

**CITY OF PALMETTO**  
**CITY COMMISSION MEETING**  
**November 18, 2019**  
**7:00 PM**

**ELECTED OFFICIALS PRESENT:**

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

**STAFF PRESENT:**

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Mohammed Rayan, Public Works Deputy Director  
Scott Tyler, Chief of Police  
Amber LaRowe, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

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

Mayor Bryant recognized Veolia's Safety Milestone 28-year accomplishment. Brett Taylor, Veolia, Wastewater Treatment Plant Manager, recognized that the most valuable asset to help accomplish the 28 years with no loss time accident are the employees.

Mayor Bryant presented the Entre Nous 42<sup>nd</sup> Annual Tour of Homes proclamation to Lacy Pritchard, Entre Nous. Lacy announced that Elf Alley will be in Palmetto this year on Riverside Drive, December 7<sup>th</sup> and 8<sup>th</sup>.

**1. CITY COMMISSION AGENDA APPROVAL**

**Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the November 18, 2019 Commission Agenda.**

**2. PUBLIC COMMENT**

Cookie Agan representing Wreaths across America, discussed the laying of wreaths at Mansion Memorial Cemetery in Ellenton. She stated that this is the first time for the laying of the wreaths in Manatee County and Mansion Memorial Cemetery is the 101<sup>st</sup> Cemetery in Florida to be inducted into this program. The ceremony for laying of the wreaths on the veteran's graves will be in December. She left information with Mrs. Johnston on how to donate for the wreaths this year.

**3 . CONSENT AGENDA APPROVAL**

- A. Appointment to MPO Citizens Advisory Committee
- B. Blalock Walters Legal Invoices
- C. Flag Football Camp Special Function Permit
- D. Tanya Clavey Memorial Car Show Special Function Permit 1/11/2020
- E. WCIND Sub Agreement M367 and M368

**F. Resolution 2019-44 FY 2019 Budget Cleanup**

**Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the November 18, 2019 Consent Agenda as recommended by staff.**

**4. TEFRA PUBLIC HEARING**

Mayor Bryant opened the public hearing for the Tax Equity and Fiscal Responsibility Act (TEFRA) regarding the Manatee School for the Arts Project conduit financing.

Ritesh Patel, Attorney on behalf of MSA, stated that this public hearing is required by Section 147(f) of the Internal Revenue Code (1986). This is a public hearing on the proposed issuance by the City of Palmetto, Florida of a not-to-exceed \$23,500,000 of its Industrial Development Revenue Bonds to be issued from time to time in one or more tax-exempt and/or taxable series. Notice of this hearing was published in the Bradenton Herald on November 9, 2019.

After hearing no public comment, Mayor Bryant closed the public hearing.

**5. RESOLUTION 2019-43 MANATEE SCHOOL FOR THE ARTS PROJECT**

**Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to rescind Resolution 2019-29 and adopt Resolution 2019-43 approving the issuance of City of Palmetto, Florida Industrial Development Revenue Bonds (Manatee School for the Arts Project) in an aggregate amount not to exceed \$23,500,000 (the "Bonds")**

Attorney Barnebey made it clear that this does not cost the City of Palmetto any money, the City is a conduit for the loan.

**6. CONSTRUCTION MANAGER AT RISK RECOMMENDATION FOR PALMETTO POLICE DEPARTMENT**

Mr. Freeman stated that on August 12<sup>th</sup>, the City issued an RFP for a Construction Manager at Risk (CM@R) contractor to build the new Police Department building. The City received seven responses from potential contractors in September. A committee of employees and community stakeholders were assembled to evaluate the proposals. The Committee was the same Committee that made a recommendation for the architect on this same project. The Committee reviewed the proposals and short listed the firms down to four and interviews were conducted. At the conclusion of the interviews, the Committee scored each firm and the top rank firm was H.J. High Construction Company. Pursuant to Section 2-57 of the City Code, the Committee made a motion to recommend H.J. High Construction Company to the Commission and authorize the Mayor to begin negotiations on a contract that will be brought back to the Commission for approval. Staff has also attached the scoring sheets, the proposal from H.J. High, and the minutes of the Committee's meeting.

All Committee members were present and available to answer questions the Commission may have. Commissioner Smith discussed his opinions on the lack of a price being submitted with the proposal. He was not in favor of selecting a CM@R without a price and opined that this is not the correct procedure. Mr. Freeman assured Commissioner Smith that he and the Purchasing Agent spent time with Manatee County regarding their procedures for similar types of projects. Mr. Freeman indicated the procedure that the City is taking regarding

the RFP process for a CM@R is not uncommon to municipalities. Commissioner Smith stated that this delivery method is not appropriate because the City does not have the same kind of money the County does.

**Motion:** Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 4-1 to approve the Committee recommendation of the first ranked firm, H.J. High Construction Company for the Construction Manager at Risk (CM@R) Project #19-410 (New Police Department Building) and authorize the Mayor and staff to enter into contract negotiations which will be brought back to Commission for contract approval.  
Commissioner

### 7. CSX PROPERTY PURCHASE AGREEMENT

Based on comments from Workshop, this item is not ready for any action.

Commissioner Varnadore indicated she preferred option two as presented at the Workshop. She expressed her displeasure with the lack of amicability from CSX. Because there would be a lot of time required to even get the site cleaned up, she preferred to not entertain the purchase so that the Police Department could continue to be developed. She asked Attorney Barnebey to determine the value of the property on 7<sup>th</sup> Street and 10<sup>th</sup> Avenue West and the value of the property on the northern side of the parcel with and without the development of the Police Department on either side. Commissioner Varnadore does not want to hold up the Police Department any longer and is hesitant with the terms in the Contract that discuss the due diligence, the cleanup, etc. Commissioner Varnadore asked Attorney Barnebey to look into the “cleaning up” of the PID names that still say SCL Railroad.

Commissioner Varnadore posed the following questions:

- Page 3, Section 6.3 restrictions on property, reserved easements and covenants retaining enforcement; what does this mean?
- Section 17, default, do they keep the \$20K
- Section 21 on page 12 in regards to the recreational trail it says that they MAY decide if the trail is okay after the City performs all environmental assessments.

Commissioner Smith would like more information on the ingress and egress where the new Police Department is built on the property if not in the current location and if in the current location without the CSX property. He opined that the City should keep the location and make another entrance off of 10<sup>th</sup> Avenue West. He questioned why the City should be buying this property.

Commissioner Davis wanted more information on moving the site to the southeast corner of the parcel and moving it north and south to take up less frontage along 7<sup>th</sup> Street.

Commissioner Williams questioned the plan. Attorney Barnebey stated that in order to do recreation on the site they would have to do environmental studies and indemnify, then show the results to CSX to see if they would consider removing the restrictions.

Attorney Barnebey will bring more information to the Commission at the December 2<sup>nd</sup> meeting.

### 8. OCTOBER CHECK REGISTER (Information Only)

**STANDING AGENDA ITEMS:**

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9. TRAFFIC UPDATE

10. PALMETTO POOL UPDATE

- Joint Meeting with Manatee County Commission on December 17, 2019 1:30 p.m. Convention Center

Commissioner Varnadore asked the Mayor to reach out to the County to see if they can reschedule the meeting to after 5:00 p.m. sometime soon instead of during the afternoon.

Betty Rhodes, resident, stated that she recently attended the Manatee County Commission meeting where they stated that they are waiting on the City to sign the contract.

Mayor Bryant and Attorney Barnebey stated that they have not received any contract or agreement from the County in regards to Lincoln Pool. The Mayor cannot sign any contracts or agreements without attorney review as well as presenting it on an agenda for the Commission to motion to authorize her to sign. Once the contract/agreement is received and reviewed, it will be presented to the Commission; after that, the Mayor can sign.

11. POLICE DEPARTMENT BUILDING UPDATE

**COMMENTS:**

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12. DEPARTMENT HEADS COMMENTS

**ATTORNEY BARNEBEY**—explained that he performed research to the question of who controls the canals between 20<sup>th</sup> and 26<sup>th</sup> Avenues, posed at the November 13<sup>th</sup> Town Hall Meeting. He stated that there are four subdivisions affected; three of which dedicate to the general public forever and one that does not dedicate it at all (the canal between 25<sup>th</sup> and 26<sup>th</sup> Avenue West). Mr. Barnebey will continue his research to obtain a final answer.

Commissioner Williams questioned what the Attorney means by “not dedicated”? Attorney Barnebey stated that the plats were completed ten years apart; that one was done in 1953 whereas the other three were completed in 1963. The language is different so the Attorney could not further answer the question until more research is done.

Commissioner Varnadore questioned if most of the canals are dedicated to the general public than whose responsibility are they? Attorney Barnebey is still researching that as well.

In regards to the Manatee County involvement, Commissioner Davis indicated that the West Coast Inland Navigation District and the Florida Improvement Boater Fund have money available for dredging and are controlled by Manatee County.

13. MAYORS REPORT

Mayor Bryant discussed the Public Transportation Task Force Meeting she attended. A lot of jurisdictions are interested in doing a mural like the one that was recently completed here at the Manatee County Area Transit station.

14. COMMISSIONERS COMMENTS

**COMMISSIONER WILLIAMS**—discussed the Manasota League of Cities meeting where he along with Officer Chastain and Captain Stinson learned about derelict boats. He indicated that some of the City’s ordinances may need to be reviewed.

**COMMISSIONER DAVIS**—invited everyone to come to the Operation Outreach at the Boys Club from 8:00 a.m. to 1:00 p.m. on November 23<sup>rd</sup> and then on November 26<sup>th</sup> at 9:00 a.m. he invited everyone to attend the Mount Carmel turkey giveaway.

**COMMISSIONER SMITH**—asked Mr. Rayan to help the Chief and Mr. Freeman with the RFP process in construction services because he has been through this before.

He asked Attorney Barnebey to have the contract with Manatee County for the pool ready for signature after the joint meeting on December 17<sup>th</sup>.

Mayor Bryant adjourned the meeting at 8:41 p.m.

MINUTES APPROVED: December 16, 2019

*Jim Freeman*

JAMES R. FREEMAN  
CITY CLERK