

**MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COUNTY ADMINISTRATION BUILDING, HONORABLE PATRICIA M. GLASS CHAMBERS  
1112 Manatee Avenue West  
Bradenton, Florida  
August 8, 2023**

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

Present were:

Kevin Van Ostenbridge, Chairman  
Mike Rahn, First Vice-Chairman  
Amanda Ballard, Second Vice-Chairman  
Jason Bearden, Third Vice-Chairman  
Raymond Turner  
George Kruse  
James A. Satcher, III

Also present were:

Charlie Bishop, Acting County Administrator  
William Clague, County Attorney  
Robin Toth, Deputy Clerk, Clerk of the Circuit Court



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

**INVOCATION**

The Invocation was led by Pastor and Coach Gene McIntyre, The Altar Fellowship.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Joe Derisma, U.S. Army Specialist.

**AGENDA** 

Revised Agenda 1 and Update Memorandum (dated 8/3/23)

BC20230808DOC001

BC20230808DOC002

- Written correspondence from various citizens was submitted
- Item 3, Andre Bard v. Manatee County, et al., (EEOC Charge 510-2023-051 09), Motion to Approve Settlement in the amount of \$45,000 – This item was added to the Agenda
- Item 16 (former), Acceptance and Recording of Right-of-Way Dedication between Lakewood Ranch Stewardship District and Manatee County for property located at 17370 Academic Avenue, Bradenton, Florida 34212 – This item was deleted from the Agenda BC20230808DOC003
- Item 27 (former), Approval of a formal Volunteers in Action Program – This item was deleted from the Agenda BC20230808DOC004
- Item 23, Authorization and Transmittal of Florida Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) Applications for (1) Manatee County Fuel Tanks Hurricane Preparedness, (2) Manatee County Myakka Yard Rural Public Works Generator, and (3) Manatee County Special Needs Shelter Generator Projects – This item was updated to include a revised cover sheet and attachments
- Item 31 (former 28), Adoption of Resolution R-23-088, to convey County-owned property located at 4410 66th Street West, Bradenton 34210, for Affordable Veterans Housing Development to Stephen Siller Tunnel to Towers Foundation, Inc.; and Execution of LURA and Conveyance Deed – This item was moved from Advertised Public Hearings Presentations Upon Request to Advertised Public Hearings Presentations Scheduled
- Item 32, Planning Commission Advisory Board Appointments, Two Seats – This item was added to the Agenda with corresponding attachments

- Item 33, Execution of Guaranteed Maximum Price (GMP) Addendum to Agreement 22-R078484RP, 9th Avenue Northwest Intersection Improvements Project at 78th Street – This item was added to the Agenda
- Item 36, Presentation on Book Mobile – This item was added to the Agenda
- Item 37, Discussion on Tallevast Utility Improvements – This item was added to the Agenda  
Revised Agenda 2 and Update Memorandum (dated 8/7/23) BC20230808DOC005
- Item 23, Authorization and Transmittal of Florida Emergency Management Agency’s (FEMA) Hazard Mitigation Grant Program (HMGP) Applications for (1) Manatee County Fuel Tanks Hurricane Preparedness, (2) Manatee County Myakka Yard Rural Public Works Generator, and (3) Manatee County Special Needs Shelter Generator Projects – This item was updated to revise Instructions to Board Records
- Item 31, Adoption of Resolution R-23-088, to convey County-owned property located at 4410 66th Street West, Bradenton, 34210, for Affordable Veterans Housing Development to Stephen Siller Tunnel to Towers Foundation, Inc., a New York not-for-profit corporation; and Execution of Land Use Restriction Agreement and Conveyance Deed – This item was updated with revised attachments
- Item 32, Planning Commission Advisory Board Appointment, Two Seats – This item was updated to include attachments
- Item 36, Presentation on Book Mobile – This item was updated with attachments
- Item 38, Discussion on the Premier Sports Campus – This item was added to the Agenda
- Item 39, Discussion of applicants for County Administrator – This item was added to the Agenda


**CONSENT AGENDA – ITEMS PULLED BY COMMISSIONERS**


 No items were pulled by Commissioners.

**AWARDS/PRESENTATIONS**


1.  A Retirement Award was presented to Jeff Wilson, Senior Building Trades Worker, honoring 30 years of service to Manatee County. BC20230808DOC006

**CITIZEN COMMENTS** (Future Agenda Items Only)

 Speaking on the termination of long-term volunteers at Manatee County Animal Shelter were Dena Sabou, Joyce Jordan, Kathy Birdwell, Cindy Reno, Christine Jorno, John Hofner, and Linda Patty.


 Mike Meehan commented on the County’s surplus cash, which is in violation of Florida Statute 129.01(c)(2).

 Richard Andrews supported the acquisition of lands and commended staff.

 Reverend Fred Hammond urged the Board to reconsider funding the Also Youth Program for mental health services.

There being no further citizen comments, Chairman Van Ostenbridge closed Citizen Comments. BC20230808DOC007

**CONSENT AGENDA**

 A motion was made by Commissioner Kruse and seconded by Commissioner Ballard, to approve the Consent Agenda, with changes incorporated in the Agenda Update Memorandum, and deletion of Items 16 and 27 (deleted from agenda).

**CITIZEN COMMENTS** (Consent Agenda Only)

There being no citizen comments, Chairman Van Ostenbridge closed citizen comments.

The motion to approve the Consent Agenda carried 7-0.

2. **CLERK’S CONSENT AGENDA**

BC20230808DOC008

A. **MINUTES**

Approved the Minutes of June 15, 2023

B. **REFUNDS**

Approved:

- 1. Ziad Alwan – Pre-Application Conference, \$1,500 BC20230808DOC009
- 2. BGE, Inc. – Pre-Application Meeting, \$1,500 BC20230808DOC010
- 3. CASTO Southeast Realty Services – Application, \$3,000 BC20230808DOC011
- 4. Chris Kolb – Pre-Application Meeting, \$1,500 BC20230808DOC012
- 5. Contineo Group LLC – Pre-Application Meeting, \$1,500 BC20230808DOC013
- 6. Icard Merrill Cullis, Timm, Furen and Ginsburg, Inc. – Pre-Application Conference, \$1,500 BC20230808DOC014
- 7. JBCC Development LLC – Pre-Application Meeting, \$1,500 BC20230808DOC015
- 8. Kimley-Horn and Associates, Inc. – Pre-Application Meeting, \$1,500 BC20230808DOC016
- 9. Menard, Inc. – Pre-Application Conference, \$1,500 BC20230808DOC017
- 10. Menard, Inc. – Comprehensive Plan Fee, \$11,200 BC20230808DOC018
- 11. Modwash LLC – Applicant Fees, \$6,700 BC20230808DOC019
- 12. Morris Engineering and Consulting LLC – Application, \$3,250 BC20230808DOC020
- 13. Royal Palm Associates, Inc. – Application Fee, \$2,010 BC20230808DOC021
- 14. TWC at Artisan Lakes LLC – Pre-Application Conference, \$1,500 BC20230808DOC022

C. **REPORTS**

Accepted:

- 1. Summer Woods Community Development District (CDD) – Annual Financial Audit Report for FY ended September 30, 2022 BC20230808DOC023
- 2. Trevesta CDD – Annual Financial Audit Report for FY ended September 30, 2022 BC20230808DOC024
- 3. Willow Walk CDD – Annual Financial Audit Report for FY ended September 30, 2022 BC20230808DOC025

D. **BONDS**

Accepted:

- 1. Avalon Woods, Phase I
  - Released and returned Surety Bond (Performance) 800147879 and any associated amendments in conjunction with Agreement for Private Subdivision with Public and Private Improvements, \$7,254,399.17
  - Released and returned Surety Bond (Performance) 800147878 and any associated amendments in conjunction with Agreement for Private Subdivision with Public and Private Improvements, \$988,989.37;
  - Accepted and executed Surety Bond (Performance) 800161505 in conjunction with Agreement for Private Subdivision with Public and Private Improvements, \$2,158,917.87; and
  - Accepted and executed Surety Bond (Performance) 800161504 in conjunction with Agreement for Private Subdivision with Public and Private Improvements, \$618,150.07 BC20230808DOC26
- 2. Cresswind, Phase IV

- Released and returned Surety Bond (Performance) 800147906 and any associated amendments in conjunction with Agreement for Private Subdivision Improvement, \$1,927,733.34;
- Released and returned Surety Bond (Performance) 800147909 and any associated amendments in conjunction with Agreement for Private Subdivision Improvement, \$3,336,272.62;
- Accepted and executed Surety Bond (Defect) 800155463 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision Improvements accepted by Board of County Commissioners December 15, 2022, securing potable water, fire distribution system, and sanitary sewer system improvements; and
- Accepted and executed Bill of Sale BC20230808DOC027
- 3. Crosswind Ranch, Phase IA fka Windover Farms
  - Released and returned Surety Bond (Performance) 4164770 and any associated riders in conjunction with Agreement for Public Improvements for Public Subdivision, \$10,711,908.78;
  - Accepted and executed Surety Bond (Defect) 4724770 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision Improvements accepted by Board of County Commissioners March 22, 2022, securing public infrastructure improvements, \$823,992.98; and
  - Accepted and executed Bill of Sale BC20230808DOC028
- 4. Del Webb at Bayview, Phase III
  - Released and returned Surety Bond (Performance) LICX1216476 and any associated amendments in conjunction with Agreement for Private Subdivision Improvements, \$4,533,709.31;
  - Released and returned Surety Bond (Performance) LICX1216473 and any associated amendments in conjunction with Agreement for Private Subdivision Improvements, \$3,507,713.95;
  - Accepted and executed Surety Bond (Defect) 268017078 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision Improvements accepted by Board of County Commissioners November 29, 2022, securing water, wastewater, and reclaim improvements, \$310,469.37; and
  - Accepted and executed Bill of Sale BC20230808DOC029
- 5. Silverstone North, Phase IIA
  - Released and returned Surety Bond (Performance) 7901109287 and any associated riders in conjunction with Agreement for Public Improvements, \$3,869,469.50;
  - Accepted and executed Surety Bond (Defect) K41681901 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision Improvements accepted by Board of County Commissioners September 22, 2022, securing roadway, drainage, sewer, and water main improvements, \$256,598.05; and
  - Accepted and executed Bill of Sale BC20230808DOC030
- 6. Star Farms, Phase IVA
  - Released and returned Surety Bond (Performance) 2337254 and any associated riders in conjunction with Agreement for Public Subdivision with Public Improvements, \$322,059.92;
  - Released and returned Surety Bond (Performance) 2337252 and any associated riders in conjunction with Agreement for Public Subdivision with Public Improvements, \$644,169.18; and

- Accepted and executed Surety Bond (Defect) CMS0350900 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision with Public Improvements accepted by Board of County Commissioners December 6, 2022, securing wastewater and water improvements, \$30,022.53 BC20230808DOC031
- 7. Star Farms, Phase IV, Subphase G
  - Accepted and executed Agreement in Conjunction with Surety Bond (Attachment A) CMS0350903 as Defect Security related to Required Improvements securing wastewater and water improvements;
  - Accepted and executed Surety Bond (Attachment A) CMS0350903 as Defect Security, \$27,696.75; and
  - Accepted and executed Bill of Sale BC20230808DOC032
- 8. Star Farms, Phase IVB and C
  - Released and returned Surety Bond (Performance) 2324995 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$241,441.79;
  - Released and returned Surety Bond (Performance) 2324997 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$3,544,016.06; and
  - Accepted and executed Surety Bond (Defect) CMS0350901 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision with Public Improvements accepted by Board of County Commissioners November 3, 2022, securing wastewater and water improvements, \$24,257 BC20230808DOC033
- 9. Star Farms, Phase IVD and E
  - Released and returned Surety Bond (Performance) 1098070 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$440,986.98;
  - Released and returned Surety Bond (Performance) 1098069 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$659,079.46; and
  - Accepted and executed Surety Bond (Defect) CMS0350902 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision with Public Improvements accepted by Board of County Commissioners February 14, 2023, securing wastewater and water improvements, \$47,089.23 BC20230808DOC034
- 10. Star Farms, Phase IVF, L and M
  - Released and returned Surety Bond (Performance) 2324985 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$1,319,395.03;
  - Released and returned Surety Bond (Performance) 2324984 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$2,577,438.52; and
  - Accepted and executed Surety Bond (Defect) CMS0350899 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision with Public Improvements accepted by Board of County Commissioners

September 1, 2022, securing wastewater and water improvements,  
\$124,793.30 BC20230808DOC035

11. Star Farms, Phase IVH and I
  - Released and returned Surety Bond (Performance) 800149507 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$273,180.77;
  - Released and returned Surety Bond (Performance) 800149498 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$448,699.36; and
  - Accepted and executed Surety Bond (Defect) CMS0350904 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision with Public Improvements accepted by Board of County Commissioners April 11, 2023, securing wastewater and water improvements, \$21,553.55 BC20230808DOC036
12. Star Farms, Phase IVJ and K
  - Released and returned Surety Bond (Performance) 2324989 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$673,383.56;
  - Released and returned Surety Bond (Performance) 2324987 and any associated amendments in conjunction with performance portion of Agreement for Public Subdivision with Public Improvements, \$1,389,601.41; and
  - Accepted and executed Surety Bond (Defect) CMS0350905 securing Section 1.5 Maintenance, Defects of Agreement for Public Subdivision with Public Improvements accepted by Board of County Commissioners September 1, 2022, securing wastewater and water improvements, \$70,731.68 BC20230808DOC037
13. Willow Bend, Phases IA and IB
  - Released Agreements in conjunction with Surety Bond (Attachment A) as Defect Security Warranting Required Improvements securing public infrastructure improvements, \$58,233.62 and \$177,635.61;
  - Released and returned Surety Bond (Defect) GM202308 and any associated riders, \$58,233.62; and
  - Released and returned Surety Bond (Defect) GM202306 and any associated riders, \$177,635.61 BC20230808DOC038

3. **COUNTY ATTORNEY/SETTLEMENT**

Approved motion for Settlement with Charging Party Andre Bard in the amount of \$45,000, in the case of Andre Barde v. Manatee County, et al BC20230808DOC039

4. **COMMUNITY AND VETERANS SERVICES/RESOLUTION**

- Adopted Resolution R-23-121, authorizing submission and acceptance of Federal FY 23 Edward Byrne Memorial Justice Assistance Grant from Bureau of Justice Assistance in the amount of \$128,544;
- Designated the Public Safety Coordinating Council as the Grant Advisory Board; and
- Authorized Chairman of the Board of County Commissioners, County Administrator, Deputy County Administrator, Community and Veterans Services Department Director, or designee, to execute all necessary documents related to grant submission,

acceptance, and all appropriate documents and agreements in connection with grant administrative functions BC20230808DOC040

5. **COMMUNITY AND VETERANS SERVICES/AGREEMENT**

- Executed Amendment 010 to Emergency Home Energy Assistance for Elderly Program Agreement EH-21/23-MAN with Senior Connection Center, Inc., extending contract end date, releasing year four funds, renaming Agreement EH-21/23-MAN to EH-21/24-MAN, to reflect the extended end date; and
- Adopted Budget Amendment Resolution B-23-144 BC20230808DOC041

6. **COMMUNITY AND VETERANS SERVICES/AGREEMENT**

- Executed Amendment 003 to State FY 22/23 Community Care for Elderly Grant Agreement CCE-22/23-MAN with Senior Connection Center, Inc., decreasing funding amount, adopted new Budget Summary reflecting this change; and
- Adopted Budget Amendment Resolution B-23-142 BC20230808DOC042

7. **COMMUNITY AND VETERANS SERVICES/AGREEMENT**

- Executed Amendment 009 to Emergency Home Energy Assistance for Elderly Program Agreement EH-21/23-MAN with Senior Connection Center, Inc.; and
- Adopted Budget Amendment Resolution B-23-143 BC20230808DOC043

8. **COMMUNITY AND VETERANS SERVICES/AGREEMENT**

- Executed Amendment 002 to State FY 22/23 Alzheimer's Disease Initiative 3 Grant Agreement ADI-22/23-MAN with Senior Connection Center, Inc., decreasing funding amount, adopted new Budget Summary reflecting this change; and
- Adopted Budget Amendment Resolution B-23-141 BC20230808DOC044

9. **CONVENTION AND VISITORS BUREAU/PROJECT BUCKEYE**

Board of County Commissioners considered a financial guarantee not to exceed \$6 million dollars for opportunity to host a global event (within 8-10 years) that would have an estimated economic impact of \$225 million for the region; and authorized Chairman to execute said guarantee letter BC20230808DOC045

10. **FINANCIAL MANAGEMENT/BUDGET AMENDMENT**

Adopted Budget Amendment Resolution B-23-138 BC20230808DOC046

11. **FINANCIAL MANAGEMENT/DEPARTMENTAL BUDGETED FUNDING**

Authorized Purchasing Official, or designee, to allocate additional departmental budgeted funding to Trapeze License Agreement with Trapeze Software Group, Inc., for Intelligent Transit Products and Maintenance Services BC20230808DOC047

12. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized Purchasing Official, or designee, to execute Agreement 23-R081646DJ, for Gasoline and Diesel Fuel Delivery Services on an as-needed basis, to lowest, responsive and responsible bidders: Campbell Oil Company, J.H. Williams Oil Company, Inc., Palmdale Oil Company LLC, Petroleum Traders Corporation, and Sunoco LLC BC20230808DOC048

13. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized Purchasing Official, or designee, to execute Change Order 1 to Agreement 20-TA003437AJ with Granger Maintenance and Construction, Inc., authorizing additional 227 calendar days to construction schedule to complete Satellite Lift Station R&R 2020 Group 1 project, for final completion date of August 21, 2023 BC20230808DOC049

14. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized Purchasing Official, or designee, to execute Change Order 2 to Agreement 20-TA003483CD with Kimley-Horn and Associates, Inc., for Professional Transportation Engineering Services for 9th Avenue Northwest Project (71st Street Northwest to 99th Street Northwest), in not-to-exceed amount of \$336,540, for revised, not-to-exceed Agreement amount of \$2,266,704 BC20230808DOC050

15. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized Purchasing Official, or designee, to execute Change Order 2 to Agreement 22-TA004058DJ with Kiewit Infrastructure South Co., for Phase II Repairs to Lake Manatee Dam, authorizing an additional \$365,750 to contract amount BC20230808DOC051

16. **FINANCIAL MANAGEMENT/AGREEMENT**

Authorized Purchasing Official, or designee, to execute Guaranteed Maximum Price Addendum to Agreement 23-TA004432JH with Woodruff and Sons, Inc., Construction Management at Risk Services for Coquina Beach Asphalt Pedestrian Path Resurfacing Improvements, in a not-to-exceed amount of \$1,305,432.93, with a construction schedule of 240 days, and accepted and dating of Public Construction Bond BC20230808DOC052

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

- Accepted and authorized Recording of Permanent Utilities Easement from Circle K Stores Inc., for property located at 2925 1st Street East, Bradenton; and
- Authorized recording of Affidavit of Ownership and Encumbrances from Edilberto Quintana BC20230808DOC053

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

- Accepted and authorized recording of Permanent Easement from School Board of Manatee County;
- Executed and authorized recording of Temporary Construction Easement Agreement between Manatee County and The School Board of Manatee County, for property located at 5602 38th Avenue West, Bradenton (59th Street West, Cortez to Manatee Avenue); and
- Authorized recording of Affidavit of Ownership and Encumbrances from Cynthia Saunders, Superintendent of School Board of Manatee County BC20230808DOC0054

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

- Accepted and authorized recording of Permanent Utilities Easement from Full Gospel Holiness Church of Samoset, Inc. (with Consent and Joinder from Francis L. Eldridge, as Trustee of the Eldridge Family Trust u/t/d April 26, 1995);
- Accepted and authorized recording of Permanent Drainage Easement from Full Gospel Holiness Church of Samoset, Inc. (with Consent and Joinder from Francis L. Eldridge, as Trustee of the Eldridge Family Trust u/t/d April 26, 1995);
- Accepted and authorized recording of Permanent Flowage Easement from Full Gospel Holiness Church of Samoset, Inc. (with Consent and Joinder from Francis L. Eldridge, as Trustee of the Eldridge Family Trust u/t/d April 26, 1995);
- Accepted and authorized recording of Maintenance Easement from Full Gospel Holiness Church of Samoset, Inc. (with Consent and Joinder from Francis L. Eldridge, as Trustee of the Eldridge Family Trust u/t/d dated April 26, 1995), for property located at 4955 15th Street East, Bradenton; and
- Authorized recording of Affidavit of Ownership and Encumbrances from Cesar A. Garcia BC20230808DOC055

20. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Accepted recorded Warranty Deed from Ritzcraft, Inc., for Parcel 101 located at 1760  
Whitfield Avenue, Sarasota (Whitfield Avenue East, 301 Boulevard to U.S. 301)  
BC20230808DOC0056
21. **PROPERTY MANAGEMENT/DEEDS AND EASEMENTS**  
Accepted recorded Warranty Deed from Bret R. Osborn for Parcel 154, located at 6041 33rd  
Street East, Bradenton  
BC20230808DOC057

22. **PROPERTY MANAGEMENT/CONTRACT FOR SALE AND PURCHASE**

Executed Contract for Sale and Purchase of Parcels 135 and 835 with Audrey S. Kelley, Individually and as Trustee of the Audrey S. Kelley Trust Dated November 22, 2016, for property located at 11109 Upper Manatee River Road, Bradenton, (Upper Manatee River Road north of S.R. 64 to Fort Hamer Bridge) BC20230808DOC058

23. **PUBLIC SAFETY/GRANTS**

- Authorized Acting County Administrator to sign and submit respective Florida Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) grant applications and local funding match commitment letters for Manatee County Fuel Tanks Hurricane Preparedness, Manatee County Myakka Yard Rural Public Works Generator, and Manatee County Special Needs Shelter Generator Projects; and
- Authorized Public Works Director, or designee, to transmit grant applications and commitment letters to FEMA for each project BC20230808DOC059

24. **PUBLIC WORKS/SURPLUS VEHICLES**

Authorized to classify vehicles, which are uneconomical to operate as surplus per Florida Statute 274.05, to enable appropriate and authorized disposition of said property, and authorized to thereafter dispose of such property BC20230808DOC060

25. **PUBLIC WORKS/AGREEMENT**

Executed Second Amended Agreement for Advertising for Beach Trolley Service with Anna Maria Island Chamber of Commerce, Inc. BC20230808DOC061

26. **UTILITIES/MUTUAL AID AGREEMENT**

Executed Mutual Aid Agreement for Water/Wastewater to be filed with Florida's Water/Wastewater Agency Response Network (FlaWARN), to allow for quick response and aid if needed during an emergency BC20230808DOC062

(End Consent Agenda)


**PUBLIC HEARINGS** (Presentation upon Request)

27. **DEVELOPMENT SERVICES/LOCAL DEVELOPMENT AGREEMENT** 

A duly advertised public hearing was held to consider approval and execution of Local Development Agreement LDA-06-06(R3) Second Amended and Restated Local Development Agreement for Eagle Pointe.

Nicole Knapp, Interim Development Services Director, was present for questions.


There being no public comment, Chairman Van Ostenbridge closed public comment.


 A motion was made by Commissioner Rahn and seconded by Commissioner Kruse, to approve and execute LDA-06-06(R3) Second Amended and Restated Local Development Agreement for Eagle Pointe. The motion carried 7-0. BC20230808DOC063

28. **ORDINANCE/UNIVERSITY PARK RECREATION DISTRICT** 

A duly advertised public hearing was held to consider adoption of proposed Ordinance 23-95 fka Ordinance 18-29, Amendment to University Park Recreation District.


There being no public comment, Chairman Van Ostenbridge closed public comment.

 Based on the record of the public hearing, and having evaluated the criteria for the establishment of a recreation district in Chapter 418, Florida Statutes, Commissioner Rahn moved to grant the petition amending the University Park Recreation District and to enact Ordinance 23-95 fka Ordinance 18-29. The motion was seconded by Commissioner Kruse and carried 7-0. BC20230808DOC064

29. **FINANCIAL MANAGEMENT/INFRASTRUCTURE SALES TAX**   
A duly advertised public hearing was held to consider adoption of Resolution R-23-127, regarding the Infrastructure Sales Tax, to add a project in the Transportation category; and Adoption of Budget Amendment Resolution B-23-140.


 Chad Butzow, Public Works Director, outlined the projects being added and reduced.


There being no public comment, Chairman Van Ostenbridge closed public comment.


 A motion was made by Commissioner Satcher, seconded by Commissioner Ballard, and carried 7-0, to approve changes to the Project and Equipment List (adopt R-23-127), and adopt Budget Amendment Resolution B-23-140. BC20230808DOC065

**ADVERTISED PUBLIC HEARINGS** (Presentations Scheduled)

30. **COUNTY ATTORNEY/ORDINANCE**

 A duly advertised public hearing was held to consider adoption of proposed Ordinance 23-101, amending Article IV of Chapter 2-21 of the Manatee County Code of Ordinances (False Alarm Ordinance).

 Pamela D'Agostino, Assistant County Attorney, stated staff was directed to work with the Sheriff's office to modify the County's False Alarm Ordinance. Current False Alarm Ordinance 04-32 and proposed Ordinance 23-101 were provided.


 Lieutenant Robert Andrews stated the Sheriff's office realized revisions to the False Alarm Ordinance were warranted to bring it in alignment with other agencies and municipalities. Changes include the granting of two false alarms annually for a property owner's alarm system, remove alarm registration fees, and a process to address delinquent accounts.


 A motion was made by Commissioner Satcher and seconded by Commissioner Rahn, to adopt Ordinance 23-101.


There being no public comment, Chairman Van Ostenbridge closed public comment.


 The motion carried 7-0. BC20230808DOC066


31. **DEVELOPMENT SERVICES/RESOLUTION** 


 A duly advertised public hearing was held to consider adoption of Resolution R-23-088, to convey County-owned property located at 4410 66th Street West, Bradenton, for an affordable Veterans housing development to Stephen Siller Tunnel to Towers Foundation, Inc., a New York not-for-profit corporation, and execution of Land Use Restriction Agreement (LURA) and Conveyance Deed.


 Rowena Young-Gopie, Affordable Housing Development Coordinator, stated the Board approved (4/25/23) the request to convey the County-owned 8.7-acre parcel located at 4410 66th Street West, Bradenton (Utilities Operations Site), and directed staff to bring back conveyance documents for approval and execution.

 Mark Barnebey, Attorney for Tunnels to Towers, summarized the mission of Tunnel to Towers. Conveyance would occur prior to February 28, 2024. He read a letter from Attorney Patricia Petruff on the conveyance of the property at no charge and addressed Section 2.6 of the LURA, Non-Discrimination. The project is residential rental consisting of a minimum of 120 half-dwelling units and a maximum of either 558 half-dwelling units, or 279 standard dwelling units.

 Gavin Naples, Vice-President, Tunnels to Towers, stated the Foundation would be property owner, manager and operator of the site, and a case management network would provide financial assistance, support services and transportation. The Foundation is not committed to Federal guidelines and would accept at-risk Veterans. The Veteran voucher is similar to a Section 8 HUD voucher, and the project would be no different than affordable housing projects.


 Discussion centered on the County's loss of control of the property once conveyed, legal recourse, LURA includes automatic reverter clause, project initially presented as transitional housing with wrap-around services for Veterans but has ballooned far beyond initial scope to make use of maximum density on the site, LURA only requires 120 affordable units, County has final authority on the total number of units, if there is a requirement in the LURA for Tunnels to Towers to manage the property for Veterans only, negative impacts to nearby residential uses, neighborhood meetings would occur during the public hearing process and a report brought back.


 Courtney DePol, Deputy County Administrator, spoke on the reverter clause in the LURA. Tunnel to Towers is willing to pay the County for the land value based on an appraisal near the time of closing. Additional units would not get impact fee incentives. The land being conveyed is worth \$6.6 million.


 A motion was made by Commissioner Kruse, and seconded by Commissioner Rahn, to approve the recommended motion:


- Adopt Resolution R-23-088 for conveyance of County-owned property to Stephen Siller Tunnel to Towers Foundation, Inc., a New York not-for-profit corporation, for development of Affordable Veterans Housing;
- Authorize the Chairman to execute Land Use Restriction Agreement and Conveyance Deed from Manatee County to Stephen Siller Tunnel to Towers Foundation, Inc.; and
- Authorize the County Administrator to waive impact fees for the 12, moderate income level units that are not eligible for the Impact Fee Credits through Livable Manatee Incentive Program in the estimated amount of \$106,800.

Chairman Van Ostenbridge stated he would not support the motion, because there is too much uncertainty and neighborhood meetings should be held.


 William Clague, County Attorney, voiced concern of negotiating terms of the LURA from the dais. The Board could defer action to later in the meeting or longer in order to work through the conveyance documents.

 Chairman Van Ostenbridge requested this item be continued, direct the County Attorney on the Board's changes to the LURA, and afford him and Commissioner Rahn an opportunity to hold town hall meetings with constituents in the impacted area. He requested a Tunnel to Towers representative attend his town hall meeting with a presentation and visuals of other properties managed by Tunnel to Towers that are not U.S. Veterans facilities, and to specify language in the LURA to ensure that only Tunnel to Towers is to manage the facility.


 Commissioner Bearden shared his observations on the conditions of veterans facilities he visited that are managed by U.S. Veterans, noting lack of maintenance/repair, homeless veterans sleeping outside the property and visual impact on neighborhoods. He suggested the Board pursue other organizations and options, perform due diligence and get public input. He asked if Tunnel to Towers would agree to the County assuming the management services of veterans if the County was not pleased with operations.

 Commissioner Satcher suggested the motion could be amended with a maximum of 150 units, and hold a public meeting in the next four weeks.


#### Amendment


 Commissioner Kruse amended the motion contingent upon modifying the deed to state a maximum of 150 units.

Chairman Van Ostenbridge stated some of the changes are not prevalent and suggested the matter be brought back within six weeks. He deferred to the County Attorney.

 A motion was made by Commissioner Satcher, to continue for four weeks or sooner from today. There being no second, the motion died.


The amendment by Commissioner Kruse was seconded Commissioner Rahn.


 Commissioner Rahn asked the County Attorney if it was within the Board's authority to tell Tunnel to Towers what to do or who to use for services.


 Mr. Clague stated this transaction is different in that County land is being conveyed at no charge. The conveyance authorizes the Board to attach conditions and require some level of control and oversight in terms of the choice of management. The Board should exercise caution to not assume responsibility for the selection of the management company. There are ways that are legally defensible and advisable if the Board seeks more control. This can start by allowing Tunnel to Towers to offer the first proposal to amend the contract.

Discussion ensued on concern for the surrounding area, assurance and recourse are needed, the project is going to be a homeless transition site, potential impacts and concern of attracting people from around the country with mental health issues, people who would live in this development, and the County is committed if action is taken today.


Commissioner Rahn stated his town hall meeting is scheduled August 16 at South Manatee Branch Library. Chairman Van Ostenbridge offered to hold a town hall meeting at G.T. Bray.


 Commissioner Turner reiterated the concerns by Chairman Van Ostenbridge.

 Mr. Clague explained the difference between the land use decision, contractual conveyance decision and different levels of discretion. The motion on the floor is to approve the contract documents. He would work through the issues and return to the Board on August 22. What is before the Board now is legally defensible.


 Gary Foreman stated the veterans who served this country should not be homeless and should be given the maximum services available.


There being no further public comment, Chairman Van Ostenbridge closed public comment. The Clerk read the motion on the floor.

 Pam D'Agostino, Assistant County Attorney, addressed Section 2.1 of the LURA regarding the maximum half-dwelling units and dwelling units.


 Mr. Clague suggested the Board recess in order to confer with the property owner and his counsel on the verbiage of the motion.


**RECESS/RECONVENE:** 11:37 a.m. – 1:00 p.m. All Commissioners were present except Commissioners Bearden, Rahn and Satcher.


 Mr. Clague recommended Mr. Barnebey explain the terms discussed during the recess, as they are slightly different than what was contemplated in the motion.


 Inasmuch as this is a 50-year agreement, Mr. Barnebey presented his client's revised terms to the LURA:

- Client has provided for a minimum of 120 half-dwelling units, which is the same as what was previously provided, and a maximum of 170 dwelling units of any type, that will be half-dwelling units, full dwelling units, or whatever;
- Minimum of 109 units shall be affordable at 80 percent, or of the Area Median Income (AMI), and at least 11 units will be at least 80 to 120 percent of AMI; and that has not changed; and
- All of the units, no matter what kind of units they are, will be affordable housing units and will be for Veterans.

 Mr. Barnebey stated the revised terms provide some flexibility and are within the densities allowed in the Comprehensive Plan.

 Mr. Clague stated the motion should be amended with the revised terms read into the record by Mr. Barnebey in the form provided to the Clerk.


 Chairman Van Ostenbridge noted the seconder to the motion was not present.


 Mr. Clague stated this was not a Robert's Rules issue. If there is not a seconder to agree, the Board could move forward without the amendment, or, Commissioner Kruse could withdraw his motion and make a new motion.

Motion withdrawn

 Commissioner Kruse withdrew his motion.


Motion to Approve Restated


 Mr. Clague restated Commissioner Kruse's motion for approval with the changes read into the record by Mr. Barnebey in the form provided to the Clerk. The motion failed for lack of a second.

 Commissioner Ballard stated this action significantly effects the Chairman's district and he should be given the opportunity to hold a townhall meeting.

Motion to Continue

Commissioner Ballard moved to continue this for up to six weeks, to have those discussions and give the attorneys a chance to iron out further details. The motion was seconded by Chairman Van Ostenbridge.


 Chairman Van Ostenbridge stated he would hold a townhall meeting on or before the six-week time period.

 The motion carried 3-1, with Commissioner Kruse voting nay, and Commissioners Bearden, Rahn and Satcher absent.

BC20230808DOC067

(Enter Commissioner Satcher)

32. DEVELOPMENT SERVICES/PLANNING COMMISSION ADVISORY BOARD

 Courtney DePol, Deputy County Administrator, requested appointment of two people to fill two seats on the Planning Commission Advisory Board. The appointment to Seat 1 will start immediately (Commissioner Turner's former seat). Seat 2 expires October 2023 and will be vacant as current member William Conerly does not wish to seek reappointment. The appointment for Seat 2 will start October 16, 2023. A candidate matrix was shown.


Chairman Van Ostenbridge opened the floor for nominations.

Seat 1

Lorraine Prosser – by Commissioner Satcher


Richard Bedford – by Commissioner Turner


Following discussion, Commissioner Satcher withdrew Lorraine Prosser.

 A motion was made by Commissioner Ballard and seconded by Chairman Van Ostenbridge, to close nominations. By majority vote, Richard Bedford was appointed to Seat 1.

Seat 2


Lorraine Prosser – by Commissioner Satcher

 A motion was made by Commissioner Satcher to close nominations. The motion was seconded by Commissioner Ballard and carried 4-1, with Commissioner Kruse voting nay and Commissioners Bearden and Rahn absent.

 Carol Felts voiced disappointment there were no more applicants and nominations were closed swiftly, doing a disservice to the process.

There being no further public comment, Chairman Van Ostenbridge closed public comment.


(Enter Commissioners Bearden and Rahn)

 Commissioner Kruse stated he was going to nominate Glen Gibellina. He did not vote against Ms. Prosser, but against the length of time the vacancies were advertised.


 By unanimous vote, Lorraine Prosser was appointed to Seat 2.

BC20230808DOC068

33. **FINANCIAL MANAGEMENT/AGREEMENT/9TH AVENUE NORTHWEST INTERSECTION IMPROVEMENTS**


 Jacob Erickson, Purchasing Official, requested authorization for the Purchasing Official, or designee, to execute Guaranteed Maximum Price Addendum to Agreement 22-R078484RP, Construction Management at Risk Services for 9th Avenue Intersection Improvements Project at 78th Street (consisting of a roundabout), with Woodruff and Sons, Inc., in a not-to-exceed amount of \$1,319,604.62, with a construction schedule of 115 days, and accept and date the Public Construction Bond.

There being no public comment, Chairman Van Ostenbridge closed public comment.


 A motion to approve the request was made by Commissioner Rahn, seconded by Commissioner Ballard and carried 7-0.

BC20230808DOC069


34. **NATURAL RESOURCES/CONSIDERATION OF ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE RECOMMENDATIONS AND AUTHORIZATION TO PROCEED TO DUE DILIGENCE FOR TWO RECOMMENDED CANDIDATE ACQUISITIONS**

 Charlie Hunsicker, Natural Resources Director, requested consideration of Environmental Lands Management and Acquisition Committee (ELMAC) Recommendations, and direction for staff to proceed with due diligence in anticipation of acquisition of the following properties, described in greater detail in the agenda packet:


1. Crooked River Ranch - 68 acres south of Old Tampa Road; and
2. Gamble Creek Preserve - 238 acres adjacent to Twin Rivers Preserve at Gamble Creek


 Debra Woithe, Environmental Land Division Manager, utilized a slide presentation to address screening and ranking criteria to evaluate natural resource value, only properties with willing sellers are considered by ELMAC, properties nominated, properties reviewed by ELMAC, and properties for further/future consideration, conservation and parks acquisition process, properties with preliminary Board approval and appraisals (Terra Ceia State Park Addition, Perico Bayou, Emerson Point Preserve Addition, Gospel Crusade/Gospel Crusade East, and added Mixon property), nominated property overview/details and conditions, and Board consideration of ELMAC Recommendations.


Gamble Creek Preserve

 Ms. Woithe showed slides on the features of Gamble Creek Preserve, this conservation acquisition project has been expanded from one to five parcels and from 38 to 238 acres since receiving unanimous preliminary approval by the Board (2/7/23) as the Gospel Crusade property, expanding original proposal to include adjacent properties to enhance public access and recreational opportunities, the newly assembled property is now described as Gamble Creek Preserve situated on the east side of Gamble Creek and east of Hidden Harbor Preserve and Twin River Preserve recreational areas, access points, connect new and existing trails, vision to expand wetland mitigation, project would resemble Robinson Preserve, this is one of the best land opportunities offered by ELMAC, how to value/monetize open space from an

existing subdivision, appraisers would take property conditions and features into consideration, and consider that the Gospel Crusade property was presented first.

 William Clague, County Attorney, suggested to move the recommended motion, but apply it only to Gamble Creek Preserve.


 Commissioner Satcher moved to approve the recommended motion worded by Mr. Clague. The motion was seconded by Commissioner Turner.


 Ralph Hoehn, Kingston Realty, thanked the Board for taking action.


There being no further public comment, Chairman Van Ostenbridge closed public comment.


 The motion carried 7-0.

#### Crooked River Ranch

 Ms. Woithe continued with slides on Crooked River Ranch, it is the last largest property on the Manatee River with one-half mile of shoreline west of Gamble Creek Preserve, the County has an option with the Conservation Foundation Gulf Coast (CFGC)/owner to purchase the property before the end of this year, property consists of 22 acres of pasture, 31 acres of forested upland and 8 acres of wetland, has easy access to I-75, CFGC has an appraisal and the County would obtain an appraisal, the family wants to retain part of the property for a homesite, continued use would be negotiated in the contract, and reservation of access rights to the family would be reflected in the purchase price if an agreement for access is reached.


 There was discussion on connecting the properties by a trail and appraisal results.


 Elizabeth Hunter-Skidmore, co-owner of the property, stated the family is committed to working with the County regarding negotiations, appraisals and the entire process.

 Christine Curvis-Johnson, Conservation Foundation Gulf Coast (CFGC), was excited to present the County with a one-time opportunity with a time limit to purchase the property for a public park preserve. The property is in excellent natural condition and has electricity, well water and a functioning septic system.

 Carol Felts thanked staff for presenting these properties for County acquisition.

There being no further public comment, Chairman Van Ostenbridge closed public comment.


 A motion was made by Commissioner Kruse and seconded by Commissioner Rahn, to approve the recommended motion (Consideration of ELMAC recommendations and direction for staff to proceed with due diligence in anticipation of acquisition for Crooked River Ranch). The motion carried 7-0.

 There was further discussion about expanding ELMAC authority, staff to put together a proposal and bring back to the Board at a later date.


BC20230808DOC070


**COMMISSIONER AGENDA**

**35. DISCUSSION ON COMMISSIONER BALLARD VISITING HELPING UP MISSION IN BALTIMORE, MARYLAND**

 Commissioner Ballard spoke about the Helping Up Mission in Baltimore, Maryland, that assists people struggling with addiction and mental health issues and offers training. The organization is interested in opening a satellite campus in Manatee County. She requested authorization to travel with staff to visit the organization in Baltimore, Maryland.

Chairman Van Ostenbridge suggested Chief Crutchfield be authorized to travel.

 A motion was made by Commissioner Rahn, that we authorize Commissioner Ballard and staff to visit the Helping Up Mission in Baltimore, Maryland; to come back with recommendations they might have for bringing down a satellite campus and what they could potentially do for us here in Manatee County with our homelessness and opioid problem. The motion was seconded by Commissioner Ballard.

 Chairman Van Ostenbridge suggested adding to the motion that Commissioner Ballard be authorized to use County time, money, and resources at her discretion.


William Clague, County Attorney, stated the motion covers this, but it could be added.


There being no public comment, Chairman Van Ostenbridge closed public comment.


 The motion carried 7-0.

BC20230808DOC071

**36. PRESENTATION ON BOOK MOBILE**

 Tracie Adams, Interim Director of Veterans Services, stated staff was directed (8/3/23) to return with alternative ways to fund a Book Mobile. Staff determined the vehicle could be purchased using Library Funds or Impact Fees.

 Tammy Parrot, Library Services Manager, showed slides of customized book mobiles and stated this is a great opportunity to take the Library out to the community.

 Discussion ensued the vehicles are custom built with a wheelchair lift and hardwired for technology, if the vehicle could be driven without a Commercial Driver's License, there is a 12-18 month anticipated timeline from purchase order to delivery, and staff to do a nationwide search of existing unclaimed vehicles.


 A motion was made by Commissioner Ballard and seconded by Commissioner Turner, to approve funding for the book mobile and direct staff to proceed with acquisition.

There being no public comment, Chairman Van Ostenbridge closed public comment.

 The motion carried 7-0.


BC20230808DOC072

**37. DISCUSSION ON TALLEVAST UTILITY IMPROVEMENTS**


 Commissioner Rahn stated the Tallevast community wants sewer. He requested authorization for funding not to exceed \$500,000, and authorize Mr. Bishop and staff to

conduct surveys and soil tests to see if sewer could be provided. A lift station would be required in addition to well testing by the Environmental Protection Agency.

There being no public comment, Chairman Van Ostenbridge closed public comment.

 A motion was made by Commissioner Rahn to not to exceed \$500,000 for the study of Tallevast utility improvements, which will allow staff to conduct water surveys, studies and allow staff time to be part of that. The motion was seconded by Chairman Van Ostenbridge and carried 7-0. BC20230808DOC073

38. **DISCUSSION OF PREMIER SPORTS CAMPUS**

 Tom Yarger, Construction Services Manager, used a slide presentation to review the amenities of the Premier Sports Campus Racquet Center (Multi-Court) and Aquatic Complex. The project is at 30 percent plans. Cost estimates per pool and cost of the aquatic center are not available at this time.


Discussion ensued on funding sources (impact fees, general revenue and IST funds), current project funding is right at \$39 million with a \$42 million estimated threshold, reconsider the number of pools if project needs to be scaled down, staff request to move forward to 60 percent, defer ten hard tennis courts since the schools have tennis courts that can be opened to the public, hold Board discussion on interlocal agreements to ensure taxpayer assets can be used, the \$39 million does not include the clover leaf configuration baseball fields, defer the baseball fields until the budget gets to 60 percent and then re-evaluate.


There being no public comment, Chairman Van Ostenbridge closed public comment.

A motion was made by Commissioner Turner and seconded by Commissioner Bearden, to move forward to 60 percent. The motion carried 7-0. BC20230808DOC074


**RECESS/RECONVENE:** 2:39 p.m. – 2:49 p.m. All Commissioners were present.


39. **DISCUSSION OF APPLICANTS FOR COUNTY ADMINISTRATOR**

 William Clague, County Attorney, stated Consulting firm, Colin Baenziger & Associates was engaged to conduct a national search for County Administrator. Multiple briefings were held. Commissioners were provided straw ballot forms to select their top five choices from the nine applicants: Andrew Butterfield, Mark Cunningham, James Doar, Dale Dougherty, James Harriott, David Molgaard, Don Rosenthal, William Smith and Patrick Thompson.

 Each Commissioner read their top five choices.

**RECESS/RECONVENE:** 3:04 p.m. – 3:10 p.m. All Commissioners were present.

 Mr. Clague stated Commissioner Satcher added Don Rosenthal to his list of candidates. The next step is for Commissioners to hold in-person meetings with the five candidates.

 Rick Conner, Consultant, announced the top five candidates were Andrew Butterfield (7 votes), James Doar (6 votes), William Smith (5 votes), and Dale Dougherty and Don Rosenthal tied with four votes. The firm was ready to proceed.

 Following discussion, Mr. Clague recommended a motion to direct the Consultant to arrange in-person interviews of the five candidates with Commissioners.

Commissioner Ballard moved the recommended motion by Mr. Clague. The motion was seconded by Commissioner Bearden.

There being no public comment, Chairman Van Ostenbridge closed public comment.



Following further discussion, the motion carried 7-0.

BC20230808DOC075

**CITIZEN COMMENTS** (Continued Future Agenda Items)



There were no citizen comments.

**COMMISSIONER COMMENTS**



Commissioner Satcher

- Spoke about the Second Heart Homes organization that serves people with significant mental health issues and tries to find them long-term housing solutions



Commissioner Ballard

- Met with the Second Heart Homes organization
- Thanked the Board for funding the Book Mobile



Commissioner Rahn

- Thanked the Board for funding Tallevast sewer
- His townhall meeting is scheduled August 16 at South Manatee Branch Library

**COUNTY ADMINISTRATOR COMMENTS**



Charlie Bishop, Acting County Administrator, announced the groundbreaking for Parrish Community Park is Friday, August 11, 2023, at 10:00 a.m.

**ADJOURN**

There being no further business, Chairman Van Ostenbridge adjourned the meeting at 3:26 p.m.

Minutes Approved: January 9, 2024