

NOVEMBER 7, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, November 7, 2000, at 9:02 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 L. Harris
Joe McClash
Amy Stein

Also present were:

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

Invocation by Rev. William E. Gerhart, St. Philip's Anglican Church.

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mr. McClash, and carried 7 to 0, to approve the Consent Agenda dated November 7, 2000, with the following changes: (1) Change Order 1 to Work Assignment 10 with Parsons Engineering Science, Inc.; and (2) Natalie Way Reimbursement Agreement with The Reserve on Braden River Associates (both deferred).
Items APPROVED:

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Sheriff's Public Employee and Deputy Sheriff's Blanket Bonds
(16 additions; 23 deletions) RECORD S47-2276

U.S. CABLE

Franchise Surety Bond 116003232 with U.S. Cable of Coastal-Texas, L.P. as security for faithful performance of the cable company regarding the obligations of the franchise agreement, \$5,000.

BILLS FOR PAYMENT

West Central Florida Area Agency on Aging \$852.32

REFUNDS

Manatee Joint Venture - Impact Fees \$ 578.10
Nohl Crest Homes - Impact Fees 1,525.00
Jeffrey Peterson - Application Withdrawal 584.35
Manatee Joint Venture - Impact Fees 40,693.00

WARRANT LIST

Approve: October 24, 2000 through November 6, 2000
Authorize: November 7, 2000 through November 13, 2000

MINUTES

June 27, July 11 and 25, and August 1, 2000 - Regular

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgments:

Alfred Giles - Case 97-4336M
Martin R. Shafer - Case 97-6797M
Linda Johnson - Case 97-1473JP

Sheriff - Federal Annual Certification Report for fiscal year ending September 30, 2000, to be forwarded to the U.S. Department of Justice. RECORD S47-2277

Manatee County Sheriff's Office Inmate Vocational Programs - Certificate of Acceptance with the Florida Department of Law Enforcement, for a Byrne State and Local Law Enforcement Grant, \$189,882. RECORD S47-2278

ACCEPT

Manatee Community College District Board of Trustees - Copy of Report 01-016, Audited Financial Statement for year ending June 30, 2000, from the State of Florida Auditor General.

Trailer Estates Park and Recreation District Board of Trustees - Notice of Election to be held on December 5, 2000, under the supervision of the Supervisor of Elections.

NOVEMBER 7, 2000

(Continued)

- Manatee Village Historical Park** - Notice of the expiring Historical Commission members' terms and the new appointees whose terms will begin on January 1, 2001.
- Clerk of Circuit Court** - Annual Schedule of Revenues and Expenditures Report for fiscal year ending September 30, 2000.
- Property Appraiser** - Annual Schedule of Revenues and Expenditures Report for fiscal year ending September 30, 2000.
- Tax Collector** - Annual Schedule of Revenues and Expenditures Report for fiscal year ending September 30, 2000.
- External Auditors** - Letter of confirmation from Shinn & Company, P.A. to provide for additional services, \$10,000. RECORD S47-2279

COUNTY ADMINISTRATOR**PROCLAMATIONS**

1. Adopt Proclamation designating November 5-11, 2000, as **Chiropractic Week.** RECORD S47-2280
2. Adopt Proclamation designating November 2000, as **National Family Caregivers Month.** RECORD S47-2281
3. Adopt Proclamation designating November 2000, as **National Epilepsy Awareness Month.** RECORD S47-2282
4. Adopt Proclamation designating November 2000, as **Prevent Blindness Florida Month.** RECORD S47-2283

INSURANCE SETTLEMENT - SHERIFF

Accept \$4,300 from Illinois National Insurance Company as full settlement of insurance claim 00-1707 (insured, Roberto Lopez; automobile accident with Deputy) and authorize the Chairman to execute the attached release. RECORD S47-2284

INDUSTRIAL REVENUE BONDS - SAINT STEPHEN'S UPPER SCHOOL PROJECT

R-00-270 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$10,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF MANATEE COUNTY, FLORIDA, VARIABLE RATE DEMAND REVENUE BONDS (SAINT STEPHEN'S UPPER SCHOOL PROJECT), SERIES 2000 (THE "BONDS") FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF EDUCATIONAL FACILITIES FOR THE BENEFIT OF THE EPISCOPAL DAY PRIVATE SCHOOL OF MANATEE COUNTY, INC. (THE "BORROWER"); PROVIDING FOR CERTAIN DETAILS OF THE BONDS; APPOINTING BANC OF AMERICA SECURITIES LLC AS UNDERWRITER AND ACKNOWLEDGING THE APPOINTMENT OF BANC OF AMERICA SECURITIES LLC AS THE REMARKETING AGENT; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BY AND BETWEEN THE COUNTY AND THE BORROWER; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE BY AND BETWEEN THE COUNTY AND THE BANK OF NEW YORK, AS TRUSTEE; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AN OFFICIAL STATEMENT WITH RESPECT TO THE SALE OF THE BONDS; APPROVING THE FORM OF LETTER OF CREDIT; APPROVING THE FORM OF MORTGAGE; APPOINTING THE TRUSTEE AND FISCAL AGENT; AUTHORIZING THE REGISTRATION OF THE BONDS UNDER A BOOK-ENTRY ONLY SYSTEM; AUTHORIZING THE PROPER OFFICERS TO DO ALL THINGS NECESSARY OR ADVISABLE; AND PROVIDING AN EFFECTIVE DATE FOR THIS RESOLUTION. RECORD S47-2285

REFUND

Refund building permit fees, \$3,113.52, for Building Permit Application 00080529 for the Manatee School for the Arts & Science, a charter school that will be built at 3700 32nd Street West, Bradenton.

TRANSIT - OPERATING ASSISTANCE

R-00-269 A RESOLUTION OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AUTHORIZING THE EXECUTION OF THAT CERTAIN JOINT PARTICIPATION AGREEMENT (JPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (Total, \$939,090: \$469,545 State; \$469,545 local). RECORD S47-2286

CEMETERY MAINTENANCE

Execute funding agreement with Volunteer Services of Manatee County, Inc. to provide cemetery maintenance (10/1/00-09/30/01), \$3,000. RECORD S47-2287

CHILDREN'S SERVICES FUNDING

Execute Fiscal Year 2000-01 Children's Services dedicated millage funding agreements with the following nonprofit agencies:
Boys & Girls Clubs of Manatee County, Inc., Wheels, \$42,000;
RECORD S47-2288

Clerk of the Circuit Court, Citizens Review Program, \$99,380;
 RECORD S47-2289
Educational Consultants Consortium, Iron Sharpening Iron, \$30,000;
 RECORD S47-2290
Family Resources, Inc., Out Client Services (Family Resolutions),
 \$36,010;
 RECORD S47-2291
Family Resources, Inc., Manatee Runaway/Youth Crisis Shelter,
 \$26,994;
 RECORD S47-2292
Just for Girls, Inc., Girls Alternative Program for Success
 (GAPS), \$129,911;
 RECORD S47-2293
Manatee Children's Services, Inc., KIDS Personal Safety Program,
 \$72,244;
 RECORD S47-2294
Manatee Children's Services, Inc., Building Resiliency in
 Communities (B.R.I.C.), \$62,232;
 RECORD S47-2295
Manatee County Rural Health Services, Inc., Young Children and
 Family Connection, \$104,180;
 RECORD S47-2296
Manatee County Rural Health Services, Inc., P.W.A. Speakers Bureau
 Program, \$7,940;
 RECORD S47-2297
Manatee Opportunity Council, Inc., C.A.T.C.H., \$50,000;
 RECORD S47-2298
Manatee Opportunity Council, Inc., Simplified Intake System for
 Substitute, \$878,727; and
 RECORD S47-2299
Palmetto Youth Center, Inc., Tiny Tots Preschool/After Care,
 \$102,850.
 RECORD S47-2300

MANATEE COUNTY HISTORICAL COMMISSION

Confirm the removal of one member, **Russ Olson**, from the Manatee County Historical Commission; confirm and appoint **Floyd Boone** as a replacement nominated by the Manatee County Historical Commission.

MATERNAL AND ACUTE CARE SERVICES

Execute agreement with Manatee County Health Department for the provision of Maternal and Acute Care Services (9/1/00-8/31/01), \$354,153.
 RECORD S47-2301

MEDICAL EXAMINER

1. Execute letter to Dr. Pearson Clack, District 12 Medical Examiner, approving the Fiscal Year 2000-01 Budget, \$145,000, for the Medical Examiner Autopsy Facility in Manatee County.
2. Execute letter to Sarasota County approving the District 12 Medical Examiner Fiscal Year 2000-01 Budget, \$1,040,200; Manatee County responsible for \$436,884 (42 percent) of the budget.

NONPROFIT AGENCY FUNDING

1. Execute Fiscal Year 2000-01 Nonprofit Agency General Revenue and General Health Care Trust Fund Agreements (10/1/00-9/30/01), with the following agencies:
Keep Manatee Beautiful, Inc., Adopt-A-Program, \$19,030;
 RECORD S47-2302
Manatee County Rural Health Services, Inc., HIV/AIDS Treatment,
 \$307,147;
 RECORD S47-2303
Manatee County Rural Health Services, Inc., HIV/AIDS Outreach,
 Education and Prevention, \$17,305 and HIV/AIDS Client
 Assistance, \$18,450;
 RECORD S47-2304
Deaf Service Center of Manatee/Sarasota, Interpreter, \$33,882 and
 Training and Advocacy Services, \$27,720; and
 RECORD S47-2305
We Care Manatee, Inc., Specialty Physician Service, \$40,000 and
 Pharmaceuticals, \$20,000.
 RECORD S47-2306
2. Execute Fiscal Year 2000-01 Nonprofit Agency General Revenue Agreements (10/1/00-9/30/01), with the following agencies:
Easter Seals/MARC Southwest Florida, Inc., Adult After School,
 \$12,124 and Adult Day Training, \$32,705; and
 RECORD S47-2307
Manasota Association for Retarded Citizens, Inc., Adult After
 School Care, \$10,608 and Adult Day Training Program, \$19,325.
 RECORD S47-2308

POWEL CROSLY MUSEUM

Accept donation, in accordance with Ordinance 86-05 and procedures established by the County Administrator's Office, from the Crosley Estate Foundation, Inc., \$14,400, to purchase twelve lamp posts for illuminating Seagate Drive from entry gate to Crosley Museum.

CONVENTION AND VISITORS BUREAU

Approve additional expenditure (\$1,900) to share a booth with VisitFlorida while attending the Eastern Sports, Boat, Camping Travel & Outdoor Show in Harrisburg, Pennsylvania (2/3-11/01).

NOVEMBER 7, 2000

(Continued)

BUDGET AMENDMENTS

1. **VARIOUS DEPARTMENTS** (B-00-039)
Transfer of Funds; Unanticipated Revenue Appropriations
Supporting Description and Detail Attached RECORD S47-2309
2. **VARIOUS DEPARTMENTS** (B-01-008)
Transfer of Funds; Unanticipated Revenue Appropriations
Supporting Description and Detail Attached RECORD S47-2310

MATERIALS AND SERVICES

1. **Library Materials**
 - a. Sole source purchase of books and videos from The Gale Group, \$75,000;
 - b. Sole source purchase of unabridged and abridged audio books, CD's and miscellaneous titles from Recorded Books, Inc., \$75,000 and electronic access to news articles from NewsBank, Inc., \$30,000, estimated total of \$105,000.
2. **2000 Annual Report/2001 Calendars** - Award IFB 01-8451KK to the lowest responsive, responsible bidder, Interprint Web & Sheet Fed, not to exceed \$44,165.
3. **Cleaning Services County-Wide** - Award IFB 00-5656AA on an as-required basis to the lowest responsive, responsible multiple bidders meeting specifications, American Building Services, Inc. and Tri-Angle Maintenance Service, Inc., annual estimated total cost \$250,000.
4. **2000 Delinquent Taxes Advertisement** - Select the lowest responsible, responsive bidder meeting specifications, The Manatee Herald-Tribune, estimated amount \$8,400 and authorize the Chairman to execute a letter notifying the Manatee County Tax Collector of the Board's action.
5. **Sewer Cleaning Truck** - Award IFB 00-7291JS to the lowest responsive, responsible bidder, Southern Sewer Equipment, \$89,170.
6. **Dynix Software Maintenance** - Sole source purchase from Epixtech, Inc., annual cost of \$35,441.83.
7. **Substance Abuse Professional Testing Services** - Enter into negotiations with the top-ranked firm, Substance Abuse Management, Inc., for administering and managing services required by government (Federal, State and Local) regulation and/or by County substance abuse policy.
8. **Water and Sewer Supplies** - Rescind award of Groups A & V, IFB 99-2656KK to DME Unlimited, estimated amount of \$23,772.68; and re-award to the next lowest responsive, responsible bidders: SEMSCO, estimated annual amount of \$10,211.26 for Group A and Ferguson Underground, estimated annual amount of \$16,715.86 for Group V.
9. **Bulldozer Rental** - Approve, ratify and confirm emergency purchase of bulldozer rental for Public Works/Landfill from Ringhaver Equipment Company, in accordance with Emergency Purchase procedure at \$11,000/each per month for a total \$121,000.

PUBLIC WORKS

Execute Work Assignment M-12 with McKim & Creed for engineering services for design and construction of customer payment window and driveway modifications for the Public Works Utilities Services Division, \$38,195. RECORD S47-2311

EMERSON POINT

Issue Change Order 1 to IFB 00-6186MP with Bayshore Construction, Inc., for Emerson Point Conservation Park Boardwalks and Platforms, \$2,500 increase and revised amount, \$183,733.73.

ENTERPRISE NETWORK SWITCH

Issue Change Order 1 to Purchase Order P0002415 with The Presidio Corporation, \$690 increase and adjusted amount, \$81,357.20.

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 Purchasing Code 99.37, Section 1.106; and adopt RECORD S47-2312
2. **R-00-262** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES*
(excess equipment to the **Manatee County Housing Authority**). RECORD S47-2313

FIRST UNION BUILDING RENOVATIONS

Execute Change Order 1 to IFB 00-4784DC with Tri-Tech Construction & Design, Inc., for the First Union Building renovations, \$9,250 increase, addition of seven contract days, adjusted amount of \$296,775, and revised completion date of January 2, 2001.

RECORD S47-2314

GOLF COURSES - FOOD CONCESSIONS

Execute Addendum 1 to extend the current license agreement with Orange Blossom Catering, Inc. for the food concession areas located at the Manatee and Buffalo Creek Golf Courses (1/1/01-12/31/02).

RECORD S47-2315

HOUSING FINANCE AUTHORITY

Appointments to the Housing Finance Authority of Manatee County and adoption of resolutions:

R-00-256 RESOLUTION APPOINTING A MEMBER OF THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA

(reappointing **Frank R. Dodson, III** and executing the Certificate of Membership [to 10/31/04]).

RECORD S47-2316

R-00-257 RESOLUTION APPOINTING A MEMBER OF THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA

(reappointing **Govan Kelly, Jr.** and executing the Certificate of Membership [to 10/31/04]).

RECORD S47-2317

INDIRECT COST ALLOCATION

Execute Addendum 1 to extend the Indirect Cost Allocation Plans Agreement with KPMG, L.L.P., estimated cost of \$33,000 for a revised total, \$63,000 (12/1/00-11/30/02).

RECORD S47-2318

JOHNSON MIDDLE SCHOOL

Execute Change Order 3 to Work Assignment 5 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services for the Johnson Middle School sidewalk project and intersection improvements (27th Street East at 26th Avenue East), increase of \$24,984 and adjusted total, \$151,204.

RECORD S47-2319

LAND INFORMATION SYSTEM

1. Sole purchase from Environmental Systems Research Institute (ESRI), Inc., for professional software engineering services;
2. Execute agreement with Environmental Systems Research Institute (ESRI), Inc., to provide Land Information System Migration Services, not to exceed \$201,170.

RECORD S47-2320

LEGISLATIVE LIAISON

Accept Letter of Agreement with Betty J. Steffens, Attorney-At-Law, for legislative liaison services for the 2001 regular legislative session, \$20,000.

RECORD S47-2321

LAW ENFORCEMENT SERVICES

Execute Service Agreement with the Manatee County Sheriff and the City of Anna Maria, for the provision of law enforcement services to the City of Anna Maria (10/1/00-9/30/01), \$363,462 payment from the City.

RECORD S47-2322

LOCKWOOD RIDGE ROAD

Execute Change Order 3 to Work Assignment 18 with Wade-Trim, Inc., for engineering services for improvements for Lockwood Ridge Road from University Parkway to Tallevast Road, \$33,506 increase and adjust total not to exceed \$327,463.65.

RECORD S47-2323

TRANSPORTATION ENGINEERING SERVICES

Execute Addendum 1 to extend agreements for professional services for transportation engineering (12/7/00-12/6/01) with:

Lombardo, Skipper & Foley, Inc.; RECORD S47-2324

Parson, Brinckerhoff, Quade & Douglas, Inc.; RECORD S47-2325

Post, Buckley, Schuh & Jernigan, Inc.; and RECORD S47-2326

Wade-Trim, Inc. RECORD S47-2327

RECYCLING

Execute Addendum 1 to the Collections, Processing and Purchase of White Goods and Scrap Metal agreement with Trade Mark Metals Recycling, to extend the agreement (11/9/00-11/8/01), estimated revenue of \$2,961, for a revised total revenue of \$5,922 and incorporating an emergency preparedness clause for services in the event of a natural or man-made disaster.

RECORD S47-2328

PALMETTO BRANCH LIBRARY

Execute lease agreement with the City of Palmetto, for the Palmetto Branch Library site, 925 6th Street West, Palmetto, (1/1/00-12/31/24) \$750 annually.

RECORD S47-2329

NOVEMBER 7, 2000

(Continued)

GOLF COURSE FEES SCHEDULE AND POLICY

R-00-252 A RESOLUTION RESCINDING RESOLUTION R-99-223 AND ESTABLISHING GOLF COURSE FEES FOR SUMMER, FALL AND WINTER SEASONS.
RECORD S47-2330

PARKS AND RECREATION

1. Authorize Parks and Recreation Department to provide activity tickets during the **Winter Wonderland** and **HO HO Hotline** special events as part of the sponsorship package.
2. Authorize Parks and Recreation Department to waive team/player fees in the amount of \$975 for the **Manasota Youth Soccer League** for the 2000 season at Lincoln Park in Palmetto.
3. Authorize Parks and Recreation Department to assess fees of \$50 per team and \$9 per player for the **Manatee Home Educated Activities Team (HEAT)** basketball and baseball programs for the 2000-2001 season.

G.T BRAY PARK

Authorize the School Board of Manatee County to charge gate admission fees for its athletic/sporting events at G. T. Bray Park on an annual basis.

FLORIDA PLANNING AND ZONING ASSOCIATION

Approve payment for membership in the Association for the seven Manatee County Planning Commission members for a total of \$200.

GRAND OAKS AT PANTHER RIDGE

Execute Maintenance Agreement with Panther Ridge Communities, Ltd., for right-of-way island, landscaping, and irrigation within the right-of-way.
RECORD S47-2331

FINAL PLATS**Foster's Creek, Unit II**

1. Final Plat;
2. Agreement with Trebor Development Corporation guaranteeing completion of required improvements (\$102,441.04);
3. Performance Bond: \$102,441.04 (Letter of Credit 00-81, Century Bank);
4. Agreement with Trebor Development Corporation guaranteeing completion of required sidewalks and bikeways (\$18,369);
5. Performance Bond: \$18,369 (Letter of Credit 00-82, Century Bank);
6. Temporary Turnaround Easement from Raker Corporation; and
7. Amendment Annexing Lands to the Declaration of Maintenance and Land Use Provisions of Foster's Creek.

Whispering Oaks

1. Final Plat;
2. Mortgagee's Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from SouthTrust Bank f/k/a SouthTrust Bank of Florida, N.A.;
3. Agreement with Diamond Homes of Southwest Florida, Inc. guaranteeing completion of required sidewalks and bikeways (\$6,700);
4. Performance Bond: \$6,700 (Surety Bond KO6183426, Indemnity Insurance Company of North America);
5. Agreement with Diamond Homes of Southwest Florida, Inc. warranting required improvements (\$13,000);
6. Defect Security: \$13,000 (Surety Bond KO6183438, Indemnity Insurance Company of North America);
7. Maintenance Agreement for Right-of-Way Island with Whispering Oaks HOA of Florida, Inc.; and
RECORD S47-2332
8. Declaration of Protective Covenants, Conditions, and Restrictions for Whispering Oaks.

35TH STREET EAST

Set first public hearing on December 5, 2000, at 9:00 a.m., or as soon thereafter as possible, for a road assessment project on **35th Street East**.

NON-AD VALOREM ASSESSMENTS

Set first public hearing on December 12, 2000, at 9:00 a.m., or as soon thereafter as possible, to consider adoption of Resolution R-00-260, declaring its intent to place road paving, sanitary sewer, stormwater, street lighting, canal dredging, drainage improvement and landscape beautification projects on the tax bills as non-ad valorem assessments commencing in 2001.

ANIMAL TRANSFERS

Execute Cooperative Transfer agreements with the Humane Society of Manatee County, Inc. and the Bishop Animal Shelter, Inc.

RECORD S47-2333
S47-2334

DONATION

Accept cash donation, in accordance with Ordinance 86-05, from Elsie Sieloff for the care of lost and stray animals, \$5,000.

EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE TRUST FUND

R-00-273 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING SUBMISSION OF GRANT APPLICATIONS TO THE EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE COMPETITIVE GRANT PROGRAM, AND TO THE HAZARD MITIGATION GRANT PROGRAM FOR AWARD OF FUNDS OBLIGATED BY THE DEPARTMENT OF COMMUNITY AFFAIRS AND FEMA; AND AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE ALL RELATED GRANT DOCUMENTS.

RECORD S47-2335

MANUFACTURED HOME TIE-DOWN PROGRAM

Execute State-funded Subgrant agreement with Florida Department of Community Affairs, for the Residential Construction Mitigation: Manufactured Home Tie-Down Program, \$250,000, requesting an advance payment of \$93,750.

RECORD S47-2336

REFUNDS

1. Refund \$695.14 to Huntington National Bank, due to overpayment.
2. Refund \$125.99 to Charles B. Wells, Sheriff, Manatee County, account 54132-54012, due to overpayment.
3. Refund \$5,773.66 to Consolidated Management Properties, account 21729-21722, due to overbilling.

ORDINANCES - TRAFFIC CONTROL

Set public hearings December 5, 2000, to consider the following:

ORDINANCE 00-56 - NO PARKING

Amending Ordinance 98-11, regulating the stopping, standing or parking of motor vehicles on 5th Street West, 9th Street East, 14th Street West, 18th Street East, 19th Street East (Ellenton), 33rd Street East, 67th Street West, 133rd Street East, Carlton Avenue, Myakka Boulevard, 7th Street East, 36th Avenue East, 17th Street West (Palmetto), 54th Avenue West and 27th Street East.

ORDINANCE 00-40 - SPEED LIMITS

Amending Ordinance 84-05, prohibiting the travel of vehicles at speeds in excess of established limit on 1st Avenue Drive Northwest, 4th Avenue Circle Northwest, 53rd Avenue West, 67th Avenue West, Lakewood Ranch Boulevard and on streets located in Briarwood Subdivision, Kingsfield Subdivision and Peridia Golf and Country Club.

ORDINANCE 00-59 - NO RIGHT TURN

Amending Ordinance 92-51, regulating the turning of motor vehicles at the intersections of Factory Shops Boulevard and 60th Avenue East (Ellenton) and at North Access Drive to North River Village and 60th Avenue East (Ellenton).

ORDINANCE 00-58 - NO THROUGH TRUCK

Amending Ordinance 84-06, regulating the travel of certain through traffic on streets located in Braden Woods Subdivision and West Glenn Subdivision.

ORDINANCE 00-57 - NO U-TURN

Amending Ordinance 92-51, regulating the turning of motor vehicles on 67th Street West.

DEEDS AND EASEMENTS

1. 14th Street West (U.S. 41) - Right-of-way Easement from ABC Liquors, Inc.; Affidavit of Ownership and Encumbrances.
RECORD S47-2337
2. 19th Street East and U.S. 301 - Conservation Easement from Gold Coast Restaurants, Inc. (Leverocks); Affidavit of Ownership and Encumbrances; Joinder from BankAtlantic.
RECORD S47-2338
3. Kinnan Elementary School/Tallevast Road - Utility Easement (previously recorded) from School Board of Manatee County.
RECORD S47-2339
4. Tallevast Road and Prospect Road - Pedestrian Sidewalk Easements from Lutheran Church Extension Fund; Crescent Lakes Homeowners' Association; and Carl Svensson; Affidavits of Ownership and Encumbrances (3).
RECORD S47-2340

RATTLESNAKE SLOUGH

1. R-00-240 A RESOLUTION REQUESTING THAT THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT FUND OF THE STATE OF FLORIDA GRANT MANATEE COUNTY AN EASEMENT ACROSS RATTLESNAKE SLOUGH.

RECORD S47-2341

NOVEMBER 7, 2000

(Continued)

Execute the Sovereign Submerged Lands Easement with Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for the conveyance of public access over State owned waters, known as Rattlesnake Slough, located on Honore Avenue. RECORD S47-2342

(End Consent Agenda)

MEDICAL SERVICES TO INMATES

Motion was made by Mr. McClash and seconded by Mrs. Stein, to execute an agreement with Manatee County Rural Health Services, for the administration and operation of all medical services provided to inmates under the custody and control of the Manatee County Sheriff's Office pending approval and execution by the Sheriff. Motion carried 6 to 0, with Mr. Stephens abstaining due to a conflict of interest.

RECORD S47-2343

PROCLAMATIONS/AWARDS

National Family Caregivers Month

Mr. Bruce presented the Proclamation designating November 2000, as National Family Caregivers Month to John Schwartz.

Employee of the Month

David Rothfuss, Acting Public Works Director, presented the Employee of the Month award to Gustave DiFonzo and reported that he recently received an award from District Director Deborah Getzoff, Florida Department of Environmental Protection.

Warlock of the Year Award

R. B. Shore, Clerk of the Circuit Court, along with Bonnie Clark and Del Miller, presented the Warlock of the Year Award to David Rothfuss for the judging of Halloween costumes at the Clerk's Office.

Government Finance Officers Association Distinguished Budget Award

Ernie Padgett, County Administrator, presented Jim Seuffert, Office of Financial Management Director, and the staff with the Distinguished Budget Award of the Government Finance Officers Association.

R. B. Shore, Clerk of the Circuit Court, congratulated Mr. Seuffert and his staff.

JUDICIAL CENTER

Jean Van Delft, President of the Manatee County League of Women Voters, read a resolution that addressed several problems observed when she toured the Courthouse, including diminishing space. She requested consideration in the development of a new judicial center.

TAMPA BAY ESTUARY PROGRAM - SPECIAL DISTRICT STATUS

Stephanie Crossman, Associate County Attorney, stated that the Department of Community Affairs (DCA) has designated the Tampa Bay Estuary Program (TBEP) as a special district.

Richard Eckenrod, TBEP Director, reported that the Policy Board has decided not to challenge the designation for two reasons: (1) it does not place a significant burden on the TBEP to comply with the special district status; and (2) the cost of challenging the finding would be \$5,000 to \$10,000. He stated he does support writing a letter to DCA Secretary Steven Seibert requesting reconsideration of his decision.

Discussion: Will designation give taxing power; all policy board members in favor of not pursuing further action; decision should be challenged; modest filing fee for special districts; possibility that the legislature or the governor dissolving the special district in the future; why should the Board pursue if the TBEP does not; etc.

Ms. Crossman stated that the designation does not confer any extra powers on the district, but it does add the burden of complying with the statutory reporting requirements and annual filing fee of \$175.

Jeffrey Steinsynder, Assistant County Attorney, clarified that DCA is in charge of tracking special districts statewide. When the TBEP was created, it was not designated as a special district because it was non-regulatory, non-taxing, with no power of eminent domain.

Motion was made by Mr. McClash to authorize the County Attorney to send a letter to Secretary Seibert, DCA, to request reconsideration of Final Order DCA00-DEC-227. The motion was seconded by Mrs. Stein, and carried 5 to 2, with Mr. Stephens and Mrs. Glass voting nay.

CODE ENFORCEMENT BOARD

Rita Mooney, Code Enforcement Chief, stated that the Code Enforcement Board is in need of two appointees due to expired terms.

Nominations:

James A. Slegers - by Ms. Brown
 John Wright - by Mr. Harris
 Eugene Menaker - by Mr. Bruce

James A. Slegers and Eugene Menaker received the majority votes and were appointed (terms to expire 10/14/03).

CITIZENS' COMMENTS

Palmetto Youth Center

Reverend Lorenzo Thomas spoke of his concern about mismanagement of donated funds by the Palmetto Youth Center. He stated the activities and daycare services provided are not enough for the City of Palmetto.

Mr. Padgett stated this item will be placed on the next regular agenda.

Lockwood Ridge Road

Claire Brown spoke against the eminent domain proceedings in the taking of her land for the Lockwood Ridge Road Extension. She stated that a trial has not been set for the proceedings and questioned why.

Braden River Survey

Karen Ciemniecki, Sierra Club, stated that out of the 150 questionnaires distributed only 60 surveys have been returned due to a another flyer containing misinformation about the purpose of the survey. She clarified that the survey was to seek information about shoreline erosion, boat traffic and manatee sightings, not to eliminate the use of powerboats on the Braden River.

University Parkway at Conservatory Drive/Country Park Road

Wallace Roepke, Cedar Creek resident, noted his concern with proposed development on the Miller Ranch property (Sarasota County east of the intersection of University Parkway and Lockwood Ridge Road), as it will increase traffic on University Parkway at Conservatory Drive.

(Note: Item discussed later in the meeting)

DONATION - REAL PROPERTY

Mr. Padgett requested authorization to speak further with Arun H. Gade, representing Two Rivers L.L.P., regarding the donation of land at 29th Street East and State Road 64.

Ingrid McClellan, Keep Manatee Beautiful, Inc., reported that efforts are being made for upkeep at the boat ramp adjacent to the land in question. She noted application for two highway beautification grants for State Road 64 East, Phases I and II, and for a grant from DCA under the Florida Coastal Management Program. She confirmed that if awarded the program is eligible to receive a grant for up to \$25,000 in order to enhance the shoreline along the State Road 64 boat ramp.

Motion was made by Mr. Bruce, seconded by Mr. Harris, and carried 7 to 0, to authorize the County Administrator to evaluate the proposed donation of 3.1 acres, more or less, from Two Rivers L.L.P. to Manatee County and to undertake negotiations with the owner accordingly.

NOVEMBER 7, 2000

(Continued)

UNIVERSITY PARKWAY AT CONSERVATORY DRIVE/COUNTRY PARK ROAD

Harry Mendenhall, Transportation Department, stated that the University Pines Homeowners' Association requested a traffic signal study as well as a right turn lane on University Parkway onto Country Park Road. Staff found that the location does not meet any of the minimum volume or other requirements for traffic signalization. He noted that the Sarasota County Transportation Operations Section is opposed to traffic signals on University Parkway that do not meet the Manual of Uniform Traffic Control Devices requirements. He stated that staff has no objection to a right-turn-in lane but recommended denial of the signal request.

Discussion: Sarasota County would maintain the signal; who would incur the \$100,000 cost if approved; how did Tuscan Apartments meet the warrant requirements; adjustment times; U-turns allowed; new traffic count; other measures can be taken to make intersection more efficient; access EMS response time reports; etc.

Debbie Brabson, University Pines Homeowner, requested installation of traffic signal at this intersection or a deceleration lane. She presented a video depicting the intersection.

Recess/Reconvene. All present except Mrs. Stein and Mr. McClash.

STATE ROAD 70

(Enter Mrs. Stein)

Dave Grounds, Stanley Consultants, Inc., presented an update on the status of widening State Road 70 between Interstate 75 (I-75) and Lorraine Road. The Project Development and Environmental (PD&E) Study is in the analysis and report phase and the results will be presented at the public hearing on December 12, 2000.

In Segment A, from west of I-75 to Lakewood Ranch Boulevard, the alternatives being considered are: **(1A)** a six-lane suburban roadway with curb and gutter on the median side only and swales on both sides with an estimated cost of \$11.7 million; and **(2A)** a six-lane urban roadway with curb and gutter on both sides and an underground drainage system with an estimated cost of \$16 million. Both alternatives propose a 30-foot raised median.

In Segment B, from Lakewood Ranch Boulevard to east of Lorraine Road, the proposed alternatives are: **(1B)** a four-lane suburban roadway with curb and gutter on the median side only and swales on both sides with an estimated cost of \$7.9 million; and **(2B)** a four-lane urban roadway with curb and gutter on both sides and an underground drainage system with an estimated cost of \$11.1 million. Both alternatives propose a 54-foot depressed median. Mr. Grounds recommended **(1A)** and **(1B)**.

(Enter Mr. McClash)

Mr. Grounds noted that the Florida Department of Transportation (FDOT) will provide up to \$200,000 per mile for landscaping.

Donald Watkins, FDOT, was available for questions.

Discussion: Reasons for not having barriers 7 and 8; berms for Braden Pines; barrier walls should be aesthetically pleasing; the number of lanes brought about because of internal growth or external growth; etc.

Motion was made by Mrs. Glass, seconded by Ms. Brown, and carried 7 to 0, to approve alternatives 1A and 1B designs from the PD&E Study for State Road 70 as requested by FDOT.

WORKER'S COMPENSATION - PHILLIP MORRIS

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 7 to 0, to settle the Worker's Compensation claim of **Phillip Morris** in exchange for a full release of all claims, \$65,000.

(Depart Ms. Brown)

941 AREA CODE

James Minix, Senior Assistant County Attorney, reported that the Florida Telecommunications Industry is attempting to implement an overlay relief plan for the 941 Area Code.

Motion was made by Mrs. Stein and seconded by Mr. McClash, to authorize Manatee County to intervene in PSC proceeding 000604-TL regarding the Numbering Plan Relief for 941 Area Code.

Discussion: Research in having cell phones and beepers in a different area code; block of numbers given to companies not being used; etc.

Following discussion, the motion carried 6 to 0.

CITY OF PALMETTO ANNEXATION - ORDINANCE 695

James Minix, Senior Assistant County Attorney, outlined on an aerial map a parcel of property that has been annexed into the City of Palmetto by Ordinance 695. He noted concern with the fact that the property is near the city limits, but is separated from the incorporated area by an FPL and Seaboard Railway utility right-of-way and a thin tract of private property. Section 171.044, Florida Statutes, requires that the property sought to be annexed be both contiguous to city property and reasonably compact.

Kathleen Thompson, Planning Department, explained that the property is in a light manufacturing and light industrial area and is located at 17th Street East and Canal Road.

Motion was made by Mr. McClash and seconded by Mrs. Stein, to direct the County Attorney's Office to file suit challenging the City of Palmetto's Annexation Ordinance 695 if the property does not meet the legal annexation criteria. The motion carried 6 to 0.

ALGAE BLOOM - NORTHWEST BRADENTON - SHORELINE DEPOSITION

David Rothfuss, Assistant County Administrator, stated that for the past two years the accumulation of decaying seagrass has occurred west of the Boca Del Rio Marina. Depending on the wind and hydrologic conditions, the material remains near the shore and emits a very strong odor. In conjunction with the Florida Department of Environmental Protection (DEP), de minimus permits were secured by Manatee County to remove the material and then to install booms to prevent further material from accumulating near or on shore.

Several residents of the area brought the issue before the Board (5/16/00) and County staff indicated that they would secure consulting services. Mr. Rothfuss noted that a work assignment has been negotiated with Coastal Planning and Engineering, Inc. in the amount of \$39,550.

Mr. Padgett reported that staff has a concern that this is a naturally occurring phenomena. He noted that decaying seagrass occurs in other parts of the County causing odors.

(Enter Ms. Brown)

Discussion: Setting precedence along shorelines; installing booms at first sign of accumulation; flushing action in the jetty; increasing sandbar affects the accumulation of material; booms are working; no authority to fix the jetty; Snead Island has same problem; etc.

Mr. Rothfuss stated that a study was conducted by Wade-Trim, Inc., which did not include a modeling of tides and winds. Based on the limited investigation Wade-Trim suggested culverts through the jetty but doing so would have marginal impacts on increasing flushing.

Motion was made by Mr. Bruce to **not** execute Work Assignment 2 with Coastal Planning and Engineering, Inc. and explore the purchase of additional booms. Motion was seconded by Mrs. Stein.

Discussion: Need to authorize a budget amount to go along with the operation of the booms; additional booms at Port Manatee if needed; procedure to deploy the booms; etc.

NOVEMBER 7, 2000

(Continued)

Following discussion, the motion was amended to include, "and also a policy for the deployment of the booms in the event the situation occurs again." Motion carried 6 to 1, with Mr. Stephens voting nay.

(Depart Mr. Harris)

CITY OF BRADENTON ANNEXATION - RIVERDALE

Carol Clarke, Planning Director, stated that the second hearing for the City of Bradenton annexation is scheduled for November 8, 2000. Nordic of Florida Development, Inc. is proposing to annex approximately 159 acres of the Riverdale/Riverdale Revised subdivision. She pointed out the site to be annexed on an area map. She reviewed several concerns with the proposed annexation that are also addressed in a draft letter to be presented to the Mayor at the upcoming City Council meeting.

(Enter Mr. Harris during presentation)

Discussion: Zoning classification concerns; Coastal Evacuation Area allowing certain density; County should be allowed to participate in the annexation; do not want to create an area that puts County property between two parcels of city property or divides it by a major highway; fire response; garbage truck service; modifications to letter; etc.

Recess/Reconvene. All members present except Mr. McClash.

Ms. Clarke presented a revised letter to the Mayor.

Motion was made by Mr. Harris, seconded by Mrs. Stein, and carried 5 to 1, with Mr. Stephens voting nay, to approve sending the letter as revised asking for a delay in the proposed annexation.

TRANSPORTATION OUTREACH PROGRAM

Harry Mendenhall, Transportation Department, reported that the 2000 Florida Legislature passed numerous programs with potential funding for transportation-related improvements, one of which is the Transportation Outreach Program. Staff has looked at several possible projects including U.S. 301 and University Parkway and Phase II of 53rd Avenue West. The proposed widening of Tallevast Road to a four-lane divided urban roadway between U.S. 41/Tamiami Trail and 15th Street East and the proposed purchase of three transit buses for Manatee Area Transit System for the Island Trolley (Anna Maria Island) project were the projects that staff felt met the given criteria. He confirmed that this is a statewide competition for the grant and the legislature only provided funding for the first year of the program (\$70 million).

(Enter Mr. McClash)

Motion was made by Mr. Bruce and seconded by Mrs. Stein, to authorize the Chairman to execute and submit grant applications to the Florida Department of Transportation for funding under the Transportation Outreach Program and send letters of support for the other applications submitted by local municipalities and agencies. The motion carried 7 to 0.

RECORD S47-2344

SARASOTA-MANATEE PROFESSIONAL FIREFIGHTERS AND PARAMEDICS UNION

David Byington, Union Representative, asked the Board to clarify its decision of February 29, 2000, inasmuch as the pay plan increases have not been implemented.

Robert M. Eschenfelder, Assistant County Attorney, stated that once an impasse hearing has been conducted, a governing body is without authority to revisit or clarify the effects or intent of its action. He stated that any questions about the record or the intent of the record must be heard in a court or taken to the Florida Public Employees Relations Commission (PERC). He reported that several union members have filed a petition to revoke certification with PERC (10/6/00). He advised the Board not to clarify or take action on this issue.

William C. Henry, Chief Assistant County Attorney, was available to answer questions.

Discussion: Memorandum regarding the exact wording of the motion; dispute pertains to dollar amount of pay plan; union can go to PERC or to court for a declaratory judgement.

No action was taken.

EMINENT DOMAIN PROCEEDINGS

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 7 to 0, to authorize and approve Land Acquisition to conduct pre-suit negotiations and make written offers to purchase certain parcels as defined on Schedule "A" before bringing eminent domain proceedings, pursuant to Resolution R-00-228 (9/19/00). RECORD S47-2345

SARASOTA COUNTY BOARD OF COMMISSIONERS

Mr. Padgett requested direction as to scheduling a joint meeting with the Sarasota County Board of Commissioners. Mr. Stephens stated that the Board would approve an agenda prior to the meeting.

COMMISSIONERS' COMMENTS

Ware's Creek

Mrs. Glass reported that the U.S. Army Corps of Engineers stated they would make assessments on the properties to be acquired in order to proceed with the Ware's Creek project.

15th Street

Ms. Brown requested consideration of County funding for half of the 15th Street improvement, if the City of Bradenton is able to obtain State dollars to improve the other half.

Discussion: Need to discuss and examine the cost.

Library - East County

Ms. Brown confirmed that she met with Tropicana and the City of Bradenton Mayor regarding establishing a library in middle-east County.

FLORIDA ASSOCIATION OF COUNTIES

Mr. Stephens reported that the next Florida Association of Counties meeting will be held on November 17-18, 2000. He suggested that his successor (Jane von Hahmann) attend the meeting and training program.

Motion was made by Mr. McClash, seconded by Mrs. Stein, and carried 7 to 0, to approve the travel expenditure for the new commissioner, Jane von Hahmann.

CHAIRMANSHIP


Mr. Stephens officially stepped down as Chairman and passed the gavel to Ms. Brown (First Vice-Chairman).

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman



Adj: 2:07 p.m.
/qa

Minutes Approved 2/20/01