

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
November 28, 2017**

Meeting Video - <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Betsy Benac, Chairman
Robin DiSabatino, First Vice-Chairman, attended by telephone
Charles B. Smith, Second Vice-Chairman
Stephen R. Jonsson, Third Vice-Chairman
Vanessa Baugh
Carol Whitmore
Priscilla Whisenant Trace


Also present were:

Ed Hunzeker, County Administrator
Mitchell O. Palmer, County Attorney
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court
Robin Toth, Deputy Clerk, Clerk of the Circuit Court




Chairman Benac called the meeting to order at 9:00 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

1.  The Invocation was delivered by Pastor Anthony Langhorne, Bryant Chapel CME Church, followed by the Pledge of Allegiance. BC20171128DOC001


AGENDA, UPDATE MEMORANDUM AND ANNOUNCEMENTS

BC20171128DOC002


-  Item 23, Declare 725 65th Avenue East, Bradenton, as Surplus Property and Authorize Its Sale - Resolution R-17-065 was updated and replaced to correct minor grammatical errors; and
- Item 24, Declare Lot 61, Myakka City, as Surplus Property and Authorize Its Sale - Resolution R-17-144 was updated and replaced to correct minor grammatical errors.

CONSENT AGENDA


Commissioner Requests:

-  Item 14 - Pulled by Commissioner Whitmore
- Item 18. - Pulled by Commissioner Whitmore
- Item 19 - Pulled by Commissioner Smith
- Item 36 - Request by Commissioner Baugh for a staff presentation
(Continued to later in the meeting)

AWARDS AND PRESENTATIONS

2.  November Employee of the Month Award - Aaron White, Emergency Medical Technician, Public Safety BC20171128DOC003

PROCLAMATIONS


 A motion was made by Commissioner Trace, seconded by Commissioner Smith and carried 6-0, with Commissioner DiSabatino absent, to approve the following Proclamations:

3. World Aids Day – December 1, 2017, was accepted by Valerie Fisher and Marie Staples, members of a coalition coordinating World AIDS Day activities. BC20171128DOC004
4. Entre Nous Holiday Tour of Homes Days – December 2-3, 1017, was accepted by Amy Royall, Entre Nous Club President, and other members of the Entre Nous Club. BC20171128DOC005


BRADENTON BEACH MAYOR

 Chairman Benac recognized newly-elected Bradenton Beach Mayor, John Chappie.

PROCLAMATIONS (continued)

5.  Members of the Fire Districts of Manatee County, the City of Bradenton Fire Department, the Fire Engine Strike Team, and the Light Technical Rescue Team were recognized for their personal sacrifice, professional dedication, and participation in the deployment to Monroe County Fire Rescue on Big Pine Key during Hurricane Irma in September 2017. BC20171128DOC006


6. **CITIZEN COMMENTS** (Future Agenda Items)

 Craig Hullinger and Beth Ruyle requested the County work with the developer of property adjacent to Honore Avenue and Evers Reservoir to establish a small park in that area.

BC20171128DOC007


(Commissioner DiSabatino was present by telephone)

PARK – HONORE AVENUE AND EVERS RESERVOIR


 Katherine Edwards suggested the fences surrounding retention ponds throughout the County be removed to create more of a park-like setting, asked the Board to establish a citizens' ethics committee, and suggested the establishment of a fiscal responsibility committee.

Discussion ensued to ask staff to look further into the retention pond parcel at Honore Avenue and Evers Reservoir and staff confirmed that the County owns the property.

There being no further citizen comments, Chairman Benac closed Citizen Comments.


 A motion was made by Commissioner Baugh and seconded by Commissioner Trace, to have staff look into the possibility of a park at Honore Avenue and Evers Reservoir and report back to the Board. The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.

7. **CITIZEN COMMENTS** (Consent Agenda Items Only)

 Katherine Edwards expressed concerns about the Housing Finance Authority Report ((Clerk's Consent Agenda Item 8.E.1.) and commented on Items 9, 13, 17, and 20.

Discussion ensued to ask staff to report on concerns raised for Item 8, Item 13 is a housekeeping matter, Item 20 relates to services contracted through the County, and there are other services that fall under the responsibility of the State.

There being no further citizen comments, Chairman Benac closed Citizen Comments.


 As to the 2018 Community Transportation Coordination Agreements (Item 36), Commissioner Baugh questioned the costs to the County, what services are being provided by the non-profit organizations, and what grant funds are involved.


Ed Hunzeker, County Administrator, stated a response on Item 36 will be provided to the Board by William Steele, Transit Division Manager later in the meeting.

 He also explained that Item 13 is a housekeeping matter, and a response will be provided on Item 8 (FY 2016/17 Housing Finance Authority Report) regarding the costs to upgrade Manatee Palms and Riva Trace.

Discussion ensued regarding Item 20 (2017/2018 Manatee County Health Department Contract), the Contract specifies amounts/sources of funds to be provided and services that are covered, the County has limited funding to the Health Department, and the best way for citizens to get answers to questions about items on the agenda is to forward their comments to the Citizens Actions Center. BC20171128DOC008

CONSENT AGENDA – MOTION (continued)

 A motion was made by Commissioner Trace and seconded by Commissioner Whitmore, to approve the Consent Agenda, with the changes noted in the Agenda Update Memorandum, with the deletion of Items 14, 18 and 19 (all separate actions).

 Commissioner Baugh stated Item 36 did not have to be pulled from the Consent Agenda, and that she would wait for staff’s presentation later in the meeting.

With regard to comments made about the Housing Financing Authority Report (Clerk Consent Agenda Item 8.E.1.) Mitchell O. Palmer, County Attorney, stated citizens can make a telephone call directly to Angela Abbott, Executive Director of the Housing Finance Authority.

 The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.

8. CLERK’S CONSENT AGENDA

BC20171107DOC009

A. WARRANTS

Accepted the warrants for October 2017, as issued by the Finance Department

BC20171128DOC010

B. MINUTES

Approved the Minutes of June 1, July 27 and August 15 (Joint Work Session and Special Meeting), 2017

C. REFUNDS:

- 1. Lennar Homes LLC – Fire Line Facility Investment Fee, \$1,724 BC20171128DOC011
- 2. Sandhoff Construction Company LLC – Impact Fees, \$7,773.46 BC20171128DOC012
- 3. Taylor Morrison – Impact Fees, \$387,049 BC20171128DOC013
- 4. Utility Customer 60287-60102 – Billing Adjustment, \$2,738.10 BC20171128DOC014
- 5. Utility Customer 282656-23729 – Billing Adjustment, \$22,975.59 BC20171128DOC015

D. CONTRACTS

Accepted the following contracts per Chapter 2-26 of the Manatee County Code and pursuant to Purchasing Division’s Administrative Standards and Procedures Manual:

- 1. Contract with Granger Maintenance and Construction, Inc., for SLS N1H Rehabilitation and Emergency Backup Pump, \$430,985.50 BC20171128DOC016
- 2. Administrative Contract Adjustment 3 with Woodruff & Sons, Inc., for 53rd Avenue West (from 43rd Street West to 75th Street West) and FM27A, for 90 additional calendar days with a final completion date of December 28, 2017 BC20171128DOC017

E. REPORTS

Accepted:

1. Housing Finance Authority of Manatee County – Report to the Board of County Commissioners of Manatee County for FY 2016/2017 BC20171128DOC018
2. University Place Community Development District – FY 2018 Meeting Dates BC20171128DOC019

F. SHERIFF BOND

Accepted the list of 20 additional employees and deletion of eight employees from the Sheriff’s Public Employee Bond BC20171128DOC020

G. BONDS

1. Echo Lakes Apartments – Accepted and executed Agreement for Public Improvements for Development (non-subdivision) Echo Lakes Apartments warranting the defect portion of this agreement securing lift station, public drainage and public sewage collection improvements, Surety Bond 285056415, \$39,423 BC20171128DOC021
2. Harrison Ranch, Phase II A-4 – Released Required Improvements Agreement securing the public infrastructure improvements, Surety Bond 1023726 will remain in place, and accepted and authorized County Administrator to execute the Required Improvements Agreement (one year extension, secured Surety Bond 1023726), and accepted Verification Certificate dated August 3, 2017, \$689,878.80 BC20171128DOC022
3. Harrison Ranch, Phase II A-5 – Released Required Improvements Agreement securing the public infrastructure improvements, Surety Bond 1023727 will remain in place, accepted and authorized County Administrator to execute the Required Improvements Agreement (one year extension, secured Surety Bond 1023727), and accepted Verification Certificate dated August 3, 2017, \$319,692.75 BC20171128DOC023
4. Harrison Ranch, Phase II B-5B – Released Required Improvements Agreement securing the public infrastructure improvements, Surety Bond 1023720 will remain in place, and accepted and authorized County Administrator to execute the Required Improvements Agreement (one year extension, secured Surety Bond 1023720), and accepted Verification Certificate dated August 3, 2017, \$602,524.88 BC20171128DOC024
5. Mallory Park, Phase I, Subphase B – Released and returned Surety Bond and any associated riders in conjunction with the performance portion of the Agreement for Private Subdivision with Pubic Improvements, Surety Bond 268009451, \$209,554; accepted and executed Addendum in conjunction with Section 1.5 “Maintenance Defects” of the Agreement for Private Subdivision with Public Improvements securing water and sewer improvements, Surety Bond 47-SUR-300001-01-0033, \$16,119.50; and accepted and executed Bill of Sale BC20171128DOC025

9. ADMINISTRATOR/AGREEMENT

Authorized County Administrator to terminate the Ground Lease and Development Agreement between Manatee County and Improvement Network Development Partners LLC, for the development of a convention center hotel BC20171128DOC026

10. BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/DEL WEB, PHASE II, SUBPHASES 2A, 2B & 2C

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Del Web at Lakewood Ranch;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;
- Authorized the County Administrator to accept, execute and record Agreement for Public Improvements for a Private Subdivision from Pulte Home company LLC;

- Authorized the County Administrator to accept, execute and record Agreement for Private Improvements for a Private Subdivision from Pulte Home Company LLC;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Del Web, Phase II, Subphases 2A, Surety Bond CMS325152, from RLI Insurance Company for \$1,879,642.70;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Del Web, Phase II, Subphases 2B, Surety Bond CMS325148, from RLI Insurance Company for \$234,839.80;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Del Web, Phase II, Subphases 2C, Surety Bond CMS325144, from RLI Insurance Company for \$589,006.60;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2A, Surety Bond CMS325155, from RLI Insurance Company for \$2,965,316.90;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2A, Surety Bond CMS325153, from RLI Insurance Company for \$771,400.50;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2A, Surety Bond CMS325153, from RLI Insurance Company for \$209,365;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2B, Surety Bond CMS325151, from RLI Insurance Company for \$654,273.75;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2B, Surety Bond CMS325149, from RLI Insurance Company for \$73,710;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2B, Surety Bond CMS325150, from RLI Insurance Company for \$43,875;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2C, Surety Bond CMS325147, from RLI Insurance Company for \$1,809,239.64;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2C, Surety Bond CMS325145, from RLI Insurance Company for \$478,455.90;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Del Web, Phase II, Subphases 2C, Surety Bond CMS325146, from RLI Insurance Company for \$127,192;
- Accepted, executed and authorized recording of Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon with Schroeder-Manatee Ranch, Inc.; and
- Accepted and authorized recording of Mortgagee's Joinder and Consent from Schroeder-Manatee Ranch, Inc. BC20171128DOC027

11. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**

Adopted Budget Amendment Resolution B-17-081

BC20171128DOC028

12. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**

Adopted Budget Amendment Resolution B-18-015

BC20171128DOC029

13. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized the County Administrator, or his designee, to execute Amendment 1 to Agreement 16-2334CD with Carollo Engineers, Inc., for Professional Utilities Engineer of Record Services. (Amendment 1 replaces Exhibit B, Hourly Fee Rate Schedule, Pages 29 and 29 only.)

BC20171128DOC030

15. **FINANCIAL MANAGEMENT/CHANGE ORDER**

Authorized the County Administrator, or his designee, to execute Change Order 2 to Work Assignment 6 to Agreement 12-1032BG, Transportation Engineering Professional Services with HDR Engineering, Inc., in the amount of \$30,976, for a revised total amount of \$2,132,844.50, for construction of the Fort Hamer Bridge over the Manatee River

BC20171128DOC031

16. **FINANCIAL MANAGEMENT/INVITATION FOR BID**

- Authorized the County Administrator, or his designee, to execute Change Order 1 to Agreement 17-0318DC, Southeast Water Reclamation Facility, Automatic Backwash Filter Replacement, with TLC Diversified, Inc., for an increase in the contract sum by \$302,176.13, adding 90 calendar days, for an adjusted contract sum of \$1,196,230.83, and a revised completion date of July 14, 2018; and
- Authorized the County Administrator, or his designee to accept and date the Rider to Surety Bond 5272919, increasing the bond amount from \$894,054.70 to \$1,196,230.83

BC20171128DOC032

17. **FINANCIAL MANAGEMENT/SERVICE AGREEMENT**

Executed Service Agreement between Manatee Sheriff's Office, Manatee County Government, and the City of Anna Maria Island for law enforcement services in the City for FY 2017/2018, with an effective date of October 1, 2017

BC20171128DOC033

20. **NEIGHBORHOOD SERVICES/CONTRACT**

Executed FY 2017/2018 contract between the County and the State of Florida Department of Health in the amount of \$929,962, for services to be provided at the Manatee County Health Department for the time period October 1, 2017 through September 30, 2018

BC20171128DOC034

21. **PARKS AND NATURAL RESOURCES/GRANTS**

- Accepted Purchase Order B1F99C from the Florida Fish and Wildlife Conservation Commission in the amount of \$14,901.24, for improving gopher tortoise habitat at Duette Preserve; and
- Adopted Budget Amendment Resolution B-18-018

BCC20171128DOC035

22. **PARKS AND NATURAL RESOURCES/RESTORE ACT**

Executed letter to the Office of the Gulf Coast Restoration, acknowledging that Manatee County intends to submit future phases to its RESTORE Act Direct Component Multi-year Implementation Plan, which may include the Workforce Development project originally listed in the initial multi-year plan

BC20171128DOC036

23. **PROPERTY MANAGEMENT/RESOLUTION**

Adopted Resolution R-17-065, declaring 725 65th Avenue East, Bradenton, as surplus property and authorize its sale

BC20171128DOC037

24. **PROPERTY MANAGEMENT/RESOLUTION**

Adopted Resolution R-17-144, declaring Lot 61, no assigned address (Parcel 313600009), Myakka City, as surplus property and authorize its sale

BC20171128DOC038

25. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with 6 LLC, for property located at 3324 63rd Avenue East, for the purpose of the 63rd Avenue East at 33rd Street East intersection improvements, in the amount of \$60,152 BC20171128DOC039
26. **PROPERTY MANAGEMENT/CONTRACT**
Executed Contract for Sale and Purchase with Harry Pincus and Wanda Pincus, for property located at 4311 52nd Street East (Parcel 145), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East, \$33,150 BC20171128DOC040
27. **PROPERTY MANAGEMENT/RESOLUTION**
- Adopted Resolution R-17-047; and
 - Executed County Deed between Manatee County and State of Florida Department of Transportation (FDOT), regarding Parcel 503.1, located at the northeast corner of 45th Street East and State Road 70. Conveyance is required as part of FDOT'S permitting process of the 45th Street East Road Improvement Project BC20171128DOC041
28. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted and authorized recording of Permanent Utilities Easement from the School Board of Manatee County, for property located at Johnson Middle School, 2121 26th Avenue East for access/maintenance to a water meter t; and
 - Authorized recording of Affidavit of Ownership and Encumbrances from Charlie Kennedy, Manatee County School Board Chairperson BC20171128DOC042
29. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Executed Amendment to Access Easement between Schroeder-Manatee Ranch (SMR) Inc., STC Two LLC by Global Signal Acquisitions II LLC, and Manatee County, allowing SMR to relocate the access easement, which is in two parts, to facilitate development of adjoining lands, to provide permanent access from Bourneside Boulevard to the SprintCom cell tower site BC20171128DOC043
30. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted and authorized recording of Temporary Turnaround and Utility Easement from Divosta Homes, LP (including Consent from Lakewood Ranch Stewardship District), for the purpose of access, ingress, egress and maintenance of County infrastructure, and for the ability of emergency vehicles to turn around on the platted road known as Anchor Bay Trail in the Mallory Park community in Lakewood Ranch; and
 - Accepted and authorized recording of Affidavit of Ownership and Encumbrances from Michael Woolery, Vice-President of Land Acquisitions for Divosta Homes LP BC20171128DOC044
31. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted (previously recorded) Warranty Deed from Stephen R. Olmsted, for property located at 4311 45th Street East (Parcel 100), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East BC20171128DOC045
32. **PUBLIC SAFETY/RESOLUTION**
- Adopted Resolution R-17-134, authorizing renewal and issuance of Certificate of Public Convenience and Necessity (COPCN) for Advanced Life Support-Non Transport to West Manatee Fire Rescue; and
 - Authorized the Public Safety Director to execute the COPCN BC20171128DOC046

33. **PUBLIC SAFETY/RESOLUTION**

- Adopted Resolution R-17-124, authorizing renewal and issuance of Certificate of Public Convenience and Necessity (COPCN) for Advanced Life Support and Basic Life support to West Coast-Southern Medical Services, Inc.; and
- Authorized the Public Safety Director to execute the COPCN BC20171128DOC047

34. **PUBLIC SAFETY/GRANTS**

- Adopted Resolution R-17-123, authorizing submission and acceptance of a grant from Florida Department of Health in the amount of \$38,378, to purchase two Stryker Power Pro Ambulance Cots with expanded patient surface;
- Authorized execution of Emergency Medical Services County Grant Application; and
- Adopted Budget Amendment Resolution B-18-012 BC20171128DOC048

35. **PUBLIC SAFETY/AGREEMENT**

Executed Interlocal Agreement for the Joint Administration of 911 Public Safety Services for Manatee County, Manatee County Sheriff's Office, and the Cities of Bradenton, Palmetto and Holmes Beach, defining the rights and obligations to all parties with respect to procurement design, installation, testing, administration, operation, maintenance, and future replacements of components of a 911 Public Safety Delivery System BC20171128DOC049

36. **PUBLIC WORKS/AGREEMENT**

Authorized execution of 2018 Community Transportation Coordination (CTC) Coordination Agreements with the following agencies: Centerstone of Florida, Inc., Easter Seals Southwest Florida, Meals on Wheels Plus of Manatee, Inc., United Cerebral Palsy of Southwest Florida, Inc., and Westside Group Home. All of these local nonprofit agencies are coordinated, Transportation Disadvantaged service providers working with the Public Works/Transit Division to serve TD clients in the Manatee County service area.

(NOTE: Staff presentation was given later in the meeting by William Steele, Transit Division Manager as to the County's costs, what is being received from the nonprofit organizations, and the grant funds involved.) BC20171128DOC050

37. **PUBLIC WORKS/SURPLUS EQUIPMENT**

- Authorized to classify property, which is uneconomical to upgrade or repair as surplus per Florida Statute 274.05, to enable appropriate and authorized disposition of said property and authorization to thereafter dispose of such property;
- Adopted Resolution R-17-133, authorizing donation to Edison Academics; and
- Adopted Resolution R-17-140, authorizing donation to Florida Department of Health BC20171128DOC051

38. **PUBLIC WORKS/SURPLUS VEHICLES**

- Authorized to classify vehicles, which are uneconomical to operate as surplus per Florida Statute 274.05, to enable appropriate and authorized disposition of said property; and authorization to thereafter dispose of such property; and
- Authorized to thereafter dispose of such property BC20171128DOC052

39. **PUBLIC WORKS/AGREEMENT**

Authorized the Transit Division Manager to execute an External Room Reservation Agreement with State College of Florida, for the 2017 Ted Nowosad Annual Christmas Tour of Lights to be held December 15 and 16, 2017 BC20171128DOC053

40. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/AGREEMENT**

Executed Assignment of Land Use Restriction Agreement and Deed Restrictions, transferring the transitional housing facility's ownership/operations located at 2106 26th Avenue East,

Bradenton, from Jim Russo Prison Ministries, Inc., to Harvest Tabernacle of Sarasota, Inc.
BC20171128DOC054

41. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/GRANT**

Executed of the Community Development Block Grant Funding Approval Agreement B-17-UC-12-0018, in the amount of \$1,654,878, the HOME Investment Partnership Funding Approval/Agreement M17-UC120219, in the amount of \$473,491, and the Emergency Solutions Grant Funding/Agreement E17UC120018, in the amount of \$146,534, for FY 2017/2018.
BC20171128DOC055

42. **UTILITIES/SERVICE FEE WAIVER**


Waived a total of \$459.76 in service fees that were assessed to utility customer accounts for returned bank items
BC20171128DOC056


43. **UTILITIES/LANDFILL TIPPING FEE**

Waived Landfill Tipping Fees (estimated \$3,200), for the 2018 Manatee County Fair, as requested by the Manatee River Fair Association
BC20171128DOC057

(End Consent Agenda)


45. **PUBLIC WORKS/LOCAL DEVELOPMENT AGREEMENT/LDA-14-01, AQUA BY THE BAY**

 A duly advertised public hearing was held to consider approval of Local Development Agreement (LDA) LDA-14-01 for Long Bar Pointe LLLP and Cargor Partners VIII - Long Bar Pointe LLLP/Aqua by the Bay, to establish terms under which the developer shall provide proportionate, fair-share mitigation to satisfy transportation concurrency requirements and the terms under which the County shall provide an extension of transportation concurrency approval.

 With regard to Commissioners having ex-parte communications, Commissioner Whitmore reported receiving numerous emails about the overall project.

Clarke Davis, Transportation Planning Division Manager, displayed an aerial map (in the staff report), a boundary map of Southwest County Thoroughfares and summarized the LDA for transportation concurrency mitigation for the Aqua by the Bay development.


There was discussion that the LDA was crafted by the developer's counsel through the use of the County's basic form, it is possible the developer might make the improvements, County will be getting a proportionate share of funding for identified intersection improvements, it is complicated for developers to make some off-site improvements, it is likely the Lake Flores developer would have a shared impact on intersection improvements, pending lawsuit for the Aqua development, hotel project on IMG property does not access El Conquistador Parkway, traffic circulation around IMG campus, advertising requirements for this hearing were met, the LDA meets Land Development Code, Comprehensive Plan and Florida Statute requirements, the horizon year used for the transportation study was 2030, the study took into account development in the Lake Flores project, LDA deals strictly with transportation concurrency, extension of the Certificate of Level of Service, LDA is subject to stipulations within the development order, and the need to have a road grid/configuration for this area.


 William Clague, Assistant County Attorney, submitted Florida Statute 163.3227, outlining Requirements for Development Agreement, and LDA-14-01, specifically Page 11, Section 13 and 14 (Permits Required and Omission from Development Agreement). An LDA does not grant any additional development rights, but only that which is set forth in the LDA approval.

It was emphasized that an LDA is not a rehearing or reconsideration of the decision made by the Board regarding the development of this property.

A legal challenge has been filed to the Board's decision to approve the Aqua Development Order, and it cannot be discussed. The Court can either uphold the Board's decision, or order the County to go back through the entire process, but cannot order the Board to change the decision or deny the development. Florida Statute 163.3235 gives the Board authority to hold a hearing and revoke or modify the LDA.

It is the Board's discretion on whether or not to approve the LDA. Mr. Clague reminded the Board of the Settlement Agreement and Mutual Release with Cargor Partners VIII - Long Bar Pointe LLLP, et.al. and SBC Developments LLLP for this property (4/7/16). He referenced sections of the Settlement Agreement (Pages 1, 7, 8) and stated the Board should follow through with the provisions of the Agreement.

 Discussion continued as to whether Lake Flores is part of this proportionate share, further analysis would be needed in order to meet concurrency requirements, provisions of an old LDA, IMG and concern with dividing the road, changing the thoroughfare map, reference to 2014 amendments, questions regarding what will be done in the area, staff is in the process of preparing another amendment to the thoroughfare plan, smaller roads on the map (KK road-east/west segment on west edge of IMG campus) will be presented for deletion, Lake Flores has a General Development Plan and is rezone but does not have concurrency approval so there is no reserved traffic on the road network, the Board retains its legislative decision on where major roads are placed, both properties have far-reaching development orders, a cleaner map will be presented at the second public hearing with highlighted intersections, and the advertising requirements for the two hearings on this item were met.

 Peter Logan, representing the applicant, stated that approval of the LDA at the next hearing would not be an approval of the map, or the roadway connections on that map shown during this hearing. He agreed to include that approval of the LDA does not circumvent stipulations within the development order.

 Katherine Edwards questioned why this Agreement is being considered at this time when current litigation has not been resolved.


There being no further public comment, Chairman Benac closed public comment.

Further discussion ensued that the County committed in a settlement agreement to allow the developer to move forward, and the LDA will not create any additional rights.

Mr. Clague stated this is the first of two public hearings, and no action is requested at this time. This public hearing should be closed, and the second public hearing will be opened on December 7, 2017.

BC20171128DOC058

46. **CONVENTION AND VISITORS BUREAU/PREMIER SPORTS CAMPUS**


 Elliott Falcione, Convention and Visitors Bureau Executive Director, utilized a slide presentation to report on an opportunity to acquire the Premier Sports Campus in Lakewood Ranch, which includes 127 acres with 23 multi-purpose sports fields, as well as the additional 36 acres on the north side to be used for a future county aquatics facility and other recreational amenities.

Slides provided an overview of the facility, upcoming scheduled tournaments and use of the facility by local soccer clubs, lacrosse clubs and youth recreational sports, key objectives, Property Management Department would handle the daily operation and management, Parks and Natural Resources would develop a master plan for the adjacent 36 acres for future recreational facilities, the County would hire all current Premier Sports Campus staff since they have knowledge of operations, projected operating budget and economic impact to the County, funding is proposed to come from the Board's Reserve for Contingency to cover the shortfall, future annual operating costs would be incorporated into the budget development process, this proposal will be presented to the Tourist Development Council on December 4th to seek their recommendation to allocate up to \$4 million of tourism tax proceeds for the stadium, parking and additional indoor multi-purpose space including permanent restrooms that will accommodate out-of-town businesses, the acquisition price of \$5.2 million, and the balance of acquisition costs of \$2.1 million would come from Parks Impact fees.


All current agreements would transfer to Manatee County at the sale, and the Tourist Development Council's recommendation will come back to the Board for approval at the December 7, 2017, land use meeting.

If approved, a public hearing would be scheduled to amend the Tourist Development Ordinance.


Mr. Falcione requested approval to bring an agreement for the acquisition of Premier Sports Campus in Lakewood Ranch for consideration for the BCC and to seek a recommendation from the Tourist Development Council for use of Tourist Development Tax revenues for a portion of the cost of acquisition of Premier Sports Campus.

 Discussion continued regarding the return on investment to the County, concern as to whether there are sufficient resources to oversee maintenance of this property in addition to existing County property, the facility will bring additional people into the community, Schroeder-Manatee has agreed to continue to work with the County on sod, it is very important the maintenance crew come with the property acquisition, all current agreements currently in place will transfer to the County and will be honored, the \$5.2 million purchase price only covers the cost of the improvements on this property, plans are to close on the property by the end of the calendar year, this agreement is planned to come back to the Board on December 7th, the Anna Maria pier project will also be brought to the Board for approval on December 7th, and a public hearing will be required if either or both projects are approved, because the Tourist Development Ordinance will have to be amended.


 There being no public comment, Chairman Benac closed public comment.

 A motion was made by Commissioner Baugh and seconded by Commissioner Jonsson, for approval to bring an agreement for the acquisition of Premier Sports Campus in Lakewood Ranch for consideration of the Board of County Commissioners and to seek a recommendation from the Tourist Development Council for the use of Tourist Development Tax revenues for a portion of the cost of acquisition of Premier Sports Campus. The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone. BC20171128DOC059

14. **FINANCIAL MANAGEMENT/CHANGE ORDER/DISASTER DEBRIS MANAGEMENT**

 Gus DiFonzo, Utilities Deputy Director and Mike Gore, Utility Director, reported on the status of the debris collection, which is 90 percent complete, with an anticipated completion date of December 18th, including public and private roads. A press release will be done to

notify the public. An estimated 1.21 million cubic yards of debris was originally predicted for pick up; and 500-550,000 cubic yards remain to be picked up.


 A motion was made by Commissioner Whitmore, and seconded by Commissioner Baugh, to (1) Authorize the County Administrator, or his designee, to execute Change Order 2 to Work Assignment 16-04 for Agreement 16-3214CD, Disaster Debris Management Support, with SCS Engineers, in the amount of \$620,297, for a revised total amount of \$2,479,508; and (2) Adopt Budget Amendment Resolution B-18-020, amending the Annual Budget for Manatee County, Florida, for Fiscal Year 2018.

There being no public comment, Chairman Benac closed public comment.

The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.

BC20171128DOC060


18. **FINANCIAL MANAGEMENT/SIXTH AMENDMENT/HEALTH SERVICES AGREEMENT**

 Cheri Coryea, Deputy County Administrator, stated she would respond to the Board at 1:30 p.m., with regard to concern expressed by Commissioner Whitmore as to the reason for the increase in base price included in the Sixth Amendment to Agreement 12-0415FL, for Health Services with Armor Correctional Health Services.

BC20171128DOC061

(Continued to later in the meeting)

19. **HUMAN RESOURCES/EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

 Chairman Benac continued this item to 1:30 p.m.


BC20171128DOC062

(Continued to later in the meeting)


RECESS/RECONVENE: 12:00 P.M. – 1:30 P.M. All Commissioners were present, including Commissioner DiSabatino by telephone.

18. **FINANCIAL MANAGEMENT/SIXTH AMENDMENT/HEALTH SERVICES AGREEMENT**

(continued)

 Cheri Coryea, Deputy County Administrator, summarized the request to execute the Sixth Amendment extending the Health Services Agreement 12-0415FL, between Manatee County, Sheriff Rick Wells, and Armor Correctional Health Services, Inc., for one year (10/1/17-9/30/18), at an estimated cost of \$5,606,374.28. This is a required three percent increase calculated in accordance with terms and conditions of the Agreement and based on Consumer Price Index.


Ms. Coryea commented on requirements for jail modal standards for health care services for inmates and responded to concerns regarding the increase in costs for these services and the types of services being offered. She distributed a handout of responses to questions raised regarding the jail medical provider and the requirements. A determination will need to be made as to whether a new Request for Proposal (RFP) should be done that would begin October 1, 2018, or extend the Agreement for the final year. There is a requirement to notify the current vendor if the decision is made to do a new RFP.

 There was discussion that commercial insurance cannot be billed while an inmate is in custody, the County is required to pay the medical costs of inmates while they are in jail, the jail population continues to rise, and the reason why the County cannot bill Medicaid.


Motion

 A motion was made by Commissioner Whitmore and seconded by Commissioner Baugh,

to add to the legislative platform to allow counties to be able to bill insurance for clients in the jail.


 Discussion continued on the need for more dialogue on why the jail is overcrowded, other counties have options to release ill inmates to their homes, if an inmate has insurance it should be billed, process for reconciling insurance payments for inmates whose insurance is billed after they are released, and table this until more information can be provided.

Commissioner Whitmore added the word Medicaid to the motion.


 Katherine Edwards stated the contract with Armor does not require the County to bill the insurance of inmates, and the County should have its own insurance policy for inmates.

There being no public comment, Chairman Benac closed public comment.


Motion – Failed


 The motion by Commissioner Whitmore, failed by a vote of 3-4, with Commissioners Benac, Jonsson, Smith and Trace voting nay.

Ms. Coryea stated this matter will be brought back on December 12 with more details on what other counties are doing and what is done statewide.

 Further discussion continued that insurance costs have increased every year, the crime rate in Manatee County has dropped, ill inmates who are awaiting trial and are not a threat to the community should be released, does any restitution an inmate has to pay to the State include health care costs, possibility of the County self-insuring the health care services, every effort should be made to reduce the jail population, a U.S. citizen on dialysis will receive Medicare coverage, the Public Safety Coordinating Council will be holding a work shop in early January to discuss this issue, and schedule a subsequent work session of the County Commission.

Motion – Approve

 Following discussion, a motion was made by Commissioner Whitmore and seconded by Commissioner Baugh, to authorize the County Administrator, or his designee, to execute the Sixth Amendment, extending the Health Services Agreement 12-0415FL with Armor Correctional Health Services, Inc., for one year, at an estimated cost of \$5,606,374.28.

 Katherine Edwards concurred with comments made during discussion, expressed concern with up-front payments to Armor, there should be some provision for inmates to apply for insurance before the County pays out, and why the County is paying to cover employees at the jail.

There being no further public comment, Chairman Benac closed public comment.

 The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.

Motion – Work Session


A motion was made by Commissioner Trace, that within 60 days, we have a work session (with the Public Safety Coordinator) on this to determine a solution to this problem. The motion was seconded by Commissioner Smith.

Commissioner Smith amended the motion to 90 days. Commissioner Trace agreed and the motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.


Ms. Coryea stated information will be provided at the work session on how the County is billed for these services.

BC20171128DOC061

19. **HUMAN RESOURCES/EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**
(continued)


 Rodney Barnes, Human Resources Director, requested adoption of Resolution R-17-146, reaffirming the Manatee County Equal Employment Opportunity Policy Statement/Affirmative Action Plan, and authorize the Chairperson and County Administrator to execute the Equal Employment Opportunity (EEO) Policy Statement.


With regard to how it is determined that the County is in compliance with the Policy, Mr. Barnes advised that an annual report is provided to the State and Federal governments. Upon question, he noted there are currently 1,701 employees, 629 of which are women and 299 are minorities (138 black, 125 Hispanic, 29 Asian and seven American Indian).


 Ed Hunzeker, County Administrator, stated there has been no report of any findings from the Federal government relative to the work force in Manatee County. The annual report filed with the Federal government will be provided to the Board.

Discussion occurred regarding the County Attorney's role in reviewing the annual report.

Motion - Approve


 A motion was made by Commissioner Baugh and seconded by Commissioner Trace, to adopt Resolution R-17-146, and authorize the Chairperson and County Administrator to execute the Equal Employment Opportunity Policy Statement.

 The County Administrator clarified that the report to be provided to the Board will only include the employees under the Board of County Commissioners.


 Mitchell O. Palmer, County Attorney, stated the Constitutional Officers are independent officers and must comply with Federal law.


Mr. Palmer further stated his office has not routinely reviewed or commented upon the annual report referenced by Mr. Barnes. Inasmuch as an individual Commissioner is requesting that the office of the County Attorney become routinely involved annually in reviewing this annual statement that is provided to the Federal government, and if that is the will of this Board as a whole, Mr. Palmer stated he would be happy to fulfill that obligation, but he asked for formal direction from the Board as a whole for his office to become involved in that annual process.

 Upon question, Mr. Barnes stated Resolution R-17-146 reaffirms Manatee County's policy.

 Mr. Palmer emphasized that the Memorandum from his office (dated 11/17/17 with agenda package), specifically approves the content of the two-page Resolution R-17-146.


Kate Zamboni, Assistant County Attorney, stated she reviewed the current EEO Policy Statement and Affirmative Action Plan and Policy, but not the annual report prepared and submitted to the state by Mr. Barnes.

 Chairman Benac reiterated the recommended action before the Board. A separate vote is required to review Mr. Barnes' annual report, prior to it being sent to the state.

 The County Administrator affirmed the report prepared by Mr. Barnes is a separate issue if the Board wants to review and approve it prior to submittal to the state.


Commissioner Baugh was asked to hold her motion to call the question until Citizen Comments were taken. The motion was seconded by Commissioner DiSabatino.

 Katherine Edwards questioned the compliance with the Policy.

Mr. Palmer advised that from a legal standpoint and according to Mr. Barnes, the Federal  government has never found Manatee County government to be out of compliance. He further stated it is the Federal government's judgment of these matters and not the public.


There being no further public comment, Chairman Benac closed public comment.

Motion - Call the Question

 Commissioner Baugh restated her motion to call the question. The motion was seconded by Commissioner DiSabatino and carried 6-1, with Commissioner Benac voting nay and Commissioner DiSabatino voting aye by telephone.


Vote - Original Motion

The motion to adopt Resolution R-17-146, as stated on the agenda memorandum, carried 6-1, with Commissioner Smith voting nay and Commissioner DiSabatino voting aye by telephone.


Further discussion occurred regarding providing the Board with the annual update on the  report to the Federal government and Federal and State law requirements. BC20171128DOC062


36. **PUBLIC WORKS/ 2018 COMMUNITY TRANSPORTATION COORDINATION AGREEMENTS**

(Continued)

 William Steele, Transit Director, responded to questions raised earlier in the meeting regarding formula-based rates and how staff has focused on cost efficiency and reimbursements from the State for transportation disadvantaged services. BC20171128DOC050

47. **FINANCIAL MANAGEMENT/CROSSOVER REFUNDING OF PUBLIC UTILITY BONDS**

 Jan Brewer, Financial Management Director, reviewed the request to authorize negotiations with a potential financing team to accomplish the Crossover Refunding of the Public Utility Bonds, Series 2010AB, and to procure professional services needed to prepare the transaction. An agreement will come back to the Board.

 A motion was made by Commissioner Trace and seconded by Commissioner Whitmore, to authorize the County Administrator to begin negotiations with a potential financing team to accomplish a Crossover Refunding of the Public Utility Bonds, Series 20101AB, and to procure professional services needed to prepare the transaction for Board consideration.

There being no public comment, Chairman Benac closed public comment.


The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.


BC20171128DOC063

48. **PUBLIC WORKS/FLORIDA JOB GROWTH GRANT FUND/PUBLIC INFRASTRUCTURE GRANT PROPOSAL**

 Clarke Davis, Transportation Planning Manager, requested authorization for the Chairman to execute the Florida Job Growth Grant Fund – Public Infrastructure Grant Proposal, for a County capital improvement project at the intersection of Ellenton-Gillette Road and U.S. 301. He noted that approximately \$1.8 million will be requested, this project would help with job creation and promote economic growth, and the project is production ready.

There was discussion that it is unclear as to when the grants will be awarded, and this project is the most competitive project for the current State Fiscal Year.

 A motion was made by Commissioner Trace, and seconded by Commissioner Smith, to authorize execution of the Florida Job Growth Grant Fund – Public Infrastructure Grant Proposal.

 Sia Mollanazar, Public Works Deputy Director, advised that land acquisition for the intersection improvements is complete. Staff is working on a participation project with RaceTrac for the construction of those improvements.

There being no public comment, Chairman Benac closed public comment.

 The motion carried 7-0, with Commissioner DiSabatino voting aye by telephone.

BC20171128DOC064


49. **ADMINISTRATOR/DASHBOARD REPORT – OCTOBER 2017**

 Ed Hunzeker, County Administrator, presented the Dashboard Report for October 2017.

This report is provided for information only, and no action is required.

BC20171128DOC065

COMMISSIONERS COMMENTS

 Commissioner Whitmore

- Noted that the Supervisor of Elections has asked the Chairman to assign someone to the Canvassing Board
- Stated the County's recycling rate is up 54 percent
- Commented on a waiver for dentists to participate in the Remote Area Medical (RAM) event
- Stated is has been reported to Agency for Health Care Administration (AHCA) that Sarasota Memorial only took one patient during the Hurricane Irma event
- Commented on reports of inaccuracies regarding the effects of red tide on shellfish
- Asked why the private sector is not being used for employee mental health care services

Commissioner Baugh

- Submitted photographs of water lettuce covering the lake at Conservatory Park near Palm Aire

The County Administrator noted that proposals will be needed for a treatment plan to eradicate this problem. He will report back to the Board upon speaking with Charlie Hunsicker.

Discussion ensued that Mr. Hunsicker has received bids for this project, a budget amendment can come back to fund the project if necessary, this should be cleared up with two treatments, this project can begin immediately if funds are available and the proposals are legitimate, and consider using sterile grass carp to avoid this problem in the future.

BC20171128DOC066

Commissioner Trace

- Announced events being held in Commission District 1 on Saturday, December 2: Duette's Fall Festival, the Agricultural Museum Christmas Festival, and the Second annual Christmas tree lighting in Parrish

Commissioner Smith

- Commented on a meeting he had with Dr. Spellman regarding changes in mental health delivery in Manatee County and stated he looks forward to receiving more information
- Commented on the success of the recent Florida Association of Counties (FAC) meeting. Manatee County was recognized as one of three counties with a full registration.
- Noted that a community public meeting on the potential location of the overpass bridge (Central Manatee Network Alternatives Analysis - CMNAA) will be held at St. Mary's Church at 6:00 p.m., on December 5

Chairman Benac

- Commented on the importance of the December 5 community meeting regarding the CMNAA
- Spoke about the remaining meetings scheduled for this year, including a joint meeting with the School Board to discuss hurricane shelters on December 19

The County Administrator suggested the Board hold a work session the afternoon on December 12 in advance of the joint meeting with the School Board.

ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 3:52 p.m.

Minutes Approved: _____