

MAY 18, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 18, 1999, at 9:08 a.m.

Present were Commissioners:

Stan Stephens, Chairman  
Gwendolyn Y. Brown, First Vice-Chairman, entered during meeting  
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 Chaplain Robert W. Scott, Anchor House Mission.

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 6 to 0, to approve the Consent Agenda dated May 18, 1999, with deletion of **Claim Settlement** against the Estate of Eddie J. Thomas, Sr. (separate action). Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (24 additions; 12 deletions) RECORD S46-2074

River Pointe, Phase I

Amended agreement (time extension) with Centex Homes, guaranteeing completion of required sidewalks and bikeways, \$4,461.60.

Summerfield Village, Subphase C, Unit 1

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$10,002.87.
2. Defect Security: \$10,002.87 (Surety Bond 135937, Frontier Insurance Company).
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (final lift of asphalt), \$7,946.06.
4. Performance Bond: \$7,946.06 (Surety Bond 135927, Frontier Insurance Company).

Summerfield Village, Subphase C, Unit 3

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$10,032.52.
2. Performance Bond: \$10,032.52 (Surety Bond 135929, Frontier Insurance Company).
3. Agreement with SMR Communities Joint Venture warranting required improvements, \$13,759.22.
4. Defect Security: \$13,759.22 (Surety Bond 135928, Frontier Insurance Company).

Release:

River Pointe, Phase I

Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways, \$4,461.60.

Summerfield Village, Subphase C, Unit 3

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$225,943.81.
2. Performance Bond: \$225,943.81 (Surety Bond 123404, Frontier Insurance Company).

Summerfield Village, Subphase B, Unit 2, Tract 325

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$7,226.54.
2. Defect Security: \$7,226.54 (Surety Bond MNT8019571, Fidelity and Deposit Company of Maryland).

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Summerfield Village, Subphase B, Unit 2, Tracts 326 & 327

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$21,047.10.
2. Defect Security: \$21,047.10 (Surety Bond MNT8019572, Fidelity and Deposit Company of Maryland).

Summerfield Village, Subphase B, Unit 1, Tracts 322, 323 & 324

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$19,643.22.
2. Defect Security: \$19,643.22 (Surety Bond MNT8019570, Fidelity and Deposit Company of Maryland).

Summerfield Village, Subphase C, Unit 1

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$184,005.77.
2. Performance Bond: \$184,005.77 (Surety Bond 123402, Frontier Insurance Company).

Regency Oaks II

1. Agreement with John P. Barrett, Jr., M.D., Trustee, John P. Barrett, Jr. Living Trust as General Partner of the Barrett Family Partnership, V, Ltd., guaranteeing completion of required improvements, \$1,247,741.
2. Performance Bond: \$1,247,741 (Letter of Credit S95-18, and including all amendments, Republic Bank).
3. Agreement with John P. Barrett, Jr., M.D., Trustee, John P. Barrett, Jr. Living Trust as General Partner of the Barrett Family Partnership, V, Ltd. guaranteeing completion of required sidewalks and bikeways, \$19,734.
4. Performance Bond: \$19,734 (Letter of Credit S95-19, and including all amendments, Republic Bank).

WARRANT LIST

Approve: May 4, 1999 through May 17, 1999

Authorize: May 18, 1999 through May 24, 1999

BILLS FOR PAYMENT

Piccadilly Cafeteria - Semi-Annual Rebate (Sewer) \$5,466.29

REFUNDSTaylor Woodrow Communities - Impact Fee Refund  
[CA-98-07(T)] 9,308.00

Creekwood Investors Ltd. - Right-of-Way Applic. 630.00

MINUTES

February 23, 1999 and March 16, 1999

AUTHORIZE CHAIRMAN TO SIGNSatisfactions of Judgment -

William Laurin, Case 98-841T  
 Jeffrey J. Howard, Case 93-3213F  
 Sean Michael Sweeney, Case 96-4261T  
 Randy Kulefsky, Cases 98-3260F(3), 98-3261F, and 98-3262F  
 Emmet McNear, Case 95-2490F

Authorization for Payment of Taxable Costs - Diana Moreland -

State vs. Robert Fitzgibbons III, Case 98-1748F (\$44)

Southwest Regional Treatment Plant - Variable Frequency Drive for Effluent Pump 1 - Agreement with Sullivan Electric & Pump, Inc., \$53,614; accept insurance certificate (approved 4/6/99).

RECORD S46-2075

Child Support Enforcement - Sheriff's Service of Process Contract with State of Florida, Department of Revenue, (7/1/99-6/30/01), not to exceed \$55,908.

RECORD S46-2076

75th Street West Roadway Improvements - Agreement with Woodruff & Sons, Inc., \$5,157,309.95; date performance/payment bond; accept insurance certificate (approved 5/4/99).

RECORD S46-2077

Fleet Maintenance Facility Renovations - Agreement with Cumming Construction, \$99,817 (approved 4/6/99).

RECORD S46-2078

Belt Filter Presses - Agreement with Beach Construction Company, Inc., \$1,977,998; date performance/payment bond; accept insurance certificate (approved 4/27/99).

RECORD S46-2079

Telecommunications Towers - Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to Enter Real Property and Remove Abandoned Telecommunication Tower with Owner/Operator of Telecommunications Facility and Owner/Lessor of Real Property:

1. OPM-USA Tower Oneco No. 2, 5928 21st Street East, Bradenton (FSP-99-14) RECORD S46-2080
2. Nextel Piney Point Communication Tower, 5010 Buckeye Road, Palmetto (AP-99-18) RECORD S46-2081

**Sarabay Woods Homeowner Association/Ditch Cleaning Project** - Letter to the President of Sarabay Woods Homeowners Association, forwarding a Waiver of Landfill Tipping Fees form for the association's ditch cleaning project (authorized 3/30/99).

**ACCEPT**

**Records Destruction Request** - Bureau of Archives and Records Management Forms listing records:  
Form 439, Public Safety

**\$19,170,000 Manatee County, Florida Revenue Refunding Bonds, Series 2000** - Copies of Delayed Delivery Contracts (8) with the Underwriters and with Van Kampen Florida Quality Municipal Trust; Van Kampen Trust for Investment Grade Florida Municipals; WM Florida Insured Municipal Fund; Delphi/Safety National Casualty; Thornburg Intermediate Term Florida Fund; Dain Rauscher Inc.; Bear, Stearns & Co., and Lord Abbott (authorized by R-99-75, 3/23/99). RECORD S46-2082+

**Peace River/Manasota Regional Water Supply Authority** - Tentative Budget for FY 1999/2000 and Resolution 1999-01 setting forth preliminary schedules fixing and classifying rates, fees and charges for treated water for FY 1999/2000 (adopted by the Authority Board of Directors on 5/5/99).

**Southern Manatee Fire & Rescue District** - Revised schedule of meetings for the remaining fiscal year.

**APPROVE, RATIFY AND CONFIRM**

**Parks & Recreation Special Interest Classes Instructor's Agreement**

John Purdon - Tennis

RECORD S46-2088

**COUNTY ADMINISTRATOR****CLAIM SETTLEMENT**

Deny settlement demand of claimant (Ms. Stanton) for \$100,000 resulting from an automobile liability claim, and counter-offer for \$5,000, to allow further settlement negotiations.

**ALZHEIMER'S DISEASE INITIATIVE**

1. **Alzheimer's Disease Initiative Grant Program** - Execute Amendment 3 to agreement with West Central Florida Area Agency on Aging, Inc., decreasing Manatee County spending authority to \$120,831 (7/1/98-6/30/99; to meet an emergency funding need in Polk County). RECORD S46-2089

2. **Alzheimer's Disease Initiative Respite Program** - Execute Nonprofit Agency Funding Agreement with Neighborly Senior Services of Manatee, Inc., (9/1/98-6/30/99), \$20,883. RECORD S46-2090

**MEDICAID WAIVER - HOME AND COMMUNITY-BASED SERVICES**

1. Execute Medicaid Waiver Referral Agreement with West Central Florida Area Agency on Aging and Summit Home Respiratory Services, Inc. (5/18/99-6/30/00). RECORD S46-2091
2. Execute Amendment 3 to Medicaid Waiver Agreement with West Central Florida Area Agency on Aging, Inc., decreasing Manatee County spending authority to \$443,205.53 (7/1/98-6/30/99; to meet an emergency funding need in Hillsborough County). RECORD S46-2092

**COMMUNITY DEVELOPMENT BLOCK GRANT**

County Administrator or designee to conduct two required public meetings (5/19/99 and 6/9/99) in preparation for the Small Cities and Community Development Block Grant funding cycle (to review the feasibility of a project for **Parrish road paving and Sylvan Oaks drainage**).

**ECO-HERITAGE CONFERENCE**

Authorization to expend up to \$1,000 to host two events during the Statewide Eco-Heritage Conference to be held at the Holiday Inn on Longboat Key, May 24 and 25, 1999.

**MOTOR VEHICLE EMISSION STANDARDS**

**R-99-109** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE ADOPTION OF MORE STRINGENT NATIONAL MOTOR VEHICLE EMISSION STANDARDS; RECOMMENDING A SHORTER COMPLIANCE DEADLINE FOR THE MORE POLLUTING MOTOR VEHICLES; OPPOSING REGULATORY EXEMPTION FOR THE MOST POLLUTING VEHICLES; AND SUPPORTING STRICT LIMITS ON SULFUR CONTENT IN MOTOR VEHICLE FUELS.

RECORD S46-2093

**WELL CONSTRUCTION PERMITTING**

Execute Second Amendment to Well Construction Permitting Agreement (5/16/95) with the Southwest Florida Water Management District (SWFWMD), extending the agreement (5/31/02). RECORD S46-2094

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(Continued)

**BUDGET AMENDMENT (B-99-023)****VARIOUS DEPARTMENTS**

Transfer of Funds; Unanticipated Revenue Appropriations  
Supporting description and detail attached RECORD S46-2095

**LANDFILL COMPACTOR**

Return Asset 34285 to Ringhaver Equipment Company in accordance with the terms and conditions of IFB 96-5233DC, Total Cost Agreement, for an amount of \$125,000 (approved 5/14/96).

**GEOTECHNICAL ENGINEERING AND SOILS AND MATERIALS TESTING**

Execute agreements (including the Port Authority) with Ardaman & Associates, Inc., and Professional Service Industries, Inc., for one year, with two, one-year extension options (estimated annual cost \$500,000-\$700,000). RECORD S46-2096

**JAIL MANAGEMENT SYSTEM**

Execute Addendum 1 to Extended Support Agreement (6/3/97) with BI, Incorporated extending maintenance and support services (7/1/98-5/31/99), and to implement time and materials compensation (6/1/99-12/31/99). RECORD S46-2097

**LAKWOOD RANCH BOULEVARD NORTH**

Execute Final Change Order to IFB 98-4247DC with Gator Asphalt Paving, Inc., for Lakewood Ranch Boulevard North, Phases II and IIA, for a net decrease of \$38,764.51 and adjusted contract amount of \$2,901,482.90. RECORD S46-2099

**MAIL HANDLING SERVICES**

Execute Addendum 1 to agreement (4/8/97) with Access Mail Processing Services, Inc., extending the agreement through April 8, 2000. RECORD S46-2100

**MANHOLE REHABILITATION**

Execute Addendum 2 to Professional Services Manhole Rehabilitation Agreement (7/29/97) with Rowland, Inc., for a one-year extension (7/29/99-7/28/00), on an as-required basis. RECORD S46-2101

**MATERIALS AND SERVICES**

1. **Mail Management System** - Purchase via State Contract 600-760-98-1 from Pitney Bowes Corporation, estimated total \$49,924.75.
2. **Modular Partitions (Information Services)** - Purchase via State Contract 425-001-97-1 from Pride of Florida, \$64,144.22.
3. **PABX System (First Union Building)** - Approve, ratify and confirm the emergency rental of a replacement telephone switch from GTECC, \$10,475, and subsequent purchase of a new, replacement switch from GTECC, \$82,743.14; not to exceed \$93,218.14.
4. **Waukesha Co-Generation Engine** - Sole source purchase of an overhaul of the engine at the Southwest Wastewater Treatment Plant from Reagan Equipment Company, Inc., estimated total \$44,453.

**DONATIONS - LIBRARY**

Accept donations, in accordance with Resolution R-86-278 and procedures established by the County Administrator's office, in the amount of \$17,484 to the Library Division during the FY 1998-1999 quarters covering October-December 1998 and January-March, 1999.

**CERTIFIED POOL/SPA OPERATOR'S CLASS**

Parks and Recreation Department to host and facilitate a certified pool/spa operator's class by Tropical Aquatics on June 5-6, 1999, at G.T. Bray Park in exchange for two class registrations.

**DUETTE PARK - HARVEST DATES**

Approve the hunting dates for the harvesting of wild game in Duette Park for the 1999 and 2000 hunting seasons. RECORD S46-2102

**FINAL PLAT - LAKEWOOD RANCH COUNTRY CLUB VILLAGE, SUBPHASE G****a/k/a WESTCHESTER**

1. Final Plat.
2. Mortgagee's Joinder in Ratification of Subdivision Plat from Northern Trust Bank of Florida, N.A.
3. Joinder in and Ratification of Subdivision Plat from Lakewood Ranch Community Development District 2.
4. Agreement with SMR Communities Joint Venture Guaranteeing Completion of Required Improvements (\$31,096.91).
4. Performance Bond: \$31,096.91 (Surety Bond 137466, Frontier Insurance Company).
5. Agreement with SMR Communities Joint Venture Guaranteeing Completion of Sidewalks and Bikeways (\$9,476.35).
6. Performance Bond: \$9,476.35 (Surety Bond 137464, Frontier Insurance Company).

7. Interlocal Agreement between Manatee County and Lakewood Ranch Community Development District 2. RECORD S46-2103
8. Agreement with SMR Communities Joint Venture for Final Wearing Course of Asphalt on Roadways. RECORD S46-2104
9. Agreement with SMR Communities Joint Venture for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval. RECORD S46-2105
10. Supplemental Declaration by SMR Communities Joint Venture.
11. Conservation Easement from Schroeder-Manatee Ranch, Inc., and Lakewood Ranch Community Development District 2.

**FINAL PLAT - MUNNS SUBDIVISION**

1. Final Plat.
2. Agreement with Fred J. Munn to Defer Completion of Required Sidewalks. RECORD S46-2106
3. Notice to Buyer.

**FINAL PLAT - WHITFIELD GARDENS**

1. Final Plat.
2. Mortgagee's Joinder in and Ratification of Subdivision Plat from NationsBank, N.A.
3. Agreement with Whitfield Gardens, Inc., Warranting Required Improvements (\$18,465.10).
4. Defect Security: \$18,465.10 (Letter of Credit 941312, NationsBank, N.A.)
5. Declaration of Covenants, Conditions, Easements and Restrictions of Whitfield Gardens with:
  - a. Legal Description
  - b. Notice to Buyers
  - c. Maintenance Program
  - d. Listing of Holdings
  - e. Fiscal Program
  - f. Right of Entry and Compliance with Manatee County Land Development Code.

**BRADENTON DEPOT**

Execute letter to Florida Department of State, Bureau of Historic Preservation, **declining** a grant to conduct a preservation survey of the Bradenton Railroad Depot (based on R-97-180 and R-98-47), due to the fact that the purchase of the Depot by the State of Florida has not occurred and that the County does not have any control over the negotiations.

**IMPACT FEE CREDIT AUTHORIZATION**

Execute **Revised** Final Authorization of Transportation Credit to WDO Ventures, \$64,925, for right-of-way dedication on 53rd Avenue East, per Credit Authorization CA-99-02(T) (previously approved 4/27/99). RECORD S46-2107

**HAZARD MITIGATION GRANT PROGRAM**

Execute letter to Department of Community Affairs, Division of Emergency Management, requesting changes to the scope of work for three projects (EMS Annex, Carlos B. Haile Middle School, Telecommunications Facility) under the Hazard Mitigation Grant Program, as a result of the El Niño event, authorized under Resolution R-98-200 (7/28/98).

**LOCAL MITIGATION STRATEGY PROJECT**

Execute Modification 2 to Contractual Services Agreement 98-LM-4H-0851-01-041 with Department of Community Affairs extending the due date for the third period deliverables of The Arbiter of Storms (TAOS) computer modeling data from April 30, 1999, to August 31, 1999, and the due date for the fourth period deliverables from August 31, 1999, to October 31, 1999. RECORD S46-2108

**TALLEVAST ANNUAL COMMUNITY CLEANUP**

Place nine, 20-yard roll-offs at appointed sites for the Annual Community Cleanup Day of the Tallevast Community Association, Inc., on May 29, 1999; waive service and tipping fees at the landfill.

**REFUND**

Refund \$2,485.38, minus any accruing water/sewer billings, to Aldina L C Trust, due to a billing error.

**30TH AVENUE WEST**

Contract for Sale and Purchase for a Warranty Deed from John W. Nichols for 30th Avenue West improvements, \$33,000. RECORD S46-2109

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**LENA ROAD LANDFILL**

Execute Utility Easement Agreement with Florida Power & Light Company allowing for the installation of an overhead electrical transmission line across the Lena Road Landfill to Lakewood Ranch Boulevard to improve power quality to the County dam and to serve the Upper Manatee River Road area in the future. RECORD S46-2110

**DEEDS AND EASEMENTS**

1. **Crosley Estate** - Execute Right-of-Way Easement with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for right-of-way for construction of a deceleration and turn lane into the Crosley Estate, located on U.S. Highway 41.
2. **34th Avenue East** - Drainage Easement from Manatee Woods Apartments, Limited Partnership, to alleviate flooding between 1st and 5th Streets East; Consent to Easement from The Prudential Insurance Company of America; Temporary Construction Easement from Roger D. and Betty B. Kauffman; and Affidavit of Ownership and Encumbrances.
3. **Myakka Historical Park Old School House** - Execute Utility Easement to Peace River Electric Cooperative, Inc., for installation of one power pole at the old school house site.
4. **Pomello Park Subdivision** - Accept conveyance documents for the dedication of rights-of-way for roads constructed in the Panther Ridge neighborhoods of Bridle Creek, The Forest, The Trails, The Ranches, Foxwood, and The Pointe, all lying and being in a portion of the recorded plat for Pomello Park:
  - Right-of-way Easement, from Panther Ridge Communities, Ltd. (Tracts 3-4)
  - Right-of-Way Easements and Affidavits of Ownership and Encumbrances from: Reginald Roy and Linda C. Longworth; Albert C., II and Penny D. Denault; Panther Ridge Communities, Ltd.; Steven and Glorianna Enzor; Thomas and Lisa Ann Edenfield; John D. and Jackie L. Mueller; Jack D. and Susan R. Kester (Tract 51); Charles Nikolaidis; Robert A. Knight and Karen Ann Wilson; Jack D. and Susan R. Kester (Tract 62); Gary W. and Cheryl M. Miller; Millard H. and Joyce L. Klooster; Robert D. and Janice A. Shaw; Kent and Karen Freeman; Julian and Tierney Foster and Gladys Y. Hathaway; Berthold F. and Cynthia S. Kastel; Donna M. Leopaldi; Scott and Shannon Dell; Bruce M. and Sharon R. Kasper; James and Teri L. Moccia; Gregory L. and Jane L. Williams; James D. and Katherine Lea Mixon; Paul E. and Helen S. Kelly; Chris J. and Angelia L. Flaim; Edwin F. and Diana L. Kowalewski; Steven S. and Mary E. Youker
  - Warranty Deeds, Affidavits of Ownership and Encumbrances, and Partial Releases from: Paul W. and Gail A. Oatman, with Partial Releases from First South Bank (2) and NationsBank, N.A. South (1); Jody B. and Deborah A. Frazzoni, with Partial Releases (2) from 675 Ranch Partners, and SouthTrust Bank of Florida, N.A.; Judy A. Witt, with Partial Release from American Bank of Bradenton; Nathan G. and Susana S. Hart (Susana S. Serbovan), with Partial Release from Century Bank; Barbara L. Williams-Stem, with Partial Release from SunTrust Bank, Gulf Coast; Jeffrey and Deborah U. Green, with Partial Releases (2) from 675 Ranch Partners, and SunTrust Bank, Gulf Coast; William E. and Barbara N. Koch, with Partial Releases (2) from 675 Ranch Partners, and SunTrust Bank, Gulf Coast; Phyllis E. and John J. Doucette, with Partial Release from Preferred Bank; Gregory D. and Rhonda K. DeWitt, with Partial Releases (2) from NationsBank, N.A.; William A. and Deborah L. Davis, with Partial Release from NationsBank Mortgage Co.; Phyllis Steinke, with Partial Releases from Panther Ridge Communities, Ltd., (1), and Century Bank F.S.B.(2); Donald L. and Tracey L. Nickens, with Partial Release from SunTrust Mortgage, Inc.
  - Warranty Deeds and Affidavits of Ownership and Encumbrances from: Mark N. and Debbie L. Hage; Bradd E. and Sally A. Schule; Thomas A. and Lisa M. Repetti; Panther Ridge Communities, Ltd., f/k/a Ranch Property Partners, Ltd.; Panther Ridge Communities, Ltd., f/k/a Ranch Property Partners, Ltd. (Panther Pointe); Panther Ridge Communities, Ltd., f/k/a Ranch Property Partners, Ltd. (Foxwood); Panther Ridge Communities, Ltd., f/k/a Ranch Property Partners, Ltd. (various)

- Declaration of Easement from 675 Ranch Partners with Partial Release and Subordination of Mortgage from Barnett Bank, N.A. (Tracts 27 & 28), and
  - Declaration of Easement from 675 Ranch Partners (Tracts 7 & 8).
5. **Tropical Shores Road and Sewer Assessment Project (Parcel 12)** - Right-of-Way Easement from Dean and Ellen Jorgensen; Affidavit of Ownership and Encumbrances; Joinder from Bank of America, FSB.

**POMELLO PARK SUBDIVISION (FOXWOOD)**

1. Accept certain roads in Pomello Park Subdivision (partial), Panther Ridge Development under Right-of-Way Utilization Permit 016-98-005.
2. Accept and execute agreement with Ranch Property Partners n/k/a Panther Ridge Communities, Ltd., Warranting Required Improvements for County-maintained roads, \$9,417.
3. Defect Security: \$9,417 (Letter of Credit 990150-1, First National Bank & Trust in Manatee).

**TRAFFIC SIGNAL MAINTENANCE - S.R. 684/CORTEZ ROAD**

Execute Traffic Signal and Maintenance Order 103 with Florida Department of Transportation (FDOT) for the installation of traffic signals on S.R. 684/Cortez Road at 71st Street West (Harbor Point). RECORD S46-2111

**STATE V. MCCARTHUR**

Approve State Attorney's request to engage **Mark R. Montgomery, Ph.D.**, as a toxicology expert witness, if appointed by the Court, in the DUI case of State v. McArthur, Case 99-1039F, in accordance with Dr. Montgomery's fee schedule.

**MOTOR VAN POOL INSURANCE RENEWAL**

Authorize payment of \$4,008 to renew insurance coverage on the van currently in operation and insure a second van through Traveler's Insurance Company; and transfer funds to Risk Management as reimbursement of the premiums from Community Services.

**JOHN MARBLE RECREATION COMPLEX - ROOF REPAIRS**

Execute Release for Property Damage Only form agreeing on \$10,880 as reimbursement for repairs at the John Marble Recreation Complex, 3675 53rd Avenue East, as a result of water damage on January 23, 1999, and releasing and discharging **PDF Roofing Concepts, Inc.**, from all past and present claims, demands, and causes of action by Manatee County arising from the accident. RECORD S46-2112

**HEARING OFFICER**

Execute agreement with Andrew Baker to serve as Hearing Officer for the May 19, 1999, public hearing on Special Permit SP-98-10 SMR, Inc./Sprint PCS Site 136 (a telecommunications tower on lands owned by Schroeder-Manatee Ranch, Inc.). RECORD S46-2113

(End Consent Agenda)

**AWARDS**

**Manatee Community Blood Center**

Jim Seuffert, Financial Management Director, presented to the Board a plaque from the Manatee Community Blood Center in recognition and appreciation to Manatee County and its employees for the highest annual blood donation for 1998.

Garnett McDonald was commended for coordinating the blood donation efforts and notifying employees.

(Enter Ms. Brown)

**Earle B. Phelps Award**

Len Bramble, Public Works Director, stated the **Southeast Regional Wastewater Treatment Facility** was awarded the Earle B. Phelps Award for 1999 from the Florida Water Environment Association for receiving honorable mention for the best advanced secondary wastewater treatment facility.

Dalton Cook and Jeff Blosser, facility employees, accepted the award.

**PROCLAMATIONS**

**Corrections Officers' Week**

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried unanimously, to adopt a Proclamation designating the week of May 22-28, 1999, as **Corrections Officers' Week**. RECORD S46-2114

Representatives of the Sheriff's Office accepted the Proclamation.

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**Barbara Talburtt Day**

Motion was made by Mrs. Glass, seconded by Mrs. Harris and carried unanimously, to adopt a Proclamation designating May 18, 1999, as **Barbara Talburtt Day** in honor of her service for the past 20 years as a volunteer and advocate for a host of social services in the community.

RECORD S46-2115

**Barbara Talburtt** accepted the Proclamation. **Jeanne Van Del**, President of the League of Women Voters, and **Marge Kinnan** praised Mrs. Talburtt for her contributions to Manatee County.

**William "Bill" Beckley Appreciation Day**

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried unanimously, to adopt a Proclamation designating May 18, 1999, as **William "Bill" Beckley Appreciation Day**, in recognition of his volunteer work on the Neglected Cemetery Task Force.

RECORD S46-2116

Mr. Beckley presented a videotaped on neglected cemeteries.

**Emergency Medical Services Week**

Motion was made by Mrs. Harris, seconded by Mrs. Stein and carried unanimously, to adopt a Proclamation designating May 16-22, 1999, as **Emergency Medical Services Week**.

RECORD S46-2117

**Foster Parent Appreciation Month**

Motion was made by Ms. Brown, seconded by Mr. Bruce and carried unanimously, to adopt a Proclamation designating the month of May 1999 as **Foster Parent Appreciation Month**.

RECORD S46-2118

Dr. Russ Kitching and Carol Ware accepted the Proclamation.

**Operation S.E.E.D. Day**

Motion was made by Ms. Brown, seconded by Mr. Bruce and carried unanimously, to adopt a Proclamation designating May 16, 1999, as **Operation S.E.E.D. Day** to recognize the achievements of outstanding African-American students.

RECORD S46-2119

Bernice Scott accepted the Proclamation.

**National Public Works Week**

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to adopt a Proclamation designating May 16-22, 1999, as **National Public Works Week**.

RECORD S46-2120

(Depart Ms. Brown)

**National Safe Boating Week**

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 6 to 0, to adopt a Proclamation designating May 22-28, 1999, as **National Safe Boating Week**.

RECORD S46-2121

Representatives of the Anna Maria Power Squadron, Coast Guard Auxiliary, and Flotilla 81 accepted the Proclamation.

(Depart Mrs. Stein)

**ORDINANCE 99-39 - TOWING FEES**

Public hearing (Notice in the Bradenton Herald 5/4/99) was held to consider

**ORDINANCE 99-39** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ESTABLISHING MAXIMUM FEES FOR NONCONSENSUAL TOWING SERVICES; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(Enter Mrs. Stein)

Jim Seuffert, Financial Management Director, stated that Florida Statute (125) has been amended to require counties to establish maximum towing rates for nonconsensual towing. The proposal is an increase over the present rates, which have been in effect since 1993, and only apply to abandoned or illegally parked vehicles.



Discussion: Input from AAA Peninsula Motor Club; Ordinance does not affect contractual towing services; Ordinance proposes maximum rates allowed; justification for rate increase; comparison with other counties, etc.

(Enter Ms. Brown)

James Stewart, owner of Dixie Grande Towing, endorsed the nonconsensual towing rate increases due to increased business costs.

Motion was made by Mrs. Glass and seconded by Mrs. Harris, to adopt Ordinance 99-39. Motion carried 6 to 1, with Mr. McClash voting nay.

RECORD S46-2122

POMELLO PARK ROAD ASSESSMENT PROJECT

Public hearing (Notice in the Bradenton Herald 5/3/99) was held to consider

Road Assessment Project - Pomello Park

64th Avenue East, from 217th Street East, east to dead end.

65th Avenue East, from 217th Street East, west to dead end.

217th Street East, from 64th Avenue East, south to 65th Avenue East.

and

R-99-108 A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT ON 64TH AVENUE EAST, 65TH AVENUE EAST, AND 217TH STREET EAST (POMELLO PARK)

(and agreement with the Property Appraiser and Tax Collector for collection of special assessments for this project).

Janet McAfee, Project Management Director, reported that the developer (Tom Brown, Jr.) has begun construction of shell roads included in this project. She recommended the public hearing be continued to a date uncertain and brought back, at the request of the property owners, to pave the shell roads.

(Depart Mrs. Glass)

Ms. McAfee stated that the roads being constructed by Mr. Brown are different than those advertised under R-99-108, and would change the project cost. She also stated there are at least two parcels that will be accessed from a different location.

Tedd Williams, County Attorney, recommended the matter be continued indefinitely and that the project be readvertised.

(Enter Mrs. Glass)

Motion was made by Mr. McClash, to continue the public hearing on Resolution R-99-108 for a time uncertain, request staff to come back with the revised costs for a new project description, and to expeditiously conduct another post card poll if needed. Motion was seconded by Mrs. Stein and carried unanimously.

ZONING

Public hearing (continued from 4/27/99) was opened to consider

PDC-87-01(P)(R3) HEARTLAND SARASOTA-BRADENTON LTD. PARTNERSHIP

Request: Amend Stipulation 1 of Preliminary Site Plan to delete the requirement to install a wall along the project's southern property line with development of the project's out-parcels on 28.34 acres located on the south side of S.R. 70, 1/2 mile east of I-75.

Carol Clarke, Planning Director, recommended continuance to May 25, 1999.

(NOTE: Motion to continue follows Citizens' Comments)

CITIZENS' COMMENTS

Truck Traffic - 25th Avenue East/3rd Street East

Barbara Sadlowski expressed concern regarding the truck traffic on 25th Avenue East at 3rd Street East. Trucks turn onto 25th Avenue East, drive over the sidewalk to turn onto 3rd Street East, hit the utility pole and drive into her yard. She displayed a diagram of the intersection, and showed photographs of trucks and damage to her fence.

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(Continued)

**Disposition:** County Administrator to meet with Mrs. Sadlowski.

Mr. Bruce requested staff bring back for consideration the placement of "No Through Truck" signs on 3rd Street East.

**Cortez Road/44th Avenue East Bridge Over I-75**

Speaking in opposition to construction of a bridge (overpass) on the 44th Avenue East alignment over the Braden River or I-75 (action later in the meeting) were: **William Rivers, Robert King, and Derek Doig.**

**Estate of Eddie J. Thomas, Sr.**

**John Quinlan**, attorney, addressed the Board regarding the settlement of the SHIP claim against the Estate of Eddie J. Thomas, Sr.

(NOTE: Action later in the meeting.)

**PDC-87-01(P) (R3) HEARTLAND SARASOTA-BRADENTON LTD. PARTNERSHIP** (Cont'd)

Motion was made by Mrs. Glass, seconded by Mr. Bruce and carried unanimously, to continue **PDC-87-01(P) (R3)** to May 25, 1999, at 9:00 a.m., or as soon thereafter as same may be heard.

**ESTATE OF EDDIE J. THOMAS, SR. - SHIP CLAIM SETTLEMENT**

**Teddy Williams**, County Attorney, stated this item involves a SHIP mortgage (see action 4/6/99) where the owner of the property (Eddie J. Thomas, Sr., Probate P-97-1097) died and the property lapsed into foreclosure. The County has two bids from interested parties.

Motion was made by Mrs. Glass to authorize the County Attorney's office to negotiate with the interested parties to sell the County's interest to the highest bidder. Motion was seconded by Ms. Brown and carried 6 to 1, with Mrs. Stein voting nay.

**S.R. 70 - TRAFFIC SIGNAL AT NATALIE WAY OR 51ST STREET EAST**

**Larry Mau**, Transportation Director, stated the Board approved (1994) a list of traffic signal locations on S.R. 70 requested from the Florida Department of Transportation (FDOT) as part of the widening project. A signal at Natalie Way was included; however, FDOT responded that would not be permitted due to sight distance restrictions from the bridge over the Braden River. FDOT also stated a signal would not be permitted at 51st Street East unless 51st was extended south of S.R. 70 for access from Westwinds Village and Windmill Manor Mobile Home Parks.

Mr. Mau reported that FDOT has redesigned the bridge, which removed the restriction for a signal at Natalie Way. FDOT indicated that signals at both locations would not be permitted, and that the signal at 51st Street East may be restricted to operation only during events at Braden River Park.

**Pat Neal** of The Reserve on Braden River Associates, Inc., referred to the Reimbursement Agreement (in agenda package) to improve Natalie Way south of S.R. 70, and extending Natalie Way north of S.R. 70 and west to connect to Braden River Park/51st Street East, and install a traffic signal on S.R. 70 at Natalie Way. The estimated cost (**Option 1**) was \$547,700. As part of the Reimbursement Agreement, Mr. Neal offered to contribute \$200,000.

**Mixon Fruit Farms, Inc.**, also made an offer to donate right-of-way to construct 51st Street East, south of S.R. 70, provided a permanent traffic signal is placed at 51st Street (4/26/99 letter from attorney David Baron in agenda package). The estimated cost (**Option 2**) was \$636,300. The donation of right-of-way, valued at \$125,000, would further reduce project cost.

Mr. Mau presented the advantages and disadvantages of the options with a cost analysis. He also displayed an area map with Options 1 and 2 delineated. Mr. Mau recommended entering into final negotiations with Mr. Neal (**Option 1**).

RECORD S46-2123

Mr. Stephens submitted a letter from **Mixon Fruit Farms, Inc.**, (5/15/99).

Discussion: Actual cost of mitigation required in Option 1 is unknown at this time; \$78,000 of projected cost for mitigation factored in total cost analysis; primary concerns of safety and traffic circulation; safety concerns for soccer fields can be addressed by eight-foot fence; Option 1 provides signalized access for City of Bradenton water treatment plant; time frame to permit/design/construct mitigation area, etc.; whether signalization could be installed for mobile home park prior to closing mitigation area, etc.

Mr. Mau stated FDOT will allow a signal at 51st Street East until the signal at Natalie Way is operational. At that time, the 51st Street East signal will be removed. In order to expedite the project, Mr. Mau recommended Mr. Neal assume the entire project, including simultaneous construction of the traffic signal and access road to the park.

Discussion: Whether the access to service the park under Option 1 also provides access to the Braden River Library; access road will allow surrounding development access to a signalized light, etc.

**Mr. Neal** stated Option 1 fulfills convenience and safety/emergency needs by providing a secondary means of access to the Braden River Park. He presented a Street Map with Option 1 highlighted and a memorandum (dated 8/10/93) from Growth Management Division, outlining a requirement of the Mote Ranch (PDR-81-05, 4/8/82) for a secondary means of access.

Mr. Neal stated he has constructed a westbound to southbound, left-turn storage lane for access onto Natalie Way. He also stated he applied to SWFWMD for a permit to modify the FDOT wetland area and was advised that the project is permissible, with some issues to be resolved (memorandum 5/17/99). He submitted documentation outlining the advantages and disadvantages of Option 1 and Site Work Construction Plans for the Natalie Way extension.

**Jim Schlemann**, representing Westwinds Mobile Home Park, endorsed Option 1.

Mr. McClash moved authorization for staff to negotiate an agreement with The Reserve on Braden River Associates, Inc., and to allow the Reserve on Braden River Associates, Inc., to proceed with the plans, permitting, and construction of an access road north of S.R. 70 to Braden River Park/51st Street East, and the installation of a traffic signal at the intersection of S.R. 70 and Natalie Way, with a reimbursement contribution from The Reserve on Braden River Associates, Inc., to be determined through the negotiated agreement. Motion was seconded by Mrs. Glass and carried unanimously.

Recess/Reconvene. All members present.

**SOLID WASTE FRANCHISE AREAS**  
**SOLID WASTE REQUEST FOR PROPOSALS**

Dave Brangaccio, Public Works Department, stated that during a work session (5/11/99) the Board discussed restructuring the method for providing solid waste collection services and the development of a Request for Proposals (RFP) for such services. The County would be divided into two equal franchise areas. The County would accept proposals for each district, as well as for county-wide service. Presented for adoption was

**R-99-86** A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING AND SETTING FORTH THE BOUNDARIES OF TWO AREAS OR DISTRICTS FOR THE COLLECTION OF SOLID WASTE, YARD WASTE, AND RECYCLABLES IN THE UNINCORPORATED AREAS OF THE COUNTY; AND PROVIDING AN EFFECTIVE DATE.

**J. B. Donnelly**, representing Waste Management, Inc., opposed issuing an RFP for solid waste services. He requested staff renegotiate with the current franchisees (waste haulers) to extend the contracts. He suggested inquiring about the success rate of neighboring counties issuing RFPs for solid waste franchises.

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(Continued)

**Rose Quin-Bare**, Waste Management, Inc., stated an RFP would be counterproductive to the goal for quality service and price. She presented negative newspaper headlines from Hillsborough County regarding interruption in solid waste collection services after change of franchisees.

**Bob Hyres**, Waste Management, Inc., spoke of the success rate of Waste Management, Inc., in solid waste franchise renegotiations with counties throughout the State.

**Rosalie Mulé**, Waste Management, Inc., requested staff be directed to renegotiate with Waste Management, Inc. If the renegotiations prove unsuccessful, the Board could then pursue the RFP process. She showed a video of comments from former Hillsborough County Commissioner Ed Turanchik regarding the negative results of the RFP process (new franchisees) to solid waste services.

**Remonia Lewis**, Southeast Residents' Association, stated the trash collection problems are often directed to the franchise hauler; however, many of the problems are caused by the residents (putting containers out after pick up, etc). She suggested stricter regulations for residents.

**Earley Bradshaw**, representing BFI, Inc., requested an opportunity to renegotiate the current services.

**Irene Brown** spoke in support of the services by Waste Management to allow job stability for the employees.

**Bob Hannah**, representing Suncoast Sanitation division of Republic Industries, requested the County go through the RFP process.

Tedd Williams, County Attorney, referred to memorandums (3/9/99, 4/13/99) from Mitchell Palmer, Assistant County Attorney, responding to the question of whether the Board could renew the existing franchise agreements without RFPs. He stated that action to remove the existing franchises could be legally challenged; however, the RFP process is a policy decision that could withstand legal challenge.

Discussion: Benefits and disadvantages of negotiating with several waste haulers for the franchise areas versus extending the existing franchise contracts (in the existing collection areas).

Mr. Williams advised that under Florida Statute, the County could pursue renegotiations of the existing franchise agreements for up to 15 years. In order to proceed, the County would have had to amend its existing solid waste ordinance (85-11). He stated the 1985 RFP called for one term, up to 15 years, with no mention of renewal or extension.

Discussion: Renegotiate with current waste haulers and if unsuccessful within a certain time frame, proceed with the RFP process; time frame to conduct both processes, etc.

Ernie Padgett, County Administrator, recommended staff renegotiate with the current franchisees first.

Discussion: Reason for not going through an RFP; changes are needed on how franchisees conduct business; penalty provision to address inadequate services should be included; current contracts do not contain penalty provisions; RFP process takes into consideration concerns of everyone, etc.

**Motion - R-99-86**

Motion was made by Mr. McClash and seconded by Mrs. Glass to adopt Resolution R-99-86.

**Motion - Substitute**

Substitute motion was made by Mrs. Stein, to defer action on this item and direct the Administrator to negotiate on the existing franchises and report back to the Board as to the success or lack of success of that effort. Motion was seconded by Mrs. Harris.

Discussion: Benefit(s) of two districts utilizing one hauler, etc; parity on fee rates/schedules; current haulers to have same rates; can only negotiate existing contracts with existing companies for existing franchise areas.

If the Board chooses to renegotiate with the existing waste haulers, Mr. Palmer recommended the existing boundaries remain as drawn. He stated the two new districts were drawn in an effort to equally divide the County based on the population in each district.

Mrs. Stein clarified that the substitute motion would defer action on the franchise areas and the RFP.

Discussion: Recommend new districts if pursue RFP; RFP process reassures public of obtaining best service, etc.

Rob Cuthbert, Purchasing Manager, requested the motion direct staff that the negotiations not exceed 90 or 120 days, and bring the results back to the Board.

Mrs. Stein stated a 60-day period would be acceptable.

**Motion - Failed**

Motion failed 2 to 5, with Mr. Stephens, Mrs. Glass, Mr. McClash, Mr. Bruce, and Ms. Brown voting nay.

**Motion**

Motion was made by Mr. McClash to adopt Resolution R-99-86, and issue RFP for solid waste collection services as presented. Motion was seconded by Mr. Bruce and carried unanimously. RECORD S46-2124

**Recess/Reconvene.** All members present except Ms. Brown.  
Mrs. Harris participated via telephone.

**FEDERAL TRANSPORTATION ENHANCEMENT FUNDING**

Harry Mendenhall, Transportation Department, recommended approval of the 1999 Enhancement Funded Project Priorities list for submission to the Sarasota-Manatee Metropolitan Planning Organization (MPO) for inclusion in the FDOT Five-Year Work Program, and authorization for the Chairman to transmit the list to the MPO.

Included in the list is a revised cost estimate for Emerson Point Park pathway; revision to U.S. 19 Bicycle Path; five Park-n-Ride lots at interstate interchanges; and East Manatee Greenway links. Mr. Mendenhall stated the 103rd Street alignment to 99th Street and the Botanical Garden have also been included in FDOT's Work Program.

(Enter Ms. Brown)

Mr. Mendenhall stated there is \$367,000 in the FDOT tentative work program to construct bike paths on Anna Maria Island, from the south County line to South Bay Boulevard (\$215,000), and on Gulf Drive, from 27th Street to 85th Street (\$152,000).

Discussion: Support for bike path in City of Bradenton Beach (Number 3 on MPO project priority list); plans for Emerson Point; MPO prioritizes Manatee County projects with those of other local governments; combine two Bradenton Beach projects (pedestrian pathways and bicycle lanes); support linkage on the island, etc.

Motion was made by Mr. McClash that if it is determined the Bradenton Beach project completes the connection of the barrier islands, that it be designated as Manatee County's priority enhancement project for this year and, if not, then to use Emerson Point as the priority project (and authorization to transmit the approved list to the MPO). Motion was seconded by Mr. Bruce and carried 4 to 3, with Ms. Brown, Mrs. Glass, and Mrs. Stein voting nay. RECORD S46-2125

**FLORIDA DEPARTMENT OF TRANSPORTATION WORK PROGRAM**

Harry Mendenhall, Transportation Department, requested submission of the Manatee County priority requests to the Sarasota-Manatee Metropolitan Planning Organization (MPO) for Federal and State funding under FDOT's work program, and authorization for the Chairman to transmit the list to the MPO.

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(Continued)

He recommended retaining existing priority projects as revised by the Sarasota-Manatee MPO on October 26, 1998, and new projects:

- . S.R. 43/U.S. 301 at 16th Avenue East/Canal Road
- . S.R. 45/U.S. 41 at 73rd Street East/Erie Road
- . S.R. 684/Cortez Road - U.S. 41/14th Street West to 75th Street West
- . Manatee County Area Transit Downtown Transfer Station Relocation
- . Cortez Road/44th Avenue East Corridor Study - 15th Street East/S.R. 70A to Lorraine Road.

Discussion: Funding S.R. 64 and S.R. 70 from I-75 to Lorraine Road is priority; funds targeted for EMS congestion management boxes; congestion-management funding, etc.

Mr. Mendenhall explained that last year, the MPO reserved \$800,000 for congestion-management related projects. Local governments were asked to submit corridors for study. DOT consultants then conduct studies and recommend alternative means within each corridor to reduce congestion, i.e. signalization, car pooling. Projects eligible for congestion-management funds are then drawn.

Discussion: Concerns of the impression to public of County pursuing funds for the 44th Avenue East (Cortez Road) extension over I-75; delete the project for 1999 until a corridor study is done; request MPO to fund a charette of 44th Avenue East project; what impact budgeted funds for S.R. 64 has on MPO funds, etc.

Motion was made by Mr. McClash to approve Manatee County's requests to the Sarasota-Manatee MPO for federal and state funding under Florida Department of Transportation's Work Program, to change the Cortez Road project to new project 5, and ask the MPO to conduct a charette or some type of preliminary study for the entire connection of 44th Avenue, from 15th Street East to Lorraine Road (and authorization to transmit the approved list to the MPO). Motion was seconded by Mrs. Glass and carried unanimously.

RECORD S46-2126

#### COMMUNITY DEVELOPMENT BLOCK GRANT HEARING

Mr. Padgett stated the Bradenton Herald incorrectly published a notice that the public hearing regarding Community Development Block Grant funding was scheduled at the Administrative Center. He stated the hearing will be at the Civic Center on May 19, 1999, at 7:00 p.m.

#### COMMISSIONERS' COMMENTS

##### Permissive Left Turn Lanes

Mr. McClash stated FDOT was to re-evaluate the permissive left-turn lanes at signalized intersections along U.S. 301 (at Whitfield Avenue and Tallevast Road). He questioned if FDOT has made any changes.

Discussion: Accident data from 1996-1998 has been forwarded to FDOT; safety concerns; Florida Highway Patrol supports changing to protected left turns; intersections at U.S. 41/53rd Avenue West and Cortez Road/26th Street West, etc.

##### Speed Limits - State Roads

Ms. Brown advised the Board of attempts to write legislation allowing child care agencies to request signage on state roadways requiring reduced speed limits due to children in the area.

##### Air Pollution

Mrs. Glass requested the Environmental Management Department respond to a recent newspaper article (Bradenton Herald 5/12/99) listing Manatee County as one of the worst counties in Florida for air pollution violations. The article also contains a statement dismissing any problems with a neighboring electrical plant to the north (TECO plant).

Mr. McClash requested the County Attorney review the legal remedies that may be available to address the air pollution incurred from counties to the north, and place the matter on a future agenda.

Tourist Information Center Signage

Mr. Stephens reported the Director of the Convention and Visitor's Bureau has requested FDOT place additional signage on I-75 to advertise the Tourist Information Center. FDOT will not permit an additional sign unless an existing sign for another destination is removed.

Mr. Stephens stated he has been corresponding with FDOT District Secretary David Twiddy about attaching a panel sign to the bottom of an existing major guide sign on southbound I-75 prior to Exit 43. He stated the correspondence will be circulated to Board members.

Transit Buddy System

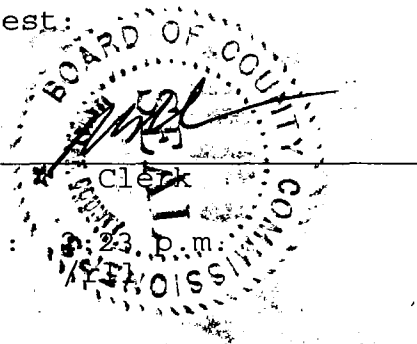
Mrs. Harris stated that at the recent Transportation Disadvantaged Commission meeting, the idea of a program for a transit "buddy" system was discussed, whereby an individual would ride the transit system and help others. She requested the County Administrator bring the program back during the budget review process.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Stan Stephen  
Chairman 7/27/99

Adj: