

JUNE 15, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 15, 1999, at 9:05 a.m.

Present were Commissioners:

Stan Stephens, Chairman  
Gwendolyn Y. Brown, First Vice-Chairman  
Jonathan Bruce, Third Vice-Chairman  
Patricia M. Glass  
Amy Stein

Absent were Commissioners:

Joe McClash, Second Vice-Chairman (vacation)  
Lari Ann Harris (illness)

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 Reverend Don Akins, General Baptist Church of Bradenton.

#### CONSENT AGENDA

Motion was made by Ms. Brown, seconded by Mrs. Glass and carried 5 to 0, to approve the Consent Agenda dated June 15, 1999 (**NOTE:** Consent Agenda reconsidered later in the meeting to delete items, which were on the agenda, but not listed here.). Items APPROVED:

#### CLERK OF CIRCUIT COURT

##### BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds  
(21 additions; 6 deletions). RECORD S46-2195

##### Chaparral, Phase II (aka Mote Ranch VII)

Performance Bond: \$8,644.35 (Amendment 2 to Letter of Credit S970377 from SunTrust Bank, extending expiration to 6/10/00).

##### Chaparral (aka Mote Ranch, Phase VI)

Performance Bond: \$31,763 (Amendment 3 to Letter of Credit S960415 from SunTrust Bank, extending expiration to 5/28/00).

##### Nu-Gulf Mine Industries

1. Agreement with Nu-Gulf Industries, Inc., warranting required wetland mitigation system, \$34,730.
2. Defect Security: \$34,730 (Irrevocable Letter of Credit 30243, Credit Agricole Indosuez).

##### Waterlefe Golf & Country Club (aka Wading Bird Golf & Country Club)

1. Agreement with Bay Colony-Gateway, Inc., warranting required wetland mitigation system, \$150,188.
2. Performance Bond: \$150,188 (Surety Bond 15-008-456, Liberty Mutual Insurance Company).

##### Heather Glen, Phase II

Agreement with North Manatee Development, Inc., in conjunction with Letter of Credit as security guaranteeing completion of required sidewalks and bikeways, \$18,304 (Note: Performance Bond, L/C 890311, \$40,651 will expire 11/30/99; the L/C will be reduced to match the \$18,304 figure in the Agreement).

##### Mote Ranch, Phase IV-A

Amendment to SunTrust Bank Performance Bond, Letter of Credit S980385 for Lennar Mote Ranch, LTD., (\$8,491.60) extending expiration date to June 25, 2000.

##### Lakewood Ranch Country Club Village, Subphase D, Unit 3A (aka Gleneagles)

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required improvements (final lift asphalt, 6 months extension), \$10,326.23.

##### Chaparral, Phase III (aka Mote Ranch, Phase VII)

Amendment 002 to SunTrust Bank Performance Bond, Letter of Credit S970379 for Lennar Mote Ranch, LTD., (\$18,404.10) extending expiration date to June 10, 2000.

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(Continued)

**Summerfield Village, Subphase A**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$5,272.80.

**Edgewater Village, Subphase A, Unit 2**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$22,226.10.

**Edgewater Village, Subphase A, Unit 3**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$50,528.40.

**Edgewater Village, Subphase B, Unit 2**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$40,550.64.

**Edgewater Village, Subphase B, Unit 1**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$10,304.59.

**Release:****Heather Glen, Phase II**

Agreement with North Manatee Development, Inc., in conjunction with Letter of Credit as security guaranteeing completion of required sidewalks and bikeways, \$40,651.

**Lakewood Ranch Country Club Village, Subphase D, Unit 3A (aka Gleneagles)**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required improvements, \$10,326.23.

**Summerfield Village, Subphase A**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$5,272.80.

**Edgewater Village, Subphase A, Unit 2**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$22,226.10.

**Edgewater Village, Subphase A, Unit 3**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$50,528.40.

**Edgewater Village, Subphase B, Unit 2**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$40,550.64.

**Edgewater Village, Subphase B, Unit 1**

Agreement with SMR Communities Joint Venture in conjunction with Surety Bond as security guaranteeing completion of required sidewalks and bikeways, \$10,304.59.

**Lakewood Ranch Lift Station**

1. Agreement with Lakewood Ranch Community Development District 1 warranting required improvements, \$130,309.77.
2. Defect Security: \$130,309.77 (Surety Bond 08019692, Fidelity and Deposit Company of Maryland).

**WARRANT LIST**

Approve: May 18, 1999 through May 24, 1999  
 Authorize: May 25, 1999 through June 28, 1999

**MINUTES**

March 23, 30 and April 6, 1999

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

Artie Freeman, Case 99-539JD  
 Fae Harris, Case 97-822JD  
 Terri Shelly, Case 99-56,B  
 John Sanders, Case 98-2353T  
 Tracy Christian (2), Case 98-5501M

**Partial Releases of Special Improvement Assessment Liens:**

Projects 3009/5147(5); 5147(2); 5256(2); 3001/2504(2); 3005/5235(3); 3100/2509(2); 5071

**Florida Department of Revenue**

Application for Revenue Sharing 1999-2000 State Fiscal Year

RECORD 546-2196

APPROVE, RATIFY AND CONFIRM

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

Rebecca Moeller, Aerobics

RECORD S46-2197

ACCEPT

**Records Destruction Request** - Bureau of Archives and Records Management Form listing records:

Form 460, Administrative Support Records.

**Corrective Document** (Bradenton Herald) -

Corrected copy of advertisement for Resolution R98-62-V Terra Ceia Bay Estates Drainage and Utility Easement Vacation (adopted 3/23/99 to declare public hearing on 4/27/99).

**Enterprise Zone Development Agency** - Certificates of Appointment -

Donna Keefer, Joe Hampton, Jr., Lawrence W. Major, Margie G. Mays, Inez Ware, James Hall, Mary Kelly, Tamara Cornwell, Thomas Moseley, Major Keith Stewart, Lt. Garry Lowe, Fedora Ford.

COUNTY ADMINISTRATOR

GOLDOME (NKA 600 PALMETTO) BUILDING - SHERIFF'S OFFICE

R-99-136 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING A LEASE (WITH MANATEE COUNTY SHERIFF'S OFFICE) FOR THE 600 PALMETTO BUILDING, AND A SUBLEASE WITH YMCA YOUTH FAMILY SERVICES, INC.

RECORD S46-2198, S46-2199, S46-2200

LAWSUIT: GUSTAVE M. BERNE FOUNDATION

Execute Amendment to Land Use Settlement Agreement with The Gustave M. Berne Foundation, Case CA-98-2236.

RECORD S46-2201

INSURANCE RECOVERY - TELEPHONE SWITCH LOSS

Accept settlement offer of \$86,002.03 from the Hartford Insurance Company for telephone switch loss (4/23/99) in the First Union Building.

ALZHEIMER'S DISEASE INITIATIVE GRANT

R-99-118 A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO EXECUTE THE GRANT APPLICATION AND GRANT AGREEMENT FOR THE ALZHEIMER'S DISEASE INITIATIVE PROGRAM

RECORD S46-2202

(agreement with West Central Florida Area Agency on Aging, Inc., \$139,331 [State funds \$135,831; client copayments \$3,500] for the period July 1, 1999 to June 30, 2000).

RECORD S46-2203,

S46-2204

COMMUNITY CARE FOR THE ELDERLY GRANT

R-99-117 A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO EXECUTE THE GRANT APPLICATION AND GRANT AGREEMENT FOR THE COMMUNITY CARE FOR THE ELDERLY PROGRAM

RECORD S46-2205

(agreement with West Central Florida Area Agency on Aging, Inc., \$882,746 [State funds \$763,138; County funds \$84,793; program income \$15; client copayments \$34,800] for the period July 1, 1999 to June 30, 2000).

RECORD S46-2206,

S46-2207

HOME CARE FOR THE ELDERLY GRANT

R-99-119 A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, TO EXECUTE THE GRANT APPLICATION AND GRANT AGREEMENT FOR THE HOME CARE FOR THE ELDERLY PROGRAM

RECORD S46-2208

(agreement with West Central Florida Area Agency on Aging, Inc., State Funds \$129,853 [no County match required; \$25,396 Home Care for the Elderly case management; \$104,457 Home Care for the Elderly basic and special subsidy services] for the period July 1, 1999 to June 30, 2000).

RECORD S46-2209,

S46-2210

HABITAT FOR HUMANITY

R-99-128 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RESCINDING RESOLUTION R-98-128, PROVIDING FOR A PROJECT CHANGE ON THE COMMUNITY CONTRIBUTION TAX CREDIT PROGRAM SPONSORSHIP FOR MANATEE COUNTY HABITAT FOR HUMANITY.

RECORD S46-2211

MANATEE BANKERS FOR AFFORDABLE HOUSING

Execute Amendment 2 to the agreement with Manatee Bankers for Affordable Housing, Inc. providing for an agency name change to

Manatee Coalition for Affordable Housing, Inc.

RECORD S46-2212

LOCAL HOUSING ASSISTANCE PLAN

R-99-125 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-99-69, AS AMENDED BY RESOLUTION R-97-78 AND R-97-152, TO PROVIDE FOR REVISIONS TO THE LOCAL HOUSING ASSISTANCE PLAN (1997-2000).

RECORD S46-2213

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(Continued)

**CHILDREN'S SERVICES DEDICATED MILLAGE**

Set a public hearing on July 6, 1999, at 9:00 a.m., or as soon thereafter as may be heard, to consider a recommendation from the Children's Services Advisory Board to provide gap funding to United Way of Manatee County for the County-wide Needs Assessment Program, \$2,916.

**COMMUNITY DEVELOPMENT PLAN**

**R-99-137** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, DESIGNATING MANATEE COUNTY'S COMPREHENSIVE PLAN AS MANATEE COUNTY'S COMMUNITY DEVELOPMENT PLAN. RECORD S46-2214

**BUS SHELTER - AVONDALE APARTMENTS**

Execute Agreement with STANCON Management Corporation to relocate/install a bus shelter on 9th Avenue East at Avondale Apartments. RECORD S46-2215

**DONATIONS**

1. **Crosley Estate** - Accept \$1,600 from the Crosley Estate Foundation Inc., to automate the sprinkler system that irrigates lawns and landscaping at the Crosley Estate.
2. **Parks and Recreation** - Accept swing set (\$1,000) from the Learning Tree Pre-School for future use.
3. **Public Safety** - Accept 20 portable radios (model HT600), 63 Maxtrac mobiles with accessories, and 2 VHF multi-channel base stations (\$59,661.75) from Sarasota County Sheriff's Office.

**PALMETTO BOAT RAMP IMPROVEMENTS**

Execute the Environmental Resource Permit Application to the Southwest Florida Water Management District and approve payment of all necessary permit fees for the purpose of performing maintenance dredging and improvements to the Palmetto Boat Ramp. RECORD S46-2216

**BUDGET AMENDMENT****VARIOUS DEPARTMENTS** (B-99-025)

Transfer of Funds: Unanticipated Revenue Appropriations Supporting description and detail attached. RECORD S46-2217

**ANNA MARIA BEACH RENOURISHMENT****Engineering Services**

Execute Addendum 2 to extend Agreement for Engineering Services with Coastal Planning & Engineering, Inc., for one year (June 10, 1999-June 9, 2000). RECORD S46-2218

**Consulting Services**

1. Authorize purchase as sole source, professional governmental affairs consulting services; and
2. Execute a one-year, renewable agreement with Marlowe & Company, \$3,000 per month. RECORD S46-2219

**CHILLER FOR CENTRAL LIBRARY**

Approve, ratify and confirm emergency purchase and turnkey installation of one 80-ton Carrier air conditioning chiller from Air Mechanical & Service Corp., \$41,017.

**CLAY GULLEY ROAD IMPROVEMENTS**

Execute Final Change Order 1 to IFB 98-4928DC with Gator Asphalt Paving, Inc. for a net decrease of \$77,179.13 and adjusted amount of \$826,909.63. RECORD S46-2220

**COMMUNITY CARE FOR THE ELDERLY**

1. **Emergency Alert Response Services** - Addendum 4 with SecurityLink from Ameritech, Inc. extending agreement for one year (7/1/99-6/30/00), not to exceed \$33,441. RECORD S46-2221
2. **Homemaker Services** - Addendum 5 with Homemakers & Companions, Inc. extending agreement for one year (7/1/99-6/30/00), not to exceed \$222,003. RECORD S46-2222

**MATERIALS AND SERVICES**

1. **File Server/Computer Hardware and Software** - Purchase via State Contract, file server and computers from Compag Computer Corporation, \$44,122; software from Compucom, \$19,304.44; and database software from Oracle, \$7,199.60; total \$70,626.04.
2. **Dozers** - Authorize return of two CAT D7 Dozers (Asset 34504 and 34516) to Ringhaver Equipment Company in accordance with the terms and conditions of RFP 96-5234DR Total Cost Agreement for a total of \$290,000.
3. **Elevator Maintenance** - Award IFB 99-1655AA to the lowest responsive, responsible bidder meeting specifications, General Elevator, estimated annual amount \$41,380.
4. **Judicial Center** - Enter into negotiations with top-ranked firm, Space Management Consultants, Inc. for space planning services.

5. **Library Internet Access** - Authorize sole source purchase of file server, software (PALMNet) and installation from Ameritech Library Services, \$38,401.
6. **Atomic Absorption Spectrometer/Public Works** - Authorize sole source purchase for wastewater analyses at the Central Lab from Perkin Elmer Corp., \$69,812.

**FILTER MATERIAL (SILICA SAND)**

Approve, ratify and confirm Change Order 2 to Purchase Order P9000663 with E. R. Jahna Industries, Inc. for an increase of \$5,850; adjusted total \$113,750.

**FUEL (LENA ROAD LANDFILL/UTILITIES 66TH STREET)**

Issue Change Order 2 to Purchase Order P9001959 for fuel usage with Bradenton Fuel Oil, Inc. for an increase of \$24,900, adjusted total \$49,800.

**CROSLY ESTATE**

1. Issue Change Order 1 to Purchase Order P9002043 to Preservation Services, Inc. for **ornamental iron work**, reducing the scope of work and decreasing the amount by \$77,369, for an adjusted total not to exceed \$190,471.
2. Issue Change Order 1 to Purchase Order 9002072 to Preservation Services, Inc. for **ornamental woodwork**, reducing the scope of work and decreasing the amount by \$72,950, for an adjusted total not to exceed \$193,833.

**MOBILE HEALTH CENTER (FIRST CARE EXPRESS)**

1. Addendum 1 to the Agreement with Manatee Memorial Hospital extending agreement through April 30, 2002; for a monthly fee of \$21,077 (through 4/30/01). RECORD S46-2223
2. Payment of current contractual compensation due June 15, 1999, \$150,671. RECORD S46-2224

**HAGLE PARK ROAD - WATERLINE EXTENSION**

1. Award IFB 99-1685DC for a 6-inch Waterline Extension to the lowest responsive, responsible bidder meeting specifications, Spectrum Underground, Inc., \$105,941.05
2. Execute contract, date performance bond, and accept insurance certificate. RECORD S46-2224

**MARKET RESEARCH PROGRAM**

Execute agreement with Mid-Florida Marketing and Research, Inc., for a Market Research Program on visitor demographics and economic impact of visitors for the Convention and Visitors Bureau, not to exceed \$18,000. RECORD S46-2225

**RECREATION ADMINISTRATION SYSTEM**

Execute Addendum 1 for three additional days of training and system-specific hardware with Vermont Systems, Inc., for an increase of \$6,591, revised total not to exceed \$51,436. RECORD S46-2226

**PERSONNEL POLICY**

**R-99-126** A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR CHANGES TO THE MANATEE COUNTY PERSONNEL POLICY, RULES AND PROCEDURES REGARDING USE OF PERSONAL HOLIDAY (allowing use of personal holiday during the payroll calendar year rather than fiscal year). RECORD S46-2227

**INMATE LABOR AGREEMENT**

Execute Florida Department of Corrections Interagency/Public Works Agreement for Inmate Labor from Hardee Correctional Institution. RECORD S46-2228

**POLICE ATHLETIC LEAGUE BALLFIELDS**

Authorize Parks and Recreation Department to construct four baseball fields and one football field at the Police Athletic League (PAL) facility with all costs (labor, equipment and material) paid for by PAL.

**IMPACT FEE CREDIT**

1. Final Authorization of Transportation Credit for Property Reserve, Inc./Gateway North, CA-98-10(P), for eligible park dedication on Buckeye Road, \$485,000. RECORD S46-2229
2. Final Authorization of Transportation Credit for Crowder Brothers Hardware Inc., CA-99-06(T), for eligible right-of-way dedication on Manatee Avenue West, \$7,620. RECORD S46-2230

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**FINAL PLAT - LAKEWOOD RANCH TOWN CENTER, PHASE I, SUBPHASE B**

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from Northern Trust Bank of Florida, N.A.
3. Mortgagee's Joinder in Declaration only from Lakewood Ranch Community Development District 3.
4. Mortgagee's Joinder in Declaration only from SouthTrust Bank, N.A.
5. Agreement with SMR Communities Joint Venture warranting required improvements, \$32,961,29.
6. Defect Security: \$32,961.29 (Surety Bond 135936, Frontier Insurance Company).
7. Conservation Easements (3) from Starstan, Inc.; Kenneth M. Johns, III, as Trustee of the Home Office Land Trust; and Schroeder-Manatee Ranch, Inc.
8. Supplement Declaration by SMR Communities Joint Venture.

**GREENWAYS ASSISTANCE**

Execute letter to National Park Service, Rivers, Trails, and Conservation Assistance Program (RTCA), requesting assistance for a two-year period (beginning in FY 2000, October) in planning for the implementation of a Countywide greenway and blueway trails system. RECORD S46-2231

**9TH STREET EAST**

Execute Facilities Relocation Agreement with Florida Power & Light Company for improvements to 9th Street East from U.S. 301 to S.R. 64, \$25,779. RECORD S46-2232

**ELECTRONIC MEDICAID CLAIMS SUBMISSION**

Execute Agency for Health Care Administration Electronic Claims Submission Agreement to allow Manatee County Emergency Medical Services to bill Medicaid electronically for ambulance services. RECORD S46-2233

**UNCOLLECTIBLE DEBT WRITE-OFF**

Authorization to write off an outstanding debt of \$469 from Thalia Productions (overtime incurred for lifeguards during filming).

**RECYCLING EDUCATION GRANT**

**R-99-135** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE RECYCLING AND EDUCATION GRANT PROGRAM (approximately \$340,321). RECORD S46-2234

**WASTE TIRE GRANT**

**R-99-132** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF A WASTE TIRE GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE WASTE TIRE SHREDDING PROGRAM (approximately \$131,696). RECORD S46-2236

**UTILITIES IN PRIVATELY OWNED DEVELOPMENTS**

**R-99-115** A RESOLUTION OF MANATEE COUNTY, FLORIDA, ESTABLISHING STANDARDS FOR THE INSTALLATION AND MAINTENANCE OF PUBLICLY OWNED UTILITIES UNDERLYING PRIVATELY OWNED LANDS; PROVIDING AN EFFECTIVE DATE. RECORD S46-2238

**CROSLY ESTATE/U.S. 41 EASEMENT**

Execute Assignment and Assumption of Easement 30234 from Manatee County to Florida Department of Transportation for right-of-way acquired (5/18/99) from the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for construction of a deceleration and turn lane into Crosley Estate on U.S. 41. RECORD S46-2239

**TRANSPORTATION ENHANCEMENT FUND**

Execute Federal Aid Enhancement Fund Project Applications for the priority projects as approved by the Board of County Commissioners (5/18/99) to Sarasota/Manatee Metropolitan Planning Organization and Florida Department of Transportation (Emerson Point Park Multipurpose Pathway; U.S. 19 Bicycle Path; East Manatee Greenway, East and North Sections; U.S. 301 Bicycle Path). RECORD S46-2240

**SURPLUS REAL PROPERTY - ERIE ROAD**

**R-99-78** A RESOLUTION OF MANATEE COUNTY, FLORIDA, DETERMINING PUBLIC PURPOSE AND EXPRESSING A DESIRE TO ACQUIRE CERTAIN SURPLUS REAL PROPERTY FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (Parcels 500 and 800 for use as an Operations Facility for the Transportation Department located south of Erie Road). RECORD S46-2241

**PLAT AND STREET VACATION - POMELLO CITY**

**R-99-102-V** RESOLUTION DECLARING A PUBLIC HEARING ON JUNE 29, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY PANTHER RIDGE COMMUNITIES, LTD., TO VACATE A PORTION OF THE PLAT OF POMELLO CITY UNIT 1. RECORD S46-2242

**STREET VACATION - POMELLO PARK**

**R-99-133-V** RESOLUTION DECLARING A PUBLIC HEARING ON JUNE 29, 1999, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY GARRET T. BARNES AS ATTORNEY-IN-FACT FOR PANTHER RIDGE COMMUNITIES, LTD., 675 RANCH PARTNERS, AND THEIR BUYERS TO VACATE CERTAIN NONCONSTRUCTED RIGHTS-OF-WAY FROM THE PLAT OF POMELLO PARK SUBDIVISION. RECORD S46-2243

**LAWSUIT: RONALD IEHL**

Authorize Risk Management to settle a claim with Ronald Iehl, \$22,200.

**FINAL PLAT - KINGSFIELD, PHASE II**

1. Final Plat.
2. Agreement with Centex Homes guaranteeing completion of required improvements, \$1,594,586.10.
3. Performance Bond: \$1,594,586.10 (Surety Bond 5977303, Safeco Insurance Company of America).
4. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways, \$31,906.88.
5. Performance Bond: \$31,906.88 (Surety Bond 5977304, Safeco Insurance Company of America).
6. Maintenance Agreement for Paver Brick with Kingsfield Homeowners Association, Inc. RECORD S46-2244
7. Maintenance Agreement for Right-of Way Island with Kingsfield Homeowners Association, Inc. RECORD S46-2245
8. Supplementary Declaration for Kingsfield by Centex Homes.

(End Consent Agenda)

**AWARDS/PROCLAMATIONS**

**Citizens' Academy Graduation**

The Board of County Commissioners recognized the efforts of 32 Citizens' Academy graduates in their completion of the County Educational Program. Certificates were presented to all participants.

**Retirement - Bobby N. Whatley**

Larry Mau, Transportation Department Director, presented a retirement award to **Bobby Whatley** honoring his 10 years of service with the Stormwater Division of the Transportation Department.

**Code Enforcement Officers' Week**

Upon motion by Mrs. Stein and second by Mr. Bruce, a Proclamation designating June 21-25, 1999, as **Code Enforcement Officers' Appreciation Week** in Manatee County, Florida, was adopted 5 to 0.

Rita Mooney, Code Enforcement Supervisor, recognized the efforts of the Code Enforcement staff. RECORD S46-2246

**Let's Celebrate Fathers**

Motion was made by Ms. Brown, seconded by Mrs. Glass and carried 5 to 0, to adopt a Proclamation designating June 19, 1999, as a **Day to Celebrate Fathers** at the Manatee County Fairgrounds, Palmetto, Florida. RECORD S46-2247

The Proclamation was accepted by Anita Rogers of the Extension Office.

**CONSENT AGENDA - MOTION TO RECONSIDER**

Based on the distributed supplemental agenda, Mrs. Glass moved to reconsider the Consent Agenda. Motion was seconded by Ms. Brown and carried 5 to 0.

(NOTE: Approved later in the meeting.)

**HONORE AVENUE - DEDICATION OF RIGHT-OF-WAY**

**Wayne Ruben**, representing the owners of Cooper Creek, requested reconsideration of the acceptance (June 1, 1999) of the dedication of a portion of Honore Avenue from Arvida Corporate Park. He stated it was necessary to afford the opportunity for public testimony regarding the proposed alignment of Honore Avenue. He questioned whether the alignment was appropriate for transportation and traffic control policies, as well as planning and design policies.

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As an adjacent property owner, Mr. Ruben was concerned with the point at which Honore Avenue will abut the Cooper Creek property. He noted the proposed alignment may not provide access to the proposed commercial site. Without access from Honore Avenue, the only access to the commercial site would be University Parkway, which will generate excessive traffic and U-turns.

Discussion: Cooper Creek representatives were advised to attend the June 1st meeting to present testimony; misunderstanding regarding the opportunity for input; reconsideration must not have impact on any current agreements relative to dedication or right-of-way requirements; impacts of reconsidering the issue, etc.

**Motion - Withdrawn**

Mr. Bruce moved to reconsider the acceptance of the dedication of right-of-way for Honore Avenue. Motion was seconded by Mrs. Stein.

Teddy Williams, County Attorney, stated the action taken June 1, 1999, completed this transaction. He explained that the right-of-way dedication was made as part of a condition of the Development Order (based on PDMU-94-03(Z)(G) and R-95-24 adopted 2/23/95) and complicated issues would be raised if the transaction is reconsidered.

**Pat Neal**, developer of Arvida Corporate Park, advised the right-of-way was established in the 1995 Development Order and the required deed was accepted on June 1, 1999. He stated the right-of-way issue is a private matter between two land owners and opposed reconsideration.

**William Galvano**, representing Arvida Corporate Park, submitted a letter (6/2/99) into record. He advised the Development Order which identified a configuration of Honore Avenue was complied by the June 1, 1999, action. He reviewed the probable legalities of a reconfiguration of the Honore Avenue dedication. He indicated reconsideration is not advised and asked that the deed, as recorded, be accepted.

Discussion: Deed as submitted and accepted tracks the zoning ordinance; resolution and general development plan approval finalized in 1995; parties should meet with Planning staff, Transportation staff and County Attorney; prior to vote Board needs to fully understand the impact on a reconsideration of right-of-way.

(NOTE: Item continued later in the meeting.)

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT REGULATIONS**

**William Wheeler**, resident, stated information shared at a homeowners' association meeting regarding the filling of retention ponds with well water raised many questions. He contacted several agencies, including Southwest Florida Water Management District (SWFMWD), which generated a variety of conflicting interpretations of the regulations. He requested clarification of the regulations from SWFMWD.

Disposition: Staff requested to invite SWFMWD to address the Board regarding regulations governing the filling of retention ponds.

**EMERSON POINT**

**John McDonald**, resident of Sned Island, acknowledged the efforts of Charlie Hunsicker regarding the Emerson Point Management Plan (approved 6/1/99), particularly the redesign of the road to include an eight-foot bicycle path and the exploration of shell trails.

Mrs. Glass moved to amend the Emerson Point Conceptual Plan to extend the eight-foot bicycle path the entire length of the paved road (from the Indian mounds to the tip of Emerson Point); to develop all other trails in the park as shell (not paved); and to thoroughly explore alternative porous materials instead of asphalt or paving in the park insofar as possible. Motion was seconded by Mrs. Stein.

Discussion: Revise transmitted plan; road may qualify for funds via grant from the Tampa Bay National Estuary Program; application deadline for grant July 1, 1999; etc.

Following discussion, motion carried 5 to 0.



HEALTH CARE ADVISORY COMMITTEE

Elaine Maholtz, Community Services, requested appointment of a member to serve on the Health Care Advisory Committee through April 2001, due to the resignation of Ken Cormier.

Nominations: Wayne Bensman - by Mrs. Stein  
 Larry Hanneken - by Mr. Stephens

Upon motion by Mrs. Glass and second by Mr. Bruce, nominations were closed and a 3 to 2 vote was cast for the appointment of **Larry Hanneken**.

INDUSTRIAL DEVELOPMENT BONDS - G. G. SCHMITT & SONS, INC.

Public hearing (Notice in the Bradenton Herald 6/1/99) was held to consider the issuance of \$2,550,000 in industrial development bonds by the Florida Development Finance Corporation (FDFC) to finance the acquisition of land and construction of a facility at the 1700 Block of 15th Street East, to be used to manufacture marine hardware.

Patricia McVoy, Assistant County Attorney, reviewed the request and recommended adoption of

**R-99-131** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE OF NOT TO EXCEED \$2,550,000 IN INDUSTRIAL DEVELOPMENT BONDS BY FLORIDA DEVELOPMENT FINANCE CORPORATION TO FINANCE THE ACQUISITION OF LAND AND CONSTRUCTION OF A FACILITY TO BE USED TO MANUFACTURE MARINE HARDWARE WITHIN MANATEE COUNTY (G. G. SCHMITT & SONS, INC.) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; PROVIDING THE CONSENT OF THE COUNTY PURSUANT TO THE INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

**William Jones**, representing FDFC, requested approval to issue \$2,550,000 in industrial bonds for G. G. Schmitt & Sons Inc.

**Gerry Schmitt**, Vice-President of G. G. Schmitt & Sons, Inc., stated the firm currently employs 63 people in Florida and anticipates an increase to 90 within the next few years, with an annual payroll of \$2,700,000. He noted they work with 30 to 35 local suppliers.

Discussion: Leased facilities will be combined and relocated in Manatee County; local firms involved in the construction project; all subcontractors not known at this time; additional \$2.5M to County tax rolls; letters of credit; no County revenues involved in this process; encourage support of local business, etc.

Motion was made by Mr. Bruce and seconded by Mrs. Stein to adopt Resolution R-99-131 confirming the TEFRA hearing and providing for the issuance of bonds to G. G. Schmitt & Sons, Inc. Motion carried 4 to 1, with Mr. Stephens voting nay. RECORD s46-2248

COLLECTION SERVICES - SOLID WASTE, RECYCLABLES AND YARD WASTE

Rob Cuthbert, Purchasing Manager, stated this information conference was scheduled for the presentation of vendor ideas and questions regarding the Request for Proposals (RFP).

Discussion: Public information meeting was to be held prior to the Board meeting; issues raised in information conference shall become part of Addendum 2 to the extent that clarifications or additions are necessary; review of Section A.03 of RFP; no statements or objections from representatives of haulers, etc.

**J. B. Donnelly**, representing Waste Management, stated a preproposal conference is usually an informal meeting.

Disposition: Staff directed to commence an informal information conference.

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(Continued)

**CONTRACT CLAIM - SHIRLEY LAND DEVELOPMENT, INC.**

Rob Cuthbert, Purchasing Manager, opened the hearing of a contract claim by Shirley Land Development, Inc., in the amount of \$10,500 arising from the U.S. 301 Boulevard Road and Utility Improvement Project. He noted the claim was denied by Project Management and the Engineering Consultant, Glace & Radcliffe, Inc. He stated Project Management deliberated on the March 18, 1999, request by Shirley Land Development, Inc. and denied 3 of 9 items. He advised that staff and the Consulting Engineer recommend that no additional compensation be granted as the box culverts originally placed to connect with open ditches would typically incorporate wing walls in their construction.

Janet McAfee, Project Management, stated the Project Manager's decision was appealed to the Purchasing Director, therefore, there has been no opportunity to work with the contractor.

**William Shirley**, claimant, stated this claim pertains to a request for a change order for the removal of wing walls on existing box culverts. He referred to a drawing (June 9, 1999) showing the old and new box culverts. He stated the purpose of a wing wall is to hold land back from an existing canal or waterway; however, there is no canal in this area and no wing walls were shown on the plans. He advised the bid did not include the discovery of and removal of wing walls. He questioned why he should assume if there is an existing box culvert there are wing walls.

Discussion: Site inspection would not determine the existence of wing walls; do specifications clarify removal of wing walls; wing walls were in fact removed; appropriate for parties to meet and resolve the issue; FDOT standard specifications were used; etc.

Ms. McAfee noted the engineer's interpretation of the language in the specifications regarding wing walls and site conditions supports Project Management. She advised this is a "gray area" subject to argument and, if compensation is favored, staff firmly believes negotiations are essential.

Motion was made by Mrs. Glass, and seconded by Mrs. Stein, directing staff to meet with the parties and requesting the County Administrator to prepare written findings and present a recommendation at the next Board meeting. Motion carried 5 to 0.

**VALUE ADJUSTMENT BOARD**

Teddy Williams, County Attorney, requested the appointment of three members of the Board of County Commissioners, an alternate, and designation of a chairman to serve on the 1999 Value Adjustment Board.

Mrs. Glass, Mr. Bruce, and Mrs. Stein volunteered to serve as members of the Value Adjustment Board. Mr. McClash was appointed as the alternate, and Mrs. Glass was designated to serve as chairman.

**Recess/Reconvene.** All members present except Mr. McClash and Mrs. Harris.

**CONSENT AGENDA - MOTION TO APPROVE**

Motion was made by Mr. Bruce, seconded by Mrs. Glass and carried 5 to 0, to approve the Consent Agenda with the following changes:

- **Community Care for the Elderly (CCE) Alzheimer's Disease Initiative Respite Care Services:** Addendum 5 with Olsten Health Services - deferred;
- **CCE - Personal Care Services:** Addendum 6 with Olsten Health Services - deferred;
- **CCE - Respite Care Services:** Addendum 6 with Olsten Health Services - deferred;
- **Hagle Park Waterline Extension:** - motion amended to indicate simultaneous execution of documents; and
- **Law Enforcement Services:** Agreement with Manatee County Sheriff and the City of Anna Maria - deferred.

**COMMISSIONERS' COMMENTS****Snead Island Bridge**

Mrs. Glass requested placement of a dumpster and signage near the bridge in order to keep it clean.

Cortez Road Extension - Town Hall Meeting

Mr. Bruce advised that this meeting will not be scheduled until sometime in August.

Rural Road Paving Program

Mr. Bruce requested a report on the success of the current program and the exploration of a future rural road paving program, noting the number of dirt roads with increased traffic due to growth.

Traffic Signal - Canal Road and 17th

Ms. Brown requested consideration of a traffic signal at Canal Road and 17th rather than Canal Road and 29th.

Ultralite Planes - Palma Sola Causeway

Mr. Stephens addressed the problem of an ultralite plane causing disturbances to residents in the Palma Sola Causeway area. He noted various agencies have been contacted and he has learned someone is earning a living by conducting these flights.

Jerome Gostkowski, Planning Department, advised that Part 103 of the Federal Aviation Administration (FAA) regulations prohibits operation of ultralite planes over a populated area and each infraction is subject to a \$1,000 fine. He stated he would supply staff with the appropriate information to contact the FAA.

Algae Bloom - Northwest Bradenton

Mr. Stephens advised that staff has been working with many governmental entities concerning the algae bloom impacting the residents of northwest Bradenton. The Department of Environmental Protection is scheduled to visit the area and staff will report results.

Drainage Pipe Installation for Road Projects

Mr. Stephens requested clarification of drainage pipe installation in new road projects, in particular, the process used to determine drainage pipe location in relation to existing water and sewage pipes. He reviewed a specific incident wherein (1) a permit was pulled to construct a building; (2) water tap was requested and the County discovered that due to the location of a drainage pipe conflicting with the water pipe, it could not be done; and (3) property owner was advised to obtain a local engineer to design/install a connection.

Ernie Padgett, County Administrator, stated upon receipt of the location and specifics, he would research the project and discuss the findings with Mr. Stephens.

HONORE AVENUE DEDICATION OF RIGHT-OF-WAY

(NOTE: Discussion continued from earlier in the meeting.)

Mark Barnebey, Chief Assistant County Attorney, reported on the discussions with staff, Pat Neal, Bill Galvano, and Benderson Development Company:

- . The dedication of the right-of-way for Honore Avenue (accepted June 1, 1999) appears to be in substantial conformity with the dedication requirements of the Development Order abandonment.
- . Cooper Creek has approximately 92 feet of frontage of the area dedicated on Honore Avenue. They have been designing a shopping center which would have closer access to University Parkway (along Honore Avenue).
- . Cooper Creek 1995 approvals for the Development Order show a smaller and shorter in-depth commercial area than proposed. The access point shown for Cooper Creek does not tie in directly to Honore Avenue. They propose to extend the commercial area and will have access to Honore at some point; however, it may not be as close to University Parkway as desired.
- . Mr. Neal is not inclined to resolve the Cooper Creek situation as they are in negotiations for the dedication.
- . Staff does not recommend a reconsideration of the dedication.

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(Continued)

Mr. Barnebey indicated design review is possible when the Cooper Creek site plan is submitted. He noted there may be a requirement for cross access easements when the Arvida parcel comes forward. He stated the Cooper Creek parcel could be redesigned to move the access back 150 feet, as they own the property to the north.

Motion - Withdrawn

Following the report and staff recommendation, Mr. Bruce **withdrew** his motion (made earlier in the meeting) to reconsider the dedication of right-of-way for Honore Avenue.

Discussion: Goal is proper access for the commercial site and good transportation planning; future plans could reconfigure access points; 1995 Development Order set forth the right-of-way with an intentional curve to tie into Honore at the south and avoid wetlands; public interest relative to the location of right-of-way; maintain dedicated right-of-way; do not vacate or condemn right-of-way; wetlands on Arvida site; stipulations for development; wetland areas can be consumed and mitigated; future opportunity to discuss the alignment of the road, etc.

Jerome Gostkowski, Planning Department, reviewed the acquired rights-of-way for the Honore Avenue extension and noted three properties have not been dedicated: (1) a portion of Mote Ranch; (2) the Nelson tract; and (3) property owned by Manatee Fruit. He displayed a graphic of the dedication, stating it complies with the goals and intent of Manatee County to provide Honore Avenue in a safe configuration and tracks with the drawings of 1995 and 1997 that did not contain numerical values.

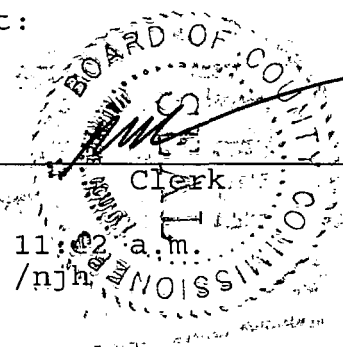
Referring to a graphic of the 1995 abandonment requirement, he stated staff's goal was a safe right-of-way, in the appropriate width, connecting with the existing Honore at the north and the existing intersection at University Parkway. He advised the dedicated alignment accomplished this goal and there was an area of continuity between the right-of-way and the property line, as is shown in both parcels.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

 Clerk  
Adj: 11:02 a.m.  
/njh

  
Chairman 8/24/99