

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
April 6, 2021**

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

Present were:

Vanessa Baugh, Chairman
George Kruse, First Vice-Chairman
Kevin Van Ostenbridge, Second Vice-Chairman
Reggie Bellamy, Third Vice-Chairman
Misty Servia (attended by ZOOM)
James A. Satcher III
Carol Whitmore

Also present were:

Dr. Scott Hopes, Acting County Administrator
William Clague, County Attorney
Robin Toth, Deputy Clerk, Clerk of the Circuit Court



Chairman Baugh called the meeting to order at 8:37 a.m.

INVOCATION AND PLEDGE OF ALLEGIANCE 

1. The Invocation was delivered by Minister Joe Henry, Sr., East Bradenton Church of Christ, followed by the Pledge of Allegiance.

ANNOUNCEMENTS

Time Certain:

- Item 49**, 9:00 a.m. – Update on Status of Piney Point Phosphogypsum Stack Emergency Discharge
- Item 5**, 10:30 a.m. – Update on the Efforts of Feeding Tampa Bay in Manatee County
- Item 45**, 11:00 a.m. – Updates on CARES Act Strategies, the Emergency Rental Assistance Program, and Coronavirus Local Strategies involved with Testing, Local Data, Statistics, and Vaccine Distribution; Extension of Local State of Emergency (See further action below under Agenda Update Memorandum 1)
- Item 6, 1:30 p.m. – Presentation of Results from the Spring 2021 Interns

AGENDA

Revised Agenda 1 with Update Memorandum 1 (dated 4/2/21)

BC20210406DOC001

BC20210406DOC002

- Item 16, Citizen Comments (Consideration for Future Items) – Written comment submitted through the online public comment form was added to this item (Reginald DeWitty Awards/Presentations/Proclamations)

The following items have been deferred to the Board meeting of April 20, 2021:

- Item 4, Presentation of Certificate of Recognition to Richard Steinfirst BC20210406DOC003
- Item 5, Update on the Efforts of Feeding Tampa Bay in Manatee County BC20210406DOC004
- Item 9, Adoption and Presentation of Proclamation, designating April 18-24, 2021, as Crime Victims' Rights Week BC20210406DOC005
- Item 10, Adoption and Presentation of Proclamation, designating April 21, 2021, as Sexual Assault Awareness Day BC20210406DOC006
- Item 11, Adoption and Presentation of Proclamation, designating April 30, 2021, as Arbor Day BC20210406DOC007

Changes to Advisory Board/Committee/Appointments

- Item 42, Termination of Affordable Housing Advisory Committee Board Member; Appointment of Four Affordable Housing Advisory committee Members for Vacant Seats 2,4,7, 9; and Adoption of Resolution R-21-022 – A table depicting the current members and their expiration dates was added to this item

Changes to Regular Agenda

- Item 45, Updates on CARES Act Strategies, the Emergency Rental Assistance Program, and Coronavirus Local Strategies involved with Testing, Local Data, Statistics, and Vaccine Distribution; Extension of Local State of Emergency – This item was deferred to a later date BC20210406DOC008

Addition to Consent Agenda

- Item 48, Execution of Amendment 1 to Interlocal Agreements regarding CARES Act Funding – Request to “Approve and authorize the Interim County Administrator to execute Amendment 1 to Interlocal Agreements between Manatee County and the Manatee County Clerk of Court, the State Attorney, the Florida Department of Health, Manatee County Health Department, and Southern Manatee Fire Rescue District for the CARES Act Funding funds to be used in accordance with the CARES Act.”

Addition to Regular Agenda

- Item 49, 9:00 a.m. Time Certain – Update on the Status of Piney Point Phosphogypsum Stack Emergency Discharge

Revised Agenda 2 with Update Memorandum 2 (dated 4/5/21)

BC20210406DOC009

- Item 14, Adoption and Presentation of Proclamation designating April 2021, as Water Conservation Month – Deferred to April 20, 2021 BC20210406DOC010
- Item 46, Presentation Regarding a County-Initiated Thoroughfare Plan Update – Deferred to April 20, 2021 BC20210406DOC011
- Item 49, Update on Status of Piney Point Phosphogypsum Stack Emergency Discharge – Memorandum from Charlie Hunsicker, Parks and Natural Resources Director (4/4/21), regarding Emergency Procurement for Deep Well Injection Services, and Resolution R-21-068 were added to this item. The requested action was updated to include:
 - Motion to direct the County Administrator to secure the services of AS Rus LLC to complete the design, permitting and services during construction of an underground injection deep well on County-owned property located at Buckeye Road, Parcel 603202109, and secure the appropriate qualified party to construct the new well, under the authority of local State of Emergency Declaration dated April 1, 2021, and the State of Emergency Declaration for Manatee County, issued by the State of Florida on April 4, 2021; and
 - Motion to adopt Resolution R-21-068, reaffirming a State of Local Emergency related to the Piney Point Phosphogypsum Stack

AWARDS

1.  April Employee of the Month – Chase Snyder, Senior Fleet Technician, Public Works BC20210406DOC012

PRESENTATIONS

2.  Retirement Award to John Muscato, Public Works Maintenance Superintendent, honoring 40 years of service BC20210406DOC013
3.  Retirement Award to Susan Ford, Human Services Program Manager, honoring 26 years of service BC20210406DOC014

49. UPDATE ON STATUS OF PINEY POINT PHOSPHOGYPSUM STACK EMERGENCY DISCHARGE

 Dr. Scott Hopes, Acting County Administrator, used a slide presentation to give an incident update of the Piney Point Wastewater Release as of this morning. There is a breach

in the containment liner for the 77-acre containment pond (North Gypsum Stack South [NGS-S] Cell) atop the Piney Point Phosphogypsum Stack, but seepage rates remain steady. The new engineering report showed there is no new leak and the initial breach is still being dealt with. A technical working group involving engineers and subject matter experts from Florida Department of Environmental Protection (FDEP), Florida Department of Emergency Management (FDEM), Southwest Florida Water Management District (SWFWMD), Army Corps of Engineers (ACOE), and additional, third-party engineers has been established. This is a pivotal turning point in the situation as there is now a Federal team with SWFWMD and State teams working together from an engineering and technical perspective. He also distributed a memorandum from Charlie Hunsicker, Parks and Natural Resources Director (4/4/21), on the emergency procurement for Deep Well Injection Services in response to the Piney Point incident.

BC20210406DOC015
BC20210406DOC016

FDEM coordinated the deployment and stationing of 26 pumps/pipes to reduce the water level in the 77-acre containment pond. As of the latest report, water was being discharged at a rate of 23,500 gallons per minute with the additional pumps. The initial, controlled release occurred through gravity-siphoned flow pipes forcing water through the pumps. As the pond volume dropped, the amount of water volume siphoned also decreased, and the difference in volume was achieved through the additional pumps.

 Initially, the NGS-S Cell contained 480 million gallons of water. Last evening, the water volume decreased to 319 million gallons, and as of this morning, the water volume has further decreased to an estimated 300 million gallons, resulting in a release of 19-20 million gallons of water since last evening. ACOE is leading efforts, along with the broader team, to run the models as pond volume drops to develop more detailed, accurate inundation (splash) maps, which are expected to be released today, to inform decision makers.

Evacuation orders remain in place and approximately 102 people (and pets) remain in non-congregate sheltering at local hotels. Congressman Buchanan contacted the Environmental Protection Agency (EPA), which arrived on site to provide federal assistance, and 100,000 bottles of drinking water were delivered to the Bradenton Area Convention Center and are available as needed. The Manatee Sheriff's office coordinated the transport of inmates from the jail to nearby correctional facilities on April 5 as a precautionary measure.

 By ZOOM, John Truitt, FDEP Deputy Secretary, stated he would be at the Piney Point site tomorrow. He explained the actions taken to date to augment the discharge of water, collect samples and data of the discharge from the stack's outfall, and determine the logistics on where to locate additional pipes.

 Dr. Hopes resumed with slides of a Preliminary Inundation Max Depth Map depicting the NGS-S Assumed Breach on East Wall, NGS-N Assumed Intact and a map of the current evacuation boundary area, encompassing the Manatee Airport to the north and a large section of U.S. 41 that has been closed. Commercial traffic has been allowed into Port Manatee, and the County has been working with business partners to maintain the local economy.

 Slides continued showing an organizational chart of a unified command structure of agencies that have assembled, Manatee County Emergency Operations Center (EOC), State and Partner Actions to Date (local State of Emergency approved 4/1/21, R-21-067), Governor DeSantis' declaration of State of Emergency for Manatee County (4/3/21), FDEP teams co-located at Manatee County EOC, the EOC remains at a Level 1 full activation, and FDEM coordinated the deployment of additional pumps to reduce the water level.

Two FDEP drone teams provided live feed with thermal imagery to detect small-scale changes in the berm structure and monitor the breach site. Additional slides showed a list of State Personnel and Resources deployed and the Goals Going Forward. Mosaic provided tanker trucks to transport water to their site where it is processed. Water breaching from the side of the stack into a canal is being diverted and pumped/lifted into an on-site, 35-million-gallon pond with a containment liner that has not been used. Everything released into the Bay is salt and brackish water. Arrangements were made for a local farmer to get his green beans and potatoes into an area where they can be harvested.

 In addition to remediating any negative, environmental impacts due to the release of water, Dr. Hopes stated he would show the locations where the County has monitoring points both in the Bay and approximate area, in addition to State efforts. A video produced by the Sheriff, shows the minimal flow which remains in the approximate area. Staff continues to assess the berm and maintain situational awareness on the breach site, and address any unmet equipment or personnel needs.

 Charlie Hunsicker, Parks and Natural Resources Director, displayed a Manatee PNRD Monitoring Program map to monitor any short- or long-term changes to the Bay. The Water Quality Report Card and test results as it exists today are posted on the Tampa Bay Estuary website. A link to the Tampa Bay Estuary site would be added to the County's website.

BC20210406DOC017

 Dr. Hopes stated the Sheriff's video would be posted on the County's website. Based on aerial views at incoming tide, the visual accumulation of outflow from the Port to the north and south appeared limited, and the environment was absorbing the discharge at 40 feet of depth, with the intent that it would be carried into the ship channel and not find its way into the primary estuaries or nursery beds.

Discussion occurred that Senate President Wilton Simpson and Senator Jim Boyd are working with the Legislature to secure \$200 million to close the Piney Point Plant, calculations of the quantity of water being trucked off site would be provided, Bishop Harbor, the use of reverse osmosis and plans for water treatment, update the Board on what would be done with other existing holding ponds on site, approximately 40 percent of the water has been drained to date, timeframe of when residents and businesses could return to the evacuated areas, misinformation by the media, the water being discharged is not radioactive, there are no algae blooms in the water, what is going into the Bay is not toxic but marine-life sustaining, the 77-acre pond consists mostly of rain water/residual saltwater from a Port Manatee dredging project and silt from the Bay during the dredging project, a majority of the water is being contained on site, only a certain quantity of water is being released to avoid structural collapse, beaches are swimmable, mitigation of the rain water, monitoring seagrasses/grass flats, seagrass samples are being extracted from the ocean bottom, and a policy is in place for issuing daily press releases and reports to Commissioners and the public.

 Dr. Hopes stated a third-party engineering firm provided a preliminary engineering design if it is determined the Piney Point site could be used, whereby 150 million gallons of water would be stored on site in portable holding tanks until the water could be treated. The State has provided enough pumps to move the surface water into the tanks at a rate of 23,500 gallons per minute. The water on the bottom being pumped into Mosaic tanker trucks contains the most dissolved solids. The water going into the Bay at 23,500 gallons per minute is surface salt/brackish water, conducive to absorption in the marine water environment. Calculations would be provided of the water being trucked off site. The goal is

to keep as much of the water onsite by filling the 35-million-gallon lined retention pond to treat the water of its acidity, alkaline, ammonia and nitrates before it leaves the site. FDEP has committed to the process of reverse osmosis to make sure the water is taken to the quality of the water in the Bay.

FDEP examined other ways to pre-treat the water and approved Port Manatee to implement an engineering plan to pump the water into barges and tankers to be shipped to a company in Louisiana to be disposed of in deep injection wells. The operation would have to comply with the Jones Act of 1920 (Federal Law regulating maritime commerce in U.S. waters and between U.S. Ports). The Act requires goods shipped between U.S. Ports to be transported on ships that are built, owned and operated by the United States. Mosaic offered tankers and barges to pump and move the water out of the Port; however, because their ships are flagged in another country, an emergency Federal waiver is being pursued. The County is also seeking other modalities of moving the water other than discharging it into the Bay.

 Dr. Hopes advised that new data would be available this afternoon, which may move the site out of full breach status and lower the risk level. Preparations are being done to the other existing holding ponds on site to prevent them from being impacted. He addressed public concern about radioactivity and stated the water being discharged is not radioactive. The State has sent FDOH nuclear testing staff to analyze and determine the content of the water in all of the ponds. Nutrients are at high levels that do not cause algae blooms, there are no contaminants, and water going into the Bay is not toxic, but is healthy marine-life sustaining. Another on-site pond is a problem, as it is wastewater compound and data on its nutrient levels would be provided.

There has been a tremendous amount of misinformation by the media. It was re-emphasized that Piney Point is not Manatee County property, but is owned by a private company that has been operating under the regulatory oversight of FDEP. Manatee County took emergency action as the local governing body to protect the citizens and businesses. This Board would preside over the closure of this site, and government officials are committed to seeing this site come to permanent closure.

 By ZOOM, Commissioner Servia questioned what plans are in place to ensure that the 77-acre pond does not fill back up and if area seagrasses are being monitored.

 Dr. Hopes stated FDEP is examining several resources to mitigate the rain water, and the team of experts and engineers would incorporate this information into a plan for the County. Dr. Hopes spoke with Dr. Robert Weisberg, Dean of the College of Marine Science, who indicated that he would follow up with Mote Marine and FDEP and report back to the Board on the status of the seagrass beds.

 Mr. Hunsicker advised that staff is extracting sea grass samples from the ocean bottom.

 Chairman Baugh stated that a daily press release would be done with Dr. Hopes and ASRus LLC, and sent to Commissioners to ensure that policy is in place.

(Continued to later in the meeting)

COUNTY ADMINISTRATOR/COUNTY COMMISSION COMMUNICATION SYSTEM

 Dr. Hopes announced that a significant change has been made in the way communication is shared with Board members. A system has been implemented for Commissioners as a

group, to simultaneously receive an email, a text message and an automated voice telephone call with information. City Officials would be added depending on the content of the information.

49. **UPDATE ON STATUS OF PINEY POINT PHOSPHOGYPSUM STACK EMERGENCY DISCHARGE**
(continued)

 Andra Griffin expressed frustration with past actions regarding the Piney Point site.

 Glen Gibellina displayed informational sheets, spoke about Mosaic mining operations, asked if other stacks in the County are being addressed, and suggested all mining be shut down in the County.

 Dale Gulden asked the Board to review the history of the IMC-Agrico Company and commented on the Centers for Disease Control cancer rates from this water spill.

 By telephone, Dawn Kitterman expressed concern with the lack of action taken on this property prior to this incident.

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

 Commissioner Whitmore stated correspondence was sent to Board members that she and former Commissioner Benac were responsible for the Piney Point situation and for not taking action to invest funding into the site. BC20210406DOC018

It was re-emphasized that Piney Point is a privately-owned property that is not under the jurisdiction of the County, and that the property has been addressed by the Board in the past.

Dr. Hopes stated the Piney Point Command Center would host a press conference at 4:00 p.m., to announce the immediate re-opening of U.S. 41, and State and local agencies involved would announce additional developments that take place during the day. FDEP created an informational website about the Piney Point discharge, which could be found at www.protectingfloridatogether.gov/PineyPointUpdate. In order to avoid confusion and to make sure consistent messaging occurs, all media updates would be provided during the press conference and on the County's two primary Twitter feeds, @mcgpublicsafety and @manateegov. BC20210406DOC019

Chairman Baugh referenced an article from The Bradenton Herald, on comments from Commissioners regarding the Piney Point site. BC20210406DOC019

 Commissioner Whitmore stated she would forward a request by the media for information to Dr. Hopes and Nick Azzara, Information Outreach Manager.

 Commissioner Servia commented.

RECESS/RECONVENE: 10:52 a.m. – 11:03 a.m. All Commissioners were present except Commissioner Van Ostenbridge. Commissioner Servia was present via ZOOM.

 Chairman Baugh stated two motions were required with this agenda item:

Motion – Resolution R-21-068

A motion was made by Commissioner Whitmore, seconded by Commissioner Bellamy and carried 6-0, with Commissioner Van Ostenbridge absent, to adopt Resolution R-21-068, reaffirming a State of Local Emergency related to the Piney Point Phosphogypsum Stack.

(Enter Commissioner Van Ostenbridge)

Motion – ASRus LLC (on Agenda Update Memo 2)

 William Clague, County Attorney, read the recommended motion on the agenda memorandum: I move to direct the County Administrator to secure the services of ASRus LLC (Aquifer Storage Recovery), to complete the design, permitting and services during construction of an underground injection deep well on County-owned property located on Buckeye Road, Parcel 603202109, and secure the appropriate qualified party to construct the new well, under the authority of local State of Emergency Declaration dated April 1, 2021, and the State of Emergency Declaration for Manatee County issued by the State of Florida on April 4, 2021.

Commissioner Whitmore moved the recommended motion, and it was seconded by Commissioner Van Ostenbridge.

This firm performed design, engineering work and testing when the Board addressed this issue in 2013. The property is located across the street from Piney Point on Buckeye Road. One of the concerns of a deep well injection was that the County wanted control over what went down the well and when the well would be used. Once constructed, this well would receive the remaining treated water from the Piney Point site. Given the fact that the County is in a Local State of Emergency and funding is being made available from the State, FDEP has committed to expedite the permitting process. This action gives the County and future Commissioners total control over the use of the well within EPA and DEP guidelines and dictates the quality of water disposed in the well. This action also approves the design work, which would be brought back to the Board to review and authorize the contract to proceed.

 Dr. Hopes stated that all pumping, processing and filtering of the water would occur on the Piney Point site. Once the treated water is placed in the well, the well would be capped. DEP Secretary Valenstine has committed to expedite the permitting process and would arrange the funding appropriation through the Governor's office.

 Chairman Baugh noted that the County would still be responsible for the \$6 million local match (to the \$6 million legislative appropriation) for the Piney Point Emergency Water Treatment Project (approved by the Board 1/26 /21).

 Commissioner Servia questioned the local permitting process and if the County is assuming any liability by taking this step.

 William Clague, County Attorney, advised there is no local authority or local permitting approval for deep well injection; it is under the exclusive jurisdiction of DEP, under Florida Statute 414, as a pollution control measure.

 Jeff Goodwin, Deputy Director Utilities, explained the current permitting process.

 Dr. Hopes stated the contract for design/permitting services would come back to the Board. Federal and State entities are committed to being on site until the Piney Point site has been permanently resolved.

 Gary Reeder, Manatee County Farm Bureau, requested confirmation from the County that the deep injection well on the County-owned site would not be a commercial dump site for other entities.

 Dawn Kitterman expressed concern with the well and asked what has changed to make the well the current option.

 Chairman Baugh stated that initially, she was not in favor of deep water injection, because there were other alternatives; however, the difference today is that the Board never voted for a deep water injection well until now. The main thing is that this water would be cleaned before it is put down into the well.

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

 Dr. Hopes responded to comments made by Mr. Reeder that, under this structure, staff can determine the quality of the water before it is disposed into the well so that it does not put our agriculture businesses and farmers operations at risk.

 The motion carried 7-0.

BC20210406DOC020

Mr. Clague stated the correct Florida Statutory reference should be Florida Statute 403, Environmental Control, and not 414 as previously stated.

PORT MANATEE/BOND ISSUANCE

 Mr. Clague noted there is a signing for a Port Bond Issuance tomorrow.

PROCLAMATIONS 

Dr. Hopes stated the following Proclamation was deferred to April 20, 2021.

12. Child Abuse Prevention Month, April 2021

BC20210406DOC021

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

7.  National Library Week, April 4-10, 2021, was accepted by Eve Ehde, Neighborhood Services Director, and Library Management Team staff

BC20210406DOC022

8.  Public Health Week, April 5-11, 2021, was accepted by Dr. Jennifer Bencie, Florida Department of Health Officer, and Senior Leadership Team. Dr. Bencie addressed proper isolation protocol and announced The Robert Woods Foundation has ranked Manatee County a commendable 9th ranking healthy County.

BC20210406DOC023

13.  Fair Housing Month, April 2021, was accepted by Jennifer Yost, Community Project Development Manager, and Denise Thomas, Community Development Division Manager

BC20210406DOC024

15.  Donate Life Month, April 2021, would be forwarded to the appropriate recipient.

BC20210406DOC025

(Depart Commissioner Whitmore)

 **CONSENT AGENDA – COMMISSIONER REQUESTS**

There were no items pulled by Commissioners.

PINEY POINT – PRESS CONFERENCE

 Dr. Hopes reminded the Board of the 4:00 p.m. press conference at the Piney Point Command Center.

BC20210406DOC019

RECESS/RECONVENE: 12:00 p.m. – 1:02 p.m. All Commissioners were present except Commissioner Whitmore. Commissioner Servia was present via ZOOM.

16. **CONSENT AGENDA** (Future Agenda Items only)

 Glen Gibellina recommended the reduction or waiver of impact fees as an incentive to developers for affordable housing (House Bill 7103) through the Livable Manatee Program.

 Andra Griffin commented on the role of government and suggested more of a focus on roads, sidewalks and water. She voiced concern of learning from a previous work session on how impact fees are broken down and that the majority of the fees are allocated to Parks and Recreation.

 Christina Skepton voiced concern on the continued role of Chairman Baugh as Chairman of the County Commission. She also spoke about comments made by Chairman Baugh on social media regarding inaccurate information on the news on the Piney Point situation.

(Enter Commissioner Whitmore)

There being no further citizens comments, Chairman Baugh closed citizen comments.

 Chairman Baugh responded to comments by Mr. Gibellina regarding impact fees for affordable housing.

BC20210406DOC026

CONSENT AGENDA

17. **Citizen Comments** (Consent Agenda Items Only)

 Glen Gibellina spoke on Item 39 (Land Use Restriction Agreement for Poling Gardens/Habitat for Humanity). He questioned if Habitat for Humanity asked the MCSB to waive fees for this project. He also stated that County Impact Fees and funds could stay with Livable Manatee (\$161,923) if there were an affordable housing policy.

There being no further citizen comments, Chairman Baugh closed citizen comments.

BC20210406DOC027

CONSENT AGENDA MOTION

 A motion was made by Commissioner Van Ostenbridge, seconded by Commissioner Whitmore, and carried 7-0, to approve the Consent Agenda, with the changes incorporated in the Agenda Update Memorandum.

18. **CLERKS CONSENT AGENDA**

BC20210406DOC028

A. **MINUTES**

Approved the Minutes of January 12, February 2 (Council of Governments), and March 9 and 16, 2021

B. REFUNDS

Approved:

1. Michael D. Gregory – Billing Adjustment, \$866.09 BC20210406DOC029
2. Manatee Land Investors – Transportation Impact Fees, \$647,204 BC20210406DOC030
3. Robert S. Phelan – Billing Adjustment, \$520.52 BC20210406DOC031
4. Taylor Morrison of Florida, Inc. – Sewer Facility Investment Fess, \$10,680 BC20210406DOC032

C. CONTRACTS

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

1. Agreement 21-R075718SB with Florida Quality Parking, Inc., and Safeway Parking Enterprises, Inc., for professional valet and parking services, scope and compensation as specified in Exhibits A and B BC20210406DOC033
2. Construction Agreement 21-TA003572AJ with Harris-McBurney Company for the Paradise Bay force main replacement, \$270,974.44 BC20210406DOC034

D. REPORTS

Accepted:

1. Tara Community Development District – Financial Report for the Fiscal Year (FY) ended September 30, 2020 BC20210406DOC035
2. Trailer Estates Park and Recreation District – FY 20/22 Budget BC20210406DOC036

E. BONDS

Accepted:

1. Artisan Lakes Esplanade, Phase V, Subphase A1
 - Released and returned Surety Bond PB03010407341 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements for Private Subdivision, \$199,876.39;
 - Released and returned Surety Bond PB03010407340 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements for Private Subdivision, \$506,680.26;
 - Accepted and executed Surety Bond (Defect) PB03010407461 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on February 9, 2021, securing water and wastewater improvements, \$14,875.11; and
 - Accepted and executed Bill of Sale BC20210406DOC037
2. Artisan Lakes Esplanade, Phase V, Subphase A3
 - Released and returned Surety Bond PB03010407347 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements for Private Subdivision, \$127,291.90;
 - Released and returned Surety Bond PB03010407346 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements for Private Subdivision, \$377,199;
 - Accepted and executed Surety Bond (Defect) PB03010407462 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on February 9, 2021, securing water and wastewater improvements, \$9,291.68; and
 - Accepted and executed Bill of Sale BC20210406DOC038
3. Artisan Lakes Parcel J, Phase II-B
 - Released and returned Surety Bond SU1164241 and any associated riders in conjunction with the performance portion of the Agreement for Public

- Improvements for Private Subdivision, \$202,557.53;
- Released and returned Surety Bond SU1164240 and any associated riders in conjunction with the performance portion of the Agreement for Public Improvements for Private Subdivision, \$218,147.76
- Accepted and executed Surety Bond (Defect) SU1169906 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on August 6, 2019, for Parcel J, Phase II-B securing water and wastewater improvement, \$15,581.35; and
- Accepted and executed Bill of Sale BC20210406DOC039
- 4. Lakewood Ranch, Solera Phases IA and IB
 - Released and returned Surety Bond 80171661 and any associated riders in conjunction with the performance portion of the Agreement for Private Subdivision with Public Improvements, \$4,760,526.16;
 - Released and returned Surety Bond 80171659 and any associated riders in conjunction with the performance portion of the Agreement for Private Subdivision with Public Improvements, \$617,310.07;
 - Released and returned Surety Bond 80171660 and any associated riders in conjunction with the performance portion of the Agreement for Private Subdivision with Public Improvements, \$1,180,428.21;
 - Accepted and executed Surety Bond (Defect) 82380142 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on February 25, 2020, securing streets, drainage, sewer and water improvements, \$219,724.21;
 - Accepted and executed Surety Bond (Defect) 82380143 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on February 25, 2020, securing streets, drainage, sewer and water improvements, \$32,376.80; and
 - Accepted and executed Bill of Sale BC20210406DOC040
- 5. Polo Run Phase IIE-1
 - Released and returned Letter of Credit FGAC-19199 and any associated amendments in conjunctions with the performance portion of the Agreement for Private Subdivision with Public Improvements, \$380,494.40;
 - Released and returned Letter of Credit FGAC-19205 and any associated amendments in conjunctions with the performance portion of the Agreement for Private Subdivision with Public Improvements, \$939,983.66; and
 - Accepted and executed Letter of Credit (Defect) FGAC-20329 securing Section 1.5 “Maintenance, Defects” of the Agreement for Public Subdivision Improvements accepted by the Board of County Commissioners on July 23, 2019, securing potable water and sanitary sewer improvements, \$41,080.60 BC20210406DOC041
- 6. Polo Run Phase IIE-2
 - Reduced Letter of Credit (Performance) FGAC-19205 associated with the Private Improvements Agreement accepted by the Board of County Commissioners on July 23, 2019, from \$939,983.66 to \$523,349.45 BC20210406DOC042

- 7. Polo Run Phase IIE-2
 - Reduced Letter of Credit (Performance) FGAC-19199 associated with the Public Improvements Agreement accepted by the Board of County Commissioners on July 23, 2019, from \$380,494.40 to \$219,555.70

BC20210406DOC043

19. **COUNTY ATTORNEY/LAWSUIT/SETTLEMENT**

Rejected Plaintiff's demand for settlement to Manatee County in the amount of \$120,000, in the case of Cristina Valdes v. Manatee County, Case 2017-CA-3515

BC20210406DOC044

20. **COUNTY ATTORNEY/LAWSUIT/SETTLEMENT**

Authorized to take no action as to Plaintiff's March 17, 2021, Proposal for Settlement (or Proposal), for \$125,000, thus allowing the Proposal to expire, in the matter of Seleka Kerr v. Rick Wells, as Sheriff of Manatee County, Florida, Case 2020-CA-3168

BC20210406DOC045

21. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/LANDINGS AT HERITAGE HARBOUR, PHASE II**

- Executed and authorized recording of Final Subdivision Plat;
- Accepted, executed, and authorized recording of Tenant's Joinder in Subdivision Plat and All Dedications and Reservations Thereon from Costco Wholesale Corporation; and
- Accepted, executed, and authorized recording of Mortgagee's Joinder In and Ratification of Subdivision Plat and all Dedications and Reservations Thereon for UMB Bank. N.A.

BC20210406DOC046

22. **BUILDING AND DEVELOPMENT SERVICES/FINAL PLAT/WILLOW BEND, PHASE II**

- Executed and authorized recording of Final Subdivision Plat;
- Authorized recording of Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Willow Bend Home Owners Association of Manatee County, Inc., and Amendment to the Bylaws of Willow Bend Home Owners Association of Manatee County, Inc.;
- Accepted, executed, and authorized recording of Mortgagee's Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon for Brian J. Koontz and Sabine A. Koontz;
- Accepted, executed, and authorized recording of Mortgagee's Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon for Michele Koontz Maddox and Jerome S. Levin, as Successor Co-Trustees of the Robert L. Koontz Revocable Trust u/a/d November 22, 2016;
- Accepted, executed, and authorized recording of Mortgagee's Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon for NVR, Inc.;
- Accepted, executed, and authorized recording of Mortgagee's Joinder In and Ratification of Subdivision Plat and All Dedications and Reservations Thereon for AA Reinvest - Willow Bend LLC;
- Authorized the County Administrator, or designee, to accept, execute and record Agreement for Public Subdivision with Public Improvements for Willow Bend, Phase II;
- Authorized the County Administrator, or designee, to accept and execute Surety bond for Performance of Required Improvements, Willow Bend, Phase II, Surety Bond GM208355, \$1,565,116.745;
- Authorized the County Administrator, or designee, to accept, execute and record Agreement for Public Subdivision with Private Improvements for Willow Bend, Phase II;
- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Willow Bend, Phase II, Surety Bond GM206145, \$52,390; and

- Authorized the County Administrator, or designee, to accept and execute Surety Bond for Performance of Required Improvements, Willow Bend, Phase II, Surety Bond FM205140, \$57,319.60

BC20210406DOC047

23. **CONVENTION AND VISITORS BUREAU/GRANT/AGREEMENTS**

- Authorized the Convention and Visitors Bureau Director to execute two (2) Grant Agreements with Florida Sports Foundation for the PGA World Golf Championships (\$26,827), and the Girls Academy League Soccer (\$20,000); and
- Adopted Budget Resolution B-21-061, amending the annual budget for Manatee County, for FY 21

BC20210406DOC048

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

Adopted Budget Amendment Resolution B-21-062

BC20210406DOC049

25. **FINANCIAL MANAGEMENT/RESOLUTION/BUDGET SUBMISSION**

Adopted Resolution R-21-036, providing for

- Establishing May 1, 2021, as the due date for the FY 21/22 budget requests from the Clerk of the Circuit Court, Sheriff, and Supervisor of Elections; and
- Provision for a complete budget submission, highlighting all revenues and expenses within the year of budget submission of the Offices of the Sheriff, the Clerk of the Circuit Court, Supervisor of Elections, Property Appraiser, Court Administration, State Attorney, Public Defender, and Guardian Ad Litem

BC20210406DOC050

26. **FINANCIAL MANAGEMENT/INVITATION FOR BID CONSTRUCTION/LOCKWOOD RIDGE ROAD AT SHOPPING CENTER INTERSECTION IMPROVEMENTS**

- Authorized to award Invitation for Bid Construction 21-TA003586JH, Lockwood Ridge Road at Shopping Center Intersection Improvements, to the lowest responsive, responsible bidder, MSB Services LLC, for a total, not-to-exceed cost of \$797,500, based on a construction completion time of 270 calendar days;
- Authorized the Procurement Official, or designee, to execute the Agreement and accept and date the Public Construction Bond; and
- Adopted Budget Resolution B-21-063, amending the annual budget for Manatee County for FY 21 (This budget amendment adjusts the FY 21-25 Capital Improvements Plan)

BC202120406DOC051

27. **NEIGHBORHOOD SERVICES/ENHANCEMENT GRANT/WINDING RIVERS HOMEOWNERS ASSOCIATION, INC**

- Approved the FY 20/21 Neighborhood Enhancement Grant for Winding Rivers Homeowners Association, Inc., for a reimbursement total of up to, but not exceeding \$8,800; and
- Authorized the County Administrator, or designee, to approve and execute reimbursement agreements for these same projects funded through the FY 20/21 Neighborhood Enhancement Grant Program

BC20210406DOC052

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

- Accepted and authorized recording of a Specific Purpose Survey of the Maintained Right-of-Way for a portion of Mendoza Road, from 24th Avenue East to 36th Avenue East (Ellenton-Gillette Road); and
- Accepted and authorized recording of a Specific Purpose Survey of the Maintained Right-of-Way for a portion of Mendoza Road, from 36th Avenue East (Ellenton-Gillette Road) to 60th Avenue East

BC20210406DOC053

29. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted and authorized recording of Temporary Construction Easement granted to Manatee County by Paradise Estates, Inc., a Florida non-profit corporation (Parcel 1) and Pen Bay I LLC, a Florida limited liability company (Parcel 2), for the Battersby Sub Fire Flow Improvement Project (CIP Project 6101870), to improve the fire flow for 106th Street West and Paradise Bay Mobile Home Park and eliminate vulnerability by providing a casing under the road
BC20210406DOC054
30. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted recorded Permanent Sidewalk Easement from Donald K. Brewer for acquisition of approximately 720 square feet of right-of-way abutting Whitfield Avenue, required for the Whitfield Avenue Sidewalk Project
BC20210406DOC055
31. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
Accepted recorded Quitclaim Deeds from Leslie Moreland Gaines, Linda Gaines, Lorin Neil Gaines, and Michael Mixon Gaines, for an area near 2201 21st Street East
BC20210406DOC056
32. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**
- Accepted recorded Warranty Deed from Tavis Properties LLC;
 - Accepted recorded Temporary Construction Easement from Tavis Properties LLC; and
 - Accepted recorded Affidavit of Ownership/Encumbrances from David L. Smith, as Sole Member and Manager of Tavis Properties LLC, for Parcels 147 and 147.03 of the Moccasin Wallow Road, U.S. 41 to Gateway Boulevard Expansion Project (CIP Project 6092560)
BC202101406DOC057
33. **PROPERTY MANAGEMENT/CONTRACT FOR SALE AND PURCHASE**
- Authorized execution of Contract for Sale and Purchase of a Warranty Deed with James S. Bond and Lucretia M. Bond, for 33,677 square feet of property located at 3611 Moccasin Wallow Road on the south side (Parcel 145), \$245,249.70; and
 - Authorized execution of Contract for Sale and Purchase of a Temporary Construction Easement with James S. Bond and Lucretia M. Bond, for 137 square feet of property located at 3611 Moccasin Wallow Road on the south side (Parcel 145.03), \$500, both parcels required for the widening of Moccasin Wallow Road Improvement Project
BC20210406DOC058
34. **PUBLIC SAFETY/RESOLUTION/CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
- Adopted Resolution R-21-032, authorizing issuance of a Certificate of Public Convenience and Necessity (COPCN) for Advanced Life Support-Non Transport to North River Fire Department; and
 - Executed COPCN by the Public Safety Director
BC20210406DOC059
35. **PUBLIC WORKS/RESOLUTION/GRANT/FEDERAL TRANSIT ADMINISTRATION FUNDING**
Adopted Resolution R-21-047, authorizing the submittal of applications and acceptance of Federal Fiscal Year (FFY) 2021 Federal Transit Administration (FTA) Section 5307/Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Formula Grant Funding
BC20210406DOC060
36. **PUBLIC WORKS/IMPACT FEE AGREEMENTS**
- Approved Impact Fee Agreement with Lakewood Ranch Stewardship District, for transportation improvements to the White Eagle Boulevard at Pope Road intersection; and
 - Authorized the Chairman to execute the Agreement
BC20210406DOC061

- 37. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION**
Adopted Resolution R-21-020, finding that Project TwinTail is approved for a Southwest District Economic Development Incentive Grant (EDI); Southwest District Local Job Bonus, and Southwest District Inclusive Economic Development Bonus BC20210406DOC062

- 38. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/RESOLUTION**
Adopted Resolution R-21-039, finding that Project Granite is approved for an Economic Development Incentive Grant BCC20210406DOC063

- 39. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/AGREEMENT**
Executed Land Use Restriction Agreement with Manatee County Habitat for Humanity, Inc., (Owner), for Poling Gardens, located at 1056 32nd Avenue East BC20210406DOC064

- 40. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/AGREEMENT**
Executed Utility Reimbursement Agreement w/Palmwood Foods LLC, under the Southwest District Business Improvement Program guidelines, involving the removal, replacement and burying more deeply, of 20 feet of the County’s main water line on property located at 5020 14th Street West, in order to eliminate the conflict of the waterline in Florida Department of Transportation right-of-way with the stormwater outfall drain required for the proposed Zaxby’s Chicken restaurant project BC20210406DOC065

- 41. **UTILITIES/BAD DEBTS WRITE-OFFS**
Authorized to write-off bad debts of the Utilities Department, not to exceed \$112,213.45 in Fund 401 (Potable Water/Wastewater) and \$48,603.35 in Fund 480 (Solid Waste) BC20210406DOC066

- 48. **FINANCIAL MANAGEMENT/INTERLOCAL AGREEMENTS/CARES ACT FUNDING**
Executed Amendment 1 to Interlocal Agreements with the Manatee County Clerk of the Circuit Court (8/11/20), State Attorney (9/15/20), Florida Department of Health, Manatee County Health Department (9/25/20), and Southern Manatee Fire Rescue District (9/15/20), for the CARES Act Funding funds to be used in accordance with the CARES Act BC20210406DOC067

(End Consent Agenda)

- 42. **REDEVELOPMENT AND ECONOMIC OPPORTUNITY/AFFORDABLE HOUSING ADVISORY COMMITTEE**
 Geri Lopez, Redevelopment and Economic Opportunity Director, requested authorization to remove Affordable Housing Advisory Committee member, who holds Seat 4 (Erie Bodie), and execution of Termination Letter; Appoint four Affordable Housing Advisory Committee members for vacant seats 2,4,7 and 9, as required by Florida Statutes and Ordinance 08-44; **and** Adopt Resolution R-21-022. The list of applicants seeking appointment to the vacant seats was distributed.

Seat 2 

A motion was made by Commissioner Kruse, seconded by Commissioner Whitmore and carried 7-0, to appoint **Divina Westerfield-Maruca** to Seat 2.

Seat 4 

A motion was made by Commissioner Kruse, seconded by Commissioner Van Ostenbridge and carried 7-0, to appoint **Kenneth Ellis** to Seat 4.

Seat 7 

A motion was made by Commissioner Kruse, seconded by Commissioner Van Ostenbridge and carried 7-0, to appoint **Garin Hoover** to Seat 7.

Seat 9 

Nominations:

Peter De Angelis – by Commissioner Servia

Stacey Maloney – by Commissioner Kruse

Votes

Peter De Angelis – Commissioners Bellamy, Servia and Whitmore

Stacey Maloney – Commissioners Baugh, Kruse, Satcher and Van Ostenbridge

By a majority vote, **Stacey Maloney** was appointed to Seat 9.

Motion – Resolution R-21-022

 A motion was made by Commissioner Whitmore, to adopt Resolution R-21-022. The motion was seconded by Commissioner Kruse and carried 7-0.

Motion – Termination Letter

 A motion was made by Commissioner Whitmore, to terminate Affordable Housing Advisory Committee member who holds Seat 4 (Erin Bodie) and to execute a Termination Letter. The motion was seconded by Commissioner Kruse and carried 7-0. BC20210406DOC068

ADVERTISED PUBLIC HEARINGS (Presentations upon Request)

43. **BUILDING AND DEVELOPMENT SERVICES/FLOODPLAIN MANAGEMENT**

 A duly advertised public hearing was held to consider approval and adoption of proposed Ordinance 21-20, regarding Floodplain Management.

Sandy Tudor, Floodplain Section Manager, stated this is the first of two, required public hearings. Manatee County is a Class 5 in the Community Rating System (CRS), a voluntary program of the Federal Emergency Management Agency (FEMA), whereby the County earns credits for being more restrictive than the FEMA regulations. Currently, the County has enough credits for a 25 percent discount for flood insurance premiums for properties in high-risk zones (start with A or V) and a ten percent discount in Zone X. The lower the class number, the greater the discount. Effective January 1, 2021, CRS made changes to the prerequisites to become a Class 8. All residential buildings, including manufactured homes, must be elevated to the elevation on the Flood Insurance Rate Map (FIRM) plus a one-foot freeboard.

Since 1986, existing mobile home parks established before the County’s first flood ordinance in November 1974 have been allowed to install mobile homes on 36-inch reinforced piers if they could not meet the required elevation by a standard set up. To meet the new prerequisite, the exception of 36-inch reinforced piers is being eliminated. If the language is not removed, the County would revert back to a Class 9, which only provides a five percent discount on all flood insurance premiums. A chart of CRS Class categories was distributed.

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

No action is necessary at this time. The second public hearing is scheduled April 20, 2021.

BC20210406DOC069

44. **FINANCIAL MANAGEMENT/RESOLUTION/TEFRA HEARING**

 A duly advertised Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing was held to consider adoption of proposed Resolution R-21-049, approving the issuance of \$54,385,000 Refunding Bonds by Miami-Dade County Industrial Development Authority for request by Florida Power and Light for projects, which were within Manatee County.

Jan Brewer, Financial Management Director, summarized the request and noted this does not obligate Manatee County in any way.

There being no public comment, Chairman Baugh closed public comments.

 A motion was made by Commissioner Kruse, to adopt Resolution R-21-049, which approves the request in connection with the Issuance of Bonds by the Miami-Dade County Industrial Development Authority, as requested by Florida Power and Light for projects, which were within Manatee County. The motion was seconded by Commissioner Whitmore and carried 7-0.

BC20210406DOC070

6. **NEIGHBORHOOD SERVICES/SPRING 2021 INTERN PROJECTS**



Xavier Colon, Neighborhood Services, utilized a slide presentation to introduce and speak about the success of the Spring 2021 Results First Intern Program. Present to provide an overview of their projects were interns Carl Jusma, Sharu Abraham, Luis Mazza Wanderley, Audrey Bennett and Brian Long. The purpose of this program is to attract, train and retain employees from this experience.

There was discussion regarding looking into a County-wide program for communities without homeowners associations to apply for grant funds.

BC20210406DOC071

COMMISSIONER AGENDA

47. **VETERAN-LED PLEDGE OF ALLEGIANCE PROGRAM**

 Commissioner Satcher highlighted a program used in Sarasota County for a Veteran-led Pledge of Allegiance Program for Board meetings and asked that it be implemented in Manatee County. This program would also give the Board an opportunity to recognize veterans.

 Lee Washington, Veterans Services Officer, supported the program and stated his office could help put together a program for Manatee County.

 A motion was made by Commissioner Satcher, to direct staff to form a Veteran-led Pledge of Allegiance Program for Manatee County. The motion was seconded by Commissioner Van Ostenbridge.

 Andra Griffin spoke in favor of the program.

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

 The motion carried 7-0.

BC20210406DOC072

COMMISSIONER COMMENTS

Commissioner Bellamy 

- Requested temporary speed tables to be installed on 5th Avenue, between 27th and 29th Streets in Palmetto, to alleviate issues of speeding in that area. The area could then be evaluated for a permanent solution.

Discussion occurred regarding the requirement for a petition with the support of 67 percent of the residents in the area, the need to go through the process, and the process needs to be expedited.

 Dr. Hopes stated that a report would come back to the Board at the next meeting.

 Commissioner Satcher

- Reported on the success of the Bradenton Hope Fest held last weekend at Pride Park (Commissioner Comments continued later in the meeting)

BAN OF RETAIL SALES OF DOGS AND CATS

 A motion was made by Commissioner Whitmore, to direct staff and the County Attorney to draft and schedule in a future public hearing, the banning of retail sales of dogs and cats. The motion was seconded by Commissioner Satcher and carried 6-1, with Commissioner Van Ostenbridge voting nay.

COMMISSIONER COMMENTS (continued)

Commissioner Van Ostenbridge 

- Recommended an environmental and recovery committee be implemented as a result of the Piney Point situation and that discussions begin on how any funds that may come to the County would be used

Discussed ensued that the committee would consist of broad representation, the primary task of the committee would be to make recommendations to the County on how the funds would be spent, the districts of Commissioners' Satcher and Van Ostenbridge should be disproportionately represented on the committee because of the impact on both districts, funds received could be used for recovery/clean-up and rebuilding of estuaries and seagrass beds, include the Tampa Bay Estuary Program and Sarasota Bay Estuary Program, Manatee County's three estuaries should be represented on the committee, and include the Tampa Bay Nitrogen Consortium and the Anna Maria Island and Longboat Key Chambers of Commerce.

 Commissioner Servia

- Met with the Tallevast Focus Group and would be reaching out to staff for reports on long-term goals of how Tallevast could continue to grow and the protection of the historic neighborhood, for future discussion with the Board

(Commissioner Comments continued later in the meeting)

COUNTY ADMINISTRATOR

 Dr. Scott Hopes, Acting County Administrator, thanked the Board for the confidence shown to him and for the support from Commissioners.

COMMISSIONER COMMENTS (continued)

 Chairman Baugh

- Announced that a meeting of the Pandemics and Public Emergencies Committee has

APRIL 6, 2021

(Continued)

been scheduled in Tallahassee tomorrow at 5:00 p.m., regarding Piney Point. She and Dr. Hopes were invited to attend.

ADJOURN

There being no further business, Chairman Baugh adjourned the meeting at 2:36 p.m.

Minutes Approved: May 11, 2021