

DRAFT
CITY COMMISSION MEETING
SEPTEMBER 14, 2026
6:15 P.M.

This Commission Meeting was conducted utilizing Communications Media Technology. Some Staff members were present in the Commission Chambers while others were present via the Zoom application.

ELECTED OFFICIALS PRESENT IN CHAMBERS:

Dan West, Mayor
Sunshine Joiner, Vice-Mayor, Commissioner, Ward 2
Tamara Cornwell, Commissioner-at-Large 2
Harold Smith, Commissioner Ward 1
Scott Whitaker, Commissioner-at-Large 1
Brian Williams, Commissioner Ward 3

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Mohammed Rayan, Public Works Director
Scott Tyler, Chief of Police
Rowena Young, CRA Director (Not Present)
Cassi Bailey, Deputy City Clerk
Jeff Bowman, City Planner
Kelsey Kappler, CRA GIS
Cheryl Miller, Finance Director
Todd Williams, Information Technology (IT) Consultant

1. Mayor West called the meeting to order at 6:15 pm, followed by the Pledge of Allegiance, and Commissioner Joiner, gave the prayer for tonight's meeting.

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

2. **CITY COMMISSION AGENDA APPROVAL**

MOTION:

Commissioner Joiner moved, Commissioner Whitaker seconded, and the motion carried 5-0 to approve the September 14, 2026 City Commission Agenda

3. **PROCLAMATION: SICKLE CELL AWARENESS MONTH**

4. **PROCLAMATION: REDEVELOPMENT WEEK**

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5. PUBLIC COMMENT

Ally Bergman spoke about HB 105, restricting smoking in public parks.

Karon Dixon spoke in favor of restricting smoking in public parks.

Sheldon Jones spoke regarding an election mailer he received from Sunshine Joiner.

Commissioner Williams believes his comments are politically motivated. Commissioner Williams believes it was a public event.

Richard (Scott) Schroeder spoke regarding his concerns with the budget and millage. He provided a handout, which will be made part of the minutes.

Lexie Scott spoke in favor of restricting smoking in public parks.

Betty Sailes Rhodes said the Mayor did a nice job for 9/11 recognizing Ms. Daniels. She brought up concerns with officers searching vehicles unlawfully.

6. CONSENT AGENDA

a. Minutes: 07/20/2026 & 08/03/2026

b. Special Function Permit: Chalk Art Festival

c. Special Function Permit: Dr. MLK Parade

d. Special Function Permit: Legacy Weekend

e. Special Function Permit: NRRFD Open House & Family Fun Day

f. Special Function Permit: Veterans Day Parade

g. The Southern Group of Florida Renewal

h. City Legal Invoices

MOTION:

Commissioner Cornwell moved, Commissioner Whitaker seconded, and the motion carried 5-0 to approve the Consent Agenda as presented by staff for items 6a, 6c, 6d, 6e, 6f and 6g.

Item 6b was pulled by Commissioner Cornwell. She discussed the artwork at the previous year's Chalk Art Festival and encouraged attendance. Commissioner Williams suggested photographing the artwork and displaying the photographs at City Hall. Mayor West asked Ms. Dixon to note the suggestion.

MOTION:

Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve item 6b, Special Function Permit: Chalk Art Festival.

Item 6h was pulled by Commissioner Cornwell. She asked whether the budget for legal invoices would be increased to address the billing deficit and increased expenses. Mr. Freeman stated that a pending adjustment was identified in the point paper and would be brought forward as part of a resolution.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve item 6h, City Legal Invoices.**

7. PUBLIC HEARING- TENTATIVE MILLAGE AND TENTATIVE FISCAL YEAR 2027 BUDGET (J.FREEMAN)

Mayor West opened the public hearing at 6:50 pm. The following was discussed for the tentative millage rate and tentative FY 2027 budget.

- The percentage increase/decrease in proposed tentative millage over rolled back rate.
- The specific purposes for which the ad valorem revenues are being increased/decreased.
- The proposed tentative budget.

Mayor West closed the Public Hearing at 6:52 pm.

a.) RESOLUTION 2026-14: TENTATIVE MILLAGE (The Resolution was read in its entirety.)

MOTION: **Commissioner Joiner moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2026-14 at 6:54 pm.**

b.) RESOLUTION 2026-15: TENTATIVE BUDGET (The Resolution was read in its entirety.)

MOTION: **Commissioner Joiner moved, Commissioner Williams seconded, and the motion carried 5-0 to adopt Resolution 2026-15 at 6:56 pm.**

8. RESOLUTION 2026-20: CONTINUED PRIVATIZATION (LEGAL/M.RAYAN)

Mr. Barnebey explained that Resolution 2026-20 would authorize continuation of the wastewater treatment privatization process under Section 180.031 and Chapter 180, Florida Statutes. It would permit consideration of the existing operator or a new provider. A recommended contract and the required findings would be presented later through a separate resolution.

Mr. Rayan stated that, following approval, invitations would be sent to qualified operators to submit letters of interest. Interested operators would then receive technical provisions and permit requirements and have an opportunity to visit the site before preparing pricing proposals. He anticipated sending invitations the following day and allowing approximately one week for letters of interest.

Commissioner Williams asked whether all proposals would be available for Commission review and requested an explanation of the evaluation process because of disagreements with prior evaluations. Staff stated that the

proposals would be brought back with a committee recommendation and that the evaluation process could be presented during the process, subject to legal permissibility.

Commissioner Whitaker questioned whether one week would provide sufficient time for letters of interest. Mr. Rayan distinguished the initial expression of interest from the later proposal and stated that qualified operators would receive additional time for evaluation, site visits and pricing. Commissioner Williams stated that one week was insufficient, asked about postmarks and advertising, and was advised that submissions would be handled through the Purchasing Department and that advertising was not planned. Staff stated that an operator that did not submit a letter of interest could not proceed to the proposal stage and that the process was permitted under Chapter 180.

MOTION: **Commissioner Joiner moved, Commissioner Whitaker seconded, and the motion carried 5-0 to adopt Resolution 2026-20.**

9. PUBLIC HEARING ORDINANCE 2026-13 VACATION-MANATEE RIVER FAIR ASSOCIATION (PLANNING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING SECTIONS OF STREETS AND ALLEYS GENERALLY DESCRIBED AS FOLLOWS:

A . 13TH STREET WEST, LYING DUE WEST OF 13TH AVENUE WEST FOR A DISTANCE OF APPROXIMATELY 130 FEET;

B. 12TH STREET WEST (FORMERLY KNOWN AS EVANDREW STREET) BETWEEN 13TH AVENUE WEST (FORMERLY KNOWN AS BRYAN STREET) AND 14TH AVENUE WEST (FORMERLY KNOWN AS HARLEE STREET);

C. AN ALLEYWAY LYING BETWEEN 13TH AVENUE WEST (FORMERLY KNOWN AS BRYAN STREET) AND 13th AVE DR W (FORMALY KNOWN AS WILSON STREET), LYING DUE SOUTH OF 12TH STREET WEST FOR A DISTANCE OF APPROXIMATELY 75 FEET;

D. 13TH AVENUE DR WEST (FORMERLY KNOWN AS WILSON STREET), LYING DUE SOUTH OF 12TH STREET WEST FOR A DISTANCE OF APPROXIMATELY 375 FEET; AND

E. AN ALLEY WAY LYING BETWEEN 13TH AVENUE DR WEST AND 14TH AVENUE WEST, LYING DUE SOUTH OF 12TH STREET WEST FOR A DISTANCE OF APPROXIMATELY 225 FEET; AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor West opened the Public Hearing at 7:05 pm.

Mr. Bowman presented a PowerPoint, which was included in the agenda.

Mr. Bowman explained that the Comprehensive Plan permitted vacation when the rights-of-way were not required for future mobility, utility infrastructure or stormwater needs. Staff identified no foreseeable future mobility use and noted that the rights-of-way had never been improved. Existing utilities were located within most of the affected areas. Staff recommended approval with easements reserved for public access and maintenance of existing and future utilities, as provided in the ordinance.

Patrick Bryant identified himself as secretary, past president and outside counsel of the Fair Association and spoke in support of the request.

Jeff Vangen was sworn before speaking. He stated that he worked at Demi's Noodle House, 1318 10th Street West, adjacent to the fairgrounds, and supported clearing the neighboring alleys and rights-of-way, particularly for police and fire access. He stated that the maps clarified the locations described in the ordinance.

Mayor West closed the Public Hearing at 7:11 pm.

MOTION: **Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve Ordinance No. 2026-13, finding, based on the information and testimony provided, that the procedures required by law and Commission regulations for vacating rights-of-way had been completed.**

10. RESOLUTION 2026-12: CVS PROPERTY (LEGAL/M.RAYAN)

Mr. Barnebey explained that the resolution established the public need to acquire a strip of property along 10th Street for a turn lane and authorized eminent domain if negotiations did not result in acquisition. Grant funding was available, and the City had submitted a purchase proposal based on an appraisal. He stated that a negotiated purchase remained the preferred approach.

In response to Commissioner Cornwell's question, Mr. Barnebey clarified that the authority involved eminent domain rather than force majeure. He identified Dan Van Etten as litigation counsel assisting with the matter. Mr. Van Etten stated that Mr. Barnebey had summarized the request.

MOTION: **Commissioner Whitaker moved, Commissioner Joiner seconded, and the motion carried 5-0 to adopt Resolution 2026-12.**

Mayor West recessed the City Commission Meeting to open the September 14, 2026 CRA Board Meeting at 7:14 pm.

Mayor West reconvened the City Commission Meeting at 7:23 pm.

COMMENTS:

11. DEPARTMENT HEADS' COMMENTS

Wastewater Treatment Plant Emergency Filtration: Mr. Rayan presented and read a report with photographs describing events from September 4 through September 14. He reported that Veolia, the City's contract operator, notified the City on September 4 that flows exceeded 2.4 million gallons per day (MGD) and reached 6.4 MGD, and that the filtration system could not keep pace. Available on-site

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storage had been used, the equalization basins held approximately two million gallons, and the reclaimed water pond was full. He stated that the existing filtration system had been significantly underperforming.

Mr. Rayan stated that Veolia contacted the Florida Department of Environmental Protection (FDEP) about discharging water directly from the reclaimed storage pond to maintain treatment flow and avoid sanitary sewer overflows (SSOs). FDEP advised that the pond contained partially treated wastewater because of reject flows and that such a discharge would be unauthorized and subject to enforcement. The City requested an immediate action plan and an explanation from Veolia. Mr. Rayan stated that no action plan had been received.

On September 5, Mr. Rayan and Wade Trim, the engineer of record (EOR), determined that a temporary filtration system should be deployed. The City authorized equipment from Aqua Aerobic Systems and emergency site preparation and installation through BearingPoint Construction using a Manatee County contract. Coordination continued September 6 through September 9 with the EOR, City staff, Veolia, BearingPoint Construction, ShorePower Electric and Mersino for electrical work, pumps, piping and installation logistics.

Mr. Rayan reported that holiday-weekend restrictions on oversized loads delayed shipment from Illinois. The temporary filtration equipment arrived September 10, electrical connections were completed September 11, piping arrived September 13, and piping installation began September 14. The EOR continued daily site visits to monitor flows, existing system performance and installation progress. Startup was anticipated September 16 or September 17. The temporary system would provide approximately three MGD of average daily filtration capacity and six MGD of peak capacity.

Mr. Rayan requested ratification of \$391,539 in emergency expenditures for equipment rental and installation, including work by BearingPoint Construction and its subcontractors. The rental covered four months through December. He explained that funds were available and that the request was authorization of emergency expenditures rather than a budget amendment. Mr. Barnebey stated that the commitments had already been made under the emergency provisions and required Commission ratification.

Mr. Rayan stated that Veolia Vice President Jason Costa had been advised that the City would seek reimbursement once costs were determined. Veolia leadership was on site September 14 and planned to remain the following two days. Mr. Rayan reported that he was still awaiting an explanation of how the situation developed and a plan from the operator.

Commissioner Cornwell asked how the temporary system would treat the stored water and why the City had not been notified before storage was exhausted. Mr. Rayan explained that pond water would be returned through filtration and chemical treatment before being directed to the ASR wells, storage facilities or a permitted surface discharge. Commissioner Cornwell stated a preference for storing the water for reuse. Mr. Rayan identified the two-million-gallon aboveground tank and ponds at Terra Ceia as additional options, provided treatment requirements were met.

In response to Commissioner Cornwell's inspection and maintenance questions, Mr. Rayan stated that Veolia was responsible for operating and maintaining the system and that he first learned of the immediate problem on September 4. He stated that earlier notification had not occurred and that he had directed Veolia not to violate permit conditions. After the temporary system became operational, the existing filters would be inspected individually to determine necessary repairs, replacement parts

and underdrain rehabilitation. Staff would compare repair costs with advancing the filtration improvements previously planned for phase three of the plant expansion.

Commissioner Williams asked about the reclaimed pond's capacity and whether cleaning or deepening it could provide additional storage. Mr. Rayan estimated capacity at six to seven million gallons and explained that the water table limited additional depth. Although portions of the bank showed freeboard, the northwest weir was close to overflow, which would send water directly toward the bay.

Commissioner Williams questioned Veolia's maintenance responsibilities, earlier recognition of the problem and the frequency of reporting. Mr. Rayan stated that reports had increased, sometimes to twice daily, after discussions with company leadership. He described replacement parts for filters two and three and stated that the emergency response and immediate and future treatment plans would be documented for FDEP. He noted that the operator's contract exceeded \$2.5 million and that maintenance requests had not been denied. He reported no problems at 20th and 10th during this event.

Commissioner Williams asked whether the expenditures should be sent to Veolia rather than paid by the City. Mr. Rayan stated that the City needed to pay the contractors it had engaged while pursuing reimbursement and determining responsibility.

Commissioner Whitaker asked who developed the emergency response and questioned the operator's planning, maintenance, communication and financial responsibility. Mr. Rayan stated that he and the EOR developed the response. He clarified that he had directed the operator to contact FDEP, initially understanding that the proposed discharge involved treated water, and that he prohibited permit violations after receiving FDEP's response. Commissioner Whitaker stated that Veolia should bear the costs associated with failures in its operation and maintenance responsibilities.

At Mayor West's request, Mr. Rayan explained that the temporary equipment's capacity could reduce stored volumes to an acceptable level by the end of the week or early the following week, depending on rainfall. Commissioner Smith stated that the emergency work and expenditures were necessary and supported proceeding. In response to Commissioner Williams's question about the last rejuvenation of the sand filters, Mr. Rayan stated that no filter work had been requested during his nine years in the position and that he could not confirm the earlier history.

MOTION: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to ratify and approve \$391,539 in emergency expenditures for the wastewater treatment plant temporary filtration system.

Mr. Freeman provided the following updates, Multicultural Contract: Mr. Freeman stated that he would bring the Apex Communications contract for Ms. Xavia Bailey's planning services to the next meeting. Branding Study: Mr. Freeman acknowledged the input provided at the workshop and stated that staff would work with the consultant to bring the study back, hopefully within the next couple of meetings.

Commissioner Smith asked whether the City used Flock cameras and referred to the concerns raised during public comment. Chief Tyler stated that the City had no Flock cameras. He explained

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that the Manatee County Sheriff's Office owned Vigilant cameras on City property at the north ends of the DeSoto and Green Bridges. Those cameras performed a similar function, were obsolete and were expected to be removed and replaced; they were not City-owned cameras.

Epoch Litigation: Mr. Barnebey reported that the federal court had ruled in the City's favor in the Epoch litigation concerning the Riviera Dunes apartments. He stated that an appeal period remained open and identified Jay Daigneault as lead counsel.

12. MAYOR'S REPORT

Mayor West reported on the event held at the Palmetto Marriott by the Boys & Girls Clubs of Manatee County. The event recognized Ms. Daniels and her classroom's experience with President Bush on September 11th. Mayor West stated that the City presented her with an America 250 flag that had flown over the City.

Mayor West reported that Amanda Beaver and her family had moved to Texas and that her position in his office was vacant.

13. COMMISSIONERS' COMMENTS

Commissioner Cornwell thanked Chief Tyler for responding to her report of panhandlers moving among vehicles and soliciting money. She discussed the associated traffic safety concerns and the City ordinance addressing the activity.

Commissioner Cornwell stated that an entire department should not attend an out-of-town event without someone remaining available to conduct daily business. She requested that staff coverage be considered when approving travel and suggested further discussion.

Commissioner Joiner thanked Mayor West for representing the City at the September 11th commemoration.

Commissioner Williams supported Commissioner Cornwell's comments regarding departmental travel. He cited approximately \$10,172 for eight people and suggested reviewing mayoral approval and notification procedures for such travel.

Commissioner Smith agreed that staff should remain available to answer questions when a department traveled. He also reported that someone had opened his mail, stated that a similar problem had occurred approximately eight years earlier, and requested that his mail not be opened. Mayor West stated that he would relay the concern.

Mayor West adjourned the meeting at 8:10 pm.