

NOVEMBER 30, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Manatee Civic Center, 1 Haben Boulevard, Palmetto, Florida, Tuesday, November 30, 1999, at 9:02 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by SRQ Composite Squadron of the Civil Air Patrol.

All witnesses and staff were duly sworn.

**STREET VACATION: 2ND AVENUE (128TH STREET WEST)**

Public hearing (Notices in the Bradenton Herald 10/29/99 and 11/5/99) was held to consider

**R-99-251-V** A RESOLUTION ON APPLICATION BY KRIZMANICH MANATEE HOLDINGS, INC. AND SMUGGLER'S LANDING AT CORTEZ CONDOMINIUM ASSOCIATION, INC. VACATING 2ND AVENUE (128TH STREET WEST) STREET VACATION AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ.

Jim Staples, Land Acquisition, stated the County Attorney recommended that Paragraph 4 be amended to read:

The above-identified Applicant has given notice of their application to the governing body of the County to vacate said plat or part thereof by publishing legal notice in a newspaper of general circulation in the County in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and attached to the petition for vacation the proof of such publication.

Motion was made by Ms. Brown, seconded by Mrs. Glass and carried 7 to 0, to adopt **R-99-251-V**, with the amendment. RECORD S47-819

**ZONING**

Public hearing (continued from 11/16/99 and re-advertised in the Bradenton Herald 11/24/99) was held to consider

**Z-99-08 B&J CITRUS GROVE, INC., THOMAS H. HUME JR., AND WILLIAM VICKERS/COUNTY INITIATED REZONE** (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, (THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** AND **RSF-4.5** TO **LM**, ON 11.15 ACRES LOCATED ON THE SOUTH SIDE OF 21ST STREET COURT EAST; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. McClash moved to adopt Manatee County Zoning Ordinance **Z-99-08**, as recommended by the Planning Commission. Motion was seconded by Ms. Brown and carried 7 to 0.

RECORD S47-820

NOVEMBER 30, 1999

(Continued)

NON-AD VALOREM ASSESSMENTS

Public hearing (Notices in the Bradenton Herald 10/27/99, 11/3, 10, and 17, 1999) was held to consider

**R-99-243** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING THE INTENT OF THE BOARD TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS FOR ROAD PAVING, SANITARY SEWER, STORMWATER, STREET LIGHTING, CANAL DREDGING, DRAINAGE IMPROVEMENT AND LANDSCAPE BEAUTIFICATION PROJECTS AUTHORIZED PURSUANT TO CHAPTER 197, FLORIDA STATUTES; STATING THE NEED FOR THE LEVY OF NON-AD VALOREM ASSESSMENTS, INCLUDING A LEGAL DESCRIPTION OF THE BOUNDARIES OF THE REAL PROPERTY SUBJECT TO THE LEVY, AND PROVIDING AN EFFECTIVE DATE.

Motion was made Mr. Bruce, seconded by Ms. Brown and carried 7 to 0, to adopt **R-99-243**. RECORD S47-821

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried unanimously, to approve the Consent Agenda dated November 30, 1999, as amended. Items APPROVED:

CLERK'S CONSENT CALENDARBONDSAccept:Covered Bridge Estates, Phase I

1. Agreement with Covered Bridge Development Corp., warranting required improvements (\$29,169.26).
2. Defect Security: \$29,169.26 (Letter of Credit 9922, SunTrust Bank, Gulf Coast).
3. Agreement with Covered Bridge Development Corp., guaranteeing completion of required sidewalks and bikeways (\$22,241.44).
4. Performance Bond: \$22,241.44 (Letter of Credit 9921, SunTrust Bank, Gulf Coast).

Release:Covered Bridge Estates

1. Agreement with Covered Bridge Development Corp., required with cash/cashier's check/certificate of deposit guaranteeing completion of required improvements (\$55,777.86).
2. Performance Bond: \$55,777.86 (Cashier's Check 000234151, Huntington National Bank).
3. Agreement with Covered Bridge Development Corp., in conjunction with cash/cashier's check/certificate of deposit guaranteeing completion of required sidewalks and bikeways (22,241.44).
4. Performance Bond: \$22,241.44 (Cashier's Check 000234152, Huntington National Bank).

Sugar Ridge

1. Agreement with Bradenton Resort Properties, Inc., guaranteeing completion of required sidewalks and bikeways (\$4,290).
2. Amended Performance Bond: \$4,290 (Amendment 01 to Letter of Credit SM03286095, NationsBank of Florida, N.A., decreasing amount from \$19,219.20 to \$4,290).

Braden Woods, Phase VI

1. Agreement with Manatee Joint Venture, guaranteeing completion of required improvements (\$41,250).
2. Performance Bond: \$41,250 (Letters of Credit 86-27 and 87-22, Bank of Florida).

Centre Lake

1. Agreement with K.K. and C.B. Development, Inc., guaranteeing completion of required improvements (\$12,584).
2. Performance Bond: \$12,584 (Letter of Credit 9118, SunBank).

Country Oaks, Phase II

1. Agreement with United Merit Communities, warranting required improvements (\$78,700).
2. Defect Security: \$78,700 (Letter of Credit 1986-2, United States Federal Savings and Loan Association, replacing L/C 1986-1).

Crescent Lakes, Phase III

1. Agreement with Victorian Place, Inc., guaranteeing completion of required improvements (\$9,735).
2. Performance Bond: \$9,735 (Letter of Credit 32101, and including all amendments, NCNB National Bank of Florida).

3. Agreement with Victorian Place Inc., warranting required improvements (\$15,480.68).
4. Defect Security: \$15,480.68 (Letter of Credit 32102, and including all amendments, NCNB National Bank of Florida).

**Deer Run at Palm View**

1. Agreement with Jeanette and Jack Gay and C. Kenneth and Marlene Burton, guaranteeing completion of required improvements (\$46,670).
2. Performance Bond: \$46,670 (Letter of Credit 189, Citizens and Southern Bank of Manatee County).

**Disney**

1. Agreement with Glenbrooke Investment Corp., warranting required improvements (\$11,193.10).
2. Defect Security: \$11,193.10 (Letter of Credit A-1121, Barnett Bank).
3. Agreement with Glenbrooke Investment Corp., guaranteeing completion of required improvements (\$1,072.50).
4. Performance Bond: \$1,072.50 (Letter of Credit A-1122, Barnett Bank).

**Fairfax, Phase II**

1. Agreement with Fairfax Joint Venture, guaranteeing completion of required improvements (\$34,990.80).
2. Performance Bond: \$34,990.80 (Letter of Credit 2968-07 and amendment, American Savings and Loan Association of Florida).

**Fairfax, Phase I**

1. Agreement with Fairfax Joint Venture, guaranteeing completion of required improvements (\$16,746).
2. Performance Bond: \$16,746 (Letter of Credit 2968-3 and amendment, American Savings and Loan Association of Florida).
3. Agreement with Fairfax Joint Venture, guaranteeing completion of required improvements (\$37,486.80).
4. Performance Bond: \$37,486.80 (Letter of Credit 2968-5 and amendment, American Savings and Loan Association of Florida).

**Four Star Industrial Park**

1. Agreement with Alfred R. Camner, as successor trustee, guaranteeing completion of required improvements (\$129,173).
2. Amended Performance Bond: \$129,173 (Amendment 001 to Letter of Credit 100094, Barnett Bank, **increasing** amount from \$115,160 to \$129,173).

**Garden Lakes, Phase II**

1. Agreement with First Communities Corp., guaranteeing completion of required improvements (\$14,260.40).
2. Amended Performance Bond: \$14,260.40 (Amendment 01 to Letter of Credit 610114, Barnett Bank, Tampa, N.A., **increasing** amount from \$8,267.47 to \$14,260.40).
3. Agreement with First Communities Corp., warranting required improvements (\$8,267.47).
4. Amended Defect Security: \$8,267.47 (Amendment 001 to Letter of Credit 610115, Barnett Bank, Tampa, N.A., **decreasing** amount from \$14,260.40 to \$8,267.47).

**Glenbrooke**

1. Agreement with Glenbrooke Investment Corp., guaranteeing completion of required improvements (\$6,826.95).
2. Performance Bond: \$6,826.95 (Letter of Credit S-2357, Provident National Bank).
3. Agreement with Glenbrooke Investment Corp., guaranteeing completion of required improvements (\$5,775).
4. Performance Bond: \$5,775 (Letter of Credit S-2358, Provident National Bank).

**Glenbrooke III**

1. Agreement with Glenbrooke Investment Corp., guaranteeing completion of required improvements (\$4,895).
2. Performance Bond: \$4,895 (Letter of Credit A-1112, Barnett Bank).

**Gubody**

1. Agreement with Najjar Construction, Inc., guaranteeing completion of required improvements (\$2,760).
2. Performance Bond: \$2,760 (Letter of Credit L05651, Southeast Bank, N.A.).

NOVEMBER 30, 1999

(Continued)

**Harbor Park**

1. Agreement with John E. Jackson, with cash bond/cashier's check/certificate of deposit guaranteeing completion of required improvements (\$2,897.07).
2. Performance Bond: \$2,897.07 (Letter of Credit 130, The Island Bank).
3. Agreement with John E. Jackson, with cash bond/cashier's check/certificate of deposit warranting required improvements (\$2,759.14).
4. Defect Security: \$2,759.14 (Letter of Credit 129, The Island Bank).

**Heritage Bay**

1. Agreement with Snead Island Joint Venture, guaranteeing completion of required improvements (\$47,850).
2. Performance Bond: \$47,850 (Letter of Credit 178, The Palmetto Bank and Trust Company).

**Imperial Ridge**

1. Agreement with Oakwoods, Inc., guaranteeing completion of required improvements (\$37,411.50).
2. Performance Bond: \$37,411.50 (Letter of Credit 198, Citizens and Southern Bank of Manatee County).
3. Agreement with Oakwoods, Inc., guaranteeing completion of required improvements (\$6,000).
4. Performance Bond: \$6,000 (Letter of Credit A-1126, Barnett Bank).

**Lionshead, Phase I**

1. Agreement with Palmer-Boyette, Inc., guaranteeing completion of required improvements (\$7,305.16).
2. Performance Bond: \$7,305.16 (Letter of Credit A-1129, Barnett Bank).
3. Agreement with Palmer-Boyette, Inc., warranting required improvements (\$21,668.90).
4. Defect Security: \$21,668.90 (Letter of Credit A-1131, Barnett Bank).

**Lionshead, Phase II**

1. Agreement with Palmer-Boyette, Inc., guaranteeing completion of required improvements (\$8,800).
2. Performance Bond: \$8,800 (Letter of Credit A-1130, Barnett Bank).
3. Agreement with Palmer-Boyette, Inc., warranting required improvements (\$16,029.68).
4. Defect Security: \$16,029.68 (Letter of Credit A-1132, Barnett Bank).

**Manasota Industrial Park, Phase A**

1. Agreement with Manasota Industrial Park Associates, Ltd., guaranteeing completion of required improvements (\$26,123.46).
2. Performance Bond: \$26,123.46 (Letter of Credit 000008, Crossland Savings).

**Manasota Industrial Park, Phase C**

1. Agreement with Manasota Industrial Park Associates, Ltd., guaranteeing completion of required improvements (\$25,692.70).
2. Performance Bond: \$25,692.70 (Letter of Credit 31908 and amendment, NCNB National Bank of Florida).

**Marywood**

1. Agreement with George and Konstantinos Kalaptsidis, guaranteeing completion of required improvements (\$2,530).
2. Performance Bond: \$2,530 (Letter of Credit 3328, First Florida Bank, N.A., replacing L/C 2433).

**Meadow Lakes**

1. Agreement with Modern Builders, Inc., guaranteeing completion of required improvements (\$69,764.75).
2. Performance Bond: \$69,764.75 (Letter of Credit, Pan American Bank).
3. Performance Bond: \$4,420.68 (Letter of Credit, Pan American Bank).

**Meadow Lakes East**

1. Agreement with Modern Builders, Inc., James W. Glasser and Pulte Home Corp., guaranteeing completion of required improvements (\$450,985.15).
2. Performance Bond: \$293,879.85 (Letter of Credit 9110, SunBank).
3. Performance Bond: \$157,105.30 (Letter of Credit 9111, SunBank).

**Misty Oaks**

1. Agreement with Misty Oaks Development Corp., guaranteeing completion of required improvements (\$25,803.64).
2. Performance Bond: \$25,803.64 (Letter of Credit 30953, NCNB National Bank of Florida).

**Mulvee**

1. Agreement with Kent R. Morris, guaranteeing completion of required improvements (\$10,586.40).
2. Performance Bond: \$10,586.40 (Letter of Credit 78-50-10A, First National Bank of Manatee).
3. Agreement with Kent R. Morris, warranting required improvements (\$8,947.10).
4. Defect Security: \$8,947.10 (Letter of Credit 78-50-10, First National Bank of Manatee).

**Oak Terrace**

1. Agreement with Casa Development Corp., guaranteeing completion of required improvements (\$25,694.41).
2. Performance Bond: \$25,694.41 (Letters of Credit 610054 and 400141, Barnett Bank Tampa, N.A.).

**Otter Lake Villa, Unit II**

1. Agreement with Otter Lake Villa, a Joint Venture, guaranteeing completion of required improvements (\$6,395.95).
2. Performance Bond: \$6,395.95 (Letter of Credit 0030, Community Bank).
3. Agreement with Otter Lake Villa, a Joint Venture, guaranteeing completion of required improvements (\$70,423.43).
4. Performance Bond: \$70,423.43 (Letter of Credit 0026, Community Bank).

**Palm Aire at Sarasota, Unit 1, Section G**

Performance Bond: \$367,237.70 (Letter of Credit 12459, Pan American Bank, N.A.).

**Palm Aire at Sarasota, Unit 7, Phase IV**

Performance Bond: \$22,000 (Letter of Credit 100-002-0000600001-91000118, AmeriFirst Federal Savings and Loan Association).

**Peridia**

1. Agreement with Southern Lakes Venture, guaranteeing completion of required improvements (\$189,035).
2. Performance Bond: \$189,035 (Letter of Credit 0001900183-95000019, AmeriFirst Federal Savings and Loan Association).

**Pier Point**

1. Agreement with NHJ Associates, Inc., warranting required improvements (\$1,101.06).
2. Defect Security: \$1,101.06 (Letter of Credit 0002, First National Bank of Manatee).

**BILLS FOR PAYMENT**

Municipal Code Corporation - Supplement 43 (75 copies) \$1,191.22

**REFUNDS**

Halfacre Construction - Hydrant Connection	1,800.00
Bamboo Development - Impact Fee	1,525.00

**WARRANT LIST**

Approve: November 16, 1999 through November 29, 1999

Authorize: November 30, 1999 through December 06, 1999

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfaction of Judgement**

Vidal Rodriguez, Case 97-1783T

Greg Fields, Case 98-3119M

**Partial Release of Special Improvement Assessment Liens**

Projects 5031/5031; 5056/5056

**ACCEPT**

**Southwest Florida Water Management District - Five-Year Capital Improvement Plan and FY 1998-1999 Fiscal Report.**

**Clerk of Circuit Court - Letter (10/26/99) advising of FY 1998-1999 returned excess fees of \$1,183,588.69 and intended projects for the reserved excess fees.**

**Clerk of Circuit Court - Letter (10/28/99), requested at the October 21, 1999, Manatee County Port Authority meeting regarding Section 5 of the Interlocal Agreement regarding the County's obligation upon payment in full of the Series 1993 Bonds or compliance with either of two debt service coverage tests.**

**P.S. Beach Associates, Inc.**

Amendment to original Irrevocable Standby Letter of Credit (S512484) and the original Certificate of Liability Insurance.

NOVEMBER 30, 1999

(Continued)

COUNTY ADMINISTRATORAUTOMATED FINGERPRINT IDENTIFICATION SYSTEM

Execute Certification of Acceptance of Subgrant Award for Drug Control and System Improvement Grant 00-CJ-8C-08-51-01-221 from the State of Florida, Department of Community Affairs under the Federal Anti-Drug Abuse Act, to develop a regional Automated Fingerprint Identification System (AFIS). RECORD S47-822

DETENTION FACILITY - ONE CENT SALES SURTAX

Approve reallocation of expenditure of One-Cent Sales Surtax Renewal and Replacement funds previously authorized by the Board of County Commissioners on January 5, 1999.

LAWSUIT: MANATEE COUNTY v. SAINT BARBARA GREEK ORTHODOX CHURCH, ET AL.

Approve settlement with Randall J. and Jeri Kovacevik for a payment of an aggregate total of \$1,450 (inclusive of the land taken, attorney's fees, costs and expenses), for Parcels 35 and 35-PE, in the eminent domain matter of Manatee County versus Saint Barbara Greek Orthodox Church, et al., Case 1999-CA-1981.

MATERIALS AND SERVICES

1. Caterpillar D6MXL Tractor - Purchase via State contract from Ringhaver Equipment Company, Inc., \$172,280.
2. Electrical Supplies - Award IFB 99-3491KK to the lowest responsive, responsible multiple bidders meeting specifications, on an as-required basis, for an estimated annual cost of \$62,575.77:
 

<u>Bryan Distributing</u> , \$5,227.35	<u>CED Electric</u> , \$430.00
<u>Mayer Electric Supply</u> , \$13,419.35	<u>CED Raybro</u> , \$210.00
<u>Rexel-C.E.S.</u> , \$4,543.69	<u>City Electric</u> , \$913.50
<u>Electronic Components &amp; Eq.</u> , \$843.50	
<u>Louis Pryor Supply</u> , \$29,647.08	
<u>Traffic Parts, Inc.</u> , \$7,341.30	
3. Filter Media (Sand and Anthracite) - Award IFB 99-3513MP to the lowest responsive, responsible bidder, Anthrafilter, (U.S.) Inc., not to exceed \$89,971.20.
4. Pond Excavation/Landfill Cover - Award IFB 99-3179CD to the lowest responsive, responsible bidder, Goodwin Constructors, Inc., not to exceed \$687,500.
5. Novell Maintenance - Purchase via State contract from Compucom, Inc., \$25,916.72.
6. Networking System for Public Safety/EMS - Purchase via State Client Server Contract 250-040-99-1 from GTE Florida, Inc., \$136,368.63.
7. SCADA System - Enter into negotiations with the top-ranked firm; Transdyn Controls, Inc., to provide a Supervisory Control and Data Acquisition (SCADA) computer system.
8. Y2K Upgrade of Door Access System at the Detention Facility - Award IFB 00-4741AA to the lowest responsive, responsible bidder, Sonitrol of Sarasota, not exceed \$48,723.
9. Mainframe Computer Maintenance - Sole source purchase from Digital Controls Corporation, for hardware and software maintenance, \$132,815.76.

CHILDREN'S SERVICES

Execution of Fiscal Year 1999-2000 Children's Services Dedicated Millage Funding Agreement with Family Resources, Inc., for the Residential Shelter Program, \$26,994. RECORD S47-823

UNITED WAY OF MANATEE COUNTY

Approve Fiscal Year 2000-2001 Outside Agency Collaborative Funding Application (blank) with United Way of Manatee County.

WEST COAST INLAND NAVIGATION DISTRICT

Authorize Chairman to sign a letter and West Coast Inland Navigation District project extension form requesting extension of CIP-24 (University of Florida Waterway Management System Survey) for an additional year (to expire 11/13/00). RECORD S47-824

BUDGET AMENDMENT RESOLUTIONVARIOUS DEPARTMENTS

(B-00-011)

Transfer of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail Attached

RECORD S47-8259TH STREET EAST

Execute Change Order 1 to IFB 99-1644DC, with Ajax Paving Industries, Inc., for road and utility improvements at 9th Street East, \$30,177.23 increase, adjusted contract of \$4,967,818.47 and a revised completion date (7/16/00). RECORD S47-826

**PUBLIC WORKS ADMINISTRATION BUILDING**

Issue Change Order 1 to Purchase Order P9002546 with Aldrich Rug Interiors, for carpet installation at the Public Works Administration Building, \$18,476.25 increase, adjusted Purchase Order not to exceed \$31,009.25.

**CLOSED CIRCUIT TV (CCTV) SYSTEM - PORT STOCKADE**

1. Approve, ratify and confirm the purchase of a 50-camera closed-circuit TV system (CCTV system) for the Port Stockade, installed, from Honeywell, Inc., \$191,750.
2. Approve, ratify and confirm the purchase of racks and stabilizing kits for the 50-camera CCTV system from Wright Line, Inc., for \$30,115 and a total of \$221,865.

**CROSLY ESTATE**

1. Execute Change Order 2 to IFB 99-2821CD, with Preservation Services, Inc., for additional **masonry and structural repairs**, \$7,243.25 increase, adjusted contract amount of \$131,500.25 and a revised completion date of December 1, 1999. RECORD S47-827
2. Issue Change Order 2 to Purchase Order P9002043 with Preservation Services, Inc., for **ornamental ironwork**, \$1,495 increase, adjusted amount of \$191,966 and a revised completion date of November 4, 1999.
3. Issue Change Order 2 to Purchase Order P9002072 with Preservation Services, Inc., for **ornamental woodwork**, \$3,410, adjusted total of \$197,243 and a revised completion date of November 24, 1999.

**NORTH REGIONAL WATER TREATMENT PLANT**

Execute Change Order 1 to IFB 98-6268DC, with Apollo Construction and Engineering Services, Inc., for effluent pump station piping, North Regional Water Treatment Plant, \$6,279.45, adjusted contract amount of \$79,020.45 and a revised completion date of March 1, 2000. RECORD S47-828

**LOGUE ROAD BRIDGE**

Execute Work Assignment 16 with Wade-Trim, Inc., for engineering services for design and construction for the replacement of Logue Road Bridge (134048), not to exceed \$52,468.40. RECORD S47-829

**MANATEE AGRICULTURAL REUSE SUPPLY**

1. Execute Change Order 1 to Work Assignment 5 with Kimley-Horn and Associates, Inc., for design and construction for the **Moccasin Wallow Reclaimed Water Main**, \$59,548.22 increase and adjusted total not to exceed \$452,789.22. RECORD S47-830
2. Execute Work Assignment 2 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services for preparation of a Planning Information Document and Public Information Program for the Manatee Agricultural Reuse Supply (MARS) Project, not to exceed \$87,953. RECORD S47-831

**RECYCLING DROP OFF SITE SERVICE**

Execute Addendum 8 with Waste Management of Manatee County, to renew the Recycling Drop Off Site Agreement and extend to September 30, 2000, for a total estimated cost of \$30,204.13 and a revised total not to exceed \$146,159.29. RECORD S47-832

**OUTDOOR ROLLER HOCKEY RINK - G.T. BRAY PARK**

1. Award IFB 99-1978CD to the lowest responsive, responsible bidder meeting specifications, Contract Connection, Inc., for construction of an outdoor roller hockey rink at G.T. Bray Park, \$55,833.
2. Issue Change Order to IFB 99-1978CD with Contract Connection, Inc., to purchase yellow kickplates, for \$2,000 and not to exceed \$57,833.

**MANHOLE REHABILITATION**

Execute Work Assignment 4 with Rowland, Inc., for sanitary sewer line manhole rehabilitation services, not to exceed \$36,055.40. RECORD S47-833

**UTILITY ENGINEERING SERVICES**

Execute Addendum 1 to Agreements with Greeley and Hansen; McKim & Creed, Inc.; Post, Buckley, Schuh & Jernigan, Inc.; and Zoller, Najjar & Shroyer, Inc., (1/19/00-1/18/01) on an as-required basis. RECORD S47-834

**PUBLIC WORKS RATE STUDY**

Execute Work Assignment 97-25 with Black & Veatch, for professional services for a Manatee County Public Works Rate Analysis, Facility Investment Fee and Ancillary Charge study, not to exceed \$135,000. RECORD S47-838

NOVEMBER 30, 1999

(Continued)

**SOUTHWEST REGIONAL TREATMENT PLANT**

Execute Change Order 2 to Work Assignment 93-16 with Black & Veatch, for engineering services for design and construction of the Anaerobic Digester Facility Expansion - Resident Services During Construction, \$85,810 increase, and an adjusted total not to exceed \$594,010. RECORD S47-839

**WOOD/YARD WASTE**

Execute Addendum 5 to Agreement with Resource Recovery Industries, Inc., for the processing of wood/yard waste, extending the agreement 181 days (to 6/30/00). RECORD S47-840

**SOUTHWEST FLORIDA SUNS TOURNAMENT**

Authorize Parks and Recreation Department to waive field rental fees, upon receipt of an appropriate Certificate of Insurance naming Manatee County as additional insured, for the Florida Half-Century Amateur Softball Association/Southwest Florida Suns Softball Tournament (12/4-5/99) at G.T. Bray Park.

**IMPACT FEE CREDIT**

Execute Credit Authorization CA-99-12(T), Nathan Benderson, et al/Benderson Development Company, Inc., and Final Authorization of Transportation Credit, for eligible right-of-way dedication on 15th Street East (Sarasota Commerce Center), \$75,015. RECORD S47-841

**FINAL PLAT****Sabal Harbour, Phase II-A**

1. Final Plat.
2. Agreement with Pulte Home Corporation, guaranteeing completion of required improvements (\$136,995.63).
3. Performance Bond: \$136,995.63 (Letter of Credit ATL/P600807, SunTrust Bank and Amendment 1).
4. Agreement with Pulte Home Corporation, guaranteeing completion of required bikeways and sidewalks (\$9,617.66).
5. Performance Bond: \$9,617.66 (Letter of Credit ATL/P600809, SunTrust Bank and Amendment 1).
6. Supplemental Declaration by Pulte Home Corporation.

**TIMBERLY SUBDIVISION**

Execute a Participation Agreement with Timberly, Inc., for sanitary sewer installation along Old Tampa Road, \$12,065. RECORD S47-842

**MANASOTA BASIN BOARD**

1. R-99-278 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, SUBMITTING APPLICATIONS FOR THE MANASOTA BASIN BOARD COOPERATIVE FUNDING PROGRAM FOR FISCAL YEAR 2001 TO THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT. RECORD S47-843
2. Approve project ranking for the FY 2000-2001 Manasota Basin Board Cooperative Funding Program:
  - a. Wares Creek Flood Control Project
  - b. Lower Manatee River Floodway Acquisition Project
  - c. Water Quality Network Evaluation - Manatee River Watershed
  - d. Manatee, Northwest Reclaimed Water Loop (Phase 3B)
  - e. Manatee, El Conquistador Reclaimed Line
  - f. Manatee County Land Corner Control Network
3. Authorize the Chairman to sign a letter transmitting the priority ranking and project applications to Southwest Florida Water Management District.

**REFUNDS**

1. Refund \$17,253.24 to Cracker Barrel, account 5407-0300-015, due to billing error.
2. Refund \$589.75 to Dooley and Mack Construction, Inc., account 8204-1234-038, due to overpayment.
3. Refund \$1,037.84 to Winn-Dixie Store 625, account 5101-4305-027, due to overpayment.

**PERSONNEL STAFFING LEVELS**

R-99-263 - RESOLUTION ESTABLISHING AUTHORIZED STAFFING LEVEL CHANGES BY JOB CLASSIFICATION FOR THE PUBLIC SAFETY AND PUBLIC WORKS DEPARTMENTS UNDER THE JURISDICTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
(Public Safety decrease from 202 to 200; Public Works increase 352 to 354). RECORD S47-844



**TIME PAYMENT AGREEMENTS**

Execute Time Payment Agreements for water/sewer facility investment fees, connection and line extension charges with Leroy A. Mouton; Christopher L. and Rodney L. Dunbar; Ty and Julianne H. Ross; Ralph E. Sandberg; and Walter Rowden Baertschi.

RECORD S47-845  
- S47-849

**DEEDS AND EASEMENTS**

1. **30th Avenue West** - Execute Contract for Sale and Purchase for a Warranty Deed from Henry Walterson and Barbara Mae Sellars, for right-of-way required for road improvements, \$73,500; Warranty Deed from Henry Walterson and Barbara Mae Sellars; Affidavit of Ownership and Encumbrances. RECORD S47-850
4. **53rd Avenue West** - Execute Contract for Sale and Purchase for a Warranty Deed from Brooke A. Bennett, for 599.9 square feet of right-of-way for road improvements, \$1,500; Warranty Deed from Brooke A. Bennett; Affidavit of Ownership and Encumbrances. RECORD S47-851
5. **53rd Avenue West (Lee Middle School)** - Easement Agreement, Temporary Construction Easement and Affidavit of Ownership and Encumbrances from School Board of Manatee County for widening from 34th to 43rd Street West. RECORD S47-852
6. **U.S. 41 at Bayshore Gardens Parkway** - Pedestrian Sidewalk and Street Lighting Easement from Republic Bank, for sidewalk and street lighting improvements; Affidavit of Ownership and Encumbrances. RECORD S47-853
7. **Master Water Meter** - Utility Easements from Southdown, Inc.; Runaway Bay Condominium Association, Inc.; National Modular Villages, Inc.; and Mar Cove Condominium Association, Inc. aka Mariner's Cover Condo Phase III, for construction of master water meters; Temporary Construction Easement from Gene A. and Cora J. Ponsler; Affidavit of Ownership and Encumbrances (4); Joinder from First National Bank and Trust. RECORD S47-854
8. **State Road 64 at Upper Manatee River Road** - Warranty Deed from Dan S. Blalock, Trustee for right-of-way for the signalization of the intersection; Affidavit of Ownership and Encumbrances. RECORD S47-855
9. **Shade Avenue** - Warranty Deed from University Medical Park II, Inc., for dedication of right-of-way; Affidavit of Ownership and Encumbrances. RECORD S47-856
10. **Broadway Avenue** - Warranty Deed from University Medical Park III, Inc., for right-of-way; Affidavit of Ownership and Encumbrances. RECORD S47-857

**LAKWOOD RANCH BOULEVARD**

Execute and record Subordination of Encumbrances to Property Rights to Manatee County Agreement from Florida Gas Transmission Company, required for construction. RECORD S47-858

**POMELLO PARK SUBDIVISION**

1. Accept certain roads in Pomello Park Subdivision (Partial) under Right-of-Way (ROW) Utilization Permit Nos. 207-96-089 and 160-97-113, into the maintained list of County roads.
2. Agreement with Pomello Ranches Venture and Manatee Ranches, warranting required improvements for County-maintained roads (\$23,739).
3. Defect Security: \$23,739 (Letter of Credit 992201, First National Bank and Trust).

(End Consent Agenda)

**AWARDS AND PROCLAMATIONS**

**Driver of Year 1999**

Fred Loveland, Community Services Director, and Carl Gaites, Transit Division, presented the 1999 Driver of the Year Award to **David Simpson**.

**National Adoption Month**

Motion was made by Mrs. Stein, seconded by Mr. Bruce and carried 7 to 0, to adopt a Proclamation designating December, 1999 as **National Adoption Month**. RECORD S47-859

**Keith Christianson and Liz Briggs** accepted the Proclamation.

NOVEMBER 30, 1999

(Continued)

F.A.N. Club Day

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried 7 to 0, to adopt a Proclamation designating December 5, 1999, as **Filling Area Needs (F.A.N.) Club Day.** RECORD S47-860

Dr. Anila Jain thanked the Board for the Proclamation.

METROPOLITAN PLANNING ORGANIZATION - CITIZEN'S ADVISORY COMMITTEE

Mrs. Glass moved to reappoint the incumbents **Stanley Hochman** and **Lawrence Bustle** to the Citizen's Advisory Committee. Motion was seconded by Ms. Brown.

Mrs. Harris nominated **Dale Stephenson** for seat three on the committee and Ms. Brown moved that the nominations be closed.

A unanimous ballot was cast for Mr. Stephenson.

ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE

Speaking in favor of the Environmental Land Management and Acquisition Committee were **Jean Van Delft**, League of Women Voters of Manatee County; **Ann Rogers**, **Susan McMillan**, **Nick Baden**, and **Karen Fraley**, Around the Way Nature Tours.

(Note: this item was presented later in the meeting.)

ORDINANCE 99-67 - AIR BOAT REGULATION

Public hearing (Notice in the *Bradenton Herald* 11/17/99) was held to consider

ORDINANCE 99-67, AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGULATING THE OPERATION OF AIRBOATS IN CERTAIN AREAS OF COUNTY WATERS; PROVIDING FOR DEFINITIONS, EXEMPTIONS, PENALTIES, SEVERABILITY AND AN EFFECTIVE DATE.

William Henry, Chief Assistant County Attorney, stated that due to a preemption by Federal and State laws, the Board is limited in how to abate or regulate air boat noise, specifically noise under 90 decibels and regulating commercial fisherman.

(Mrs. Glass absent for a portion of presentation.)

Mr. Henry advised that two versions of the Ordinance were submitted: a nighttime ban or a complete ban. He stated that the County Attorney's Office is against the complete ban because it does not maintain a balance between shoreline residents and commercial fisherman. While using a County map, he explained that a nighttime ban would allow air boats in County waters except in the following areas: Sarasota Bay, south of the Cortez Bridge except in the Intracoastal Waterway; from Cortez Bridge, north to Marker 50; west side of the Intracoastal to Anna Maria Island; and in Palma Sola near Perico Bay Club Apartments. County-owned and maintained boat ramps are included in both versions.

Mr. Henry reported that Richard Cresmaschi has requested lifting restrictions in Palma Sola Bay through the center of the outlet of the Bay into the Intracoastal Waterway. Mr. Cresmaschi also requested the Ordinance allow non-idle speed within a certain distance of the buoys that run east and west out of Palma Sola Bay.

Discussion: Restrictions in areas without complaints; allow open-ended restrictions; hard to enforce air boat distance from residential areas; ban boats in the areas that have complaints not all areas; saltwater ban; definition of idle speed, etc.

**George R. McLain**, representing Richard Cresmaschi, stated a total ban or unreasonable restrictions would put his client out of business. He agreed to a nighttime ban and requested the Ordinance include the right to operate airboats within a 100 feet of the Palma Sola Channel between Markers 12 and 50.

**Richard Cresmaschi**, airboat operator, stated that he is 3,000 feet from shoreline residents at all times and is paid to show people the natural wildlife of the area.

Speaking in favor of a complete ban were: **Maureen Avery; Janice and James Schrader; Thomas Ewing; Allan Novak; Thomas Darin; and, Lewis Kearns.** (submitted petitions).

Speaking in opposition of a complete ban were: **Jean Hadden; Roy Craven; William DeSear; Arlene Flisik** (representing the Manatee County Audubon); **Jim Meeks; James Smith; and, Donna Elman.**

**Howard Heerdt** spoke in opposition of the airboat noise created by fishermen from outside the area.

**Dr. Edward Breitenbach,** stated that the proposed ordinance might not be enforced due to inadequate training on operating the decibel equipment.

**Virginia Pittman** commented on the cumulative effect of more than one airboat.

**Jack Grier** spoke on how airboat noise affects birds.

**Karen Fraley** stated that noise buffer zones need to be addressed.

Discussion: Grandfather clause for tour operators; rewriting the ordinance to accommodate all; air boat noise in residential neighborhoods; defining ordinance by distance; a ban ordinance with a licensing/permit exception; barriers for protecting wildlife; lack of enforcement; nighttime ban with an idle speed restriction; complete ban; continue to the next meeting.

**Motion - Nighttime Ban**

Motion was made by Ms. Brown and seconded by Mrs. Harris to adopt Ordinance 99-67, the Nighttime Ban version, with idle speed ban in previously discussed areas.

Discussion: Daytime airboat noise; previous ordinance is enforceable (350 feet from shoreline); measuring distance from shoreline, etc.

(Depart Mrs. Harris)

**Substitute Motion - Failed**

Motion was made by Mr. Bruce and seconded by Mrs. Stein to adopt Ordinance 99-67, the Complete Ban version.

Discussion: Need a ban to accommodate all parties; nighttime ban could be altered whereas an outright ban could not; additional equipment to help reduce noise from airboats.

Motion **failed** 2 to 4, with Mrs. Stein and Mr. Bruce voting in favor.

(Enter Mrs. Harris)

**Motion - Partial Ban**

Motion was made by Mr. McClash, seconded by Mrs. Stein to adopt Ordinance 99-67, Nighttime Ban version, deleting all paragraphs under Section 2 except A, G, and I with paragraph G reading:

No person shall operate an airboat, at any time, on any County waters except in the channels from County boat ramps to the Intracoastal Waterway, the Intercoastal Waterway, and those waters north of the Anna Maria Bridge (State Road 64) bordered by and east of the Intracoastal Waterway to the western shores of those areas adjacent to Tampa Bay, but not including the Manatee River, Terra Ceia Bay or Miguel Bay.

Following discussion, the motion carried 7 to 0.

RECORD S47-861

**Recess/Reconvene.** All present except Mrs. Harris and Ms. Brown.

**GULFSTREAM PIPELINE**

**Chip Rice,** representing Gulfstream, stated that the purpose of the slide presentation was to report on the benefits of the Gulfstream Natural Gas project to Manatee County. He displayed a map showing the proposed route of the gas pipeline.

NOVEMBER 30, 1999

(Continued)

Dick Leehr, Vice-President of Gulfstream Natural Gas System, reviewed the financial and environmental benefits to the County.

(Enter Ms. Brown)

John Schaeffer, Environmental Activity, addressed stewardship and partnerships with the environmental community through programs such as the Gulfstream Environmental Recreational Trust Program.

Dave Hairston, Project Manager, addressed right-of-way survey coordination with the environmental design and construction management.

**ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE**

Charles Hunsicker, Planning Department and staff liaison to the Environmental Lands Management and Acquisition Committee (ELMAC), was available for questions.

Arlene Sweeting, ELMAC member, requested Board support to fulfill the intent of Resolution R-93-55. She stated that a major function of ELMAC was to identify, evaluate and rank environmentally sensitive lands and research funding mechanisms. She expressed her concern with the small number of meetings and the lack of communication between the committee and the Board. She asked for a clarification of tasks to be performed by County staff and by ELMAC members.

Mr. Stephens asked Mr. Padgett to come back with recommendations and schedule work sessions.

Mr. Bruce and Mrs. Stein volunteered to be liaisons to the ELMAC.

**Recess/Reconvene.** All present except Mrs. Harris.

**STREET VACATION - POMELLO PARK AND POMELLO CITY CENTRAL UNIT**

Public hearing (Notice in Bradenton Herald 10/29/99 and 11/5/99) was held to consider

**R-99-256-V** A RESOLUTION ON APPLICATION BY PANTHER RIDGE COMMUNITIES, LTD., AND GARRET T. BARNES, ATTORNEY-IN-FACT FOR THE OWNERS DESCRIBED IN EXHIBIT "A" OF THE APPLICATION VACATING CERTAIN NON-CONSTRUCTED RIGHTS-OF-WAY FROM THE PLATS OF POMELLO PARK AND POMELLO CITY CENTRAL UNIT.

Helen Zeps, Land Acquisition, stated the County Attorney recommended that Paragraph 4 be amended as follows:

The above-identified applicant has given notice of their application to the governing body of the County to vacate said plat or part thereof by publishing legal notice in a newspaper of general circulation in the County in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and attached to the petition for vacation the proof of such publication.

Ms. Zeps stated there were two versions of the legal description; however, the applicant has withdrawn Version 1.

Jeff Gravely, agent for the applicant, agreed with Version 2.

Motion was made by Mr. Bruce, seconded by Mrs. Stein, and carried 6 to 0, to adopt R-99-256-V, Version 2, with the correction by staff and the following deeds and easements:

1. Warranty Deed from Panther Ridge III Homeowners' Association, Inc., for right-of-way to Tracts 42, 43, 54, 55 and 59.
2. Drainage Easements (3) from Panther Ridge Communities, Ltd., Bridle Creek Homeowners' Association, Inc., and Panther Ridge III Homeowners' Association, Inc.

RECORD s47-862

TALLEVAST ROAD

Janet McAfee, Project Management Director, requested approval of the conceptual design for Tallevast Road.

Jeff Trim, Wade-Trim, Inc., reviewed sketches and maps (in the agenda packet) of Tallevast Road. He stated that the proposed enhancements

would include acquiring right-of-way and two retention ponds (with one having a stormwater facility and a recreational park). He stated that the residents would like antique street lighting and signage and landscaped medians. The estimated cost is \$3.5 million and the tentative schedule is to begin in spring, 2002.

Discussion: Appropriate location for retention ponds; distance from unsightly structure to proposed pond; cost per foot on this project versus other projects; level of service improved; future of how transportation dollars are spent; increasing speeding; road safety; four-lane road versus losing right-of-way; historical designation.

Ms. McAfee stated the community is gaining a longer left turn lane at one of the street signals and street lighting and truck traffic will be well maintained.

Motion - Failed

Motion was made by Mr. Bruce, and seconded by Ms. Brown to approve the conceptual design for Tallevast Road.

Discussion: Timeframe flexible for future changes; Tallevast residents expecting completion of the project; deferring to a later date; playground or park included in the overall cost.

Ernie Padgett, County Administrator, confirmed that the Tallevast community worked with staff to develop a park for the area.

Motion failed 3 to 3, with Mrs. Glass, Ms. Brown and Mr. Bruce in favor.

Motion to Defer

Motion was made by Mr. McClash, seconded by Mrs. Stein and carried 6 to 0, to bring this item back after the Airport DRI Hearing (in December) with Transportation Concurrency figures relating to intersections, as well as the roadways.

TRAVEL AUTHORITY

Mr. Stephens requested a blanket authority to travel to Tallahassee for legislative sessions and other meetings (previous approval ended 9/30/99).


Motion was made by Mr. McClash, seconded by Mrs. Glass and carried 6 to 0, to authorize travel for the Board of County Commissioners on legislative matters.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman 3/21/00



Adj: 2:35 p.m.  
/qa