

## CITY OF BRADENTON

### SPECIAL CITY COUNCIL MEETING

#### MINUTES

July 15, 2020

9:00 A.M.

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 9:00 a.m. on Wednesday, July 15, 2020.

Present: Mayor Wayne Poston; and Vice Mayor/Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bill Sanders; and Councilman Ward V Harold Byrd, Jr.

City Officials: Carl Callahan, City Administrator/Economic Development Director; Sharon Beauchamp, City Clerk & Treasurer; Jim McLellan, Public Works & Utilities Director; Josh Cramer, Assistant Police Chief; Charles Edwards, Fire Chief; and Scott Rudacille, City Attorney.

#### **UNFINISHED BUSINESS:**

##### **Riverwalk Expansion Construction Manager At Risk Selection**

**Carl Callahan, City Administrator/Economic Development Director** explained following the presentations from the July 8, 2020 Special Meeting, the vote today will be to begin negotiations for the Construction Manager At Risk for the Riverwalk Expansion project.

**Vice Mayor Gallo** announced he would prefer to engage NDC Construction because of all they do for the community and the business is located within City limits.

**MOTION TO INSTRUCT STAFF TO BEGIN NEGOTIATIONS WITH NDC CONSTRUCTION** was made by Councilman Gallo and seconded by Councilwoman Barnebey.

**Councilman Roff** said in his opinion, all three contractors are more than qualified. He said he preferred the Astra Group's presentation regarding the projects they are building in the Atlanta area. However, he added, because of these uncertain times, he would choose a company with a proven track record with the City such as NDC Construction.

**Councilman Sanders** said his two choices are NDC Construction and Jon F. Swift Construction. He then said he would prefer to engage Jon F. Swift Construction because of details presented that would benefit the neighborhood during construction.

**Councilman Byrd** agreed all of the candidates are qualified however, because of projects Jon F. Swift Construction completed in the past, he would prefer to engage them.

Councilman Sanders announced there may be a possible conflict of interest with Councilwoman Barnebey voting because NDC Construction is represented by the law firm where her husband is partner.

After a brief discussion, **Scott Rudacille, City Attorney** said there does not appear to be a conflict of interest. However, he added, there was not an opportunity to present the proposed conflict to the Ethics Commission. He recommended Councilwoman Barnebey abstain from the vote.

Councilwoman Barnebey said in an abundance of caution, she will recuse herself from the vote. She then withdrew her second of the motion.

**Councilman Roff seconded Vice Mayor Gallo's motion. The vote was 2-2. Councilman Byrd and Councilman Sanders voted no. Councilwoman Barnebey abstained. To break the tie, Mayor Poston voted yes.**

Mr. Rudacille recommended selecting a second firm should negotiations fail with NDC Construction.

**MOTION TO DESIGNATE JON F. SWIFT CONSTRUCTION AS A SECOND OPTION IF NEGOTIATIONS WITH NDC CONSTRUCTION FAIL TO SUCCEED** was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 3-2. Vice Mayor Gallo and Councilman Roff voted no.

### **Emergency Ordinance Regarding Face Coverings**

Mr. Rudacille explained emergency Ordinance 3076 was prepared following the discussion at the July 8, 2020 meeting requiring businesses in the City post signs recommending face coverings. He said the ordinance would mandate that business owners display a sign at all public entrances that face coverings are "required or requested" inside the business or display information regarding the Centers for Disease Control's recommendation to wear face coverings in public.

Mr. Rudacille added the ordinance does not require the public wear face coverings and does not require business owners to enforce the ordinance. He concluded should the ordinance pass, it will require a 4/5 vote of Council and would take effect on July 17, 2020 at 12:01 a.m.

Councilman Roff and Vice Mayor Gallo inquired about enforcement of the ordinance.

**Volker Reiss, Code Enforcement Manager** explained should a business not comply, the first step would be a written notice of violation and give the business owner reasonable time to comply. In this case, he continued, 24 hours would be a reasonable time to comply then Code Enforcement Officers would issue a citation.

**CITIZEN COMMENT: None.**

**Sharon Beauchamp, City Clerk & Treasurer** explained the City Clerk's Office did not receive any citizen comments via voicemail or email prior to the meeting.

**Councilman Roff** announced he received several emails on the subject and reiterated his opinion that face mask mandates should be a state issue.

**Councilwoman Barnebey** added she received several emails as well and only one was not in favor of the ordinance. She then thanked Ms. Beauchamp for creating examples of signage for business owners to display. Ms. Beauchamp announced **Jeannie Roberts, Communication Coordinator**, prepared a press release and will post information on the website, should the ordinance pass.

**MOTION TO APPROVE EMERGENCY ORDINANCE 3067** was made by Vice Mayor Gallo and seconded by Councilwoman Barnebey. Motion passed 5-0.

**MAYOR/COUNCIL REPORTS:**

**Mayor Wayne Poston:** Mayor Poston requested Council send him two nominations from their wards for the Bradenton Police Department Citizen Advisory Committee.

**Vice Mayor/Councilman Ward I Gene Gallo:** Vice Mayor Gallo announced a citizen contacted him regarding horseback riding in the water off the Palma Sola Causeway. He said the citizen may come before Council to present the Pinellas County ordinance banning horseback riding in aquatic preserves.

A discussion ensued regarding jurisdictional rights along Palma Sola Causeway and U.S. Environmental Protection Agency pollution testing.

**Councilwoman Ward II Marianne Barnebey:** Councilwoman Barnebey announced there is a shortage for COVID-19 Convalescent Plasma. She said anyone who tested positive for COVID-19 and has been symptom-free for 14 days, can donate plasma to potentially save lives.

**Councilman Ward III Patrick Roff:** Nothing to report.

**Councilman Ward IV Bill Sanders:** Nothing to report.

**Councilman Ward V Harold Byrd, Jr.:** Councilman Byrd announced he invited the Bradenton Housing Authority to meet with Council again. Mr. Callahan volunteered to also reach out and extend an invitation to meet with Council.

The Special City Council meeting adjourned 9:53 a.m.

*NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available upon request.*