

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COUNTY ADMINISTRATIVE CENTER  
1112 Manatee Avenue West  
Bradenton, Florida  
April 25, 2017**

Present were:

Betsy Benac, Chairman  
Robin DiSabatino, First Vice-Chairman  
Charles B. Smith, Second Vice-Chairman, (entered during the meeting)  
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 9:01 a.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

1. The Invocation was delivered by Pastor Caleb Free, Risen Savior Lutheran Church, followed by the Pledge of Allegiance.



**AGENDA, UPDATE MEMORANDUM, AND ANNOUNCEMENTS**

BC20170425DOC001

- Item 12, Neal Communities/Eagle Trace Subdivision/Final Authorization of Transportation Impact Fee Credit CA-13-04(T)/Transportation Impact Fee Credit Authorization CA-16-03(T)/Final Authorization of Transportation Impact Fee Credit CA-16-03(T) – The dollar amount in the first bullet point under the Requested Action was corrected to read “\$269,008.”
- Item 21, Authorization to commence negotiations with Springsted Waters for Executive Search Services for a County Administrator – Moved to the regular agenda
- Item 34 – Speed Table Installations, 18th Avenue East, between Morgan Johnson Road and 64th Street Court East – Deferred to May 9, 2017
- Item 38, Adoption of Ordinance 17-041, updating the Manatee County Certificate of Public Convenience and Necessity Ordinance (15-37) – The Ordinance was updated and replaced to include minor changes. BC20170425DOC002
- Item 40, Indigent Health Care Service Providers – Budget Amendment Resolution B-17-047 was replaced to update the Description within that resolution.
- Item 41, Florida Agency for Health Care Administration LIP (Low Income Pool) Funding Change – The first motion under the requested action was updated to read: “Approval for a \$5,000 increase in the current year’s matched Low Income Pool (LIP) funding, for a total amended amount of \$505,000, and authorization for the County Administrator to execute the Hospital LIP/DSH Letter of Agreement.”
- Item 42, Agreement for Hospital Services – The agreement was updated, as follows:
  - Page 9, Item 4, Ineligible Services – Items c & d deleted; these items are described in the County Eligibility Guidelines; and,
  - Page 10, Item 5, Payments Section – Deleted; the information is already clarified in Item 1 of the same section, on the same page
- Item 46, State of Emergency Relative to Drought Conditions – Added to the regular agenda –

A Request to adopt Resolution R-17-045, declaring a State of Local Emergency relative to drought conditions

- Item 49, North County Community Pool – Report added

Time Certain:

47. Item 46, Resolution R-17-045, State of Local Emergency Relative to Drought Conditions – 9:00 a.m.
2. **Item 40**, Indigent Health Care Service Providers; **Item 41**, Florida Agency for Health Care Administration LIP (Low Income Pool) Funding Change; and **Item 42**, Agreement for Hospital Services – 10:00 a.m.
3. Item 43, Florida Unclaimed Property Database – 10:30 a.m.
4. Item 45, Department Report – Bayshore/MTI – 2:00 p.m.



46. **PUBLIC SAFETY/STATE OF EMERGENCY RELATIVE TO DROUGHT CONDITIONS**

Bob Smith, Public Safety Director, presented a photograph of the drought index and wildfire statistics over a seven-year period to outline the need to implement a ban on open burning due to the drought and windy conditions and the resultant threat of wild fires within Manatee County. He recommended adoption of Resolution R-17-045, which establishes a burn ban in Manatee County. The ban will carry forward until such time as the drought conditions have subsided and the danger of wild fires has passed.

(Enter Commissioner Smith)



Mitchell O. Palmer, County Attorney, advised that Florida Statute limits the ban for a period of seven days. Resolution R-17-045 allows for the extension of the State of Emergency and includes the ability of the County Administrator and Director of Public Safety to jointly modify with each seven-day period, an extension of the emergency.

Discussion ensued that Commissioners will be notified if the State of Emergency is extended or terminated.

Mike Keegan, Florida Division of Forestry, stated the only burns authorized at this time are citrus burns.



A motion was made by Commissioner Trace to adopt Resolution R-17-045. The motion was seconded by Commissioner Whitmore.

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

The motion carried 7-0.

BC20170425DOC003



**PROCLAMATIONS**

A motion was made by Commissioner DiSabatino, seconded by Commissioner Trace and carried 7-0, to adopt the following Proclamations:

5. National Arbor Day – April 28, 2017, was accepted by Bill Webster and Ingrid McClellan of the Environmental Lands Management and Acquisition Advisory Committee. Ms. McClellan distributed a schedule of events for the National Arbor Day Celebration. BC20170425DOC004
6. World Tai Chi Day – April 29, 2017, was accepted by Dr. Brian Nell, Tai Chi Instructor, and Melissa Nell, Parks and Natural Resources Department. BC20170425DOC005
7. Cinco de Mayo Day – May 5, 2017, was accepted by Junior Salazar, Gulf Coast Latin Chamber of Commerce. BC20170425DOC006
8. National Volunteer Month – April 2017, was accepted by University of Florida Institute of Food and Agricultural Services Extension volunteers and Agriculture and Extension representatives. BC20170425DOC007

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

 Scott Fore, submitted information and spoke about the Property Appraiser's office not recognizing his homestead on property he purchased and improved on Mill Creek Road.

Mitchell O. Palmer, County Attorney, mentioned that Mr. Fore should contact the Value Adjustment Board.



John Barnott, Building and Development Services Director, commented on flood control policies and FEMA regulations. He stated that no-rise certifications are not negotiable.



Mike Meehan spoke about a water pipe on the causeway that has been gushing water since March due to a design defect in the Emerald Isles Subdivision plumbing system.

The County Administrator stated the Utilities Department will follow up and respond to the Commissioners.



Glen Gibellina submitted various correspondences and commented on electronic public comment cards, an energy policy, Stabil Pavers, his intention to file a Florida Bar complaint, and solar plants.


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



Discussion ensued on the need for follow-up on economic development incentive projects.

BC20170425DOC008

40. **NEIGHBORHOOD SERVICES/INDIGENT HEALTH CARE SERVICE PROVIDERS**

 Cheri Coryea, Neighborhood Services Director, reviewed the request for approval of Budget Amendment Resolution B-17-047, to provide funding to medical providers for indigent health care services. The funding request is similar to last year's request. Invoices are processed in the order received, and eligibility is at or below 200 percent of the federal poverty level.

Discussion occurred that funding approved in the budget was \$1.2 million, only \$670,000 has been expended at this time, and the difference will continue to be used for this funding.

Jan Brewer, Financial Management Director, summarized Budget Resolution B-17-047.


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



A motion was made by Commissioner Whitmore, seconded by Commissioner Smith and carried 7-0, to adopt Budget Amendment B-17-047, to allow general fund transfer of funds designated for providers of health care services and for hospital based services to approved clients for eligible services provided between October 1, 2016, and September 30, 2017.

BC20170425DOC009

41. **NEIGHBORHOOD SERVICES/FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION LIP (LOW INCOME POOL) FUNDING CHANGE**

 Joshua Barnett, Health Care Services Manager, reviewed the request to (1) approve a \$5,000 increase in the current year's matched Low Income Pool (LIP) funding for a total amended amount of \$505,000, and authorization for the County Administrator to execute the Hospital LIP/DSH Letter of Agreement; and (2) authorization for the County Administrator to have signature authority to approve future amendments in this year's award from AHCA funds, should awarded funds increase/decrease in amounts equal to or less than \$50,000

and are available in the Health Care Program reserve funds for this year, following AHCA LIP funding.

Discussion ensued that the County will receive more than a one-to-one return on the funding, notify Commissioners if future amendments are approved by the County Administrator, and allow the County Administrator to approve future amendments subject to that approval being ratified by the Board.



Mike Meehan commented on the history of the LIP funding.

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



A motion was made by Commissioner Whitmore to accept the Action Requested (as follows), with the addition that the Board ratify any changes over the \$50,000 at a Board meeting:

- Approve a \$5,000 increase in the current year's matched Low Income Pool (LIP) funding for a total amended amount of \$505,000, and authorization for the County Administrator to execute the Hospital LIP/DSH Letter of Agreement; and,
- Authorize the County Administrator to have signature authority to approve future amendments in this year's award from AHCA funds, should awarded funds increase/decrease in amounts equal to or less than \$50,000, and are available in the Health Care Program reserve funds for this year, following AHCA LIP funding.

The motion was seconded by Commissioner Trace.

Mitchell O. Palmer, County Attorney, recommended converting the period to a comma at the very end of the last sentence of the Action Requested, and **add** the language, subject to post signature ratification by the Board of County Commissioners.

Commissioners Whitmore and Trace agreed to the added language, and the motion carried 7-0.

BC20170425DOC010



42. **NEIGHBORHOOD SERVICES/HOSPITAL SERVICES**

Cheri Coryea, Neighborhood Services, summarized the request, noting that Manatee Memorial Hospital is the only hospital in the County that has complied with the Health Information Exchange) HIE requirement. She recommended approval of the FY17 Funding Agreement with Manatee Memorial Hospital (MMH).

Discussion ensued that residents can still go to other medical facilities for indigent care, physicians who are not a part of the HIE Program will not receive funds from the County; future LIP funding amounts are unknown at this time, LIP funds will go to the hospital, and it is the goal to reduce the general fund amount for health care.



Kevin DiLallo, Manatee Healthcare System, distributed information and explained the process used for indigent care reimbursement to hospitals from the state and federal governments. He also requested the not-to-exceed amount in the agreement be set at \$3.5 million.



Further discussion ensued that a Rural Health Services physician can be reimbursed for services provided at MMH, the cost for participating in the HIE Program, need to come up with solutions to cut costs, MMH does not have a payment plan for patients who qualify for County indigent funding, funding that previously went to Blake Hospital and to Rural Health Services will now remain in reserves, provide the Board with a report on the emergency room diversion programs, reimbursements to federally qualified health care facilities, funding recommended

in the agreement is for current year funding, funding for FY18 will be discussed during the budget process, proposed state legislation, and look into the additional \$500,000 to the hospital at a later date.



Jan Brewer, Financial Management Director, stated that \$2.3 million will remain in health care reserves.



Mr. DiLallo addressed the payment arrangement currently used by MMH.



Mike Meehan suggested the County offer to pick up Blake Hospital, Rural Health Services, and physician expenses if they agree to join the HIE Program.



Glen Gibellina suggested MMH join the leap frog survey program and that the additional \$500,000 go to the community paramedicine program.

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



A motion was made by Commissioner Baugh, to authorize the County Administrator to execute the FY17 funding agreement with Manatee Memorial Hospital for the provision of health care services to qualified uninsured residents of Manatee County, in an amount not to exceed \$3,021,586, for the time period October 1, 2016 - September 30, 2017. The motion was seconded by Commissioner Smith.

The motion carried 7 to 0.

BC20170524DOC011



43. **ADMINISTRATOR/FLORIDA UNCLAIMED PROPERTY DATABASE**

James W. Jacobs, Department of Financial Services, Office of Program Management, reported on the State Unclaimed Property Program and provided the website, [www.fltreasurehunt.org](http://www.fltreasurehunt.org), where people can check to determine if they have any unclaimed properties that are due to them.

Discussion ensued to promote the website address on the County's website. BC20170425DOC012



RECESS: 12:04 p.m. - 1:31 p.m. All Commissioners were present.



**CONSENT AGENDA**

Commissioner Requests - None

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

Glen Gibellina signed up to speak, but was not present.

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

BC20170425DOC013

11. **CLERK'S CONSENT AGENDA**

BC20170425DOC014

A. **WARRANTS**

Accepted the warrants for the month of March 2017, as issued by Finance Department

B. **MINUTES**

Approved the Minutes of March 7, 9, 21, 2017 (Regular meeting, work session, and joint meeting with Sarasota County Board of County Commissioners)

C. **REFUND:**

Approved:

1. Rinehart Homes, Inc., Cortez Landings Affordable Housing Impact Fees, \$4,823.81 BC20140425DOC015

**D. LIENS/PARTIAL RELEASE**

Accepted and authorized recording of Partial Release of Special Improvement Assessment Liens:

1. Project 5284 – 29th Street East Paving, Sheri Ridal BC20170425DOC016
2. Project 3137 – Winterland Estates Sewer BC20170425DOC017

**E. 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. Agreement with C Squared, Inc., for 12th Street East Sidewalk from 61st Avenue to 63rd Avenue East, \$294,555.09; the funding source is a Community Development Block Grant BC20170425DOC018
2. Agreement with Subterrain Technologies, Inc., for emergency repairs to Bowlees Creek Sewer lines, \$277,203.04 BC20170425DOC019
3. Administrative Contract Agreement with Woodruff & Sons, Inc., for 63rd Avenue and 39th Street East Water Line Loop, additional 45 calendar days for a final completion date of May 1, 2017 BC20170425DOC020
4. Agreement with Asphalt Paving Servicing, Inc., for Community Development Resurface Block Grant Project, Double application of bituminous surface treatment and fog seal on prepared road base, 45 calendar days to completion, \$208,918.78 BC20170425DOC021

**F. REPORTS**

Accepted the following reports:

1. Grant Report – First Quarter 2017 Grant Amendments and donations/gifts BC20170425DOC022
2. Town of Longboat Key – Commission Members and terms of office BC2070425DOC023

**G. BOND**

Accepted the list of 20 additional employees and deletion of four employees from the Sheriff’s Public Employee Bond for April 2017 BC20170425DOC024

**12. ADMINISTRATOR/IMPACT FEE CREDIT**

- Executed Final Authorization of Transportation Impact Fee Credit in the amount of \$269,008, for eligible road construction cost and right-of-way dedication on White Eagle Boulevard, per Impact Fee Credit Authorization CA-13-04(T);
- Executed Credit Authorization CA-16-03(T); and,
- Executed Final Authorization of Transportation Impact Fee Credit in the amount of \$137,033 for right-of-way dedication on Gatewood Drive, per Impact Fee Credit Authorization CA-16-03(T) BC20170425DOC025

**13. ATTORNEY/LAWSUIT SETTLEMENT/EMINENT DOMAIN**

(1) Approved the proposed eminent domain settlement with Bradenton THCI Holding Company LLC (Manatee County Case 2009-CA-3661) relative to the taking of Parcels 101, 700, 701A and 701B for the 9th Street East Road Improvement Project (53rd Avenue East to 57th Avenue East) to include a Stipulated Final Judgment as to Parcels 101, 700, 701A and 701B with Incorporated Joint Motion, with total compensation in the amount of \$398,439.60 (inclusive of \$296,420 to the landowner for the taking, \$2,019.60 for landowner’s attorneys’ fees and costs, and \$100,000 for landowner’s experts’ fees and costs), and (2) Authorized the County Attorney, or his designee, to sign all necessary paperwork associated with the aforementioned settlement BC20170425DOC026

14. **ATTORNEY/LIQUOR LIABILITY INSURANCE**

Approved the purchase of the Convention Center and Powel Crosley Estate Liquor Liability Insurance policy for a total cost of \$2,861; and authorized the County Attorney, or his designee, to execute all related documents

BC20170425DOC027

15. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/ARTISAN LAKES ESPLANADE, PHASE III, SUBPHASES A, B, C, D, AND E**

- Executed and authorized recording of Final Subdivision Plat;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon from Artisan Lakes Community Development District;
- Authorized recording of Supplemental Declaration to the Master Declaration of Covenants, Conditions, Restrictions and Easements for Artisan Lakes;
- Authorized recording of Supplemental Declaration to the Community Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade at Artisan Lakes;
- Accepted and authorized recording of Temporary Turnaround Easement from Taylor Woodrow Communities at Artisan Lakes LLC;
- Accepted and authorized recording of Consent and Joinder by Artisan Lakes Community Development District for Temporary Turnaround Easement and Utility Easement;
- Authorized recording of Affidavit of Ownership and Encumbrances from Taylor Woodrow Communities at Artisan Lakes LLC for Temporary Access and Utility Easement;
- Authorized recording of Permanent Utilities Easement from Taylor Woodrow Communities at Artisan Lakes LLC;
- Accepted, executed and authorized recording of Agreement for Private Subdivision with Public Improvements Artisan Lakes Esplanade, Phase III, Subphases A, B, C, D, and E (Potable Water, Wastewater and Surveying) from Taylor Morrison of Florida, Inc.;
- Accepted, executed and authorized recording of Agreement for Private Subdivision with Private Improvements Artisan Lakes Esplanade, Phase III, Subphases A, B, C, D and E (Earthwork, Paving, Drainage, Surveying, and Final Lift of Asphalt) from Taylor Morrison of Florida, Inc.;
- Accepted and executed Surety Bond for Performance of Required Public Improvements Subphase A, Bond SU1143690 from Arch Insurance Company, \$93,125.96;
- Accepted and executed Surety Bond for Performance of Required Public Improvements Subphase B, Bond SU1143684 from Arch Insurance Company, \$167,294.86;
- Accepted and executed Surety Bond for Performance of Required Public Improvements Subphase C, Bond SU1143682 from Arch Insurance Company, \$296,444.98;
- Accepted and executed Surety Bond for Performance of Required Public Improvements Subphase D, Bond SU1143694 from Arch Insurance Company, \$223,405.72;
- Accepted and executed Surety Bond for Performance of Required Public Improvements Subphase E, Bond SU1143698 from Arch Insurance Company, \$308,855.17;
- Accepted and executed Surety Bond for Performance of Required Private Improvements for Subphase A, Bond SU1143691 from Arch Insurance Company, \$193,752.13 and Bond SU1143693 from Arch Insurance Company, \$17,190.16;
- Accepted and executed Surety Bond for Performance of Required Private Improvements for Subphase B, Bond SU1143686 from Arch Insurance Company, \$258,989.12 and Bond SU1143685 from Arch Insurance Company, \$23,308.09;
- Accepted and executed Surety Bond for Performance of Required Private Improvements for Subphase C, Bond SU1143681 from Arch Insurance Company, \$799,167.85 and Bond SU1143683 from Arch Insurance Company, \$45,355.57;

- Accepted and executed Surety Bond for Performance of Required Private Improvements for Subphase D, Bond SU1143697 from Arch Insurance Company, \$314,450.76 and Bond SU1143696 from Arch Insurance Company, \$25,478.44; and,
- Accepted and executed Surety Bond for Performance of Required Private Improvements for Subphase E, Bond SU1143692 from Arch Insurance Company, \$524,088.83 and Bond SU1143695 from Arch Insurance Company, \$33,799.48

BC20170425DOC028

16. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/COPPERLEFE**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Master Declaration for Copperlefe;
- Accepted, executed and authorized recording of Agreement for a Private Subdivision with Public Improvements for Copperlefe from Lennar Homes LLC;
- Accepted executed and authorized recording of Agreement for Private Subdivision Improvements for Copperlefe from Lennar Homes LLC;
- Accepted Letter of Credit FGAC-17067 from Fidelity Guaranty and Acceptance Corp., \$1,399,570.71;
- Accepted Letter of Credit FGAC-17068 from Fidelity Guaranty and Acceptance Corp., \$3,125,528.06; and,
- Accepted Letter of Credit FGAC-17066 from Fidelity Guaranty and Acceptance Corp., \$293,078.91

BC20170425DOC029

17. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/INDIGO, PHASE VI, SUBPHASES 6A, 6B, AND 6C**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration of Covenants, Conditions and Restrictions for Indigo to Add Indigo Phases VI, Subphases 6A, 6B and 6C;
- Accepted, executed and authorized recording of Mortgagee's Joinder In and Ratification of (I) The Subdivision Plat and All Dedications and Reservations Thereon for Indigo, Phase VI, Subphases 6A, 6B and 6C; and (II) The Supplemental Declaration of Covenants, Conditions and Restrictions for Indigo to Add Indigo, Phase VI, Subphases 6A, 6B and 6C; and, All Reservations, Covenants and Restrictions Therein;
- Accepted, executed and authorized recording of Joinder and Consent of Lakewood Ranch Stewardship District to (I) Indigo, Phase VI, Subphases 6A, 6B and 6C , Plat and (II) the Supplemental Declaration of Covenants, Conditions and Restrictions for Indigo to Add Indigo, Phase VI Subphases 6A, 6B and 6C, And to All Dedications, Easements and Reservations;
- Accepted, executed and authorized recording of Agreement for Private Subdivision with Public Improvements for Indigo, Phase VI from Neal Communities of Southwest Florida LLC;
- Accepted, executed and authorized recording of Agreement for Private Subdivision Improvements for Indigo, Phase VI from Neal Communities of Southwest Florida LLC;
- Accepted and executed Surety Bond for Performance of Required Improvements, Indigo Phase VI, Subphase 6A, Bond CS9826562, from Great American Insurance Company, \$450,377.07;
- Accepted and executed Surety Bond for Performance of Required Improvements, Indigo Phase VI, Subphase 6B, Bond CS9826727 from Great American Insurance Company, \$857,564.50;
- Accepted and executed Surety Bond for Performance of Required Improvements, Indigo Phase VI, Subphase 6C, Bond CS9826730 from Great American Insurance Company, \$601,625.51;
- Accepted and executed Surety Bond for Performance of Required Private



Improvements, Indigo Phase VI, Subphase 6A, Bond CS9826563 from Great American Insurance Company, \$2,268,123.20;

- Accepted and executed Surety Bond for Performance of Required Private Improvements, Indigo Phase VI, Subphase 6A, Bond CS9826564 from Great American Insurance Company, \$69,553.25;
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Indigo Phase VI, Subphase 6B, Bond CS9826565 from Great American Insurance Company, \$1,387,670.05;
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Indigo Phase VI, Subphase 6B, Bond CS9826566 from Great American Insurance Company, \$69,160;
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Indigo Phase VI, Subphase 6C, Bond CS9826729 from Great American Insurance Company, \$2,154,995.77; and,
- Accepted and executed Surety Bond for Performance of Required Private Improvements, Indigo Phase VI, Subphase 6C, Bond CS9826728 from Great American Insurance Company, \$102,014.25

BC20170425DOC030

18. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/SAVANNA, PHASE II, SUBPHASES A AND B**

- Executed and authorizing recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions for Savanna at Lakewood Ranch;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;
- Accepted, executed and authorized recording of Agreement for Public Improvements for a Private Subdivision from Lennar Homes LLC;
- Accepted, executed and authorized recording of Agreement for Private Improvements for a Private Subdivision from Lennar Homes LLC;
- Accepted Letters of Credit for Performance of Required Improvements, Letter of Credit FGAC-17077 from Fidelity Guaranty & Acceptance Corporation, \$929,058; and, Letter of Credit FGAC-17076 from Fidelity Guaranty & Acceptance Corporation, \$779,990.90; and,
- Accepted Letters of Credit for Performance of Required Private Improvements, Letter of Credit FGAC-17075 from Fidelity Guaranty & Acceptance Corporation, \$2,089,329.58; Letter of Credit FGAC-17078 from Fidelity Guaranty & Acceptance Corporation, \$95,313.40; Letter of Credit FGAC-17074 from Fidelity Guaranty & Acceptance Corporation, \$2,816,333.52; Letter of Credit FGAC-17082 from Fidelity Guaranty & Acceptance Corporation, \$154,302.20; and, Letter of Credit FGAC-17079 from Fidelity Guaranty & Acceptance Corporation, \$689,500.37

BC20170425DOC031

19. **BUILDING AND DEVELOPMENT SERVICES/CODE ENFORCEMENT**

Reduced Code Enforcement Fines for Case Number CE1998110159, totaling \$12,552.56 to \$0 (as previously recommended by the Special Magistrate on 3/22/17), subject to the following conditions:

- The reduced fine shall be paid within 90 days, or will revert back to the original fine amount of \$12,552.56;
- Recording fees need to be collected totaling \$124; and,
- Building and Development Services Department Director is authorized to sign satisfactions of liens if reduced fines are paid.

BC20170425DOC032

20. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**  
Adopted Budget Amendment Resolution B-17-042 BC20170425DOC033
22. **FINANCIAL MANAGEMENT/CHANGE ORDER**  
Authorized the County Administrator, or his designee, to execute Change Order 1 to Agreement 15-1519DS, Manatee Agricultural Reuse Supply Management (MARS) Improvements with TLC Diversified, Inc., increasing the contract amount by \$181,783.03, from \$2,977,700 to \$3,159,483.03, and adding 108 calendar days to the contract time BC20170425DOC034
23. **FINANCIAL MANAGEMENT/CHANGE ORDER**  
Authorized the County Administrator, or his designee, to execute Change Order 3 to Agreement 14-0846OV, Southwest Water Reclamation Facility Nitrogen Removal, with Vogel Bros. Building Co., increasing the contract amount by \$176,999.24, from \$12,727,472.39 to \$12,904,471.63, adding 45 calendar days to the contract time BC20170425DOC035
24. **FINANCIAL MANAGEMENT/CHANGE ORDER**  
Authorized County Administrator, or his designee, to execute Change Order 5 to Work Assignment 1 with Cardno, Inc., for 44th Avenue East, from 19th Street Court East to 30th Street East, in the amount of \$57,258, which increases the total Work Assignment amount to \$1,255,685 BC20170425DOC036
25. **FINANCIAL MANAGEMENT/CHANGE ORDER**  
Authorized the County Administrator, or his designee, to execute Change Order 6 to Amendment 1, Statement of Work: Banner 4.4 Upgrade, with Hansen Banner LLC, for the Utilities Customer Information and Billing Software, in the amount of \$50,580, for a revised total amount of \$665,300 BC20170425DOC037
26. **FINANCIAL MANAGEMENT/INVITATION FOR BID**
- Awarded Invitation for Bid (IFB) 16-2884DC, Pic Town Estates Potable Water, Phase I, to the lowest, responsive, and responsible bidder, Westra Construction Corp., for a total of \$1,682,776.70, based on a construction completion time of 220 calendar days; and
  - Authorized the County Administrator, or his designee, to execute the Agreement and accept and date the Performance and Payment Bonds BC20170425DOC038
27. **FINANCIAL MANAGEMENT/INVITATION FOR BID**
- Awarded IFB 17-0772GC, Force Main 5 Replacement, to the lowest, responsive, and responsible bidder, Westra Construction Corp., for a total of \$7,427,550.03, with 730 calendar days for completion;
  - Authorized the County Administrator, or his designee, to execute the Agreement and accept and date the public construction bond; and
  - Adopted Budget Resolution B-17-045 BC20170425DOC039
28. **NEIGHBORHOOD SERVICES/ GRANT**  
Executed Amendment 3 to the FY 16/17 Emergency Home Energy Assistance for the Elderly Grant Program Agreement EH-16/17-MAN with Senior Connection Center, Inc., extending the date of the agreement from June 30, 2017, to September 30, 2017 BC20170425DOC040
29. **NEIGHBORHOOD SERVICES/ESTOPPEL CERTIFICATE/WIDEWATERS BRADENTON**  
Authorized the County Administrator to execute an Estoppel Certificate with Widewaters Bradenton LLC, associated with the parking lot Lease Agreement for use of a County-owned parcel by the Downtown Hampton Inn and Suites BC20170425DOC041

30. **NEIGHBORHOOD SERVICES/UNCOLLECTIBLE WRITE-OFF**

Authorized Community Services Department to remove uncollectible account for the non-sufficient funds check of \$25, for a Community Care for the Elderly Client co-pay fee, and the Clerk's \$25 fee, for a total of \$50, in accordance with generally accepted accounting principles BC20170425DOC042

31. **PARKS AND NATURAL RESOURCES/DEEDS AND EASEMENTS**

Executed Board of Trustees of the Internal Improvement Trust Fund of the State of Florida Sovereignty Submerged Land Easement for property located in Palma Sola Bay to complete Phase IIB of the Robinson Preserve Expansion Project BC20170425DOC043

32. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**

Accepted and authorized recording of Corrective Warranty Deed from Team Edition Apparel, Inc., for parcel 166 of the 44th Avenue East, 19th Street Court East to 30th Street East, Road Improvement Project, to correct a scrivener's error in the legal description of that certain warranty deed dated October 28, 2016 BC20170425DOC044

33. **PUBLIC SAFETY/GRANT**

- Adopted Resolution R-17-041, accepting the reallocated grant award from Florida Department of Health-Manatee, Agency for Health Care Administration (4/20/16-6/30/17), for the implementation and startup of a Community Paramedic Program (\$150,683.43);
- Authorized the County Administrator to execute Amendment 2 to Contract MA400 with the State of Florida, Department of Health; and
- Adopted Budget Amendment Resolution B-17-044 BC20170425DOC045



**CONSENT AGENDA MOTION**

A motion was made by Commissioner Trace, seconded by Commissioner Whitmore, and carried 7-0, to approve the Consent Agenda with the changes noted in the Agenda Update Memorandum, with deletion of Item 21 (separate action) and Item 34 (deferred to 5/9/17).

(End Consent Agenda)



36. **BUILDING AND DEVELOPMENT SERVICES/WILLOW HAMMOCK CDD**

A duly advertised public hearing was held to consider adoption of proposed Ordinance 17-20, to establish Willow Hammock Community Development District (CDD).

Tracy Trahan, Development and Review Specialist, summarized Ordinance 17-20.

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

A motion was made by Commissioner Baugh, seconded by Commissioner Jonsson, and carried 7-0, to adopt Ordinance 17-20, to establish Willow Hammock Community Development District. BC20170425DOC046



37. **PROPERTY MANAGEMENT/ABANDONED ROADS**

A duly advertised public hearing was held to consider adoption of proposed Resolution R-17-040, renouncing and disclaiming interest in and to a portion of John Piplack's Subdivision, as recorded in Plat Book 2, Page 145, of the Public Records of Manatee County.

Tim Cristello, Real Property Specialist, Property Management, summarized the request. A motion was made by Commissioner Baugh and seconded by Commissioner DiSabatino, to adopt Resolution R-17-040.

Mitchell O. Palmer, County Attorney, advised there are no easements associated with this plat.

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

The motion carried 7-0.

BC20170425DOC047



38. **PUBLIC SAFETY/ORDINANCE**

A duly advertised public hearing was held to consider adoption of proposed Ordinance 17-041, updating and replacing Manatee County Certificate of Public Convenience and Necessity Ordinance 15-37, to allow interested fire departments to apply for and provide Advanced Life Support (ALS), non-transport emergency medical services.

Bob Smith, Public Safety Director, reviewed the request.



A motion was made by Commissioner Trace and seconded by Commissioner Whitmore, to adopt Ordinance 17-041.



Chief Tom Sousa, West Manatee Fire District, thanked the Board for supporting Ordinance 17041.

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

The motion carried 7-0.

BC0170425DOC048



39. **ATTORNEY/RECORDS REQUESTS BY COUNTY COMMISSIONERS**

Kate Zamboni, Assistant County Attorney, provided an overview of the Public Records Act, the definition of Public Records, contained in Chapter 119.011 (12), Florida Statutes, and the process of requesting public records.



Debbie Scaccianoce, Records Manager, explained her duties and responsibilities and how public records requests are processed. She noted that the Public Records Act requires all persons to be charged a special service charge and addressed Florida Statute regarding fees.

(Further action later in the meeting)

BC20170425OC049



45. **PARKS AND NATURAL RESOURCES/REPORT/BAYSHORE HIGH SCHOOL/MTI SITE**

Charlie Hunsicker, Parks and Natural Resources Director, presented and requested acceptance of Parks and Natural Resources Department Summary (dated 4/19/17) on the Bayshore High School and former Manatee Technical Institute (MTI), formerly known as Vocational Technical Institute (Vo-Tech) properties. Staff has not found levels of contaminants that rise to the level of being hazardous or creating conditions that have hazards relative to State and Federal standards.

BC20170425DOC050



Rob Brown, Environmental Protection Division Manager, provided a history of the property and its use for Bayshore High School and Vo-Tech/MTI, as well as four irrigation wells that have been identified on those sites. He displayed aerial maps of Bayshore High School, a 1995 aerial map, and photographs of the storage tanks and their locations.

BC20170425DOC051

Florida Department of Environmental Protection (FDEP) registration records for the Bayshore High School site include two underground pollutant storage tanks, used to store diesel fuel. Available documentation confirms that the tanks were removed and did not impact soil or

groundwater to any extent. FDEP registration records for the Vo-Tech/MTI Site indicate six, underground tanks were removed. No contamination was reported, and no other underground tanks are known to be on the property.

Historic information about water wells on the Bayshore High School site indicate that three irrigation wells were present, two of which are still in existence and in use. The third irrigation well was plugged/abandoned in 1996. One irrigation well existed on the Vo-Tech/MTI parcel, south of old Bayshore High School, that irrigated six acres of landscaping and was plugged/abandoned in 1996. There is no indication that any public supply wells were constructed or permitted for this parcel.

Based on the findings as outlined in the Summary with the agenda packet (4/19/17), it is concluded that no significant contamination was detected on either parcel from the regulated underground storage tanks, and that all wells, existing and abandoned, were used for irrigation purposes only.



Paul Panik, Environmental Program Manager, distributed an historic perspective on Storage Tank and Related Rules and tank closure requirements, and information about the tanks at Bayshore High School and Vo-Tech/MTI. Three small holes were found in one tank at the Vo-Tech/MTI site. Additional sampling was conducted, and results came back with no detection of contaminants. The emergency generator tank at Vo-Tech was removed in 1993, and there was no discharge report or contamination. A closure assessment was performed and revealed no contamination.

BC20170425DOC052

Mr. Brown stated the County has no regulatory authority over School Board property. Staff is of the position there is no contamination from the storage tanks, and there is no record of the wells being used as potable water supply.



Discussion occurred regarding the Tallevast property, citizens are not satisfied with the test samples that were acquired off the Bayshore High School site, deeper samples should be taken, ask the School Board, State and Health Department to perform additional, deeper groundwater testing, the number of reports of cancer/health issues in people who attended these schools, need to ensure there is no contamination, records of the potable water supply, need additional soil tests, examine the records of upstream properties, these properties were farm land prior to school sites, and ask legislators to fund additional testing.

Commissioner DiSabatino stated the two irrigation wells still in use should be tested, and sampling should be done. She submitted a Bradenton Herald article (4/21/17) regarding the old Bayshore High School.

BC20170425DOC053



Commissioner Baugh stated this matter needs to be thoroughly examined to confirm there is no contamination, to ease the minds of parents whose children attended the school, and to ease the mind of citizens. Further, extensive soil testing should also be performed.



Mr. Brown addressed the depth of the wells and displayed a 1973 aerial of the School site.


BC20170425DOC054



Dr. Jennifer Bencie, Health Department Director, submitted: (1) Letter (7/31/07) from Prakash Patel, Division of Environmental Health, to Representative Bill Galvano, indicating that the current situation at Bayshore High School does not warrant an analysis, and the chemicals of concern were not found in the vicinity of Bayshore High School; (2) Letter (9/6/16) to Cheryl Jozsa from Ileana Arias, PhD, Director, Division of Community Health Investigations, advising

that without environmental investigations conducted when exposures might have occurred, the Agency for Toxic Substances and Disease Registry (ATSDR) cannot conduct a public health assessment that would address her concerns and provide meaning results about possible, past exposures; and (3) Letter to Lana Johnson from Prakash Patel (7/31/07) advising that when Bayshore High School was torn down in 1999, the Manatee County Health Department was asked to perform a State Underground Petroleum Environmental Response (SUPER) Act rescore around this facility in 2001. No potable wells were identified within one quarter mile of the facility. Dr. Bencie stated that formal, medical records have not been reviewed.

BC20170425DOC055

 Tom Larkin, Health Department Environmental Manager, stated the available data was reviewed and there is no data to link the students to cancer. As to well sampling, he explained how and where sampling is conducted. Because there were no potable wells identified on these sites, the Health Department has not conducted any sampling.

Discussion ensued that there is a moral obligation to ensure the land is not contaminated, nearby Riverside Products site was found to be contaminated, if this site has been investigated to be designated as a Brownfield site to obtain funding for cleanup and environmental assessments, were the schools on septic or sewer systems, hold a joint meeting with the School Board regarding this issue, need to have testing conducted by an independent company, currently there is a school on this site, and what kind of procedural analysis is conducted prior to the building of a school.



Mr. Hunsicker stated that County water and sewer has been provided to this site since 1985 and through other sites prior to that time.



Mike Barber, Director of Communications, Manatee School District, read minutes from a 1962 School Board meeting (4/10/62) regarding easements for water supply to Bayshore Junior High School, He also commented on studies conducted from the 1990s to 2007.



Mike Pendley, Manatee School District, explained the School District's process for phase one and two environmental testing on properties prior to the construction of a school. The School District cannot purchase a site that is contaminated.



Andrea Ashton spoke of her late son, who attended Bayshore High School, and of his cancer diagnosis. She asked why the former Bayshore High School was demolished and a new school was built on another site.



Cheryl Lumsden Jozsa asserted the reports on contaminants are incorrect and commented on the contamination of the Riverside Products site. She submitted a packet of information.

BC20170425DOC056



BettyLou Rocklein commented on her daughter's cancer diagnosis and granddaughter's birth defect.




Carolyn Christian spoke about her late husband, who was a teacher at Bayshore High School for 13 years, his experience with cancer, and the death certificate diagnosis. BC20170425DOC057





Kristin Moore stated concern there is still contaminated water and soil on the new Bayshore High School site. She also spoke about her son's cancer diagnosis, and asked the County and the School Board to conduct immediate testing of the site with proper supervision.




Donna Lofthouse commented on family health issues.


 Joe Kane stated that tough decisions need to be made and, he urged the Board to take aggressive action.


 John Rehill commented on the Riverside Products property.


 David Woodhouse has worked on many hazardous waste sites in his career. He stated that based on the information presented, the possibility of a cancer cluster does exist.


 Glen Gibellina submitted articles from Channel 8 news and the Herald Tribune and stated additional testing should be conducted.

BC20170425DOC058

 Betsy Johnson spoke on behalf of a Bayshore High School student who passed away from cancer. She also commented on the Prine Elementary School Property.


 Lorri Fowinkle Anderson spoke on her sister-in-law's cancer diagnosis and asked the Board to help determine the source of the problem.

 Michelle Levell spoke about her and her daughter's brain cancer diagnosis.

 Dr. Diana Greene, School District Superintendent, stated the first step is for the County Commission and School Board to come together in a joint meeting to discuss the reports and the next steps.

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

Discussion ensued on the need for independent, extensive site testing, information is needed about what kind of testing should be done and the cost, what resources might be available, determine what has transpired, and ensure the safety and welfare of current students.

 Mr. Pendley responded to a question regarding property purchased by Black Rock Development and stated he is not aware of any environmental testing on that property.



#### Motion

A motion was made by Commissioner Baugh, that we meet with the School Board within the next 30 days so that the School Board has time to get the information, and also for the Health Department to be in that meeting as well. The motion was seconded by Commissioner DiSabatino and carried 7-0.

Commissioner Baugh requested Board members be provided with the information submitted by Ms. Jozsa.

Commissioner DiSabatino suggested staff bring forward ideas on Brownfield testing to the joint meeting.

BC20170425DOC059

**RECESS:** 4:36 p.m. – 4:47 p.m. All Commissioners were present.



Discussion ensued regarding tabling Item 39 (Records Requests by County Commissioners) for a future date, continuing Item 49 (North County Community Pool), Item 44 (Dashboard Report for March 2017) should be looked at, Item 21 (County Administrator Executive Search Services) is time sensitive and action should be taken at this meeting, the next Board meeting is May 9th, and schedule Item 49 for May 9th.

Motion – Address Item 21



A motion was made by Commissioner Jonsson and seconded by Commissioner Baugh, to address Item 21 and continue the other items to the May 9th Board meeting.

Discussion ensued.



Motion – Call the Question

Commissioner Baugh called the question. The motion was seconded by Commissioner Whitmore and carried 7-0.

Vote – Address Item 21

The motion to address Item 21 carried 6-1, with Commissioner DiSabatino voting Nay.



21. **FINANCIAL MANAGEMENT/COUNTY ADMINISTRATOR EXECUTIVE SEARCH SERVICES**

Rodney Barnes, Human Resources Director, requested authorization to commence negotiation with Springsted Waters for Executive Search Services for a County Administrator, pursuant to Request for Proposal RFP 17-1078DW; and adopt Budget Amendment Resolution B-17-049. The County has contracted with this company in the past. Following the negotiations, the vendor will meet with each of the Commissioners to obtain their input/criteria for county Administrator candidates.



Motion – Approve Action Requested

A motion was made by Commissioner Whitmore and seconded by Commissioner Trace, to approve the recommended motion to authorize commencement of negotiations with Springsted & Waters, Kansas City, Missouri, and adoption of Budget Resolution B-17-049.

Discussion ensued regarding the firm will be making recommendations of candidates to the Board to interview, need an opportunity for community input, timeline for the County Administrator selection process, the firm will bring forward a detailed profile of each of the candidates, Commissioners meeting with the firm prior to the Board's recess, ensure that the Board has sole control over candidate interviews and community meetings, and asked Commissioner Jonsson to represent this Board during any meetings with Human Resources about this process.



Dennis Wallis, Purchasing Contract Manager, stated the timeline and cost will be negotiated to fit the Board's needs.



Commissioner Baugh explained her reasons for suggesting that Commissioner Jonsson serve as the contact individual with Springsted.



Phil Brown, United Way, encouraged the Board to move forward.



Katherine Edwards stated concern with the inability for the public to review the proposals. She suggested an industrial psychologist evaluation be included in the negotiations.




Glen Gibellina commented on the number of candidates that should be recommended to and interviewed by the Board.



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



 Melissa Wendel, Purchasing Director, responded to concerns regarding public disclosure of proposals.

Mitchell O. Palmer, County Attorney, concurred with comments by Ms. Wendel.



Vote - Approve Action Requested

The motion carried 7-0.



Motion - Commissioner Representative

A motion was made by Commissioner Baugh, that if any other meetings come up with Human Resources, the Board has a presence at that meeting, and nominated Commissioner Jonsson for that. The motion was seconded by Commissioner DiSabatino.

Discussion ensued that Commissioner Jonsson's role would be fact finding, there will be daily communications with the firm, the need to ensure transparency, the Board will set the criteria for the candidates and the search firm will make its recommendations to the Board based on that criteria, and future involvement and eventual removal of the Human Resources Director from the process, assuring that the Sunshine Law be followed, unfair to place Commissioner Jonsson in this position, and the duties of County Commissioners.

Mr. Barnes reiterated the process.



Commissioner Jonsson declined the nomination.

Motion - Withdrawn

Commissioner Baugh withdrew her motion, and Commissioner DiSabatino concurred.

Discussion continued regarding Board clarification on the executive search firm to make the sole recommendation of candidates without any input or influence from Mr. Barnes, and, that Mr. Barnes can include this in the contract.



Chairman Benac recommended the Board move forward.



Mitchell O. Palmer, County Attorney, explained the search process that was held during the selection of County Attorney.

Mr. Barnes stated the executive search firm will ask individual Commissioners what their individual qualifications are for a County Administrator. The firm will then select the candidates who possess those qualifications.



(Commissioner Jonsson absent for portion of the discussion)

Discussion ensued that the Board will share their criteria with the search firm, Mr. Barnes will work with the search firm and communicate with Board members, and keep Mr. Barnes in the process.



Mr. Palmer suggested the Board could direct the County Administrator to direct the Human Resources Director to not have any communication with any department directors during this entire process.

Commissioner Baugh suggested Mr. Barnes proceed.



Motion – Continue Items 39, 44 and 49

A motion was made by Commissioner Trace, seconded by Commissioner Jonsson and carried 7-0, to continue the following items to the May 9, 2017, meeting.

- |     |                                                          |                  |
|-----|----------------------------------------------------------|------------------|
| 39. | <u>ATTORNEY/RECORDS REQUESTS BY COUNTY COMMISSIONERS</u> | BC20170425DOC049 |
| 44. | <u>ADMINISTRATOR/DASHBOARD REPORT – MARCH 2017</u>       | BC20170425DOC061 |
| 49. | <u>NORTH COUNTY COMMUNITY POOL</u>                       | BC20170425DOC062 |



**COMMISSIONERS’ COMMENTS**

Commissioner Smith

- Stated that as part of some advanced training through the Florida Association of Counties, he will be touring a marijuana grow house
- Asked if there will be a time-certain scheduled for the Aqua by the Bay project, which is scheduled to be included on the May 4th agenda

Chairman Benac noted that Aqua by the Bay item will be scheduled at 1:30 p.m., time certain, on May 4th.

Discussion occurred that continuation dates have been determined, and a special meeting should be held for Aqua by the Bay.

(Commissioners’ Comments continued to later in the meeting)

**COUNTY ATTORNEY/REQUEST FOR LEGAL SERVICES**

Commissioner Baugh stated she has asked the County Attorney to schedule recurring meetings with Commissioners to notify them of Requests for Legal Services he is working on.



Motion

A motion was made by Commissioner Baugh and seconded by Commissioner Smith, that the County Attorney meet with all Commissioners in their offices individually/private, once a week or every other week at his discretion, to inform Commissioners what items his office is working on for the County.

The County Attorney recommended that he forward his weekly list to the Commissioners.



Motion – Amendment

Commissioner Baugh amended the motion to ask the County Attorney to email his weekly list of Request for Legal Services to Commissioners. Commissioner Smith agreed, and the motion, as amended, carried 7-0.



**COMMISSIONERS’ COMMENTS** (Continued)

Commissioner Whitmore

- Commented on recent events she attended
- Commented on the need for additional Transit drivers

Commissioner DiSabatino

- Requested a report regarding the World Rowing Championships event, copies of the contracts, and the money that has been allocated

The County Administrator advised that the Convention and Visitors Bureau Director is preparing the report. He explained there has been a request to change the date for when the boathouse is to be completed.

Commissioner Trace

- No comments

Commissioner Jonsson

- No comments

Chairman Benac

- No comments

**ADJOURN**

There being no further business, Chairman Benac adjourned the meeting at 6:28 p.m.

Minutes Approved: \_\_\_\_\_