Execute Credit Authorization CA-98-09(T) and Final Authorization of Transportation Credit, \$265,121, for eligible road construction, per Credit Authorization CA-98-09(T) for Gulf Coast Factory Shops Limited Partnership (offsite improvements). s46-1769
RECORD s46-1770
3. Execute Credit Authorization CA-98-10(P) authorizing Park Impact Fee Credits for Property Reserve, Inc./Gateway North. RECORD s46-1771

FINAL PLATS**Arrowhead Subdivision**

1. Final Plat.
2. Mortgagee's Joinder in Declaration Only from The Huntington National Bank.
3. Agreement with Mike Carter, II, Inc., guaranteeing completion of required improvements (\$92,094.08).
4. Performance Bond: \$92,094.08 (Letter of Credit 109133, The Huntington National Bank).
5. Agreement with Mike Carter II, Inc., warranting the required wetland mitigation system (\$13,308.38).
6. Performance Bond: \$13,308.38 (Letter of Credit 109131, The Huntington National Bank).
7. Conservation Easement from Mike Carter II, Inc.
8. Drainage Easement from Dewey A. Dye, Jr., and Northern Trust Bank of Florida, Co-Trustees of the Herman G. Burnett Trust.
9. Affidavit of Ownership and Encumbrances from Dewey A. Dye, Jr., and Northern Trust Bank of Florida, Co-Trustees of the Herman G. Burnett Trust.

Preserve at Panther Ridge, Phase 1

1. Final Plat.
2. Mortgagee's Joinder in Declaration Only from NationsBank, N.A.
3. Mortgagee's Joinder in Declaration Only from Regions Bank, N.A.
4. Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required improvements (\$1,681,505.01).
5. Performance Bond: \$1,681,505.01 (Letter of Credit 53, Regions Bank).
6. Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required sidewalks and bikeways (\$6,454.50).
7. Performance Bond: \$6,454.50 (Letter of Credit 54, Regions Bank).
8. Agreement with Panther Ridge Communities, Ltd., For Installation of Private Improvements Subsequent to Final Subdivision Plat Approval.
RECORD s46-1772
9. Maintenance Agreement for Right-of-Way Island with Preserve Community Association. RECORD s46-1773
10. Maintenance Agreement for Paver Brick with Preserve Community Association. RECORD s46-1774
11. Declaration of Protective Covenants from Preserve at Panther Ridge.
12. Builder's Limited Powers of Attorney (4) from John Cannon Homes, Inc., M. Pete McNabb, Inc., Neal Communities of SW Florida, Inc., and Mark Cahill Homes, Inc.

SABAL HARBOR

Execute a Participation Agreement with Pulte Home Corporation for sanitary sewer installation at Sabal Harbour, Phase III Development, \$22,273. RECORD 846-1775

ELECTRONIC MEDICAID CLAIMS SUBMISSION

Execute the Agency for Health Care Administration Electronic Claims Submission Agreement to allow Manatee County Emergency Medical Services to bill Medicaid electronically for ambulance services. RECORD 846-1776

FLOOD MITIGATION ASSISTANCE PROGRAM

Execute Department of Community Affairs, Division of Emergency Management, grant application to retrofit the home of Deanna Brinkley (total \$180,000), pending review of final grant application by the County Administrator or designee. RECORD 846-1777

STATE AND LOCAL ASSISTANCE AGREEMENT

1. **R-99-48** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, ACCEPTING A GRANT AWARD FROM THE **FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT**, FOR EMERGENCY MANAGEMENT ASSISTANCE. RECORD 846-1778
2. Execute agreement with Florida Department of Community Affairs, Division of Emergency Management (10/1/98-9/30/99), \$96,996 (State \$48,498, Local Match \$48,498). RECORD 846-1779

DRINKING WATER PROTECTION AND REUSE STUDY

Execute agreement with Southwest Florida Water Management District (SWFWMD) and City of Bradenton for the Manatee County Drinking Water Protection and Reuse Study, \$150,000 (SWFWMD \$75,000; County \$52,625; City \$22,375). RECORD 846-1780

DUETTE VOLUNTEER FIRE DEPARTMENT

Execute agreement with Duette Volunteer Fire Department for the County to provide financial support (\$12,800), 10/1/98-9/30/99; in return, the fire department will provide emergency response services on watershed property owned by County. RECORD 846-1781

REFUNDS (OVERPAYMENTS TO PUBLIC WORKS)

1. Issuance of \$23,004 refund to Kimball Hill Homes.
2. Issuance of \$1,876 refund to Parrish Fire Department.

DEEDS AND EASEMENTS

1. **3rd Avenue East/Palmetto** - Utility Easement from Pentecostal of Faith, Inc.; Affidavit of Ownership and Encumbrances to access and maintain utilities in a previously vacated portion of 3rd Avenue East (between 22nd and 23rd Streets).
2. **64th Street Court Northwest (Belair Bayou)** - Temporary Construction Easements from Ernest Irti and Edeltraud I. Irti and Dina Marie Mercadante for repair of storm drain.
3. **Cortez Road/34th Street West** - Warranty Deed and Right of Way Easement from Cambridge Bay Area Medical Plaza, Ltd., for dedication of an additional 5 feet of right-of-way on Cortez Road at 34th Street West; Affidavit of Ownership and Encumbrances; Partial Release and Joinder from HR Acquisition I Corporation f/k/a Capstone Capital Corporation.
4. **Manatee Avenue West** - Water and Sewer Easement and Cross Access Easement from Manatee Avenue Storage Partnership, LLP for utility services between 51st and 55th Streets West; Joinder from AmSouth Bank.

9TH STREET EAST

1. Authorize Relocation Moving Cost Reimbursement to Shirley Ann Contretas, \$1,200, resulting from the acquisition of her residence for improvement of 9th Street East.
2. Authorize one-time in-lieu payment to Albert Cummings, Jr., d/b/a Cummings Mini-Mart, Inc., \$20,000 for moving personal property/merchandise from his rented store acquired for improvement of 9th Street East.

TROPICAL SHORES ROAD AND SEWER ASSESSMENT PROJECT

1. Warranty Deeds and Affidavits of Ownership and Encumbrances from Joel S. Morris and Stephanie D. Morris with Partial Release from Stephen St. John; Rodger Allen Sanden and Linda Diane Sanden; Lillian Willey, Ronald Willey, Bonita Keen and Linda Sanden; Patricia A. Boyle with Partial Release from West Coast Federal Employees Credit Union; Waite Bellamy, Jr.; and Deondrick Mathis and Angela Mathis with Partial Release from Nationsbank, N.A.

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2. Right-of-Way Easements and Affidavits of Ownership and Encumbrances from Michael Aldrich with Joinder from Paul J. Myers and Edith I. Myers; Dorothy A. Nash with Joinder from Chase Mortgage Services, Inc.; H. Wayne Morgan and Joyce Ann Morgan with Joinder from First Federal Savings and Loan Association of Florida; Harold L. Morgan and Virginia F. Morgan; and Gerry L. Haisley and Sandra L. Haisley with Joinder from Sunbank/Gulf Coast.

STREET VACATION - WHITFIELD ESTATES

R-99-49-V A RESOLUTION DECLARING PUBLIC HEARING ON MARCH 23, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY **EUGENE H. AND ANNABELLE N. BECKSTEIN** TO VACATE THE 5-FOOT REAR EASEMENT ON LOTS 6, 7, 8, 9, AND 10 OF BLOCK 18 OF WHITFIELD ESTATES.

RECORD S46-1782

(End Consent Agenda)

AWARDS AND PROCLAMATIONS**American Water Works Association**

Len Bramble, Public Works Director, presented the **Award of Excellence** to the management and employees of the Public Works Department from the American Water Works Association for attaining a disabling injury frequency rate of one-fourth or less, and a severity rate of one-fourth or less than the water utility industry average for 1997.

Daniel Gray accepted the Award, recognizing his superintendents **David Yochim, Daniel Rosier, and William Kuederle**.

African-American Art and History

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried unanimously, to adopt a Proclamation designating the fourth week of February 1999 as **African-American Art Exhibition Week**, and February as **African-American History Month**.

RECORD S46-1783

David McDonald, Facilities Management Department, accepted the Proclamation.

FFA Week

Upon motion by Ms. Brown and second by Mr. McClash, a Proclamation was unanimously adopted designating February 20-27, 1999, as **Future Farmers of America (FFA) Week**.

RECORD S46-1784

The Proclamation was accepted by **Daniel West**, FFA Advisor of Palmetto High School, who introduced officers and members of the Palmetto FFA.

Christian Neubauer Day

Motion was made by Mrs. Stein, seconded by Mrs. Glass and carried unanimously, to adopt a Proclamation designating February 16, 1999, as **Christian Neubauer Day** in recognition of his 1999 Prudential Spirit of Community Award.

RECORD S46-1785

Christian Neubauer was present to accept the Proclamation.

CITIZENS' COMMENTS**Public Parking - Downtown**

William Wheeler addressed the lack of public parking due to relocation of Bradenton City Hall. He requested consideration of reasonably priced or free parking for use by citizens in downtown Bradenton.

Sarasota-Bradenton Airport

Fred Zoerner submitted a newspaper article dated July 21, 1989, Airport Noise Abatement, stating it has been going on over ten years.

Florris Bly, Ferne Root, Florence Mallory, Martin Conlon and Edward Stanley urged the Board to support the implementation of the 270 degree turn for departure flights from the Sarasota-Bradenton Airport.

Ron Johnson, Commissioner of Longboat Key, asked the Board for consideration of a response from the City of Longboat Key regarding the airport presentation, prior to making a decision.

ECONOMIC DEVELOPMENT COUNCIL

Rip duPont, Economic Development Council (EDC) Chairman, referred to brochures and utilized slides to present a report on the EDC programs, plans and focus for 1999. He reviewed the success of 1998 which generated \$100,000,000 of capital investment and 1,200 new jobs, noting 80 percent of the activity was due to expanding existing industries.

He reviewed the EDC Labor Initiatives programs: Jobfocus.com; Resume Service; Apply-By-Phone, a pilot program; Job Fair/Career Expo scheduled May 12, 1999, at the Civic Center; and Intern Match.

(Depart Mr. McClash)

He reviewed some of the research tools utilized by the EDC including Claritas Reports, American Chamber of Commerce Cost of Living Survey, Department of Labor, and Economic Quarterly Reports. Regarding marketing, he advised the EDC partners with the Tampa Bay Partnership (which promotes the business climate of the region composed of seven counties) and Enterprise Florida. This affords national and international coverage, as well as leads from trade shows.

SARASOTA-BRADENTON INTERNATIONAL AIRPORT

Fred Piccolo, Executive Director of Sarasota-Manatee Airport Authority, presented an overview of the noise mitigation program implemented by the Authority. He advised that over \$12,000,000 was spent by the airport on noise mitigation measures in both Sarasota and Manatee Counties in the first ten years of the program.

Noah Lagos, Senior Director of Aviation, stated under the regulations established by the Federal Aviation Administration (FAA), the airport completed its Noise Compatibility Program update in February 1997 and received conditional approval from the FAA on its elements, including the new 270 degree turn procedure, on October 9, 1997. The updated program contains a change to the current turn procedure, which provides improved noise relief to some without influencing significant adverse affects on others. He noted the new 270 degree radial turn was approved subject to three conditions: (1) environmental review, (2) flight check, and (3) publishing of the new procedure. He stated the FAA issued a Finding of No Significant Impact on November 16, 1998.

He reviewed and explained 8 exhibits:

1. **Monitored Flight Track** (depiction of **current** flight track.) The intent is for all aircraft to fly over Sarasota Bay minimizing the effects on communities on both sides of the Bay.
 2. **Monitored/Alternative Flight Track Corridors** (depiction of **proposed** flight track.) In past years, this turn could not be accomplished because of military traffic from MacDill Air Force Base. However, with the changing role of MacDill, this air space can now accommodate the commercial traffic. This has been confirmed by Tampa Air Traffic Control.
 3. **Monitored/Alternative Flight Track Corridors** (depiction of the comparison of the **current** and the **proposed** flight track splay.)
 4. **Existing Noise Contour Map** (depiction of **current** noise contours.)
 5. **Proposed Noise Contour Map** (depiction of **proposed** noise contours.)
- (Enter Mr. McClash)
6. **Comparison of 65 DNL Noise Contours** (depiction of **current** and **proposed** noise contours.) Analysis of the proposed procedure indicates a net reduction of 402 homes in the 65 DNL Noise Contour. The area receiving additional noise exposure would be the portion of Longboat Key from the Sarasota-Manatee County Line north for approximately one mile.
 7. **Average Altitude of Aircraft Departing Runway 32 with Existing Procedure** (current altitudes maintained over community.)
 8. **Average Altitude of Aircraft Departing Runway 32 with Alternative Procedure** (altitudes with proposed plan.)

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Mr. Lagos advised that the Town of Longboat Key has opposed the implementation of the new turn and has hired a law firm to represent its interests. He referred to a handout containing the objections of Longboat Key, and the response. He stated none of the objections has been substantiated and the FAA has found the turn to be safe.

He stated the FAA has decided to reexamine the environmental review to further analyze all environmental impacts and address questions related to legal sufficiency. He noted the FAA review should be completed by summer and followed by public hearings. Therefore, the implementation of the turn could be delayed to late 1999 or early 2000.

Mr. Piccolo requested the County convey the following concerns to the FAA without taking a position on the new procedure: (1) insure the FAA dedicates the necessary resources to conduct the expanded environmental assessment, and (2) the assessment be completed in an expeditious manner. He stated proponents and opponents also need to voice community interests to elected officials in Washington, D.C. and FAA.

Teddy Williams, County Attorney, stated the airport and the flight path are subjects of a Development of Regional Impact (DRI) and a Development Order. He indicated the Board has no authority to unilaterally impose or affect the flight pattern.

Jeffrey Steinsnyder, Assistant County Attorney, stated it is highly unusual for the Board to take a position regarding a DRI that will be subject to a public hearing in the future. He noted the most recent Development Order issued for the Airport Authority by the Florida Land and Water Adjudicatory Commission in November, 1986, had as one of its conditions the noise abatement turn takeoffs immediately left to a heading of 270 degrees. He noted the action the Airport Authority is seeking is consistent with the existing Development Order and the FAA could be advised by the Board of factual matters.

Discussion: Resolution or letter; new departure procedure approved in 1997; at least six months for another decision; support the community with a reasonable solution.

Mr. McClash moved to authorize the Chairman to send a letter to the Federal Aviation Administration to urge them to expedite the review and to appropriate any funds needed to accomplish the task and expedite also the procedures for the standard instrument departures to be implemented. The motion was seconded by Mrs. Harris.

Discussion: This is the safest route over vacant land and open water; Statute 333.03 refers to aircraft flying over school areas; 75 percent of aircraft are Stage 3 compliant; Federal law requires all air carrier aircraft be Stage 3 compliant by 1/1/00; noise impact on central Longboat Key; noise contour over Longboat for year 2000 45-50 DNL.

The motion carried 7 to 0.

RECORD 846-1786

Recess/Reconvene. All members present.

CHILD DAY CARE LICENSURES

Cheri Coryea, Community Services Department, stated the Department of Children and Families (DCF), District VI, requested consideration of the County to take over the responsibilities of child care licensing. As a result of the recent privatization project for foster care and other areas in child welfare, it has become apparent that child care licensing may be turned over from DCF to other family providers. She stated the Health Department has declined to take over this function but there are private providers who have expressed an interest.

Ms. Coryea outlined the licensure program responsibilities, the current budget and staffing pattern, short-term concerns, facility location issues, the potential effect on County departments, and long-term considerations.

Discussion: Funds not identified; another program handed down to local government; cannot be done unless resources are provided; State would have to negotiate a contract; if a private provider can serve more than one county; should be kept private; liability and legal issues; additional burden for County staff; cannot regulate what we fund; inform legislature of our concerns.

Joe Tagliarini, DCF Program Administrator, addressed administrative costs and legal costs, and discussed privatization (responsibility transferred to the local level) of the program.

No action was taken to continue dialogue relative to the County taking over this program.

REFUNDING AND IMPROVEMENT BONDS

Jim Seuffert, Financial Management Department, submitted

R-99-52 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF A FIRST SERIES OF BONDS IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$14,000,000 AND DESIGNATED MANATEE COUNTY, FLORIDA, REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1999; TO REFINANCE CERTAIN SHORT TERM BORROWINGS BY THE COUNTY INCURRED FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS; TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A COUNTY BUILDING AND OTHER COUNTY PROJECTS; TO PAY AND DEFEASE A PORTION OF THE COUNTY'S REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1992; AND TO REIMBURSE THE COUNTY FOR PRIOR EXPENDITURES MADE IN CONNECTION WITH CERTAIN COUNTY PARKS; AUTHORIZING A SECOND SERIES OF BONDS IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$23,000,000 AND DESIGNATED MANATEE COUNTY, FLORIDA, REVENUE REFUNDING BONDS, SERIES 2000, TO CURRENTLY REFUND ALL OF THE OUTSTANDING MANATEE COUNTY, FLORIDA, COMMUNITY REDEVELOPMENT REVENUE REFUNDING BONDS (ADMINISTRATION CENTER PROJECT), SERIES 1990; PROVIDING FOR THE UNDERTAKING BY THE COUNTY REQUIRED BY RULE 15c2-12 OF THE SECURITIES AND EXCHANGE COMMISSION; PROVIDING FOR THE TERMS AND PAYMENTS OF SUCH BONDS; PROVIDING FOR THE RIGHTS, SECURITY AND REMEDIES OF THE OWNERS THEREOF; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

and

R-99-54 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE NEGOTIATED SALE OF MANATEE COUNTY, FLORIDA, REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 1999, IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$14,000,000; AUTHORIZING THE NEGOTIATED SALE OF MANATEE COUNTY, FLORIDA, REVENUE REFUNDING BONDS, SERIES 2000, IN THE INITIAL AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$23,000,000; DETERMINING CERTAIN DETAILS OF SAID BONDS; APPROVING THE FORM OF, AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE CONTRACT FOR EACH SERIES OF BONDS TO EFFECT THE NEGOTIATED SALE OF THE BONDS; SETTING FORTH THE PARAMETERS THAT ARE REQUIRED TO BE SATISFIED PRIOR TO THE EXECUTION OF SUCH PURCHASE CONTRACTS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF THE BONDS AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT BY THE UNDERWRITERS; AWARDED THE BONDS TO THE UNDERWRITERS; APPOINTING AN ESCROW AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW DEPOSIT AGREEMENTS; APPOINTING A PAYING AGENT; APPOINTING A REGISTRAR; PROVIDING FOR A BOND INSURANCE POLICY AND SURETY BOND FOR THE BONDS PROVIDED BY MBIA INSURANCE CORPORATION; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A FINANCIAL GUARANTY AGREEMENT IN CONNECTION WITH ITS ISSUANCE OF THE SURETY BOND BY MBIA INSURANCE CORPORATION; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY SYSTEM; AUTHORIZING THE PROPER OFFICERS OF THE COUNTY TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE AS TO THE SALE AND DELIVERY OF THE BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

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(Continued)

Mr. Seuffert advised negotiations with underwriters regarding the issuance of bonds concluded with a revised schedule to provide the ability to get the best price for bonds. The schedule will require the extension of the commercial paper loan for a short period in order to work out details of the long-term bond issue. He noted R-99-52 authorizes the issuance of bonds and R-99-54 sets parameters which delegates the authority to accept the final details.

Mr. McClash moved adoption of Resolutions R-99-52 and R-99-54 and authorized the issuance of bonds. The motion was seconded by Ms. Brown and carried 7 to 0.

RECORD S46-1787
S46-1788

FLORIDA ASSOCIATION OF COUNTIES COMMERCIAL PAPER LOAN PROGRAM

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried unanimously, to adopt

R-99-45 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BORROWING OF NOT EXCEEDING \$5,900,000 FROM THE POOLED COMMERCIAL PAPER LOAN PROGRAM OF THE FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION PURSUANT TO THE TERMS OF THE LOAN AGREEMENT BETWEEN THE COMMISSION AND THE COUNTY IN ORDER TO REFINANCE CERTAIN LOANS MADE TO REFINANCE THE ACQUISITION AND CONSTRUCTION OF VARIOUS CAPITAL IMPROVEMENTS WITHIN THE COUNTY; AUTHORIZING THE EXECUTION OF TWO LOAN NOTES TO EVIDENCE SUCH BORROWING; AGREEING TO SECURE LOAN NO. A-1-5 AND LOAN NO. A-3-3 WITH COVENANTS TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES, AS PROVIDED IN THE LOAN AGREEMENT; AGREEING TO SECURE THE PRINCIPAL OF LOAN NO. A-2-5 WITH A FIRST LIEN ON THE PROCEEDS OF MANATEE COUNTY, FLORIDA GENERAL OBLIGATION BONDS (EMERSON POINT LANDS) WHEN AND IF ISSUED AND IF SUCH GENERAL OBLIGATION BONDS ARE NOT ISSUED THE INTEREST AND PRINCIPAL OF SUCH LOAN NO. A-2-5 SHALL BE SECURED WITH A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO EFFECT SUCH BORROWING; AND PROVIDING AN EFFECTIVE DATE.

RECORD S46-1789

CENTRAL LIBRARY SUNDAY HOURS

Diane Frenz, Information Services Director, reported the Central Library has a staff of 12 and services the public 63 hours per week Monday through Saturday, with Saturday being the busiest day. Information from other libraries indicates Sunday would be another high volume day. She requested Sunday hours from 1:00-5:00 p.m. with a staff of 12, and the addition of six positions in order to maintain an adequate level of service. She stated the additional staff would provide extended hours at Rocky Bluff and Braden River, and that a custodial person would be necessary Saturday or Sunday. She stated the cost would be \$180,000. She noted funds have not been allocated this budget year, but have been included in the FY 1999-2000 budget as a supplemental request.

Disposition: Staff to consider during the budget process.

BLACKSTONE PARK EXPANSION

David Rothfuss, Assistant County Administrator, requested execution of a purchase agreement with Manatee Fruit Company for \$305,000 for acquisition of 12 acres to expand Blackstone Park.

Discussion: Environmental site assessment; deed will contain a restrictive covenant that will run with the land; two street vacations included in the agreement, etc.

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried 7 to 0, to approve the request.

RECORD S46-1790

JUDICIAL CENTER WORKING GROUP

Mr. Rothfuss advised that the Judicial Center Working Group issued a Request for Information (RFI) regarding judicial center designs and toured three recently constructed judicial centers. He noted the responses suggest a judicial space planning consultant be engaged.

Mrs. Glass moved to authorize the issuance of RFP 99-1308RC to engage space planning services for the proposed Manatee County Judicial Center project. The motion was seconded by Mrs. Stein and carried 7 to 0.

FISCAL YEAR 1997-98 FINANCIAL AUDIT

John Vodenicker, Ernst & Young, presented a Report to the Board of County Commissioners and the Comprehensive Annual Financial Report (CAFR) for the year ended September 30, 1998.

Discussion: Year 2000 issues; no impact on the certificate program or the bond community; opinion paragraph; method of accounting for investments by adopting Government Accounting Standards Board Statement 31; accounting and reporting for the Internal Revenue Code Section 457 deferred compensation plans; performed additional compliance procedures for the County and each Constitutional Officer; findings, etc.

LAWSUIT: OUTERLIMITS

James Minix, Assistant County Attorney, reviewed the history of the lawsuit (CA-98-2255) against OuterLimits regarding a public nuisance. He advised the OuterLimits violated a Consent Injunction on September 7, 1998, and the County filed a motion of sanction and contempt. He stated in considering whether to enforce the injunction, the Court determined that the matter requires a criminal contempt proceeding. The civil proceeding was dismissed and the judge appointed him as special prosecutor. He requested authorization to move forward with a criminal contempt proceeding.

Mr. Minix advised the criminal proceeding involves special procedures and a higher standard of proof. He stated if the County does not prevail it may be subject to an attorney's fee award by the other side. He noted no official reports have been received from the Sheriff of noise problems with this particular entity; however, numerous residents have reported noise from Outerlimits still exists.

Motion - Tabled

Mrs. Harris moved authorization to go forward with criminal contempt proceedings. The motion was seconded by Mr. Bruce.

Discussion: Prevailing party may be entitled to attorney's fee; explore proceeding with the Land Development Code (LDC); violation through the Code Enforcement Board; County Attorney would be enforcing the noise ordinance in the context of a criminal contempt proceeding; consult with State Attorney; enforcement of an injunction is not a criminal matter it is a civil matter; U.S. Supreme Court opinion; a maximum fine of \$5,000 could be issued at the discretion of the judge; LDC fine would have to be researched; Code Enforcement could create property liens, etc.

Motion was made by Mrs. Stein to table the motion until the next meeting to give staff the opportunity to obtain more information on proceeding under the Land Development Code. The motion carried 7 to 0.

COMMISSIONERS' COMMENTS

PDR-97-10 Gustave Berne/Berne North

Mrs. Stein referred to a statement contained in the opinion received regarding the lawsuit (CA-98-2236) PDR-97-10 Gustave Berne/Berne North Preliminary Site Plan matter and requested the County Attorney's Office review the Board's policy options in land use issues.

Assignment Conflicts

Mrs. Glass stated she is unable to carry out the assignments for the Agency on Bay Management and the Airport Advisory Committee and asked the Chairman to appoint other Board members.

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(Continued)

Nordic of Florida Development Inc.

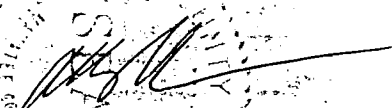
Mr. McClash stated he attended the mediation session and advised the case was settled and the County did well.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 4/6/99

Adj. 12:17 p.m.
ymlh