

TUESDAY, JUNE 27th, 2023
CITY COMMISSION MEETING – 5:30 P.M.

Present: Jesse Nelson, Mayor
Sam Peebles, Commissioner
Pat Perno, Commissioner
Jamie Warrick, Mayor Pro Tem
Judy Vandergrift, Commissioner
Vickie Gainer, City Manager
Chief Ramie, Sergeant at Arms
Kevin Obos, City Legal Counsel

Item # 1. Call to order.

Mayor Nelson called the meeting to order at 5.30 P.M.

Item # 2. Invocation and the Pledge of Allegiance.

Invocation was given by Pastor Chad.

Item # 3. Public Commentary.

Ms. McIlroy – Port St Joe – Said she was curious about the debt being over \$50M and asked if that figure was correct. She then asked if the city had thought about the people who pled guilty to theft, have they thought about filing civil lawsuits against them? She handed out some of the LLC printouts she had printed out. She would like to see the City try to recoup some of that money as it is the right thing to do.

Ms. Parker – Rett Place – Said she finds it disturbing that nobody has responded to Mr. Finch's offer of \$75k for the splashpad repair, even if the answer is no to at least respond to the man.

Lauren – Coastal Waste & Recycling – important that we understand the scoring criteria in order to be fair to the bidders. She asked the commission to request presentations from the top 3 scored companies. She explained many of the things they do for the community. Not just a garbage service provider but are a garbage service partner.

Item # 4. Mayor's Report.

Mayor read the Proclamation for Yolanda Monet Shamplain Day.

Mayor advised he had joined city manager and various directors to take Congressman Dunn on a tour of the city facilities and Congressman Dunn was impressed with the progress the city has made.

Item # 5. Commissioners' Reports.

Commissioner Peebles – past Saturday he attended the packed opening of the pickleball courts, where there was a waiting list for players. Thanked the staff for the tour the past week of the waste management and the water treatment plants, saying he had no idea of the types of things that went on there. He is glad to have voted to upgrade the SCADA system. Toured the Fire Station who were apparently the first in Bay County to integrate emergency services into the fire services. Visited the police department and many of the department heads of the city to learn more about the city and how it runs. Has seen some of the veteran's banners going up and they look awesome.

Commissioner Perno – will be at the St Joe Bay Estuary program meeting tomorrow. Thanked the city staff in advance for the work they are doing on the Fourth of July celebrations. Reminded everyone the Rotary are providing breakfast before the program on the Fourth of July. Thanked our first responders and his heart goes out to all the families who have lost members to drownings this season and encourages everyone to be cautious around the water.

Commissioner Warrick – last week he attended the grand opening of a new business. Had the pleasure of going to the skatepark in Panama City and there were about six people there. He watched for a while and asked them how many people normally go. They said as it gets cooler

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there will be more people coming. The only recommendation they would give is to make it bigger because it gets really busy. The one he visited later that day at PCB was very big. They are popular and it is not just young people who use them. There is still a lot to consider before deciding what the city will do in that space. He spoke about the Mowat Highlands, and Andrews Park houses where some seem to have lost some of their privacy due to further development. He has spoken with Chris Forehand to see if they can put in some trees for privacy. He said that Chris Forehand has agreed to put in some Green Giants to create a privacy fence. They are low maintenance and easy to take care of. Thanks, all staff, first responders, and dispatch.

Commissioner Vandergrift – She toured the WWTP and even though she is nearly 70 years old she has never given much thought to what happens when she flushes the toilet. For sewage there is a cost for service and certification. She was very impressed with the people who had the certifications and managed that pretty amazing facility saying that we have very qualified individuals working in our city departments. This past week she went to Frank Brown park, and she looked at the facilities for families out there and she would like to aim for more family-oriented facilities in Lynn Haven.

Item # 6. City Manager's Report.

A. Warrant list update – There were no questions.

City Manager said the pickleball courts have been very busy since opening up this weekend. The city did another tree giveaway last week, with our goal to give away at least 1000 trees each year to replenish our trees since Hurricane Michael. The Fourth of July - a total of 75 applicants/participants so far and it gets larger every year. There will be a surprise on the day so please attend. The opening ceremony begins at 8.30am on 9th and Ohio. 8U won today at the World Series. We have our All-Star teams going for the first time since Hurricane Michael and we are very proud of them. City Manager Gainer wants to make sure everyone knows there is a project going on with the FBI to recover some of \$5m spoken about by Ms. McIlroy. Also working in conjunction with FEMA, and we hope to get some return on those invoices if they allow us to put them back in their queue. There is also an initiative with the FBI to recoup the equipment from the guilty parties and disseminating the funds to offset their various debts.

Item # 7. City Attorney's Report.

City Attorney explained the comprehensive plan deadline of Feb 1st, 2024, is just to notify the state and then there is a year to transmit those amendments, giving the commission a year to work on the plan.

CONSENT AGENDA

Item # 8. Approval of Minutes dd 05/23/23 - Regular meeting minutes.

Item # 9. Approval of Residential Incentive Program Application – 903 Arkansas Avenue.

Motion by Commissioner Perno: to approve the consent agenda.

Second to the Motion Commissioner Vandergrift

On Vote:

Perno	aye
Vandergrift	aye
Peebles	aye
Warrick	aye
Nelson	aye

Motion passed: 5-0

OLD BUSINESS

Item # 10. Discussion only and review of Chapter Eight of the International Property Maintenance Code.

Mayor opened to the floor for comment. There were none. Mayor asked that the City go ahead and start making those changes and updates and have the document ready for review by the commission by end-August, to be reviewed and brought before the citizens after September 2023.

NEW BUSINESS

Item # 11. Discussion and possible approval of Bid 22/23-14 Commercial Solid Waste Collection contract to the lowest bidder Waste Pro.

The Chief Infrastructure Director explained item.

Mayor opened the floor for comments. Commissioner Perno asked for an overall explanation of the process. Chief Infrastructure Director explained the process undertaken with two of the six bids having been ruled as non-responsive. Attorney explained 40 points are given for price, then points for personnel and equipment and then experience and history is considered, and then quality assurance and responsiveness to the RFP.

Commissioner Warrick – is this typically how all municipalities do it? Attorney said yes. Commissioner Warrick asked if any cities allow the bidders to give presentations. Attorney said sometimes if the format of the bid calls for it. Commissioner Warrick asked do the allow presentations for a bid like this. Attorney said no.

Commissioner Vandergrift asked about the timeline for submitting the RFP, and asked to please define non-responsive. Attorney said it can be a number of things including not submitting a form or not including an addendum. City Manager explained the standard requirements, and if someone forgets to address any of those requirements then it is considered non-responsive, as well as addendums needing to be responded to and returned, and also if the bid price format is incorrect it is considered non-responsive. She went on to say that to be fair we have to treat everyone the same. Attorney said it is anything that deviates from the requirements as set out in the RFP and addendums.

Commissioner Perno – will taking a bidder with a slightly higher score trickle down to higher rates for the citizens? City Manager explained that the apparent winner rates will fall in line with the previous provider's rates.

Commissioner Warrick asked about the deadline for having this contract in place and City Manager explained it is priority as the garbage pick-up has to continue to happen.

Josh Maharrey from BCC Waste – He did turn the bid in on time. He explained their business model and the exceptional service they have provided to the city. He is here because Waste Pro was not the lowest bidder and BCC was to the tune of \$12k. He held up the bid price form to the Commission explaining why they tallied annual. Section 1.5 of the RFP reads the city reserves the right to waive any informality so offering your constituents \$1r5 a year saving on their garbage collection does have a lot of the best intent for them.

Ms. McIlroy – because she participated in a number of meetings over the past few years, generally speaking when it comes to garbage she has seen a number of presentations from various companies.

Ralph Mills – Senior VP of Waste Pro. This is a commercial contract and he explained the readiness of Waste Pro to hit the road to provide a service to the city.

Commissioner Warrick – is this bid reviewed by the attorney? Attorney explained he had reviewed this particular issue for the City Manager, and they decided it was not a minor irregularity. Because if you go down that road then you are going to have the same complaint from the next bidder. Commissioner Warrick – legally we cannot send a bid back to a bidder to be corrected can we? Attorney answered no. Commissioner Warrick asked is it true that he was the lowest bidder? City Manager said there was no way to tell because his pricing was not done correctly. Commissioner Warrick asked can this open us up to a lawsuit if we decide we want to keep BCC. Attorney said it would turn into a bid protest and potentially a law suit from the next bidder in line. The attorney said if there is a bid protest the city will likely withdraw the bid and start the process again.

Motion by Commissioner Warrick: to approve of Bid 22/23-14 Commercial Solid Waste Collection contract to the lowest bidder Waste Pro.

Second to the Motion

Commissioner Peebles

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On Vote:

Warrick	aye
Peebles	aye
Vandergrift	aye
Perno	no
Nelson	aye

Motion passed: 4-1

Item # 12. Discussion and possible approval of Change Order #1 for project 22041 - an amendment to the Florida Department of Environmental Protection vulnerability study grant agreement.

The Director of Economic Development explained the item. Mayor opened the floor for comments and questions. There were none.

Motion by Commissioner Warrick: to approve of Change Order #1 for project 22041 - an amendment to the Florida Department of Environmental Protection vulnerability study grant agreement.

Second to the Motion Commissioner Perno

On Vote:

Warrick	aye
Perno	aye
Peebles	aye
Vandergrift	aye
Nelson	aye

Motion passed: 5-0

Item # 13. First Reading only of Ordinance 1155 – TECO Natural Gas Franchise Agreement.

The City Manager read the Ordinance by Title only.


The City Attorney explained the item.

Mayor opened the floor for comments. There were none.

Item # 14. Adjourn.

There being no further business the meeting adjourned at 6.17 P.M.

APPROVED THIS 11th DAY OF July 2023.



Jesse Nelson, Mayor

ATTEST:



Vickie Gainer, City Manager

prepared by
Cicelia Rushing