

**CITY OF PALMETTO
CITY COMMISSION MEETING
AND CRA BOARD MEETING
February 9, 2015
7:00 PM**

Elected Officials Present

Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Jonathan Davis, Commissioner-at-Large 1
Harold Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Elected Officials Absent

Shirley Groover Bryant, Mayor

Staff Present

Mark Barnebey, City Attorney
Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Debra Woithe, City Planner
Amber Foley, Assistant City Clerk

Vice Mayor Williams called the meeting to order, followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address the City Commission were duly sworn.

RECOGNITION: Chief Wells recognized the Palmetto Woman's Club for their donations and contributions to the City and the Police Department.

Vice Mayor Williams announced that the flags had been lowered to half-staff for the loss of Palmetto resident and former superintendent of Manatee County Schools, Gene Witt.

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the February 9, 2015 Agenda.

2. PUBLIC COMMENT

None

3. CONSENT AGENDA APPROVAL

A. Clerk's Office

1. Minutes: January 26, 2015
2. Special Function Permits
 - a. DeSoto Seafood Festival Amendment
 - b. Race Remix 3/7/2015
3. Resolution 2015-02 2015 Capital Lease Agreement
4. Blalock Walters Legal Bills

Commissioner Cornwell removed items 2a, 2b and 3 from the Consent Agenda for discussion.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the February 9, 2015 Consent Agenda with the removal of items 2a., 2b. and 3.

2.a. DeSoto Seafood Festival Special Function Permit Amendment Discussion:

In regards to why it was amended, staff explained that the original Permit did not include the Thursday before and the Monday after the event as part of their set-up and break-down. This amended Permit now allows for the event to come to the City at noon on March 26th to set-up and to tear-down the event on March 30th.

2.b. Race Remix Special Function Permit Discussion:

It was clarified that no City services were requested nor was traffic control needed for this event.

3. Resolution 2015-02 2015 Capital Lease Agreement Discussion:

Attorney Barnebey asked that the motion be modified to include "subject to approval by the City Clerk and the City Attorney."

Motion: Commissioner Varnadore moved, Commissioner Davis seconded, and the motion carried 5-0 to approve Consent Agenda items 2.a., 2.b., and 3. with the changes as directed to the motion by the City Attorney.

4. VERIFICATION OF BOAT RAMP NAME

Motion: Commissioner Varnadore moved, Commissioner Davis seconded the motion to adopt the name Palmetto Riverside Park Boat Ramp for the boat ramp located on the southwest corner of Business 41 and Riverside Drive West.

Discussion: Commission discussed the reason for verifying the name change. It was discussed if the name of the Boat Ramp should be that long or should just say Palmetto Boat Ramp or Riverside Boat Ramp. The consensus was to leave Palmetto in the name but to remove Park.

Commissioner Varnadore amended the motion on the floor to adopt the name of Palmetto Riverside Boat Ramp. Commissioner Davis seconded the amended motion. The motion carried 5-0.

5. 1ST READ ORDINANCE 2015-02 ALLEYWAY VACATION

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA; VACATING A PORTION OF A PLATTED EAST -WEST ORIENTED ALLEYWAY OF APPROXIMATELY 244.66 FEET IN LENGTH AND LOCATED NORTH OF 9TH STREET DRIVE WEST, LYING WEST OF 3RD AVENUE WEST AND SOUTH OF THE CSX RAILROAD RIGHT OF WAY, AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Barnebey informed Commission that the applicant has made a request to have the public hearing for this Ordinance sooner than March 2nd. He asked the representative to come to the podium to explain.

Janelle Esposito, representing Bank of the Ozarks, explained that there is a contract pending for the purchase of this property. The contract has already been extended one time and is to expire on February 27th. She respectfully requested that Commission consider having a special meeting for the public hearing to approve the alleyway vacation.

Motion: Commissioner Davis moved, Commissioner Cornwell seconded, and the motion carried 5-0 to schedule Ordinance 2015-02 for a public hearing on March 2, 2015 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.

6. 1ST READ ORDINANCE 2015-01 SOLICITATION

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR THE REGULATION OF SOLICITATION AND PANHANDLING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Barnebey stated that he has reviewed the City's current solicitation ordinance and determined the exemption should be removed all together. There is case law that has found it to be unconstitutional. He will fix this as well as incorporate the language regarding solicitation of motorists.

Commissioner Cornwell requested that the titles regarding door to door solicitation and vehicle solicitation be separated so that it is easy to identify in the Ordinance.

Commissioner Williams discussed the revocation process as written and suggested that the appeal process be included in the written letter of revocation that is sent to the permit holder. Attorney Barnebey will set up a process for that.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to schedule Ordinance 2015-01 for a public hearing on March 2, 2015 at 7:00 p.m. or as soon thereafter as same can be heard in these Chambers and direct staff to advertise for same.

7. PUBLIC HEARING ORDINANCE 2014-14 COMPREHENSIVE PLAN AMENDMENT

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE 2030 PALMETTO COMPREHENSIVE PLAN, ORDINANCE 2010-01, AS AMENDED; AMENDING AND ADDING DEFINITIONS; AMENDING THE FUTURE LAND USE ELEMENT, THE TRANSPORTATION ELEMENT, THE COASTAL MANAGEMENT ELEMENT, THE CONSERVATION ELEMENT, THE PARKLAND OPEN SPACE, AND RECREATION ELEMENT, AND THE PUBLIC SCHOOL ELEMENT; PROVIDING FOR AMENDMENTS RELATED TO THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR UPDATES; PROVIDING FOR A CODIFIED COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Williams opened the public hearing.

Mrs. Woithe, City Planner, asked that the public hearing be continued to the next meeting to allow staff to clean up the ordinance.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2014-14 to March 2, 2015 at 7:00 p.m. or as soon thereafter as same can be heard in these chambers.

8. SOLID WASTE APPEAL TO COMMISSION

Vice Mayor Williams explained the appeal hearing process that will occur this evening. First, the City Clerk will summarize the appeal to Commission. Then Waste Management will be given fifteen minutes to address Commission and can reserve up to five minutes for rebuttal. Progressive Waste Solutions will speak after Waste Management and will also be given fifteen minutes.

Mr. Freeman stated that the City issued a request for proposal (RFP) for solid waste services in June 2014. A total of four responses were received. On December 2nd the Committee ranked Waste Management first and suggested it be brought forward to Commission. The score was 4.36 to 4.32 with Waste Management ranking .04 higher than Progressive Waste Solutions. After the December meeting, a Committee member asked to hold a second meeting before bringing the recommendation to Commission. The next meeting was held on December 10th where it was decided that the top two vendors, Waste Management and Progressive Waste Solutions, should provide oral presentation to the Committee. The presentations were held on December 16th and Committee re-ranked the two vendors

on December 22nd. Waste Management was ranked number one at 4.32 and Progressive Waste Solutions was ranked number two at 4.31. Mr. Freeman received a protest from Waste Management on December 12th stating that local preference should not apply to Progressive, and that the evaluation committee changed the criteria by allowing oral presentations. On January 2, 2015, Mr. Freeman responded to Waste Management's protest denying the claims made.

Mr. Freeman also responded to protests that were filed by Progressive in December. Progressive's protest essentially was about the claim that scoring for pricing and forms section of the RFP were arbitrary. In the response to the protest, Mr. Freeman recommended that the evaluation committee reconvene to review the pricing and forms section before a recommendation was brought to Commission. On January 9th, Waste Management protested Mr. Freeman's decision to the Mayor. Mayor Bryant responded to Waste Management on January 20th denying their request and reaffirming Mr. Freeman's decision to have the committee look at the pricing and forms scoring before bringing the recommendation to Commission. On January 29th, Waste Management appealed to the City Commission.

The Commission's decision tonight is either to grant Waste Management's protest and allow the ranking from the committee to come forward for approval at a later date, or deny their request and allow the committee to review and reconfirm or adjust the price and forms scoring before coming back to Commission for approval.

Attorney Brennan Donnelly, representing Waste Management, discussed fair process regarding the voting process and the awarding and scoring at the RFP committee meetings. He respectfully requested that the City Commission grant Waste Management's appeal and allow the ranking to stand as is.

Ian Boyle, representing Progressive Waste Solutions, asked that the City Commission uphold the City Clerk's and the Mayor's response. He opined that the committee should be allowed to meet again to review the scoring objectively on cost and forms and not subjectively. He reminded Commission that the majority of the committee members ranked Progressive as their first choice.

Waste Management Rebuttal:

Attorney Donnelly stated that Progressive knew the evaluation committee's ranking and scoring outline in the RFP. He asked that Commission uphold the integrity of the RFP process.

Attorney Barnebey reminded Commission that this is a decision on how to handle Waste Management's appeal; this is not about the committee's ranking. The committee's recommendation will come forward to Commission at a later date depending on how this appeal is voted on tonight.

It was explained that if the appeal is denied then the RFP Committee will reconvene and provide additional information. The committee could then change their recommendation if there is some explanation to do so. If the appeal is approved tonight then the current RFP Committee's recommendation will come forward as is; Waste Management as the number one vendor and Progressive Waste Solutions as the number two ranked vendor.

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the appeal of the denial of Waste Management's protest dated January 29, 2015, by doing that, the Commission is overturning the decision made by Mr. Freeman and the Mayor.

9. DECEMBER AND JANUARY CHECK REGISTER (Informational Only)

Vice Mayor Williams recessed the City Commission meeting at 8:04 p.m. to open the February 9, 2015 CRA Board meeting.

Vice Mayor Williams reconvened the City Commission meeting at 9:01 p.m.

10. REGATTA BOAT FESTIVAL 2015 UPDATE

This item will be discussed at a workshop meeting after the Mayor has time to gather information about the event.

11. ASR WELL UPDATE

No update at this time.

12. TRAFFIC UPDATE

No update at this time.

13. DEPARTMENT HEADS' COMMENTS

Mr. Freeman—announced that there is a new message on the Gateway Sign. The City is testing transition time based on feedback. He asked Commission to review it and provide feedback, keeping in mind this is just a test. The transition time has been shortened from sixteen seconds to eight.

Mr. Tusing—gave praise to his team of workers that came out over the weekend to help set up and break down for the Riverwalk Regatta Boat Festival. He said they did a great job.

Chief Wells—stated that the traffic for the Regatta was not as bad as was predicted. DeSoto Bridge traffic seemed to move along better than they had thought.

Attorney Barnebey—met with Billy Hattaway from Florida Department of Transportation (FDOT) and asked for FDOT to expedite the improvements that need to be made to US 41 and to come up with alternative ways for traffic to cross the River.

14. MAYOR'S REPORT

Vice Mayor Williams gave the Mayor's report stating that the meeting at Palmetto Mobile Home Club went great with 345 attendees.

She spoke at the prayer breakfast and at the Southern Gospel Music Show at the Convention Center opening night, Thursday, last week. Commissioner Smith also attended the prayer breakfast, and Vice Mayor Williams thanked him for going in his absence.

Mayor Bryant also attended the Greek Glendi Festival this weekend, the Chamber dinner, and the Conley Buick Rodeo at the Fair Grounds.

15. COMMISSIONERS' COMMENTS

Commissioner Varnadore—echoed Chief's comments. She was pleasantly surprised at the traffic in Palmetto during the Regatta event and the closure of the Green Bridge on Saturday. She was pleased with all the signage that was placed throughout the City, Bradenton, and on I-75 ahead of the event. Mrs. Varnadore is looking forward to hearing a report on how the event did overall.

Commissioner Davis—attended the Tampa Bay Regional Planning Council (TBRPC) meeting. They discussed medical tourism in the area and looking into encouraging that. Medical Tourism is the travel of people to another country for the purpose of obtaining medical treatment in that country. The Tampa Bay area has several great specialized hospitals and doctors that are sought out by people from other countries and even other states within the US.

On March 27th, the TBRPC is holding the 23rd Annual Future of the Regions Award. The CRA made application for two awards.

Mr. Davis spoke with City of Bradenton Councilman Patrick Roth who stated he would like to get with the City to do an audit of the impact of the Regatta. He would like to prepare some data and present it to his Council.

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He thanked all the Public Works employees and the police officers for their job on helping make the Regatta an enjoyable event.

Vice Mayor Williams adjourned the meeting at 9:13 p.m.

Minutes approved: March 2, 2015

James R. Freeman

James R. Freeman
City Clerk