

**CITY OF PALMETTO
SPECIAL CITY COMMISSION MEETING
August 28, 2012
5:30 PM**

Elected Officials Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 2
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Alan Zirkelbach, Commissioner-at-Large 1—Participated by telephone

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Amber Foley, Assistant City Clerk

Mayor Bryant called the meeting to order at 5:30 p.m.

Mayor Bryant recessed the meeting at 5:32 p.m. to allow time for Commission to review handouts that were just presented to them.

Mayor Bryant resumed the meeting at 6:04 p.m.

All persons intending to address City Commission were duly sworn.

Non-agenda Item Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Attorney Barnebey amended the agenda to add Resolution No. 2012-23 as item number 2A.

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to approve the August 28, 2012 Agenda with the addition of item 2A.

2. WASTEWATER PRIVATIZATION CONTRACT FOR WASTEWATER SERVICES FOR THE CITY OF PALMETTO

Allen Tusing discussed the history of the privatization of the wastewater treatment facility and the lift stations within the City. He stated that Veolia has been under contract with the City for over twenty years. The current contract with them allows for a two year extension; however, the City attorney advised that a new contract would be needed in order for Veolia to complete the ASR Well project for the City. Mr. Tusing discussed the reasons why this proposed contract is in the best interest of the City. He stated that this new contract gives the City the tools to allow the private sector to help in other areas of the City.

Attorney Barnebey discussed the whereas clauses that are written in the proposed contract and those that are written in the resolution. He stated that the contract is part of the resolution as Exhibit A.

Regarding the Annual Limit Account allowances, Mr. Tusing informed Commission that what is written in the proposed contract is the same as what is written in the current contract. The City maintains a monthly reconciliation of those funds and Veolia reimburses the City with any amount that was not spent at the end of the year. Mr. Tusing advised that the reimbursed funds are used for Capital Improvement Program projects.

Discussion ensued regarding the scope of services written in the proposed contract. Mr. Tusing confirmed that Commission would have to approve the expansion of any scope of services that are not written in the contract.

With respect to Appendix G, Number 5, of the proposed contract. Attorney Barnebey suggested modifying the language written in the last sentence to reflect that Veolia shall have no liability except as to what work they perform.

Commissioner Cornwell requested that language be written into the proposed contract regarding Veolia loaning equipment to the City. Attorney Barnebey stated that an addition can be made stating for Veolia to consider, if requested by the City, to assist the City with equipment and services if acceptable to Veolia.

In regard to ASR Well project deadlines, Attorney Barnebey stated that the City is responsible for meeting those deadlines right now. If this contract is approved, the ASR Well project will be the first work assignment issued to Veolia and they will be the construction project manager for that project.

Commissioner Smith questioned the recommendation of a ten year contract. Mr. Tusing stated that the current contract is renewed every two years. Staff felt that in order to accomplish the ASR Well project, two years would not be an adequate length of time to allow for the project to be completed. Mayor Bryant also noted that having a ten year contract would allow for more availability of financing for projects.

Commissioner Varnadore questioned Section 7.1 of the proposed contract which states that the contract will be automatically extended for five additional two year periods. She requested that language be written into the contract stating that the contract may be extended only with Commission approval. Attorney Barnebey stated that the language can be changed to read that this agreement may be extended, with City approval, for five additional two year periods. Consensus of Commission was to make that change to the proposed contract.

2A. RESOLUTION NO. 2012-23 WASTEWATER FACILITY PRIVATIZATION CONTRACT

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A WASTEWATER FACILITY PRIVATIZATION CONTRACT; FINDING THAT THE WASTEWATER FACILITIES PRIVATIZATION CONTRACT IS IN THE PUBLIC INTEREST; APPROVING THE WASTEWATER FACILITY PRIVATIZATION CONTRACT; AUTHORIZING THE MAYOR TO EXECUTE THE WASTEWATER FACILITY PRIVATIZATION CONTRACT AND ANY DOCUMENTS RELATED THERETO; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE NECESSARY DOCUMENTS IN CONNECTION WITH THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

Attorney Barnebey stated that there are two attachments to the resolution: Attachment A is the proposed contract as revised to add the two provisions that were discussed; Attachment B is the Statement of Publications with one correction made to paragraph four.

Mayor Bryant opened the public hearing for both agenda items 2 and 2A.

There being no public comment, Mayor Bryant closed the public hearing as to both agenda items 2 and 2A.

Motion: Commissioner Williams moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Resolution No. 2012-23 with Attachments A and B and the changes mentioned to Attachment B.

Motion: Commissioner Varnadore moved, Commissioner Smith seconded, and the motion carried 5-0 to find that entering into the 10 year agreement with Veolia Water North America Operating Services LLC to be in the best interest of the City and to authorize the Mayor to execute the 10 year agreement beginning September 1, 2012 with the amendments to the contract outlined during this hearing in regard to Section 7.1 and Appendix G.

Mayor Bryant discussed the press conference she attended today at McKechnie Field. Manatee County Commissioner Bustle has recommended the three fields at Blackstone [for the North River Little League], and indicated the cost, with remediation, would be approximately \$3.3 million with a completion time-frame of twenty-two months. She also noted that Palmetto Night at the Marauders has been moved to Saturday, September 1.

Mayor Bryant adjourned the meeting at 7:19 p.m.

Minutes approved: September 10, 2012

James R. Freeman

James R. Freeman, City Clerk