

**CITY OF PALMETTO
CITY COMMISSION MEETING
May 4, 2020
7:00 PM**

This Commission Meeting was conducted utilizing Communications Media Technology in accordance with the Governor's Executive Order. Some Elected Officials and Staff members were present in the Commission Chambers while others were present via the Zoom application to respect the social distancing guidelines.

ELECTED OFFICIALS PRESENT IN CHAMBERS:

Shirley Groover Bryant, Presiding Officer
Harold Smith

ELECTED OFFICIALS PRESENT ELECTRONICALLY:

Tamara Cornwell, Chair
Tambra Varnadore, Vice Chair
Jonathan Davis
Brian Williams

STAFF PRESENT IN CHAMBERS:

Mark Barnebey, City Attorney
Mohammed Rayan, Public Works Deputy Director
Scott Tyler, Chief of Police

STAFF PRESENT ELECTRONICALLY:

Jeff Burton, CRA Director
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Amber LaRowe, Assistant City Clerk
Todd Williams, Information Technology (IT) Consultant

Mayor Bryant called the meeting to order at 7:05 p.m., followed by a moment of silence.

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

1. CITY COMMISSION AGENDA APPROVAL

Motion: Commissioner Davis moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the May 4, 2020 Commission Agenda.

2. PUBLIC COMMENT

No public comment.

3. CONSENT AGENDA APPROVAL

- a. Minutes: March 2 and March 16, 2020
- b. Florida Department of Transportation Highway Lighting Agreement
- c. Legal Invoices
- d. Sanctuary Cove Bond Renewal
- e. Force Main Emergency Requisition Ratification

Motion: Commissioner Smith moved, Commissioner Davis seconded, and the motion carried 5-0 to approve the May 4, 2020 Consent Agenda as recommended by staff with the removal of items B and C for questions.

3. C. LEGAL INVOICES DISCUSSION:

The invoices were discussed one by one.

Commissioner Smith questioned, more specifically, the invoice pertaining to the stormwater fees. Attorney Barnebey addressed it; stating that the stormwater fees legal invoice was from an independent attorney's office regarding an opinion for the charges to the School Board on stormwater fees to their utility accounts

In regards to the Lincoln Memorial Academy Litigation invoice, he stated that his office issued a response to the allegations.

Commissioner Smith opined that nothing should be issued without consultation with the Commission about the outstanding litigation and what this is about. Attorney Barnebey stated that would require a Shade Meeting; Commissioner Smith would like that done.

Motion: Commissioner Smith moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve item 3. C. of the Consent Agenda.

3. B. FDOT HIGHWAY LIGHTING AND MAINTENANCE AGREEMENT DISCUSSION:

Commissioner Williams inquired about staffing to maintain the lights. Mr. Rayan stated that there is not an on staff electrician, an outside contractor would be hired if there are any failures with this lighting. Discussion ensued regarding reimbursement for lights if damaged from storms/hurricanes; Mr. Rayan will provide information about the policies of the State/FEMA for storm damage.

Motion: Commissioner Williams moved, Commissioner Cornwell seconded, and the motion carried 5-0 to approve item 3. B. of the Consent Agenda.

4. ODYSSEY AGREEMENT CHLORAMINE SYSTEM

Mr. Rayan explained that this agreement is a piggyback for a chloramine injection system. From research, it was found that the Town of Longboat Key had a similar issue as the City and they utilized a piggyback from Odyssey via Town of Davie; the City would like to do the same. He respectfully requested the Commission approval.

Motion: Commissioner Cornwell moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the piggyback contract and proposed agreement with Odyssey Manufacturing and authorize the Mayor to execute same.

5. FIRST READING ORDINANCE 2020-07 TECO PEOPLE GAS FRANCHISE AGREEMENT

AN ORDINANCE GRANTING TO PEOPLES GAS SYSTEM, A DIVISION OF TAMPA ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE NATURAL GAS FRANCHISE AGREEMENT TO USE THE PUBLIC RIGHTS OF WAY OF THE CITY OF PALMETTO, FLORIDA, AND PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID FRANCHISE MAY BE EXERCISED; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE; AND REPEALING PRIOR ORDINANCE.

Mr. Freeman explained that the current Franchise Agreement from 1990 was with Southern Gas; Southern Gas has been purchased by TECO. The Agreement was for a 15 year period with 15 year renewal. The new Franchise Agreement, attached, is for a 15 year nonexclusive agreement with TECO to provide natural gas to the citizens in the City; there is the option for a 15 year renewal with a mutual consent from both parties. The Franchise Agreement allows for the City to collect 6 percent in gross revenue annually; consistent with other municipalities. Mr. Freeman reminded the Commission that the gross revenue percentage is up to their decision, it is slightly higher than the prior Agreement of 5.5 percent.

Staff was asked to go back to TECO to give a current footprint of their services in the City. Mr. Freeman stated that TECO indicated to him that it is protected information, but he will follow up to see if there is any information they can provide on where their services are in the City.

Motion: Commissioner Varnadore moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the first reading for Ordinance 2020-07 and authorize staff to advertise for the appropriate public hearing.

6. PUBLIC HEARING ORDINANCE 2020-05 PERSONNEL POLICY

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY CODE OF ORDINANCES TO REPEAL THE EXISTING PERSONNEL POLICY AND AMEND THE CODE TO ALLOW ADOPTION OF FUTURE PERSONNEL POLICIES BY RESOLUTION; PROVIDING FOR THE REPEAL OF PALMETTO CITY ORDINANCE 2013-16 OF THE CITY OF PALMETTO CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. After hearing no comments, Mayor Bryant closed the public hearing.

Attorney Barnebey stated that if the Commission adopts this Ordinance, but then subsequently does not adopt the following Resolution, he will ask for a motion to reconsider.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to adopt Ordinance 2020-05.

7. RESOLUTION 2020-03 PERSONNEL POLICY

Motion: Commissioner Cornwell moved, Commissioner Varnadore seconded, and the motion carried 5-0 to adopt Resolution 2020-03.

8. MARCH CHECK REGISTER (Informational Only)

Mayor Bryant recessed the City Commission meeting at 7:33 p.m. to open the May 4, 2020 CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:21 p.m.

9. PALMETTO WOMAN'S CLUB AGREEMENT

This item was discussed and approved at tonight's CRA Board meeting also.

Motion: Commissioner Cornwell moved, Commissioner Davis seconded, and the motion carried 5-0 to amend the CRA contract to purchase the Palmetto Woman's Club for \$215,000 with a change in the Time for Acceptance in Section 3 to May 13, 2020 and the Closing Date in Section 4 to June 5, 2020 and approve the CRA Presiding Officer or CRA board Chairman to sign the contract.

~~10. RESOLUTION 2020-08 CRA BUDGET AMENDMENT AND HABEN BLVD. PROPERTY PURCHASE (J. Burton) Removed~~

~~ACTION REQUEST: Motion to adopt Resolution 2020-08.~~

STANDING AGENDA ITEMS:

11. TRAFFIC UPDATE

12. PALMETTO POOL UPDATE

Mayor stated that this is still being worked on, with an agreement coming forward to the Commission soon.

13. POLICE DEPARTMENT BUILDING UPDATE

Chief Tyler stated that this project is still moving along, should see site borings soon. He is hopeful that there will be a presentation to the Commission soon on the schematics of the building.

COMMENTS:

14. DEPARTMENT HEADS COMMENTS

MR. FREEMAN—City Hall will remained closed to the public right now.

ATTORNEY BARNEBEY—will be working on a Shade Meeting to schedule for an appropriate time for the Lincoln Memorial Academy litigation.

MR. RAYAN—Geotech Surveying is on board working on the Police Department schematic design to be completed this week; hopefully presented at the next meeting.

The Equalization Tank mechanical and electrical work is going well. It is being dry tested right now for the mechanics with the next phase of adding water.

The CDBG project is ending soon and the area is looking well.

The Public Works lobby is still closed to the public with social distancing going well and the use of personal protection equipment.

15. MAYORS REPORT

Thanked all the staff that diligently prepared for the meeting to go well tonight.

16. COMMISSIONERS COMMENTS

COMMISSIONER SMITH—encouraged everyone to stay safe.

COMMISSIONER VARNADORE—commented on the rationing of reuse water.

Mr. Rayan explained that there was some equipment that was hit during the construction of the EQ Basin. The City had to temporarily ration the reuse to be able to adequately monitor the outbound flow. Mr. Tusing stated that the drought has caused a lot of water to be used from the reuse reserves, so rationing was the best solution until fixed. He stated everything is fixed now.

Mrs. Varnadore asked if an email or phone call could be issued before residents are notified so that when the Commission receives these calls they are adequately informed and prepared to help.

Mr. Tusing commented that the City has applied to repair the railroad crossing at 7th Street, he is awaiting a schedule and cost. He will keep the Commission updated because when the repair work begins, 7th Street will be closed for a few days.

Commissioner Varnadore encouraged everyone to stay safe.

COMMISSIONER CORNWELL—announced that this week is Teacher Appreciation Week.

COMMISSIONER DAVIS—stated that the Tampa Bay Regional Planning Council (TBRPC) completed a virus study and the effects on the economy. He emailed that to Mrs. Johnston for distribution; more follow-ups will be coming.

Mayor Bryant adjourned the meeting at 9:45 p.m.

MINUTES APPROVED: MAY 18, 2020

Jim Freeman

JAMES R. FREEMAN
CITY CLERK