

FEBRUARY 29, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 29, 2000, at 9:04 a.m.

Present were Commissioners:

Stan Stephens, Chairman
Gwendolyn Y. Brown, First Vice-Chairman
Patricia M. Glass, Second Vice-Chairman
Jonathan Bruce, Third Vice-Chairman
George Harris
Joe McClash
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 Reverend Sterling Forrester

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 7 to 0, to approve the Consent Agenda dated February 29, 2000, with the following changes: (1) Heritage Days: Emerson Point (deferred), (2) Protest Appeal/Telephone System (deferred), (3) NEC Phone Systems (deferred), (4) Coral Shores Canal Dredging: Engineering Services (separate action) and (5) AG/COOP Office Building (separate action).

CLERK'S CONSENT CALENDAR

BONDS

Accept:

1. Agreement with Benderson Development Company, warranting the Wetlands Mitigation System for University Consumer Square at Cooper Creek (\$465,000).
2. Defect Security: \$465,000 (Surety Bond 35M96039900, American Motorists Insurance Company).

REFUNDS

Neal Communities - Comp Plan Amendment Withdrawn \$5,775.00
J.R.G. Development - Rezone Application Withdrawn 2,044.04

WARRANT LIST

Approve: February 22, 2000 through February 28, 2000
Authorize: February 29, 2000 through March 20, 2000

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgment

Terye L. Walker, Case 97-5916M (2)
Veronica Lewis, Case 99-1808JD
Lisa Gonzales, Case 98-1953JD
Joania Tift, Case 99-1591JD
Susanna Teuton and Rodney Teuton, Case 98-2681JD
Rosetta Hip, Cases 99-2041JD, 99-2042JD, and 99-2043JD
Marco Cora, Case 98-1549F
Warren Davis, Case 96-519F

Partial Release of Special Improvement Assessment Liens

3102/2502 (1); 3009/5147 (1); 5130/5130 (1); 3005/5235 (2)

Powel Crosley Estate

Execute Business Registration Application with State of Florida Department of Management Services, for grant payments (authorized by Resolutions R-98-211 and R-98-212).

ADOPT

R-00-067 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA FINDING THAT PROJECT 00-01419 BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO S..288.106, FLORIDA STATUTES, AND PROVIDING MATCHING FUNDS AS LOCAL PARTICIPATION IN THE QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM FOR FISCAL YEAR 2000-2001 THROUGH 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

(Rescinding Resolution R-00-048, 2/15/00).

RECORD S47-1171

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(Continued)

ACCEPT

West Coast Inland Navigation District - Public Facilities Report, as required per F.S. 189.415.

Cedar Hammock Fire Control District - Public Facilities Report with current district map, as required per F.S. 189.415.

North River Fire District - Public Facilities Report, as required per F.S. 189.415; Board of Fire Commissioners meeting schedule.

Lakewood Ranch Community Development Districts 1, 2, and 3 - Minutes of the Board of Supervisors of the Lakewood Ranch Community Development Districts 1, 2, and 3 held on January 6, 2000.

Administrative Center Facility - Valet Parking

1. Implementing procedures for valet parking in the Administrative Center Parking Facility, as required by Resolution R-00-39.
2. Resolution Number 00-07 of the City of Bradenton, as required by Resolution R-00-39. RECORD S47-1172

COUNTY ADMINISTRATOR**PALMA SOLA BOTANICAL PARK**

Execute tri-party agreement for Palma Sola Botanical Park upon receipt of signed agreements from the Palma Sola Botanical Park Foundation, Inc. and Florida Department of Environmental Protection (DEP), (\$300,000 DEP; \$300,000 County). RECORD S47-1173

LAWSUIT - 9TH STREET EAST

Settlement with landowners **Albert Cummings, Sr. and Jessie B. Cummings** and business tenant **Albert Cummings, Jr.**, \$190,000, for a 15-foot wide right-out only driveway connection onto 9th Street East, as full compensation (exclusive of attorney's fees and costs), in the eminent domain matter Manatee County v. Joy Thomas-Rogers, et al., 1998-CA-4005.

TOURIST DEVELOPMENT COUNCIL

Waive advertising and reappoint **Bob Miller** and **Ed Chiles** to serve on the Tourist Development Council for the unexpired terms created from prior appointments and ending on June 30, 2002.

HOME RECONSTRUCTION

Execute construction loan agreements in accordance with Resolution R-96-227 for home reconstruction projects:

1. Doretha Atkins, \$62,000 (plus \$3,000 General Funds)
2. Namon Wilson, \$62,000 (plus \$3,000 General Funds)
3. Sandra McMillian, \$55,000 (plus \$3,000 General Funds)

RECORD S47-1174

- S47-1176

MYAKKA HISTORICAL SOCIETY

Execute Amendment 2 to lease agreement with Myakka Historical Society, Inc., to extend completion time of building (to 10/1/02) and clarify notice and County improvements. RECORD S47-1177

BUDGET AMENDMENT**VARIOUS DEPARTMENTS** (B-00-019)

Transfer of Funds; Unanticipated Revenue Appropriations (Supporting Description and Detail Attached)

RECORD S47-1178**53RD AVENUE WEST**

Execute Work Assignment 99-08 with Ardaman & Associates, Inc., for construction materials testing for 53rd Avenue West roadway project, total not to exceed \$34,596. RECORD S47-1179

BRIDGE REHABILITATION

Execute Work Assignment 24 with Wade-Trim, Inc., for engineering services, for countywide bridge rehabilitation report, total not to exceed \$53,283. RECORD S47-1180

HAGLE PARK ROAD - WATERLINE EXTENSION

Execute Final Change Order 1 to IFB 99-1685DC, with Spectrum Underground, Inc., for 6-inch waterline extension, decrease of \$3,086 and adjusted contract, \$102,855.05. RECORD S47-1181

HENSLEY PUBLIC SAFETY COMPLEX - AUTOMATED LOGIC SYSTEM

1. Authorize sole source procurement of Automated Logic System from Advanced Automation Systems, Inc., total not to exceed \$86,360.
2. Award IFB 00-5365AA for replacement of HVAC coils to lowest responsive, responsible bidder meeting specifications, Larry Pearson Air Conditioning and Heating, Inc., total not to exceed \$35,750.

DEVELOPMENT OF REGIONAL IMPACT/LARGE PROJECT REVIEW

Enter negotiations with the four top-ranked short-listed firms: URS Greiner Woodward Clyde, Inc.; King Engineering & Associates, Inc.; Post, Buckley, Schuh & Jernigan, Inc.; and Wade-Trim, Inc.; to provide professional services for Development of Regional Impact and Large Project Review.

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LENA ROAD LANDFILL

Execute Final Change Order 3 to IFB 99-1302DC, with SCS Field Services, Inc., for gas collection system, increase of \$7,504 and adjusted contract \$1,663,792.59. RECORD S47-1182

MATERIALS AND SERVICES

1. **G.T. Bray Park** - Award IFB 99-4619MP to lowest responsive, responsible bidder, Galaxy Chemical Ent., dba Galaxy Pools, for spray kiddie pool playground, total not to exceed \$139,800.
2. **Library Shelving/Furniture** - Purchase via State Contract from Corporate Express, \$35,965.02.
3. **Xerographic Paper** - Purchase via State Contract from Xpedx, An International Paper Co., on an as-required basis, for an estimated total, \$66,494.40.

DONATION

Parks and Recreation Department to accept a donation, in accordance with the provisions of Ordinance 86-05, from Dickinson's Wholesale Nursery, 200 plants, estimated value \$200.

EAST BRADENTON OUTREACH PROGRAM

R-00-46 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE MANATEE COUNTY CHILDREN'S SERVICES ADVISORY BOARD FOR THE FUNDING OF THE EAST BRADENTON OUTREACH PROGRAM (\$15,935; 10/1/00-6/2/01; authorize Chairman to execute all documents). RECORD S47-1183

EMERSON POINT PARK - LAND AND WATER CONSERVATION FUND PROGRAM

R-00-47 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION UNDER THE LAND AND WATER CONSERVATION FUND (LWCF) PROGRAM FOR EMERSON POINT (\$100,000 total; LWCF \$50,000; County match \$50,000; authorize Chairman to execute all documents). RECORD S47-1184

FINAL PLATS

Carlyle at the Villages of Palm-Aire, Unit 2

1. Final Plat.
2. Agreement with Taylor Woodrow Communities, guaranteeing completion of required improvements (\$277,287.73).
3. Performance Bond: \$277,287.73 (Surety Bond 20-82-95, American Home Assurance Company).
4. Agreement with Taylor Woodrow Communities, guaranteeing completion of required sidewalks and bikeways (\$16,818.75).
5. Performance Bond: \$16,818.75 (Surety Bond 20-82-96, American Home Assurance Company).
6. Temporary Turnaround and Drainage Easement (Unit 3) with Taylor Woodrow Communities.
7. Temporary Turnaround and Drainage Easement (Unit 4) with Taylor Woodrow Communities.
8. First Amendment to Declaration of Covenants, Conditions Restrictions and Easements.

Mill Creek, Phase VI

1. Final Plat.
2. Mortgagee's Joinder from Larry J. D'Urso, Jr.
3. Mortgagee's Joinder from Larry J. D'Urso, Jr. as Trustee of the CounTree Wide Realty, Inc., Profit Sharing Trust.
4. Mortgagee's Joinder from CounTree Wide Realty, Inc.
5. Mortgagee's Joinder from United Bank and Trust Company.
6. Mortgagee's Joinder from American Bank.
7. Mortgagee's Joinder from First National Bank & Trust.
8. Agreement with Manatee Joint Venture, guaranteeing completion of required improvements (\$85,824.38).
9. Performance Bond: \$85,824.38 (Letter of Credit S00-02, Republic Bank).
10. Agreement with Manatee Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$27,163.50).
11. Performance Bond: \$27,163.50 (Letter of Credit S00-03, Republic Bank).
12. Agreement with Manatee Joint Venture, guaranteeing completion of required improvements and temporary construction easement for private improvements (\$56,028).
13. Performance Bond: \$56,028 (Letter of Credit S-00-04, Republic Bank).
14. Conservation Easement from Manatee Joint Venture; McKenzie Builders, Inc.; and Cali Homes by Laura, Inc. RECORD S47-1185

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15. Joinders and Consents of Mortgagee (6) to the Conservation Easement from United Bank & Trust Company; First National Bank & Trust; Larry J. D'Urso, Jr.; Larry J. D'Urso, Jr. as Trustee of the CounTree Wide Realty, Inc., Profit Sharing Trust; CounTree Wide Realty, Inc.; and American Bank.
16. Joinder in Declaration from Larry J. D'Urso, Jr.
17. Joinder in Declaration from Larry J. D'Urso, Jr. as Trustee of the CounTree Wide Realty, Inc., Profit Sharing Trust.
18. Joinder in Declaration from CounTree Wide Realty, Inc.
19. Joinder in Declaration from United Bank and Trust Company.
20. Joinder in Declaration from American Bank.
21. Joinder in Declaration from First National Bank & Trust.
22. Bylaws of Mill Creek VI Association, Inc.
23. Declaration of Covenants, Conditions, Easements and Restrictions of Mill Creek Subdivision, Phase VI.

Mote Ranch, Phase IV-B

1. Final Plat.
2. Mortgagee's Joinder from The First National Bank of Chicago.
3. Agreement with Lennar Land Partners, guaranteeing completion of required improvements (\$754,007.67).
4. Performance Bond: \$754,007.67 (Surety Bond 929097650, Continental Insurance Company).
5. Agreement with Lennar Land Partners, guaranteeing completion of required sidewalks and bikeways (\$12,629.50).
6. Performance Bond: \$12,629.50, (Surety Bond 929111546, Continental Insurance Company).
7. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Plat Approval, with Lennar Mote Ranch, Ltd. RECORD S47-1186
8. Supplemental Amendment to Declaration of Covenants and Restrictions.

Mote Ranch, Phase X-A

1. Final Plat.
2. Mortgagee's Joinder from the First National Bank of Chicago.
3. Agreement with Lennar Land Partners, guaranteeing completion of required improvements (\$1,146,550.02).
4. Performance Bond: \$1,146,550.02, (Surety Bond 929097652, Continental Insurance Company).
5. Agreement with Lennar Land Partners, guaranteeing completion of required sidewalks and bikeways (\$20,904).
6. Performance Bond: \$20,904, (Surety Bond 929111545, Continental Insurance Company).
7. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval, with Lennar Mote Ranch, Ltd. and Lennar Homes, Inc. RECORD S47-1187
8. Supplemental Amendment to Declaration of Covenants and Restrictions.

Treymore at the Villages of Palm-Aire, Unit 2

1. Final Plat.
2. Agreement with Taylor Woodrow Communities, guaranteeing completion of required improvements and temporary construction easement for private improvements (\$531,622.49).
3. Performance Bond: \$531,622.49, (Surety Bond 20-83-06, American Home Assurance Company).
4. Agreement with Taylor Woodrow Communities, guaranteeing completion of required improvements and temporary construction easement for private improvements (\$49,227.50).
5. Performance Bond: \$49,227.50, (Surety Bond 20-83-58, American Home Assurance Company).
6. Temporary Turnaround and Drainage Easement from Taylor Woodrow Communities.
7. Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements.

PERSONNEL - MICHAEL WOOD

Authorization for **Michael Wood** to accrue vacation time based on total time of service.

STATE ROAD 64 - UTILITY WORK

Authorization to increase advance deposit with Florida Department of Transportation by \$34,078 from \$117,200 to \$151,278 for utility relocation work on State Road 64 at Perico Bayou and Palma Sola Causeway (authorized by R-99-23, 1/19/99).

FLORIDA HERITAGE FESTIVAL

1. Execute parade entry application for Emergency Medical Services (EMS) Division and stand-by agreement for EMS to provide medical coverage during the Florida Heritage Festival and waive fees for service for the non-exclusive stand-by coverage as set forth in Resolution R-94-61. RECORD S47-1188
2. Authorize organizers of the Florida Heritage Festival to temporarily access County communication systems during the events for security and safety purposes.

FEE WAIVERS

1. **Holiday Heights Annual Clean-up/Fix-up** - Authorize placement of four 20-yard roll-offs on April 8 and 15, 2000; and waiver of service and tipping fees at the landfill.
2. **Parrish Heritage Day** - Authorize placement of one 20-yard roll-off at Old Parrish Schoolhouse, March 25, 2000; and waiver of service and tipping fees at the landfill.
3. **Rubonia Mardi Gras** - Authorize placement of one 20-yard roll-off at Perry's Grocery Store on March 4 and 5, 2000; and waiver of service and tipping fees at the landfill.

63RD AVENUE WEST

Execute Contract for Sale and Purchase for a Warranty Deed from Hope L. Russell, for right-of-way for 63rd Avenue West, \$71,000; Warranty Deed and Affidavit of Ownership and Encumbrances from Hope L. Russell. RECORD S47-1189
S47-1190

DEEDS AND EASEMENTS

1. **Honore Avenue** - Deed to Lennar Mote Ranch, Ltd., for reconveyance of right-of-way previously dedicated for extension of Honore Avenue. RECORD S47-1191
2. **Shade Avenue** - Warranty Deed from University Medical Park II, Inc. and SHR of Sarasota Limited Partnership, for right-of-way; Affidavit of Ownership and Encumbrances. RECORD S47-1192

SUNCOAST WORKFORCE DEVELOPMENT BOARD

Execute letter to the Suncoast Workforce Development Board appointing **Commissioner George L. Harris IV** to serve as a member through June 30, 2000.

(End Consent Agenda)

AWARDS

Commission Chambers Renovation - **Facilities Management Department (FMD) staff** members were acknowledged for their efforts and participation in the renovation of the Commission Chambers by Sam Love, FMD Director, the County Administrator and the Commissioners.

BICYCLE AND PEDESTRIAN ADVISORY BOARD

Nominations were received for the appointment of six members to serve on the **Bicycle and Pedestrian Advisory Board** for two-year terms:

- | | |
|-------------------|-------------------|
| Albert Rosenstein | - by Mr. Bruce |
| Dale Roberts | - by Mr. McClash |
| Patricia Bond | - by Ms. Brown |
| Timothy Newhall | - by Mrs. Glass |
| Laura Boyce | - by Mr. Harris |
| Lenore Schneider | - by Mrs. Stein |
| Julian Hyatt | - by Mr. Stephens |

Motion was made by Mrs. Glass, seconded by Mr. Harris and carried unanimously, to confirm the members receiving the majority vote as reported for appointment of **Albert Rosenstein, Dale Roberts, Patricia Bond, Timothy Newhall, Laura Boyce, and Lenore Schneider**.

CODE ENFORCEMENT BOARD

Karen Windon, Public Safety Director, requested the appointment of one member (term to expire 10/14/00) to fill the vacancy on the **Code Enforcement Board** created by the resignation of Charles Decker.

- Nominations:
- | | |
|----------------|-----------------|
| Eugene Menaker | - by Mr. Bruce |
| John Wright | - by Mr. Harris |
| Linda Thomas | - by Mrs. Glass |

Motion was made by Mrs. Glass to appoint the person receiving the majority vote, **Eugene Menaker**. Motion was seconded by Mr. McClash and carried unanimously.

FEBRUARY 29, 2000ORDINANCE 00-08 - NO PARKING

Public hearing (Notice in the *Bradenton Herald* 2/17/00) was held to consider

ORDINANCE 00-08 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 98-11; REGULATING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON **13TH AVENUE WEST, 21ST STREET EAST, 21ST STREET EAST (PALMETTO), 42ND STREET WEST, 71ST AVENUE EAST, IRIS STREET EAST AND LIMBUS AVENUE**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Harry Mendenhall, Assistant Transportation Director, reviewed the locations of the proposed no parking areas.

Mr. Harris moved adoption of **Ordinance 00-08**. The motion was seconded by Ms. Brown and carried 7 to 0. RECORD S47-1193

ORDINANCE 00-09 - NO THROUGH TRUCKS

Public hearing (Notice in the *Bradenton Herald* 2/17/00) was held to consider

ORDINANCE 00-09 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-06; TO REGULATE THE TRAVEL OF CERTAIN THROUGH TRAFFIC ON **28TH STREET EAST, 28TH STREET COURT EAST AND 71ST AVENUE EAST**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Mendenhall stated this request originated from the Board on November 9, 1999.

Mr. Bruce moved to adopt **Ordinance 00-09**. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S47-1194

ORDINANCE 00-23 - SPEED LIMIT

Public hearing (Notice in the *Bradenton Herald* 2/17/00) was held to consider

ORDINANCE 00-23 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-05, AND PROHIBITING THE TRAVEL OF VEHICLES AT SPEEDS IN EXCESS OF THE ESTABLISHED LIMIT ON **MYAKKA-WAUCHULA ROAD**; IT BEING A COUNTY MAINTAINED STREET LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Mr. Mendenhall stated this request originated from the Manatee County Sheriff's Office.

Mr. Bruce moved adoption of **Ordinance 00-23**. The motion was seconded by Mrs. Stein and carried 7 to 0. RECORD S47-1195

ORDINANCE 00-24 - SELF-INSURANCE PROGRAM

Public hearing (Notice in the *Bradenton Herald* 2/14/00) was held to consider

ORDINANCE 00-24 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 92-23 TO INCLUDE THE DEFINITION OF "EMPLOYEE" PERSONS EMPLOYED BY THE SARASOTA/MANATEE METROPOLITAN PLANNING ORGANIZATION; AND ESTABLISHING AN EFFECTIVE DATE.

William Henry, Chief Assistant County Attorney, stated that the County Attorney has not been directed to provide legal services to the Metropolitan Planning Organization (MPO) and noted that the employees of the MPO are not covered in the self-insurance Ordinance (92-23). He reviewed two options: (1) adopt Ordinance 00-24 to extend County self-insurance coverage to the MPO by changing the definition of "employee" to include the full-time employees of the MPO; or (2) require the MPO to purchase commercial insurance with its own funds.

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He submitted an Estimated Cost of Commercial Insurance for the MPO (\$13-14,000 per year for full coverage).

Teddy Williams, County Attorney, advised, if Ordinance 00-24 is adopted, the motion should include direction to provide legal services and representation to the MPO.

Mr. McClash moved adoption of **Ordinance 00-24** and directed the County Attorney's Office to provide legal services and representation, as needed, to the MPO. The motion was seconded by Mrs. Stein.

Discussion: Correct fourth paragraph 24 to read Sarasota/Manatee MPO; 1994 local agreement with the MPO does not include services from the County Attorney; agreement must be changed.

Following discussion, the motion carried 7 to 0. RECORD S47-1196

NOISE ORDINANCE

William Wheeler requested information regarding enforcement of the Noise Ordinance (99-20).

Mr. Wheeler was referred to the Sheriff's Office regarding enforcement and informed that staff would provide answers to any other questions.

AGRICULTURE AND NATURAL RESOURCES DIRECTOR

Ernie Padgett, County Administrator, requested confirmation of the appointment of **Brenda Rogers** (per the recommendation of the University of Florida) to the position of Manatee County Extension Director and Director of the Department of Agriculture and Natural Resources.

Mrs. Glass moved to confirm the appointment of **Brenda Rogers**. The motion was seconded by Mrs. Stein and carried unanimously.

LINCOLN PARK LEASE

David Rothfuss, Assistant County Administrator, requested execution of the Lincoln Park Lease Use and Maintenance Agreement with the City of Palmetto. He advised this agreement provides for the City to lease Lincoln Park to Manatee County to manage, operate and maintain the park, including the assessment of fees for participation in programs and activities conducted at the park. He noted that the School Board of Manatee County is required to join in this agreement.

Discussion: Work required in the water retention area; flooding issue must be addressed; lack of funding; follow-up with City.

Mrs. Brown moved to authorize the chairman to execute the Lincoln Park Lease Use and Maintenance Agreement with the City of Palmetto (and executed by the School Board). The motion was seconded by Mr. Harris and carried 7 to 0. RECORD S47-1197

SOLID WASTE, YARD WASTE, AND RECYCLING COLLECTION

Rob Cuthbert, Purchasing Manager, recommended that staff enter into negotiations with the top-ranked firm, Waste Management, Inc., of Florida, to provide solid waste, yard waste and recycling collection services. He advised that the policy established (10/19/99) requires the solid waste collection services after October 1, 2000, be provided by one franchisee as a Countywide service, with no variance area.

Mr. Cuthbert submitted two charts depicting an overview of the Request for Proposal (RFP) pricing: (1) Chart 1 - Estimate of Savings-Current vs. Proposed Rates, and (2) Chart 2 - Solid Waste Cost Analysis-County Wide/No Variance.

In addition to pricing, the Selection Committee determined: (1) staffing of Waste Management, Inc. was more consistent with managing a County-wide service area; (2) equipment included the highest number of vehicles to service the account; (3) waste generation rates presented showed a depth of skill; and (4) quality of service with key personnel. The Committee did not rank the other proposals.

David Brangaccio, Public Works Department, provided an explanation of Charts 1 and 2 and noted that the commercial rates increase.

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Discussion: Action allows negotiations only; scope of recycling program; if negotiations fail the Board will be approached again; commercial increase will be argued in negotiations; state-of-the-art vehicles; multifamily/commercial bins; exploration of a County-operated program; review municipalities providing service; customers in variance area; scope of services; cost of recycling program; life of landfill is 25 years; share information with city officials; discussion with Planning Department in terms of modifying site plans for additional dumpsters and dumpster locations.

Teddy Williams, County Attorney, advised that based on the language of the Procurement Ordinance he recommended that comments or input from any proposers involved in the process not be entertained.

Mrs. Stein moved to reopen citizens' comments. No action was taken.

Discussion: Individuals originally signed-up for citizens comments; interpretation of Procurement Code; opportunity to obtain additional information; Board could be required to serve as an Appellate Board; violation of ordinance; equity and fairness is the basic principle of the purchasing function; recess to resolve item.

Recess/Reconvene. All members present.

Mr. Williams cited Section 3-102 of the Purchasing Ordinance and stated that the Purchasing Director could allow the proposers to speak to the Board without violating the Ordinance.

Following consensus of the Board to receive comments, Rob Cuthbert, Purchasing Director, permitted comment by the proposers.

Upon roll call of individuals signed to speak, all declined.

Discussion: Negotiation timeframe of 100 days; provide progress report to the Board in 50 days.

Mr. Bruce moved to authorize staff to enter into negotiations with the top-ranked firm, Waste Management, Inc., of Florida, for the purpose of providing solid waste, yard waste and recycling collection services. Motion was seconded by Mrs. Stein. Following discussion, the motion carried 7 to 0.

MCMULLEN ESTATES - STREET NUMBERING WAIVER

Vicki Warner, Planning Department, reviewed the request by the developers of McMullen Estates to waive the street numbering requirement. Ms. Warner advised that the Address Review Committee recommended denial of the request, as it would not provide for consistency in the area.

Mr. Harris moved to deny the applicant's request for the waiver of street numbering in McMullen Estates. Motion was seconded by Mr. Bruce and carried 7 to 0.

WATERFORD AT IMPERIAL LAKEWOODS - STREET NUMBERING WAIVER

Vicki Warner, Planning Department, stated Waterford at Imperial Lakewoods abuts The Fairways at Imperial Lakewoods, a golfing community approved to utilize named streets. She stated the Address Review Committee recommended approval of the request by the developers of Waterford at Imperial Lakewoods to waive the street numbering requirement within the development to provide consistency.

Mrs. Glass moved to approve the street numbering waiver request at Waterford at Imperial Lakewoods. Motion was seconded by Mr. Bruce and carried 7 to 0.

EVACUATION PROCEDURES: DRAWBRIDGES

Karen Windon, Public Safety Director, requested adoption policy of locking down drawbridges upon issuance of a mandatory evacuation order to facilitate emergency evacuation. She submitted:

R-00-51 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE COUNTY EMERGENCY MANAGEMENT AGENCIES' EFFORTS TO DEVELOP A HURRICANE EVACUATION BRIDGE OPERATIONS PLAN.

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Ms. Windon stated the Coast Guard requested the opening of drawbridges for ten minutes every hour until four hours prior to onset of gale force winds. Due to the extended time this would create for evacuation from the barrier islands, it was proposed to limit openings upon issuance of a mandatory evacuation order and the bridges would be locked down, with the exception of the Longboat Key Pass Bridge, which would allow mariners to seek shelter in the Intercoastal Waterways.

Following discussion, Mr. Harris moved adoption of **Resolution R-00-51**. Motion was seconded by Mrs. Glass and carried 7 to 0. RECORD S47-1198

COOPERATIVE EXTENSION OFFICE BUILDING

Rob Cuthbert, Purchasing Department, requested authorization to enter into negotiations with SMRT to provide architectural/engineering services for the Cooperative Extension Service Office Building requiring unique "green" office architecture.

Discussion: Local firms with qualifications; unique qualifications could be subcontracted; Selection Committee criteria.

Brenda Rogers, Agriculture/Natural Resources Director, stated that the materials for the "green" facility must be environmentally sensitive

Mr. Cuthbert noted that four firms gave presentations. He stated the Selection Committee determination could be rejected.

Disposition: Presentations will be scheduled for March 21, 2000, from the firms of: SMRT; Jerry N. Zoller, Architects; Fawley Bryant Architects; and Lyman, Davidson, Dooley, Inc.

SOUTH COUNTY STREET LIGHTING DISTRICT

Janet McAfee, Project Management Director, reviewed the history of a street lighting district (south of 53rd Avenue and north of 63rd Avenue between 1st Street East and 15th Street East) in conjunction with a Drug Free Communities grant. She advised that a series of meetings have been held with Gordon "Skip" Jolly of Drug Free Communities, Transportation staff, and Florida Power and Light (FPL) to review the process, as well as the scope of the work and costs.

During a meeting on December 9, 1999, property owners and the landlord association were advised of the process and estimated costs, and encouraged to submit petitions. To date no petition has been received. Ms. McAfee stated the Project Management Department has 44 pending assessment projects and the May grant deadline creates a timing challenge.

Discussion: Project scope of 1500 parcels and 350-400 lights; capital costs with and without poles; operational cost; lack of support by property owners; agreement with Drug Free Community regarding funding; postcard poll; erroneous assumption of the petition process; landlords are supportive; loss of funding; reduce crime in the area; alternatives with FPL; if a time extension is available for grant.

(Depart Mrs. Glass during discussion.)

Motion was made by Mr. McClash, and seconded by Mrs. Stein to allow Project Management to conduct a postcard poll of the property owners in the area for the lighting district. Following discussion, the motion carried 6 to 0.

(Enter Mrs. Glass)

CORAL SHORES DREDGING PROJECT

Mr. McClash moved to approve the execution of Work Assignment 17 with Boyle Engineering Corporation to provide engineering services for preliminary design and permitting for the Coral Shores Canal Dredging project for an amount not to exceed \$51,808. Motion was seconded by Mr. Bruce and carried 7 to 0. RECORD S47-1199

Recess/Reconvene. All members present.

FEBRUARY 29, 2000COMMISSIONERS' COMMENTS17th Avenue West at 43rd Street West

Mrs. Stein advised that Ordinance 99-47 changed a one-block area of 17th Avenue West at 43rd Street West to one way. This change caused the neighborhood to lose a 4-way stop sign and has caused a traffic flow issue. This issue is scheduled for review on March 21st.

75th Street West and Manatee Avenue

Mr. McClash stated when driving south on 75th Street West, cars are stacking into the through lanes from the turn storage lane onto Manatee Avenue. He requested staff to investigate the possibility of extending the turn storage lane.

State Road 70

Mr. Bruce requested staff to review the median cut in front of the Hess Service Station on State Road 70 (across from Rosedale). He advised there is a lack of traffic direction for motorists, which may cause accidents.

Caution Light on Cortez Road at Catalina Subdivision

Mr. Stephens requested staff to contact Florida Department of Transportation regarding the most effective utilization of the caution light on Cortez Road at Catalina Subdivision.

Retention Area - 59th Street West

Mr. Stephens requested that staff investigate purchasing property for a retention area for the widening of 59th Street West at 21st Avenue West.

Ernie Padgett, County Administrator, advised discussions are scheduled with the property owner.

18th Avenue West Connecting from 51st to 59th Street

Mr. McClash requested that staff explore the possibility of changing to single lanes plus a bike lane along the median at 18th Avenue West, as there are no sidewalks adjacent to the area.

(NOTE: Corrected to 17th Avenue or Street according to the County Administrator's Office.)

53rd Avenue and 34th Street West

Mr. Harris stated the Morton Village Homeowners voiced concern regarding construction of a solid wall to the rear of the Winn-Dixie Market Place (adjacent to Morton Village). The entire setback will not be enclosed, therefore, a pathway will be provided for students from the adjacent school (Lee Middle School) now under construction. He requested that the developer be contacted to enclose the pathway.

El Conquistador - Esplanade on the Bay

Mr. Harris stated this area had a water main break in December 1999, which may have been exacerbated by the County and he questioned if the County could participate in the cost of the repairs.

SARASOTA-MANATEE PROFESSIONAL FIREFIGHTERS AND PARAMEDICS LOCAL 2546

Paul Bangel, Assistant County Attorney, stated that the County Administrator and the bargaining unit representative, Neal Elliott, have agreed to waive appointment of a Special Master for a recommended resolution and proceed directly to resolution of the impasse by the legislative body. After hearing each position, he requested the Board impose a solution to the public interest, which will be documented by a written agreement for ratification by both parties.

Union Proposals for Resolution

Dave Byington, Sarasota-Manatee-Charlotte Firefighters and Paramedics IAFF Local 2546, stated resolution of the following issues will finalize a contract that expired in 1997.

1. Career Ladder

Union recommends implementation of the proposed Pay Plan/Career Ladder (Exhibit I) and the Training Proposal (Exhibit E and F) that identifies the education incentive criteria.

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He stated the proposed Current Starting Salaries chart, as proposed by the County Administrator, increased the entry pay for paramedics and guaranteed a 3.5 percent Cost of Living Adjustment (COLA). He stated the proposed increased entry pay would provide new employees a 16 percent pay increase, but does nothing for the current employees, especially those with many years of service. There is no equity in the proposed Current Starting Salaries (Exhibit H). He advised it is necessary to reward those employees who desire to pursue further education by establishing an educational criteria step plan. Employees, who do not meet the established criteria, would only receive the annual negotiated COLA.

Neal Elliott, representing the Union, stated the Union proposal provides for the advancement of the employees from the minimum to the maximum based on objective training/education goals thereby recognizing employees with advanced training and experience. The County proposal provides no provision for training or recognition for experienced employees and benefits new employees only. He advised that every paramedic who has left Manatee County has gone to an agency with a step plan in order to maximize their salary.

Mr. Byington submitted a chart, Current Wages for Paramedics, identifying that 21 of the current 46 paramedics are at entry pay level. The County's proposal would increase 36 paramedics to the \$30,500 entry pay and proves the inequity of the proposal.

2. Family Sick Leave Maximum

Union proposes a fair and equitable family sick leave policy for Emergency Medical Services (EMS) employees or 112 hours.

Mr. Byington stated that County policy states a 40-hour employee may receive up to 80 hours of family sick leave, and does not allow an EMS employee (56-hour per week employee) a full two-week period of leave or 112 hours.

3. Maximum Sick Leave Pay Out Upon Separation

Union proposes a maximum 336-hour sick leave pay out for EMS employees after ten years of service.

Mr. Elliott stated the County has provided for a maximum of six weeks (240 hours) of sick leave pay out after ten years of service for all 40-hour per week employees. EMS (or 56-hour per week employees) get only 4.28 weeks of sick leave pay out. He requested consideration of the 336 hours of sick leave pay out.

4. Award for Non-Use of Sick Leave

Union proposes an increase of the current award (8 hours annual leave every six months) to 24 hours of annual leave every six months for non-use of sick leave for EMS employees.

Mr. Byington stated the County policy does not provide EMS 24/48-hour employees a full shift off. He requested an increase of the award to 24 hours annual leave every six months to allow EMS employees to be off a full shift.

5. Holiday Pay

Union proposes holiday pay for each hour worked.

He advised that an EMS employee scheduled to work the holiday normally works 8 or 16 hours of the holiday. He recommended that EMS employees receive one-hour holiday pay for every hour the employee is required to work on a holiday.

County Administrator's Proposal for Resolution

Ernie Padgett, County Administrator, presented Management's position as follows:

1. Career Ladder

Mr. Padgett stated Management proposed increased entry pay and a 3.5 percent guaranteed COLA (or the COLA percentage as approved by the Board).

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Referring to Exhibits H and I, Mr. Padgett advised that the Union and Management agree on the vertical activity; however, the disagreement is across the matrix. The Union proposal, Exhibit I, includes an adjustment of 5 percent for all levels if certain criteria are met, plus the approved COLA. The Management proposal, Exhibit H, includes the increased entry pay to attract new employees (based on salary survey of competitors), and a 3.5 percent guaranteed COLA increase across the matrix (or the COLA as approved by the Board). He indicated that the starting pay is not increased every year, but is dictated by the labor market. He noted out of 83 EMS employees, 27 employees (32 percent of the bargaining unit) would receive over \$4,000 increase; 41 percent will receive over \$2,000 increase.

2. Family Sick Leave Maximum

Mr. Padgett stated that the 80 hours was awarded under the Personnel Rules and Regulations. He felt it should remain.

3. Maximum Sick Leave Pay-out Upon Separation

Mr. Padgett stated the County pays 25 percent of unused sick leave up to 240 hours (an employee is required to have 960 hours of sick leave accumulated before being eligible for the payout). The Union is requesting 25 percent up to 336 hours (requiring an EMS employee to accumulate over 1300 hours to be eligible for payout).

4. Award for Non-Use of Sick Leave

Mr. Padgett advised that a 40-hour employee who worked any six-month period without taking sick leave was awarded 8 hours annual pay. He indicated EMS employees work 24 hours on/48 hours off; therefore, an award of the 24 hours would permit an EMS employee to be off for five consecutive days.

5. Holiday Pay

Mr. Padgett stated that Management proposed 8 hours, but noted that the Personnel Rules indicate an employee get paid for the amount of time worked.

Discussion/Argument of Proposals

In summary, Mr. Padgett stated that the largest impasse issue is the Career Ladder. The proposed increased in starting salaries will compress the distance between employees, but long-term employees do not get as much benefit. He indicated that during the budget presentation for County employees' the consideration of additional compensation for five-year employees with acceptable evaluations will be included. Regarding Items 2-5, he requested that members of the bargaining unit be treated the same as other County employees.

Discussion: Budget impact; surrounding area pay; competitive market; union requests less for entry level; recognition of education and length of service; holiday pay; turn over; COLA cannot be agreed for nine year period; 1997-98 contract; consider educational reward for County employees; pay compression; performance standards; profession requires constant training; establish advancement guidelines; steps only available to employees who complete the approved training; five percent increase; 99-00 career ladder chart; no retroactive salary adjustment; two or three year requirement before educational steps are available; consider a two-week delay.

Mr. Elliott stated if the nine-step program by training is agreed upon, it could begin October 1, 2000. This would establish the career ladder and the pay program and allow the County to budget for the same.

Mr. Byington disagreed. He advised that he is aware of eight employees considering another offer based on this decision.

Discussion: Continue this item; raise the entry level and increase all EMS employees; we are training personnel to go elsewhere.

Recess/Reconvene. All members present.

Discussion: Exhibit I includes last year's five percent COLA; additional COLAs to be negotiated each year; nothing is retroactive;

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collective data will determine the COLA adjustment not just CPI; budget anticipation; impasse results if COLA is not agreed upon; all employees will not take advantage of the educational career ladder; establish timeframe and CPI for COLA negotiations; key issue is to retain employees and the level of service; public interest.

Mr. Padgett advised that if the Board approves the career ladder and the five-percent increase, he intends to budget an educational ladder for every department.

Discussion: Budget impact will be significant; impose for one FY; consider a maximum COLA to avoid yearly negotiations; agreement of indicator; cap to trigger bargaining; Florida Statute 129.07 regarding budgeting; contract is subject to the budget; status quo for the current fiscal year; ratification by bargaining unit; etc.

Motion

Mr. McClash moved to impose Item 1. Career Ladder/Pay Plan, Exhibit I, with a cap of two percent on the COLA and the provisions of Items 2-5. Motion was seconded by Mr. Bruce.

Discussion: Fiscal responsibility; career ladder encourages the reward for training in public safety; two percent COLA cap above and beyond the figures in the matrix.

Karen Windon, Public Safety Director, stated that the starting salary was an essential decision to maintain employees and attract quality employees to Manatee County EMS. Attrition contributed to the stance. She stated while the educational step plan is a good thing, the Administration's proposal still requires extensive training for each and every person to excel in the field of emergency medicine.

Motion - Clarified

Motion was clarified by Mr. Stephens to impose Item 1. Career Ladder, Exhibit I, with a two percent cap on the COLA **and** Items 2-5. as shown on page two of Attorney Paul Bangel's presentation memorandum dated February 23, 2000, taking the Bargaining Unit's position of Items 2-5 subject to any other conditions as contained in the Personnel Policy.


Motioner and seconder agreed with the clarification and the motion carried 7 to 0. RECORD S47-1200

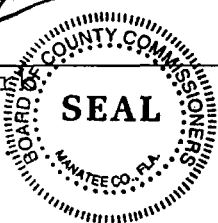
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk
Adj: 5:07 p.m.
/tm/njh




Chairman 6/27/00