

AUGUST 3, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 3, 1999, at 9:11 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Gwendolyn Y. Brown, First Vice-Chairman
 Joe McClash, Second Vice-Chairman
 Jonathan Bruce, Third Vice-Chairman
 Lari Ann Harris (participated via telephone)

Absent were Commissioners:

Patricia M. Glass, vacation
 Amy Stein, 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 Father William E. Gerhart, St. Phillip's Anglican Church.

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. Harris and carried 5 to 0, to approve the Consent Agenda, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda, with the deletion of: (1) Port Manatee Navigation and Bulkhead Improvements (deferred) and (2) Crime Stoppers Trust Fund (separate action). (NOTE: Consent Agenda reconsidered later in the meeting to open public hearings, which are not listed here.) Items APPROVED:

CLERK OF CIRCUIT COURT

BONDS

Accept:

Creekwood, Phase II, Subphase F

1. Agreement (time extension) with Wilma-Creekwood (West) Joint Venture guaranteeing completion of required sidewalks and bikeways, \$18,200.

Hammock Place Subdivision

1. Agreement (time extension) with Copeman Builders, Inc., guaranteeing completion of required sidewalks and bikeways, \$2,687.36.
2. Performance Bond: \$2,687.36 (Cashier's Check 063614, American Bank).

Release:

Creekwood, Phase II, Subphase F

1. Agreement with Wilma-Creekwood (West) Joint Venture guaranteeing completion of required sidewalks and bikeways, \$18,200.

Hammock Place Subdivision

1. Agreement with Copeman Builders, Inc., guaranteeing completion of required sidewalks and bikeways, \$28,316.93.
2. Performance Bond: \$28,316.93 (Surety Bond 79-0120-08500-96-2, United States Fidelity and Guaranty Company).

Sarabay Lake

1. Agreement with Stephen K. Marshall warranting required improvements, \$17,500.
2. Defect Security: \$17,500 (Letter of Credit 49, Renewals 1 and 2, American Bank).

Heather Glen, Phase II

1. Agreement with North Manatee Development, Inc., warranting required improvements, \$60,896.03.
2. Defect Security: \$60,896.03 (Letter of Credit 890350, First National Bank).

Glenn Lakes, Phase I-A

1. Agreement with Centex Real Estate Corporation guaranteeing completion of required sidewalks and bikeways, \$3,549.
2. Performance Bond: \$3,549 (Cashiers Check 3305891, NationsBank).

Summerfield Village, Subphase C, Units 4, 8 and Parkway

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$29,577.60.
2. Performance Bond: \$29,577.60 (Surety Bond MNT8019117, Fidelity and Deposit of Maryland).

Glenn Lakes, Phase III

1. Agreement with 2728 Holding Corp., guaranteeing completion of required sidewalks and bikeways, \$63,648.
2. Performance Bond: \$63,648 (Surety Bond 5900940, Safeco Insurance Company of America).

BILLS FOR PAYMENT

Bradenton Herald - Legal Advertisement Unclaimed Funds \$ 164.92

REFUNDS

Panther Ridge Communities, Ltd. - Impact Fee 7,104.00
 Vantage Real Property Holding Corp. - Impact Fee 12,951.00
 Manatee Joint Venture - Impact Fee 34,755.00

WARRANT LIST

Approve: July 27, 1999 to August 2, 1999
 Authorize: August 3, 1999 to August 17, 1999

MINUTES FOR APPROVAL

June 1, 1999

AUTHORIZE CHAIRMAN TO SIGNSatisfaction of Judgment:

Jose Sarmiento a/k/a Jose Ruiz, Case 94-1403F

APPROVE, RATIFY & CONFIRMParks & Recreation Special Interest Classes Instructors' Agreements:

Diane J. Tucker - Financial Workshop for Investors S47-134
 Gale S. Klein - Yoga and Somatic Yoga RECORD S47-135

ACCEPT

State of Florida Auditor General - Operational Audit of the Office of State Attorney, Twelfth Judicial Circuit (4/1/98-3/31/99).

Proof of Publication - Bradenton Herald (7/20/99) providing list of unclaimed monies - Clerk of Circuit Court.

COUNTY ADMINISTRATORLAWSUITS

1. Extend formal Offer of Judgment to landowners, Henry and Johanna Mast, \$178,000, inclusive of statutory interest but exclusive of attorney's fees, costs and expenses, in the 75th Street West eminent domain matter, Manatee County versus Dozier Hillard, CA 98-1534.
2. Aggregate payment of \$116,810.40 to McDonald's Restaurant of Florida Inc. in settlement of experts' fees incurred by McDonald's in the State Road 70 eminent domain matter, Manatee County versus Ebonite Recreation Centers, Inc., et al., CA 95-1753.
3. Extend formal Offer of Judgment to landowner, Sze Chun Wong, for \$75,000, inclusive of statutory interest but exclusive of attorney's fees, costs and expenses, in the State Road 70 eminent domain matter, Manatee County versus John J. Nevins, et al., CA 95-4342.
4. Deny plaintiffs' settlement offer of \$25,000 and make counteroffer of \$20,000, Daniel Foote and Louisa Foote versus Manatee County, CA 98-5078.
5. Settle case of Thomas R. Hannan, III, versus Manatee County for \$55,250, pursuant to agreement reached at mediation on July 16, 1999, CA 98-3380.

WORKERS' COMPENSATION CLAIM

Payment of attorney fees to Gregory Linehan for \$8,152.78 for handling a Workers' Compensation injury issue for James Clark, Division of Parks and Recreation employee.

ADVISORY BOARD DISCLOSURE FORMS

Waive the provision of Florida Statutes 112.313(3) and 112.313(7) pertaining to standards of conduct for public officers, pursuant to Florida Statute 112.313(12), for members of respective advisory boards:

Children's Services Advisory Board: Judge Scott Brownell, Barbara Harvey, John Hubbard, Juanine Lowery, Edwin Mulock, Dr. George Van Buren

Health Care Advisory Committee: Dr. Martin Amundson

Accessibility Task Force: Edward J. Lopacki, Walter Scott Reed

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(Continued)

CHILDREN'S SUMMIT

Authorize Manatee County Government to jointly sponsor the Fifth Annual Children's Summit in conjunction with Manatee Community Council for Children, Manatee County Health Department, and Manatee Opportunity Council (Project Child Care).

MEDICAID WAIVER AGREEMENT

Execute Fiscal Year 1999-00 Medicaid Waiver Agreement with West Central Florida Area Agency on Aging, Inc., to provide Home and Community Based Services with a spending authority of \$119,872 and Medicaid Assisted Living Facility Services with a spending authority of \$70,979, and authorization to provide administration and oversight of the program. RECORD S47-136

RURAL HEALTH SERVICES FUNDING AGREEMENT

Execute funding agreement (1/1/99-12/31/99) with Manatee County Rural Health Services Inc., for facility rental assistance at 5108 15th Street East, to provide support services to HIV/AIDS patients, \$11,000. RECORD S47-137

BUDGET AMENDMENT**VARIOUS DEPARTMENTS** (B-99-028)

Transfer of Funds; Unanticipated Revenue Appropriations Supporting Description and Detail Attached RECORD S47-138

COMMERCIAL PAPER LOAN PROGRAM

R-99-170 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE BORROWING OF \$950,000 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 A PORTION OF A LOAN MADE TO REFINANCE VARIOUS CAPITAL PROJECTS; AUTHORIZING THE EXECUTION OF A LOAN NOTE TO EVIDENCE SUCH BORROWING AND AGREEING TO SECURE THE PRINCIPAL OF LOAN NUMBER A-2-6 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 NUMBER A-2-6 SHALL BE SECURED WITH A COVENANT TO BUDGET AND APPROPRIATE LEGALLY AVAILABLE NON-AD VALOREM REVENUES AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO EFFECT SUCH BORROWING; AND PROVIDING AN EFFECTIVE DATE. RECORD S47-139

MATERIALS AND SERVICES

1. **Centrifugal Blower** - Award IFB 98-6834MP to the lowest responsive, responsible bidder, Hoffman Air & Filtration Systems, \$35,735.
2. **Cab Chassis with Asphalt Patcher** - Award IFB 99-1886JS to the lowest responsive, responsible bidder, M. D. Moody & Sons, \$102,958.
3. **Liquid Chlorine** - Award IFB 99-3277MP on an as-required basis to the lowest responsive, responsible bidders meeting specifications for an estimated amount of \$316,750 as follows: Allied Universal Corporation, \$3,150, and DPC Enterprises, L.P., \$313,600.
4. **Computer Repair Services** - Enter into negotiations with the top-ranked firm, Allied Computer Systems, for on-demand repair of computer equipment and peripheral devices.
5. **Landscaping and Irrigation/Cortez Road** - Rescind award of IFB 97-3213DC to Marvin's Garden and Landscape Service, \$326,045.43.
6. **Hydraulic Excavator** - Award IFB 99-2138JS to the lowest responsive, responsible bidder, GS Equipment, \$84,950.
7. **Lakewood Ranch Boulevard Signalization** - Award IFB 99-2219DC to the lowest responsive, responsible bidder meeting specifications, PDG Electric Company, \$38,956.
8. **Remote Terminal Units** - Authorize sole source purchase of remote terminal units, FCC licenses, and upgrade of existing Central Site computer and software system from Data Flow Systems, Inc., \$173,656.

MID AM RECOVERY SERVICES INC.

Accept record of vendor's name change from Mid Am Recovery Services, Inc. to Sky Asset Management Services, Inc.

RECORD S47-140

SURPLUS PROPERTY

1. Classify excess property as surplus per Florida Statute 274.05 to enable appropriate and authorized disposition of said property in accordance with Procurement Code 99-37, Section 1.106; and authorize disposition of such property. RECORD S47-141
2. **R-99-175** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (3 vehicles to the **City of Palmetto**) RECORD S47-142
3. **R-99-176** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (various equipment to the **Manatee County Sheriff**) RECORD S47-143
4. **R-99-178** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, FLORIDA STATUTES (cabinet to **Florida Women in Government**) RECORD S47-144
5. Classify excess vehicles as surplus per Florida Statute 274.05 to enable appropriate and authorized disposition of said property in accordance with Procurement Code 99-37, Section 1.106; and authorize disposition of such property. RECORD S47-145

NATURAL RESOURCE INVENTORY SERVICES

Execute Addendum 2 to agreement with CCI Environmental Services, Inc., extending the agreement to August 18, 2000, and incorporating a revised rate schedule. RECORD S47-146

SAFFOLD ROAD IMPROVEMENTS

Execute Change Order 1 to IFB 98-4929DC with Sarasota Land Service, Inc., for a net decrease of \$12,256.61 and adjusted contract of \$584,241.46. RECORD S47-147

TAYLOR GRADE ROAD/BUNKER HILL ROAD - ROADWAY IMPROVEMENTS

Execute Change Order 1 to IFB 98-4084DC with Sarasota Land Service, Inc., for a net decrease of \$29,000.70 and adjusted contract of \$1,033,919.10. RECORD S47-148

WARNER'S BAYOU EAST BRIDGE

Execute Change Order 2 to Work Assignment 11 with Wade-Trim, Inc., for engineering services for design, survey, and construction for replacement of Warner's Bayou East Bridge 134014 for an increase of \$25,906 and adjusted total of \$61,998.60.

RECORD S47-149

WARNER'S BAYOU WEST BRIDGE

Execute Change Order 2 to Work Assignment 10 with Wade-Trim, Inc., for engineering services for design, survey, and construction for replacement of Warner's Bayou West Bridge 134013 for an increase of \$25,906 and adjusted total of \$57,764.60.

RECORD S47-150

WATER TREATMENT PLANT

1. **New Carbon Silo and Upgrade Existing Silo** - Execute Change Order 1 to IFB 98-4585MP with FUSE, Inc., extending contract 45 calendar days for a revised completion date of August 2, 1999. RECORD S47-151
2. **Laboratory Expansion** - Execute Change Order 1 to Work Assignment 93-28 with Black & Veatch for engineering services for design services for an increase of \$172,490 and adjusted total of \$400,390. RECORD S47-152
3. **Maintenance Area Expansion** - Execute Change Order 1 to IFB 98-4597DC with Apollo Construction and Engineering Services, Inc., for a decrease of \$8,900 and the addition of 72 calendar days, for an adjusted contract amount of \$155,198 and a revised completion date of June 11, 1999. RECORD S47-153

WASTEWATER TREATMENT PLANT

Issue Change Order 1 to Purchase Order P9001941 for overhaul of Waukesha co-generation engine with Reagan Equipment Co., Inc., for an increase of \$20,223.61 and an adjusted amount of \$64,671.61.

WORKERS' COMPENSATION PROGRAM

Execute Addendum 1 to Agreement for administration of the County's Self-Insured Workers' Compensation Program with Johns Eastern Company, Inc., to include subparagraph 5g identifying per file cost for managed care. RECORD S47-154

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(Continued)

DONATIONS

1. **Lakewood Ranch Park**
 - a. Conceptual approval for East Manatee Football Association to place a portable classroom structure at the park for housing concession, storage, and locker rooms contingent upon site approval from the Planning Department.
 - b. Conceptual approval for Miss Manatee Softball League, Inc., to place a portable concession building at the park contingent upon site approval from the Planning Department.
2. **G. T. Bray Park** - Authorize Manatee Magic Soccer Club to place a job box at the southwest corner of the northwest fields.

PARKS AND RECREATION DEPARTMENT - FEE SCHEDULE AND POLICY

R-99-177 RESOLUTION AMENDING RESOLUTION R98-226 AND ESTABLISHING THE POLICY AND FEE SCHEDULE FOR THE MANATEE COUNTY PARKS AND RECREATION DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

RECORD S47-155

FINAL PLAT - UNIVERSITY SQUARE III

1. Final Plat.
2. Mortgagee's Joinder in Declaration only from Provident Bank of Florida.
3. Maintenance and Conditional Assignment Agreement by Cargor Partners II, Ltd.

RECORD S47-156

STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNITS

Set a public hearing on September 7, 1999, at 9:00 a.m., or as soon thereafter as possible, to consider amending the special assessment rolls for:

1. **Gulf and Bay** Street Lighting Municipal Service Benefit Unit;
2. **Rubonia** Street Lighting Municipal Service Benefit Unit.

UTILITY RELOCATION AGREEMENTS - ANNA MARIA ISLAND

1. **R-99-171** A RESOLUTION BETWEEN THE COUNTY OF MANATEE AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AUTHORIZING THE EXECUTION OF A UTILITY RELOCATION AGREEMENT FOR WORK LOCATED ALONG STATE ROAD 789 (between Willow Avenue and Bay Boulevard).
2. **R-99-172** A RESOLUTION BETWEEN THE COUNTY OF MANATEE AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AUTHORIZING THE EXECUTION OF A UTILITY RELOCATION AGREEMENT FOR WORK LOCATED ALONG STATE ROAD 789 (between 27th Street and Manatee Avenue).

RECORD S47-157
S47-158RECORD S47-159
S47-160

(utilities in conflict with two new bicycle paths on Anna Maria Island, \$31,000)

UTILITY RELOCATION AGREEMENT - U.S. 41

R-99-173 A RESOLUTION BETWEEN THE COUNTY OF MANATEE AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AUTHORIZING THE EXECUTION OF A UTILITY RELOCATION AGREEMENT FOR WORK ALONG U.S. HIGHWAY 41.

RECORD S47-161
S47-162

(utilities in conflict with lighting improvements along U.S. 41 from Sarasota County line to north of 69th Street, \$144,000)

30TH AVENUE WEST (26TH STREET WEST TO 5TH STREET WEST)

1. Execute Contract for Sale and Purchase for a Warranty Deed and a Permanent Slope Easement for right-of-way required for road improvement from Samuel D. Bergstresser, \$1,353. RECORD S47-163
2. Execute Contract for Sale and Purchase for a Warranty Deed for right-of-way required for road improvement from The Bethel Baptist Church of Bradenton, Florida, \$2,200; Warranty Deed from The Bethel Baptist Church of Bradenton, Florida; Affidavit of Ownership and Encumbrances. RECORD S47-164
S47-165
3. Execute Contract for Sale and Purchase for a Warranty Deed for right-of-way required for road improvement from Dennis R. Russell, \$3,000; Warranty Deed; Affidavit of Ownership and Encumbrances. RECORD S47-166
S47-167
4. Execute Contract for Sale and Purchase for a Warranty Deed for right-of-way required for road improvement from Paul and Cynthia Thibault, \$70,000. RECORD S47-168

DEEDS AND EASEMENTS

1. **Manatee Avenue West** - Warranty Deed for additional right-of-way required east of 55th Street West from Crowder Bros. Hardware; Affidavit of Ownership and Encumbrances; Partial Release of Mortgage from American Bank. RECORD S47-169
2. **Erie Road Operations Facility** - Public Purpose Quit Claim Deed and Public Purpose Easement for conveyance of Parcels 500 and 800 from the State of Florida, Department of Transportation. RECORD S47-170
3. **Franklin Avenue, Ellenton** - Temporary Construction Easement from Gerald and Connie Purvis for removal of a tree. RECORD S47-171
4. **Hagle Park Waterline Extension** - Utility Easements required to connect to new waterline and Affidavits of Ownership and Encumbrances from Eldred C. and Margaret G. Wears and Robert M. and Lorraine H. McIntyre; Temporary Construction Easement from Mark Goodwin. RECORD S47-172
S47-173
S47-174
5. **Wauchula Road** - Warranty Deed for right-of-way from Peace River Electric Cooperative, Inc.; Partial Release of Mortgage from United States of America and National Rural Utilities Cooperative Finance Corporation; Affidavit of Ownership and Encumbrances. RECORD S47-175
6. **State Road 70** - Quit Claim Deeds (2) as part of settlement agreement regarding Parcel 126 from John D. and Mary Ida McCoy. RECORD S47-176
7. **State Road 64 East** - Pedestrian Sidewalk Easement for sidewalk constructed outside of County right-of-way on 64th Street Court East at S.R. 64 East from Wendy's of N.E. Florida, Inc.; Affidavit of Ownership and Encumbrances. RECORD S47-177

STREET VACATIONS

1. **Creekwood Subdivision - 52nd Place East**
R-99-06-V A RESOLUTION DECLARING A PUBLIC HEARING ON AUGUST 24, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY CREEKWOOD INVESTORS, LTD. AND SEMBLER EDP PARTNERSHIP #8 TO VACATE CERTAIN NONCONSTRUCTED RIGHTS-OF-WAY FROM THE PLAT OF CREEKWOOD SUBDIVISION. RECORD S47-178
2. **LaSelva Park Subdivision - 30th Avenue Drive East (f/k/a Sunset Drive)**
R-99-129-V A RESOLUTION DECLARING A PUBLIC HEARING ON AUGUST 24, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, ON APPLICATION BY MBK PROPERTIES, INC. AND RICHARD E. SCHMIDT TO VACATE CERTAIN NONCONSTRUCTED RIGHTS-OF-WAY FROM THE PLAT OF LA SELVA PARK SUBDIVISION. RECORD S47-179

(End Consent Agenda Administrative Items)

INSTITUTE OF INTERNAL AUDITORS AWARD

Ernie Padgett, County Administrator, presented the **Institute of Internal Auditors "Commitment to Quality Improvement Award"** to the Clerk of Circuit Court's Internal Audit Department.

R. B. Shore, Clerk of Circuit Court, and Richard Orienti, Internal Audit Director, accepted the award. Mr. Orienti introduced the Internal Audit staff and recognized their efforts.

PROCLAMATIONS**Families Rising to the Top**

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried 5 to 0, to adopt a Proclamation designating August 28, 1999, as **Families Rising to the Top Day**. RECORD S47-180

Mark A. Ventriglia Day

Motion was made by Mr. Stephens, seconded by Mr. Bruce and carried 5 to 0, to adopt a Proclamation designating August 3, 1999, as **Mark A. Ventriglia Day**. RECORD S47-181

Janet McAfee, Project Management Director, presented a plaque to Mr. Ventriglia recognizing his service with the County.

CODE ENFORCEMENT BOARD AND NUISANCE ABATEMENT BOARD

Karen Windon, Public Safety Director, requested appointment of one member to the **Code Enforcement Board** (term expiring 10/01) due to the resignation of Reed Mapes; and appointment of three members to serve on the **Nuisance Abatement Board** (terms of two years).

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(Continued)

Code Enforcement Board

Nominations: Bob Kenney by Mrs. Harris
Donald Courtney by Mr. Bruce

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 5 to 0, to close the nominations.

Bob Kenney was appointed by majority vote.

Nuisance Abatement Board

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 5 to 0, to reappoint Linda Thomas and John Rahe, and appoint Alan Misch to serve on the Nuisance Abatement Board.

CRIME STOPPERS TRUST FUND

Frank Brunner, President of Manatee County Crime Stoppers, stated there is \$51,167 available in the Crime Stoppers Trust Fund via a grant application through the Florida Attorney General's Office. He advised eligibility requires a letter of agreement from the Board of County Commissioners authorizing the local Crime Stoppers Chapter as its agent for the purpose of applying for and receiving monies from the trust fund.

Motion was made by Mr. McClash to approve the letter of agreement. The motion was seconded by Mrs. Harris and carried 5 to 0.

RECORD 847-182

CONSENT AGENDA - MOTION TO RECONSIDER

Due to the consideration of advertised public hearings, Mr. McClash moved to reconsider the Consent Agenda. Motion was seconded by Ms. Brown and carried 5 to 0.

CONSENT AGENDA - APPROVAL OF ADMINISTRATIVE ITEMS

Mr. Bruce moved to approve the administrative items on the Consent Agenda. Motion was seconded by Ms. Brown and carried 5 to 0.
(NOTE: Public hearings approved later in meeting.)

CONSENT AGENDA - PUBLIC HEARINGS

Motion was made by Mr. McClash, seconded by Ms. Brown and carried 5 to 0, to approve the Consent Agenda public hearings, incorporating the language as stated in the recommended motions in the agenda memoranda and as may have been revised. Public hearing items approved:

UNIVERSITY COMMONS

Public hearing (continued from 7/27/99) was held to consider

Z-89-46(C)(R2) UNIVERSITY COMMONS (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING ORDINANCE Z-89-48(C)(R1) TO EXTEND THE BUILD-OUT DATES BY THREE YEARS AND 364 DAYS; PROVIDING AN EFFECTIVE DATE. RECORD 847-183

Planning Commission recommended APPROVAL.

and

ORDINANCE 99-38 UNIVERSITY COMMONS DRI 19 (APPROVED)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI 19, ALSO KNOWN AS TBRPC DRI 190; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. RECORD 847-184

Planning Commission recommended APPROVAL.

PARTICIPATION PROJECTS

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Road Assessment Project 5130 - Marineland

Split Parcel: Lots 1, 2 and North 1/2 Lot 3; South 1/2 Lot 3, Lot 4 and South 2.25 feet of N 1/2 Lot 3.

and

R-99-169 A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT ON A SPLIT PARCEL IN MARINELAND. RECORD 847-185

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Sewer Assessment Project 2505 - Marineland

Split Parcel: Lots 1, 2 and North 1/2 Lot 3.

and

R-99-158 A RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT ON A SPLIT PARCEL IN MARINELAND.

RECORD S47-186

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Road Assessment Projects 5034, 5054, 5050 - McCollums Lake

40 units in Lakeview Condominium in McCollums Lake.

and

R-99-162 A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT ON 40 UNITS IN LAKEVIEW CONDOMINIUMS IN MCCOLLUMS LAKE.

RECORD S47-187

Stephen Thompson, attorney representing the Lakeview Condominium Association, advised that the Association is opposed to the special assessment. He requested a presentation at the second public hearing scheduled for September 7, 1999.

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Road Assessment Project 5148 - Oneco

Split Parcel: East 20 feet of Lot 20 and all Lot 23, Block B, Magnolia Park.

and

R-99-159 A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT PROJECT ON A SPLIT PARCEL IN ONECO.

RECORD S47-188

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Sewer Assessment Project 5148 - Oneco

Split Parcel: East 20 feet of Lot 20 and all Lot 23, Block B, Magnolia Park.

and

R-99-157 A RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT ON A SPLIT PARCEL IN ONECO.

RECORD S47-189

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Road Assessment Project 5147 - Samoset

Split Parcel: Lots 5, 6 and 7, Block B, Glazier Gallup List.

and

R-99-160 A RESOLUTION APPROVING SPECIAL ROAD ASSESSMENT ON A SPLIT PARCEL IN SAMOSET.

RECORD S47-190

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Sewer Assessment Project 5147 - Samoset

Split Parcel: Lots 5, 6 and 7, Block B, Glazier Gallup List.

and

R-99-161 A RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT ON A SPLIT PARCEL IN SAMOSET.

RECORD S47-191

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Sewer Assessment Project 2508 - Orange Ridge

Split Parcel: Elkhart Subdivision; Combined Parcel: The Pines.

and

R-99-166 A RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT ON A SPLIT PARCEL AND A COMBINED PARCEL IN ORANGE RIDGE.

RECORD S47-192

Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Sewer Assessment Project 2504 - Sunny Shores

Split Parcel: Lots 48 and 49, Block D, Sunny Shores.

and

R-99-167 A RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT ON A SPLIT PARCEL IN SUNNY SHORES.

RECORD S47-193

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Public hearing (Notice in the Bradenton Herald 7/21/99) was held to consider

Sewer Assessment Project 5152 - Washington Park
Split Parcel: Lot 19.

and

R-99-165 A RESOLUTION APPROVING SPECIAL SANITARY SEWER ASSESSMENT PROJECT ON A SPLIT PARCEL IN WASHINGTON PARK.

RECORD S47-194

STREET VACATION - MULVEE SUBDIVISION

Public hearing (Notice in the Bradenton Herald 7/8 and 7/15/99) was held to consider

R-99-150-V A RESOLUTION ON APPLICATION BY THE SCHOOL BOARD OF MANATEE COUNTY VACATING THE ENTIRE PLAT OF MULVEE SUBDIVISION AS RECORDED IN PLAT BOOK 23, PAGES 159 AND 160, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

RECORD S47-195

and

Temporary Drainage and Utility Easement; Affidavit of Ownership and Encumbrance from the School Board of Manatee County.

RECORD S47-196

(End Consent Agenda Public Hearings)

YEAR 2000 UPDATE

Diane Frenz, Information Services Director, reported that the 800 MHz system is now compliant, several pieces of hardware have been upgraded, and systems are 88 percent remediated for Year 2000 (Y2K) compliance. She stated water and sewer systems should be complete in August. She referenced a Y2K Progress Report listing all systems and the funds expended since 1995 (\$9,400,400).

Karen Windon, Public Safety Director, reported on local utilities stating that Florida Power and Light has scheduled a presentation to discuss its readiness level. The Peace River Electric Co-Operative has indicated it is working toward compliance, but is dependent upon the Seminole Electric Co-Operative.

She advised (1) the Emergency Operation Center will be operational 7:00 p.m. December 31, 1999 through 7:00 p.m. January 1, 2000, and as circumstances warrant following January 1; (2) information lines will be open the week after Christmas from 9:00 a.m. to 9:00 p.m.; and, (3) public information will be supplied to citizens.

David Rothfuss, Assistant County Administrator, stated in order to provide citizens with a full understanding of Y2K preparations and contingency plans, a media briefing is scheduled for August 16, 1999.

Discussion: Schools intend to maintain the existing holiday schedule; monitor compliance of utility companies outside of the county; etc.

MILLENNIUM COMMUNITIES PROGRAM

Jim Lamm, of The Bradenton Herald, advised that the White House Millennium Council has established a Millennium Community Program. He noted the existing Manatee Millennium Jubilee (approved 12/10/96) would serve as the foundation for the establishment of a planning committee with the assistance of the Bradenton Herald. He also requested that a County representative serve on the Committee.

Betty Chambliss, Education and Special Projects Manager of The Bradenton Herald, noted this proposal would provide an umbrella for all entities planning activities to coordinate efforts.

Mr. McClash moved to approve pursuing the designation of a "Millennium Community" and the support of a County staff member to serve on the Committee. The motion was seconded by Mr. Bruce and carried 5 to 0.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Steve Minnis, Southwest Florida Water Management District (SWFWMD), introduced the staff members present to address the water shortage restrictions and clarify lake augmentation issues.

Lois Sorensen, SWFWMD Demand Management Coordinator, utilized a slide presentation to review: (1) the history of district restrictions; (2) intent of restrictions; and, (3) lawn and landscape restrictions.

Scott Laidlaw, SWFWMD Water Use Permit Manager, referred to a slide presentation and reported on lake augmentation. He stated augmentation is using one source of water to supplement another. He explained augmentation is allowed for: (1) maintaining structural integrity; (2) preservation of fish and wildlife habitat; and, (3) to augment ponds used as a source of irrigation or water storage. He stated augmentation for aesthetic reasons is strictly not allowed. He noted under certain circumstances augmentation would be allowed, but would require permitting through the Water Use Permit Program.

Recess/Reconvene. All members present, except Mrs. Glass and Mrs. Stein.

PRIDE COMMUNITY PARK EXPANSION

Daniel Hopkins, Parks and Recreation Director, discussed the appraisal on the 7.42 acres of land adjacent to Pride Community Park, which appears to be consistent with the value of the property.

Discussion: Will additional appraisals be obtained; compare with facilities availability at Harllee Middle School; provide timeframe and cost estimates; safer for children to access Pride Park after school hours; recognition of groundskeeper at Pride Park, etc.

Disposition: Staff to report on proposed use of land, if purchased, as well as to explore a joint effort with Harllee Middle School regarding the expansion of Pride Park.

VOLUNTEER MEDFLY TASK FORCE

Mr. Rothfuss reported that Michael Jacus organized a volunteer task force, **Concerned Citizens of Manatee County**, which contributed to the control of the medfly outbreak (in 1998) and prevented the quarantine area from being expanded. He requested consideration of establishing a volunteer Medfly Task Force to assist in the control of future medfly or similar predatory insect outbreaks; and, authorizing limited use of County staff and trucks to assist during outbreaks.

Michael Jacus, organizer of the volunteer Medfly Task Force, discussed the expenses incurred during the outbreak in 1998. He requested written endorsement of the continued release and rearing of the sterile medfly.

Mrs. Harris moved to endorse the establishment of a volunteer Medfly Task Force and authorize limited use of County staff and trucks to assist the volunteer Medfly Task Force. The motion was seconded by Mr. Bruce and carried 5 to 0.

Disposition: Staff to prepare a letter of support for the continuance of the sterile medfly release program in Florida.

LAWSUIT: NATIONAL COALITION FOR AFFORDABLE HOUSING, INC.

Tedd Williams, County Attorney, stated that case CA-99-2728, National Coalition for Affordable Housing, Inc., and North Orange Estates, Ltd., (originally scheduled for a closed pending litigation assessment meeting) would be discussed in open session. He noted this action was prompted as a result of a recent news clip wherein the plaintiff asserted that Manatee County had breached a contract.

He advised there was a relationship between the County and the National Coalition for Affordable Housing and North Orange Estates that required certain actions by the plaintiff, prior to Manatee County undertaking action. Actions by the plaintiff have not yet occurred and no contract has been breached by Manatee County. He submitted a letter proposing a settlement for review and requested approval to forward same to the plaintiff's counsel.

Mr. McClash moved to approve sending the letter. Mr. Bruce seconded the motion.

AUGUST 3, 1999

(Continued)

Discussion: An example depicting the distribution of funds at closing should be included as a supplement to the letter.

Following discussion, the motion carried 5 to 0.

RECORD S47-197

ORDINANCE 99-18: PUBLIC NUDITY

Tedd Williams, County Attorney, reported that meetings were held with law enforcement officials to determine whether any difficulties may be encountered enforcing Ordinance 99-18, which becomes effective January 1, 2000. He noted the State's Attorney Office agreed that the Ordinance would survive a constitutional challenge. He advised if law enforcement agencies present a proper case for prosecution under the Ordinance they will prosecute same. He stated that the Manatee County Sheriff's Office has indicated they will enforce the Ordinance.

Mr. Williams stated the Ordinance should be amended to conform to the wording of State Statute regarding an exemption for breast feeding in public.

Mr. Williams was directed to amend Ordinance 99-18 to reflect the exact wording of the State Statute regarding the exemption for breast feeding.

John J. Flaherty, resident of Longboat Key, submitted a letter and read portions of the same. He stated there was an apparent conflict of Ordinance 99-18 with the recently amended State Constitution (Constitutional Revision No. 9), in that all natural persons, female and male alike, are not treated with equality. He cited several definitions referring to "female breast" and questioned how females can be segregated from males.

Discussion: Ordinance pertains to unincorporated areas of the County; Longboat Key has passed a nudity ordinance; treatment of foreign visitors; legal questions will be answered in the future through various courts within the State of Florida.

COMMISSIONERS' COMMENTS

Newspaper Article

Mrs. Harris referred to an article in The Bradenton Herald regarding the shooting that took place August 2, 1999, commenting that an individual called an emergency number for help and got a ten minute recording. She noted there is no recording when calling 911 and this needs to be investigated.

Disposition: Staff to review and report back.

Recycling Costs

Mr. McClash referred to a recent news article regarding City recycling costs, and requested consideration of opening dialogue with municipalities regarding participation in the County's Request For Proposal process for recycling.

Tangelo Park

Mr. Bruce requested staff meet with SWFWMD to clarify the issue of lake augmentation in the Tangelo Park area and report to the Tangelo Park Homeowners Association.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

Clerk

Adj: 11:30 a.m. /njh

APPROVED:

Stan Stephens
Chairman 10/11/99