

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATIVE CENTER
1112 Manatee Avenue West
Bradenton, Florida
February 13, 2018**

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

Present were:

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

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



INVOCATION AND PLEDGE OF ALLEGIANCE

1. The Invocation was delivered by Pastor Gerrit Besteman, Bradenton Christian Reformed Church, followed by the Pledge of Allegiance. BC20180213DOC001



REVISED AGENDA, UPDATE MEMORANDUM AND ANNOUNCEMENTS

BC20180213DOC002

- Item 42, Community Paramedicine Business Associate Agreement with Manatee Health Systems – Deferred BC20180213DOC003
- Item 50, Treymore Community Association Utility Transfer –
 - Exhibit A was added to the Agreement for Sale and Transfer of Water and Wastewater Facilities; and
 - The County Attorney’s office response to Request for Legal Services 2018-0018 was added to the agenda item.
- Added Consent Agenda Item 62, Final Plat – Moss Creek, Phase I – Request to execute and record the final subdivision plat and related documents as outlined in the agenda item

Time Certain:


2. Item 53, Naming of the Judicial Center Jury Assembly Room after Circuit Judge Gilbert A. Smith, Sr. – 9:15 a.m.
3. Item 61, County Administrator Contract – 10:30 a.m.
4. Item 60, Palmetto Youth Center – 1:30 p.m.

CONSENT AGENDA


Commissioner Requests:

- Item 17, Pulled by Commissioner DiSabatino
(Continued to later in the meeting)

AWARDS AND PRESENTATIONS


5.  February Employee of the Month -- Andy Lavalley, Solid Waste Enforcement Officer, Utilities Department BC20180213DOC004

PROCLAMATIONS


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

6. Pittsburgh Pirates Day – February 13, 2018, was accepted by Rachele Madrigal, Marauder’s General Manager BC20180213DOC005
(Additional Proclamations were presented later in the meeting)


53. **ATTORNEY/JUDICIAL CENTER JURY ASSEMBLY ROOM**

 Mitchell O. Palmer, County Attorney, acknowledged Judge Gilbert Smith, Jr., in the audience. Mr. Palmer read and recommended adoption of Resolution R-18-015, designating the Jury Assembly Room in the Manatee County Judicial Center building as the Honorable Circuit Judge Gilbert A. Smith, Sr., Jury Assembly Room; and authorizing the placement of appropriate signage outside and within the Room.

Mr. Palmer shared a personal memo sent to his staff characterizing Judge Gilbert A. Smith, Sr.


 Judge Gilbert Smith, Jr., thanked the Board for this special recognition for his father. He noted that a formal dedication is scheduled for Friday, February 16th, at 3:00 p.m.

There being no further citizen comment, Chairman Trace closed Citizen Comments.


 A motion was made by Commissioner Baugh, seconded by Commissioner Whitmore, and carried 7-0, to adopt Resolution R-18-015, designating the Jury Assembly Room in the Manatee County Judicial Center building as the Circuit Judge Gilbert A. Smith, Sr., Jury Assembly Room. BC20180213DOC006


PROCLAMATIONS (continued)

7.  Thirty-sixth Annual Cortez Commercial Fishing Festival Days – February 17-18, 2018, was accepted by Jane von Hahmann and John Stevely, Festival volunteers. BC20180213DOC007

8.  Victim Advocates Appreciation Day – February 22, 2018, was accepted by Terry Allen, Trauma Service Manager, and representatives of the Victim Rights Council. BC20180213DOC008

9.  Florida Cracker Trail Annual Cross-State Ride Week – February 17-24, 2018, was accepted by Suzanne Park. BC20180213DOC009

10.  Engineers Week – February 18-24, 2018, was accepted by Sia Mollanazar, Deputy Director, Engineering Services, Public Works Department, and the county’s engineering team. BC20180213DOC010


11.  Entrepreneurship Week – February 19-25, 2018, was accepted by Sara Hand from Station 2 Innovation. BC20180213DOC011


(An additional Proclamation was presented later in the meeting)


61. **COMMISSIONER AGENDA/COUNTY ADMINISTRATOR CONTRACT AND SUCCESSION PLAN**
There being no public comment, Chairman Trace closed public comment.


Chairman Trace stated that at the last Board meeting (1/23/18), Commissioners asked to have first opportunity to speak with Ed Hunzeker, County Administrator, prior to Board action on the proposed Succession Plan. She presented for discussion, the County Administrator’s Contract and proposed Succession Plan.

Motion


 A motion was made by Commissioner Whitmore and seconded by Commissioner Benac, to approve the Succession Plan attached to the agenda memorandum and that Chairman Trace presented for the County Administrator.


 Discussion ensued regarding the January 1, 2020 date that would be the expected hire date for the next Administrator in order to allow for a two-to three-week transition, this plan grants a one-year contract extension for the County Administrator (to 1/29/20) and outlines a timeline for the search of a new Administrator, possibility to further extend Mr. Hunzeker's contract, extend the contract for one year with automatic one-year renewals, this Plan can be reviewed again next January, give the Chairman the responsibility at the first of each year to discuss with Mr. Hunzeker if he wishes to renew his contract for an additional year, and the Succession Plan would be in place if Mr. Hunzeker decides to retire.

 Based upon discussion, Mitchell O. Palmer, County Attorney, suggested the provision in the Contract calling for a one-year term (Section II.A. Term) be removed and that the document be an evergreen contract that can be terminated by the Board or Mr. Hunzeker. Mr. Palmer suggested the Board instruct him to work with Mr. Hunzeker to finalize the Contract and return with a revised Contract for formal Board approval.

 Discussion continued regarding preference for a one-year evergreen provision, review the Succession Plan in January 2019, and the Plan offers adequate time to begin the search process.


Motion - Call the Question

 A motion by Commissioner Baugh and seconded by Commissioner Jonsson, to call the question failed 2-5, with Commissioners Baugh and Jonsson voting Aye.

 Ed Hunzeker, County Administrator, stated he will remain as the County Administrator as long as the Commission wishes him to stay. If he decides to retire, he would provide the Board with a 20-week notice.

 Further discussion occurred that the Contract should include an expiration date.

Motion - Amended

 Commissioner Whitmore amended the motion to approve the current Contract that Ed Hunzeker has, with the elimination of Section II.A., and make it an evergreen contract with one-year renewals; and that each year, the acting Chair will meet with the County Administrator and that if there are any changes, that they will be brought back to the Board to take action. The motion was seconded by Commissioner Benac.

Motion - Withdrawn

Following brief discussion, the motion was withdrawn.


Chairman Trace announced that the Board would revisit this item in the afternoon session of this meeting.

BC20180213DOC012


(Further action later in the meeting)

RECESS/RECONVENE: 11:08 a.m. - 11:13 a.m. All Commissioners were present.

PROCLAMATIONS (continued)


- 12.  Manatee Heritage Days – March 1-31, 2018, was accepted by Cathy Slusser and Phaedra Carter, Historical Resources Division of the Clerk of the Circuit Court. A brochure of events was distributed. BC20180213DOC013

61. **COMMISSIONER AGENDA/COUNTY ADMINISTRATION CONTRACT AND SUCCESSION PLAN**
(continued)

-  Discussion occurred regarding the County Administrator’s Contract and reference to evergreen, the County Administrator staying one more year, succession, and addressing the County Administrator’s Contract on a year-to-year basis. BC20180213DOC012

(Further action later in the meeting)

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

-  Mike Meehan and Melvin Hoffman signed to speak, but were not present.

There being no citizen comment, Chairman Trace closed Citizen Comments.

BC20180212DOC014

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

-  There being no citizen comment, Chairman Trace closed Citizen Comments.

BC20180213DOC015

CONSENT AGENDA MOTION

A motion was made by Commissioner Jonsson, seconded by Commissioner Benac and carried 7-0, to approve the Consent Agenda, with the changes noted in the Agenda Update Memorandum, and with the deletion of Item 17 (separate action) and Item 42 (deferred).

15. **CLERK’S CONSENT AGENDA**

BC20180213DOC016

A. **WARRANTS**

Accepted the warrants for January 2018, issued by the Finance Department

BC20180213DOC017

B. **MINUTES**

Approved the Minutes of September 18 and 29, October 3 and December 12, 2017

C. **PARTIAL RELEASE OF SPECIAL IMPROVEMENT ASSESSMENT LIEN**

Project 5281 – 24th Avenue East Paving, Dave Silva

BC20180213DOC018

D. **REFUNDS**

- 1. Gospel Crusade, Inc. – Special Event Permit, \$650 BC20180213DOC019
- 2. Utilities Customer 228881-42324 – Billing adjustment, \$508.91 BC20180213DOC020
- 3. Utilities Customer 48115-47939 – Billing adjustment, \$670.87 BC20180213DOC021
- 4. Utilities Customer 6439-154774 – Billing adjustment, \$518.81 BC20180213DOC022

E. **CONTRACT**

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

- 1. Agreement with First Step of Sarasota, Inc., for Opioid Focused Recovery Peer Coaching Services – Pilot Program (2/1/18-1/31/19), \$5,000 BC20180213DOC023

F. **REPORT**

- 1. Fourth Quarter 2017 – Grant Amendments, Donations and Gifts BC20180213DOC024

G. **BONDS**

- 1. Circle K Store – Erie Road – Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements securing roadwork, storm, sanitary water and reclaimed water improvements; and released and return Surety Bond 106160071, \$5,543.60 BC20180213DOC025
- 2. Creekside Apartments at Lakewood Ranch – Released Agreement and Cash Bond/Cashier’s Check/Certificate of Deposit as Defect Security Warranting

- Required Improvements in conjunction with a Right-of-Way Use Permit; Official Check 2133098865, \$3,249.81 BC20180213DOC026
3. Crossing Creek Village, Phase II-B – Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements securing roadwork, drainage, sanitary sewer, water, reclaimed water improvement; and released Surety Bond 59BSBGL2791 and any associated riders, \$65,366.06 BC20180213DOC027
 4. Eagle Trace, Phase I-A – Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvement securing water and waste water improvements; and released Surety Bond SEIFSU0655138 and any associated riders, \$43,456.20 BC20180213DOC028
 5. Esplanade at Lakewood Ranch, Phase 3, Subphase E, G, and H – Accepted Surety Bond Verification Certificate SU1128429 in Conjunction with the Agreement for Public Subdivision Improvements securing water and wastewater improvements, \$37,466.29, expiration date October 29, 2018 BC20180213DOC029
 6. Goodwill Corporate Campus – Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements securing roadwork, drainage, sanitary water and reclaimed water improvements; and released Surety Bond 601081583 and any associated riders, \$17,151.61 BC20180213DOC030
 7. Greyhawk Landing West, Phase 2 – Released Agreement for Public Subdivision Improvements securing water, sewer and reclaimed utility improvements, and released Surety Bond 285048828 and any associated riders, \$42,556.71 BC20180213DOC031
 8. Heritage Harbour, Subphase J, Unit 4-B – Accepted amended Letter of Credit FGAC-17005 in conjunction with the Agreement for Public Subdivision Improvements securing potable water and sanitary sewer improvements, expiration date January 3, 2019, \$9,464.33 BC20180213DOC032
 9. Lake Club Phase II – Released Agreement in Conjunction with Surety Bond (Attachments A) as Defect Security Warranting Required Improvements securing remaining lift station improvements, and Surety Bonds 1032547 and any associated riders, \$28,900 BC20180213DOC033
 10. Raven Crest – Released Agreement in conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvement securing paving, water and wastewater improvements, and released Surety Bond 800013302 and any associated riders, \$62,158.59 BC20180213DOC034
 11. Raven Crest – Released Agreement in Conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements securing final lift of asphalt improvements, and released and returned Surety Bond 800013303, \$3,103.38 BC20180213DOC035
 12. Rye Wilderness, Phase IV-A – Accepted Verification Certificate in Conjunction with Agreement previously approved, Surety Bond 1118801, expiration date September 8, 2018, \$42,297.13 BC20180213DOC036
 13. Rye Wilderness, Phase IV-B – Accepted Verification Certificate in Conjunction with Agreement previously approved, Surety Bond 1001058904, expiration date March 18, 2019, \$58,960.20 BC20180213DOC037
 14. TDKS Enterprises (Jiggs Landing) – Released Surety Bond 41333370 and any associated Riders, \$5,000 BC20180213DOC038
 15. Willow Walk, Phase I-A – Accepted Verification Certificate in conjunction with the Agreement previously approved, Surety Bond 1118801, expiration date February 23, 2019, \$87,425 BC20180213DOC039

16. **ADMINISTRATOR/RESOLUTION**

Adopted Resolution R-18-019, authorizing the Manatee County Commission to participate in a joint meeting with the Longboat Key Town Commission, to discuss and plan matters of mutual interest

BC20180213DOC040

18. **ATTORNEY/INSURANCE COVERAGE**

Approved the purchase of Boiler and Machinery coverage for \$50,315, Crime Coverage for \$4,094, and Railroad General Liability Coverage for \$20,600, for a total cost of \$75,009; and approved the County Attorney, or his designee, to execute all related renewal documents

BC20180213DOC041

19. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/LAKE VIEW ESTATES AT THE LAKE CLUB**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Supplemental Declaration for Lake Club;
- Accepted, executed and authorized recording of Consent to Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Stewardship District;
- Approved, accepted, and authorized recording of Mortgagee's Joinder in and Ratification of the Plat of Lake View Estates at the Lake Club;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Private Improvements for Lake View Estates at the Lake Club;
- Authorized the County Administrator to accept, execute, and record Agreement for Private Subdivision with Public Improvements for Lake View Estates at the Lake Club;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Lake View Estates at the Lake Club, Surety Bond 1154876, from Lexon Insurance Company for \$2,441,453.50;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Lake View Estates at the Lake Club, Surety Bond 1154878, from Lexon Insurance Company for \$492,543.19;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Lake View Estates at the Lake Club, Surety Bond 1154879, from Lexon Insurance Company for \$43,491.20;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Lake View Estates at the Lake Club, Surety Bond 1154877, from Lexon Insurance Company for \$147,270.80; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Lake View Estates at the Lake Club, Surety Bond 1154875, from Lexon Insurance Company for \$1,458,683.60

BC20180213DOC042

20. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/MALLORY PARK, PHASE I, SUBPHASE D AND PHASE II, SUBPHASE A**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Second Amendment to Declaration of Covenants, Conditions and Restrictions for Mallory Park;
- 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 Private Subdivision with Public Improvements for Mallory Park, Phase I, Subphase D and Phase II, Subphase A from Divosta Homes LP;
- Authorized the County Administrator to accept execute and record Agreement for Private Subdivision with Private Improvements for Mallory Park, Phase I Subphase D and Phase II, Subphase A from Divosta Homes LP;
- Authorized the County Administrator to accept and execute Surety Bond for

Performance of Required Public Improvements, Surety bond 59BSBHT8056, from Hartford Fire Insurance Company for \$402,320;

- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Surety Bond 59BSBHT8051 from Hartford Fire Insurance Company for \$305,282;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 59BSBHT8055 from Hartford Fire Insurance Company for \$694,417;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 59BSBHT8052 from Hartford Fire Insurance Company for \$171,834;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 59BSBHT8053 from Hartford Fire Insurance Company for \$44,464;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 59BSBHT8057 from Hartford Fire Insurance Company for \$608,924;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 59BSBHT8050 from Hartford Fire Insurance Company for \$81,841.50; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Improvements, Surety Bond 59BSBHT8054 from Hartford Fire Insurance Company for \$36,036

BC20180213DOC043

21. **BUILDING AND DEVELOPMENT SERVICES/INTERLOCAL AGREEMENT**

Authorized the County Administrator to execute Interlocal Agreement with the Villages of Glen Creek Community Development District (CDD), allowing them to expand the boundaries by approximately 11.619 acres with the City of Bradenton.

BC20180213DOC044

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

Reduced the fines for Case CE2011060188, Deborah and Gene Folds (as previously recommended by the Special Magistrate on 1/24/18), subject to the following conditions:

- The reduced fines shall be paid within 90 days, or will revert back to the original fine amount of \$101,770;
- Recording fees need to be collected, which total \$20; and
- Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fine is paid

BC20180213DOC045

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

Reduced the fines for Case CE2016100285, Qingli and Manyu Long (as previously recommended by the Special Magistrate on 1/24/18), subject to the following conditions:

- The reduced fines shall be paid within 90 days, or will revert back to the original fine amount of \$11,795;
- Recording fees need to be collected, which total \$20; and
- Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fine is paid

BC20180213DOC046

24. **BUILDING AND DEVELOPMENT SERVICES/UPDATED BUILDING FEE SCHEDULE**

Adopted Resolution R-18-022, establishing revised schedule of Building Permit, Inspection, miscellaneous fees and other related fees and charges.

BC20180213DOC047

25. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT RESOLUTION**
Adopted Budget Amendment Resolution B-18-035 BC20180213DOC048
26. **FINANCIAL MANAGEMENT/UTILITY ARCHITECTURE AND ENGINEERING SERVICES**
Authorized the County Administrator, or his designee, to execute the seven Agreements for Utility Architecture/Engineering Services with: Ayres Associates, Black & Veatch Corporation, Brown and Caldwell, CH2M Hill, Engineers, Inc., HDR Engineering, Inc., Kimley-Horn & Associates, Inc., and McKim & Creed, Inc. BC20180213DOC049
27. **FINANCIAL MANAGEMENT/CHANGE ORDER**
Authorized the County Administrator, or his designee, to execute Change Order 1 to Agreement 17-0071OV, Force Main 1D Replacement with Metro Equipment Services, Inc., providing for use of contingency funds to pay for material increases with no additional cost to the Agreement BC20180213DOC050
28. **FINANCIAL MANAGEMENT/CHANGE ORDER**
Authorized the County Administrator, or his designee, to execute Change Order 3 to Work Assignment MC-07, pursuant to Agreement 12-0588BC, Utility Architectural/Engineering Services with McKim & Creed, Inc., adding additional engineering services and an estimated five months of additional construction phase services in the amount of \$161,111, for a revised total of \$2,034,620 BC20180213DOC051
29. **FINANCIAL MANAGEMENT/CHANGE ORDER**
Authorized the County Administrator, of his designee, to execute Change Order 4 to Work Assignment 27 to Agreement 11-1569BG, Engineering Services for Utilities Engineer of Record with Carollo Engineers, Inc., in the amount of \$63,951, for additional electrical design services related to the Lake Manatee Ultra Filtration Membrane Process Upgrade. This Change Order increases the Agreement amount from \$5,023,227 to \$5,087,178. BC20180213DOC052
30. **NEIGHBORHOOD SERVICES/GRANT**
Executed Amendment 1 to the FY 17/18 Alzheimer's Disease Initiative (ADI) Agreement ADI-17/18-MAN with Senior Connection Center, Inc., increasing the funding amount by \$77,724, and replacing the Budget Summary; and adopted Budget Resolution B-18-040, amending the annual budget for FY 2018 BC20180213DOC053
31. **NEIGHBORHOOD SERVICES/GRANT**
Executed Amendment 1 to the FY 17/18 Community Care for the Elderly (CCE) Agreement CCE-17/18-MAN with Senior Connection Center, Inc., increasing the funding amount by \$112,958, and Budget Summary; and adopted Budget Resolution B-18-039, amending the annual budget for FY 2018 BC20180213DOC054
32. **PARKS AND NATURAL RESOURCES/AGREEMENT**
Executed Charlotte Harbor National Estuary Program Funding Agreement for FY 2018 with the City of Punta Gorda, on behalf of the Charlotte Harbor National Estuary Program, for County share of funding in the amount of \$5,000 BC20180213DOC055
33. **PARKS AND NATURAL RESOURCES/LICENSE AGREEMENT/AMENDMENT**
 - Executed First Amendment to the License Agreement with Manatee County Youth Rowing, Inc.; and adopted Resolution R-18-024, authorizing the conveyance of County property from the Property Management Department to Manatee County Youth Rowing BC20180213DOC056


4. **PARKS AND NATURAL RESOURCES/GRANT**
Executed Tampa Bay Estuary Program Mini-Grant Agreement in the amount of \$1,981, with Tampa Bay Estuary Program for a new Snorkeling 101 Program; and adopted Budget Resolution B-18-036, amending the annual budget for FY 2018 BC20180213DOC057
35. **PARKS AND NATURAL RESOURCES/SMALL DOLLAR CONCESSION/TENNIS MANAGEMENT**
Approved staff to move forward with a competitive selection process for a Small Dollar Concession Agreement, valued at less than \$50,000, to maintain services, tennis instruction, and program coordination to fully operate and manage select tennis court facilities throughout Manatee County BC20180213DOC058
36. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted (recorded) Corrective Warranty Deed from Mary Frances Schultz, for property located on 44th Avenue East, reflecting identification used to verify the identity of the Grantor BC20180213DOC059
37. **PROPERTY MANAGEMENT/CONTRACT**
- Executed Contract for Sale and Purchase with Winding Roads LLC for property located at 5107 44th Avenue East (Parcel 117), for the 44th Avenue East Road Improvement Project, from 45th Street East to 44th Avenue Plaza East, \$260,760;
 - Accepted Consent and Joinder from Evelyn M. Cruz and David Hernandez; and
 - Accepted Release and Waiver of Business Damages Claim by Winding Roads LLC
- BC20180213DOC060
38. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted and authorized recording of Flowage Easement (includes Consent and Joinder) from Stone River Retirement Community LLC; and authorized recording of Affidavit of Ownership and Encumbrances from Breck C. Collingsworth BC20180213DOC061
39. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted and authorized recording of Permanent Utilities Easement (includes Consent and Joinder) from Dwayne Rautmann for a new commercial building located at 4907 96th Street East, Palmetto; and authorized recording of Affidavit of Ownership and Encumbrances from Richard Trzcinski BC20180213DOC062
40. **PROPERTY MANAGEMENT/ROAD PLAT/MOCCASIN WALLOW ROAD**
Accepted and authorized recording of a Specific Purpose Survey Road Plat for Moccasin Wallow Road, from the northeast corner of 71st Avenue East to the Northwest corner of Parcel 403100001, Parrish BC20180213DOC063
41. **PROPERTY MANAGEMENT/RESOLUTION**
Adopted Resolution R-18-009, authorizing use of the Second Edition of the Preferred Building and Grounds Equipment Materials and Design Criteria Catalog BC20180213DOC064
43. **PUBLIC SAFETY/INTERLOCAL AGREEMENTS/LAW ENFORCEMENT SERVICES**
Executed Interlocal Agreements to provide FY 2018 funding for enhanced law enforcement services: City of Bradenton Beach \$94,236; City of Holmes Beach, \$,10,000; and City of Anna, \$5,280 BC20180213DOC065
44. **PUBLIC SAFETY/LETTER/LOCAL MITIGATION STRATEGY**
Executed letter to the State of Florida, Division of Emergency Management, submitting a list of the current, Local Mitigation Strategy Working Group members, as well as the Chairperson and Vice-Chairperson, on an annual basis BC20180213DOC066

45. **PUBLIC WORKS/TRANSIT TICKETING FARE PAYMENT OPTION**
Approved a one-year Pilot Program to provide mobile ticketing purchases as a fare payment option for transit passengers; and executed Token Transit Agreement for Pilot Software and Subscription Services with Token Transit, Inc., to provide mobile ticketing services during the one-year Pilot Program evaluation period (implementation date is scheduled for 4/3/18)
BC20180213DOC067
46. **PUBLIC WORKS/AGREEMENT/UTILITY REIMBURSEMENT**
Authorized the County Administrator to execute the Utility Reimbursement Agreement with Lennar Homes LLC, to connect the Polo Run project (PDR-15-02(P)/15-S-48(P)/FSP-15-74) to the County's water distribution system, in exchange for Polo Run to design and construct an 8-inch waterline crossing State Road 70 to connect into the existing waterline in the Del Well community, to provide a looped system for water quality improvement and system redundancy; and adopted Budget Resolution B-18-043, amending the annual budget for FY 2018
BC20180213DOC068
47. **PUBLIC WORKS/GRANT/STATE TRANSIT CORRIDOR PROGRAM**
- Adopted Resolution R-18-023, authorizing the Chairman to execute a Joint Participation Agreement (JPA) with the Florida Department of Transportation, for State Transit Corridor Grant Program funding;
 - Executed Five-Year JPA, Financial Project Number 410895-1-84-05, Contract G0T05, providing funding for eligible operating assisting expenses in FY 2017/18 in the amount of \$729,074, for public transit services along the State Road 789/Gulf Drive Corridor (with an end date of December 30, 2022); and
 - Executed Standard Lobbying Certification Form, Financial Project Number 410895-1-84-05
BC20180213DOC069
48. **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-18-014, authorizing donation to Children's Guardian Fund;
 - Adopted Resolution R-18-016, authorizing donation to Florida Department of Health; and
 - Adopted Resolution R-18-020, authorizing donation to Victorious Life Christian Center
BC20180213DOC070
49. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/PROJECT CYPRESS**
Adopted Resolution R-18-025, finding that Project Cypress is approved for a customized Southwest District Economic Development Incentive Grant and Transportation Impact Fee Incentive
BC20180213DOC071
50. **UTILITIES/AGREEMENT**
- Authorized the County Administrator to execute the Agreement for Sale and Transfer of Water and Wastewater Facilities regarding Treymore at the Villages of Palm Aire;
 - Authorized the County Administrator to execute the Bill of Sale from Treymore Community Association, Inc.;
 - Accepted and authorized recording Utility Easement from Treymore Community Association, Inc.; and
 - Accepted and authorized recording of Affidavit of Ownership and Encumbrances
BC20180213DOC072
62. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/MOSS CREEK, PHASE I**
- Executed and authorized recording of Final Subdivision Plat;
 - Accepted, executed and authorized recording of Mortgagee's Joinder in Ratification of Subdivision Plat and all Dedications and Reservations Thereon from First Continental

- Investment Co., Ltd.;
- Accepted, executed and authorized recording of Mortgagee's Joinder in Ratification of Subdivision Plat and all Dedications and Reservations Thereon from American Momentum Bank;
- Authorized recording of Community Declaration for Moss Creek by Weekley Homes LLC, joined by CND-Moss Creek LLC, a Texas limited liability company, and Moss Creek Property Owners Association, Inc.;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Public Improvements for Moss Creek, Phase I, from CND-Moss Creek LLC;
- Authorized the County Administrator to accept, execute and record Agreement for Private Subdivision with Private Improvements for Moss Creek, Phase I, from CND-Moss Creek LLC;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Public Improvements, Moss Creek, Phase I, Surety Bond K0960778A from Westchester Fire Insurance Company, \$1,275,563.07;
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Moss Creek, Phase I, Surety bond K09607791 from Westchester Fire Insurance Company, \$1,974,911.93; and
- Authorized the County Administrator to accept and execute Surety Bond for Performance of Required Private Improvements, Moss Creek, Phase I, Surety Bond K09607808 from Westchester Fire Insurance Company, \$617,185.40 BC20180213DOC073

(End Consent Agenda)

52. **NEIGHBORHOOD SERVICES/HEALTH CARE ADVISORY BOARD APPOINTMENT**

 **Nominations:** Mental Health Seat.

Kirk Zeppi - By Commissioner Whitmore


A motion was made by Commissioner Benac and seconded by Commissioner Baugh and to close nominations.

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


Kirk Zeppi was appointed by a unanimous vote, to fill the Mental Health seat on the Health Care Advisory Board.

BC20180213DOC074

54. **FINANCIAL MANAGEMENT/RESOLUTION**

 Jan Brewer, Financial Management Director, presented Resolution R-18-021, approving changes to the Transportation Infrastructure Sales Tax Project and Equipment List. Modifications include a clarification in the title of a sidewalk project, the addition of five sidewalk projects in Rubonia, and an increase in the cost of the Florida Boulevard project. Georgia Avenue is being removed from the list, because a community development block grant will fund that project.

 Sia Mollanazar, Public Works Deputy Director, stated the Rubonia sidewalk project is moving forward.


 A motion was made by Commissioner Whitmore and seconded by Commissioner Baugh, to adopt Resolution R-18-021, approving proposed changes to the Infrastructure Sales Tax Project and Equipment List Exhibit B, per Resolution R-16-128 and amended in Resolution R-17-105.

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

The motion carried 7-0.

BC20180213DOC075


17. **ATTORNEY/EMINENT DOMAIN SETTLEMENT**

 Pamela D'Agostino, Assistant County Attorney, reviewed the agenda memorandum, outlining the history on the acquisition of Parcel 102 for the 9th Street East Improvement Project (53rd Avenue East to 57th Avenue East). She clarified the procedures used in this case, the discrepancy in the fees and estimates, and the settlement costs related to Eminent Domain Settlement Case 2009 CA 3661 (Manatee County v. Bradenton THCI Holding Company LLC et al., Austerman, Inc., dba A&A Auto Recycling).

Sia Mollanazar, Public Works Deputy Director, enlightened the Board on the engineering aspects and stated the bulk of the cost in this case is associated with the necessity for replacement of the buildings on the property due to the taking.


Ms. D'Agostino drew a sketch to further illustrate the taking of Parcel 102.

Discussion occurred regarding the differences in the County's estimated costs of damages versus the property owner's estimates, if there was anything that could have been done differently in the design process, and the Attorney's fees are controlled by a Florida Statutory formula.


 A motion was made by Commissioner Benac, seconded by Commissioner Whitmore and carried 7-0, to (1) approve the proposed settlement with Defendant Austerman, Inc., doing business as A & A Auto Recycling in Manatee County Circuit Case 2009 CA 3661, relative to the taking of Parcel 102 for improvements to 9th Street East as delineated in the attached Stipulated Final Judgment as to Parcel 102; and (2) authorize the County Attorney, or his designee, to execute the attached Joint Motion for Entry of Stipulated Final Judgment as to Parcel 102 and all other necessary paperwork associated with said settlement. BC20180213DOC076


RECESS/RECONVENE: 11:30 a.m. – 1:31 p.m. All Commissioners were present.

60. **COMMISSIONER AGENDA/PALMETTO YOUTH CENTER**

 Commissioner Smith commented on funding to the Palmetto Youth Center for the Teen Hype Program, his concerns with the lack of programs at the Center, and his efforts to meet with the Board of Directors to discuss his concerns.


Discussion occurred regarding the Palmetto Youth Center is required to provide an audit every two years, and need to focus on what is within the purview of the Board of County Commissioners, which is funding.


 Cheri Coryea, Deputy County Administrator, stated the Palmetto Youth Center has a valid audit, based on the County's contractual terms, through June 30, 2018. Regular reports have been submitted by the youth center.


 Betty Sailes Rhodes stated there is a lack of programs at the Center.


 City of Palmetto Commissioner Harold Smith asked the Board to find out what is going on at the Youth Center.


 Edward Dick spoke in favor of Reggie Bellamy as the Executive Director of the Youth Center.


 Geneva Prisha expressed concern with the Youth Center closing in the evenings and on weekends and the lack of programs. She also asked the Board to investigate what is going on at the Youth Center.

 Charles Newsome, Vice-Chairman of the Palmetto Youth Center Board of Directors, stated the Executive Director is working to revamp the programs at the Center.

 Altesha Lazier spoke about a group that was denied the use of the Youth Center field for a football program.

 Reggie Bellamy, Executive Director of the Palmetto Youth Center, spoke about available programs at the Center, as well as the recent upgrades to the Center. A youth football program is planned for the coming year.


 Discussion ensued that the Center has complied with their funding from the County, 2017 salaries of the Executive Director and employees of the Youth Center, process for funding programs through the Children's Services funding, documentation provided to pay out approved funding, if an agency is not operating in compliance with the funding agreement, there are options to terminate funding, how it is determined whether or not the Executive Director or other employees of the Youth Center are showing up for work, youth centers have to adhere to strict legal requirements for licenses, and a town hall meeting in the district might be a more appropriate forum to discuss this issue.

 Following discussion, Ms. Coryea responded to questions regarding the Executive Director, funding of individual Directors, working toward results-first based contracts, eight programs were not recommended that were in a similar category, and staff will be talking with the Children's Service Advisory Board on the concerns of the Commission.


BC20180213DOC077

RECESS/RECONVENE: 2:48 p.m. - 2:53 p.m. All Commissioners were present.

55. **FINANCIAL MANAGEMENT/BUDGET RESOLUTIONS**


 Jan Brewer, Financial Management Director, reviewed amendments to the FY 2018 budget to fund various, approved Transportation Infrastructure Sales Tax Capital Projects and to consolidate the Rubonia sidewalk projects into one project.


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

 A motion was made by Commissioner Baugh, seconded by Commissioner DiSabatino, and carried 7-0, to approve for forward funding of Transportation Infrastructure Sales Tax Capital Projects; and, consolidation of all the Rubonia sidewalk projects into one project to be known as the Rubonia Community Sidewalk Project; and adopt Budget Resolutions B-18-042 and B-18-044, amending the annual budget for FY 2018


BC20180213DOC078


56. **FINANCIAL MANAGEMENT/REVIEW OF PROTEST APPEAL**

 Theresa Webb, Procurement Official, reviewed the request for the Board to affirm the County Administrator's decision to disallow the protest of Request for Proposal (RFP) 18-R06746MS, Corrosion and Odor Control RFP.


 Dennis Lapin, Lapin Septic Tank Service, Inc., Appellant, expressed concerns with the procurement process for this RFP and the elimination of his company from the RFP.

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

 Discussion ensued that Lapin Services did not submit a proposal for the second RFP and there has been no award for this RFP.


 Jeff Goodwin, Wastewater Division Manager, stated there has been no significant change in the process for treating sewage in Manatee County in the last ten years.

Discussion continued as to the criteria for lift stations, there have been no complaints, the best services are being provided for the funds that are available, the requirements are clear, and a new RFP was issued in order to research technology.


 A motion was made by Commissioner Benac, seconded by Commissioner Baugh and carried 7-0, to affirm the County Administrator's decision to disallow the protest of RFP No. 18-R067464MS.

BC20180213DOC079

57. **PUBLIC WORKS/2018 TRANSPORTATION PROJECT PRIORITIES**


 Clarke Davis, Transportation Planning Division Manager, presented a list of project priorities, stating it is a re-ordering of priorities presented to the Board in previous years. He noted the Metropolitan Planning Organization requested the priorities be listed in ranking order. He requested adoption of Table 1, Manatee County 2018 Transportation Project Priorities.

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

 A motion was made by Commissioner Baugh, seconded by Commissioner DiSabatino and carried 7-0, to adopt Table 1, Manatee County 2018 Transportation Project Priorities, and authorize staff to transmit Table 1 to the Metropolitan Planning Organization as part of the 2018 Work Program development process.

BC20180213DOC080

58. **PUBLIC WORKS/TRANSIT ROUTE 3/30-MINUTE SERVICE IMPLEMENTATION**


 William Steele, Transit Division Manager, reported that Transit staffing has been enhanced, and the Manatee Avenue route will return to a 30-minute service on February 17, 2018.


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


This is an information item, and no action is required.


BC20180213DOC081


59. **COMMISSIONER AGENDA/COUNTY ATTORNEY EMPLOYMENT CONTRACT**

 Commissioner DiSabatino expressed concerns with various differences in the County Attorney's and County Administrator's contracts and stated they both should include a term with end dates. She asked that the format of the Attorney's contract match more closely to the Administrator's contract.

 Mitchell O. Palmer, County Attorney, addressed his contract renewal in 2015, which included several modifications, and the Board approved the renewal.


 A motion was made by Commissioner Whitmore, that we keep and maintain his current contract (with the County Attorney) and add an annual evaluation by the Board. The motion was seconded by Commissioner Benac.

 Discussion ensued that the two contracts cannot be compared because the jobs of the Attorney and the Administrator are very different, the main reason for the 2015 amendment to Mr. Palmer's contract was to allow for an adjustment in his base salary, an annual review of his salary should be included in the contract, every Commissioner should evaluate both the County Attorney and the County Administrator, make it a policy or include the requirement in the County Attorney's contract, and the County Attorney provides an annual report of his office.

 Following discussion, the motion was withdrawn.


BC20180213DOC082


61. **COMMISSIONER AGENDA/COUNTY ADMINISTRATION CONTRACT/SUCCESSION PLAN**
(continued)

 Upon speaking with Mr. Hunzeker during the lunch break, Chairman Trace advised that he is happy with the proposed Succession Plan. At this time, the Contract would need to be amended to update the expiration date to January 29, 2020.

The County Attorney distributed an amended Contract, which included a change in the term through Wednesday, January 29, 2020, a reflection of Mr. Hunzeker's current salary, and a correction of a scrivener's error on a statutory citation.


Motion - Withdrawn

 A motion was made by Commissioner Baugh to extend the County Administrator's contract on a yearly basis through January 2020 and was then withdrawn.

 Mr. Palmer prepared and presented a new contract document for consideration and approval, with the following changes:

- 1) The term of the contract shall be from the effective date, that being today, through Wednesday, January 29, 2020;
- 2) That the new contract document reflects his current, annual salary; and
- 3) Change a scrivener's error that appeared in his former contract. There is reference to Florida Statute 443.036 on Page Two of his former contract. The previous contract erroneously referenced Section 30 of that Statute, but now correctly references Section 29.

Motion - New County Administrator Contract

 A motion was made by Commissioner DiSabatino, and seconded by Commissioner Benac, to accept the new, amended contract.


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

 The motion carried 6-1, with Commissioner Whitmore voting Nay.

BC20180213DOC012

COMMISSIONERS' COMMENTS


Commissioner Smith


-  Reiterated his comments made earlier in the meeting and requests regarding funding for the Palmetto Youth Center

- Announced that the Rubonia Madis Gras will be held on February 24th
(Further Commissioners' Comments later in the meeting)

(Gavel to First Vice-Chairman DiSabatino; presiding)

FORT HAMER BRIDGE

 Chairman Trace relayed a request from the Parrish Association to close the Fort Hamer Bridge in the early hours on a Saturday in September to hold a fundraiser run. The Association will be responsible to pay the costs of signage and law enforcement.


 A motion was made Chairman Trace and seconded by Commissioner Whitmore, to approve the request.

Following a recommendation by the County Administrator to place this matter on a regular agenda for Board approval, and include the specific date of the event, Chairman Trace agreed with the recommendation and withdrew the motion.

(Gavel returned to Chairman Trace; presiding)

COMMISSIONERS' COMMENTS (continued)


Commissioner Whitmore

-  Referred to email correspondence regarding action taken by the Tourist Development Council to recommend to the County Commission their unanimous opposition of House Bill 773 and corresponding Senate Bill 1400 regarding short-term rentals. BC20180213DOC0083

(Depart Commissioners Baugh and Benac)

OFF-SHORE DRILLING/GULF OF MEXICO 


Commissioner Whitmore stated that off-shore drilling was the Board's top state priority in 2010. She asked if the Board would support opposing any new oil and gas drilling in the state waters of the Gulf of Mexico.

 A motion was made by Commissioner Whitmore to oppose all oil and gas drilling in the State waters of the Gulf of Mexico. The motion was seconded by Commissioner DiSabatino.

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

The motion carried 5 to 0, with Commissioners Baugh and Benac absent. BC20180213DOC084

LEGISLATIVE MATTERS

 Nick Azzara, Information Outreach Manager, reported on a proposed bill pertaining to Sanctuary Cities and a Constitutional provision proposal that would give local Sheriffs the authority to oversee all judicial facilities.

ADJOURN

There being no further business, Chairman Trace adjourned the meeting at 4:07 p.m.

Minutes Approved: _____