

VERNON MYERS
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

ALLEGRA KITCHENS
COMMISSIONER

PHIL LEARY
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



MICHAEL J. CZYMBOR
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

GARY S. GETCHELL
CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT.

DONALD E. HOLMES
CITY ATTORNEY

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

MINUTES
CITY OF PALATKA
November 29, 2012

Proceedings of a special called meeting of the City Commission of the City of Palatka, Florida, held on the 29th day of November, 2012.

PRESENT:

Mayor	Vernon Myers
Commissioner	Mary Lawson Brown
Commissioner	Allegra Kitchens
Commissioner	Phil Leary

ABSENT: Commissioner James Norwood, Jr.

Also Present: City Manager Michael J. Czymbor; Acting City Attorney Steven Hilker, (in the absence of City Attorney Donald E. Holmes); City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Police Chief Gary Getchell; Fire Chief Mike Lambert; Planning Director Thad Crowe; Main Street Manager Charles Rudd; Jonathan Griffith, Project Manager

CALL TO ORDER: Mayor Myers called the meeting to order at 6:00 p.m. and read the following call, dated November 21, 2012

TO MESSRS: MARY LAWSON BROWN, ALLEGRA KITCHENS, PHIL LEARY AND JAMES NORWOOD, JR.:

You are hereby notified that a special meeting of the Palatka City Commission is called to be held on Thursday, November 29, 2012, at the regular meeting place of the Palatka City Commission, Palatka City Hall, 201 N. 2nd Street, Palatka, Florida, to commence at 6:00 p.m.

The purpose of the meeting is to:

1. Award Fuel Bids for City Departments and Airport;
2. Accept ranking recommendation on the Request for Qualifications for Waterfront Improvements and authorize staff to begin contract negotiations with top-ranked firm;
3. Discussion: Reconsideration of vote taken September 13, 2012 regarding location of proposed Environmental Center

Isl Vernon Myers
Vernon Myers, MAYOR

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Phil Leary
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Allegra Kitchens
COMMISSIONER

INVOCATION – Sam Carr

PLEDGE OF ALLEGIANCE – Stan Owens

1. **AWARD OF FUEL BIDS FOR CITY DEPARTMENTS AND AIRPORT** - Mr. Czymbor said the City is looking at various ways to conserve costs, and one of those was to look at the cost of fuel consumed by the City and at the Airport. They went through the competitive RFP process. His recommendation is to award the Airport Fuel Bid to Eastern Aviation based upon their responsive bid, and to reject all bids received for City-wide Fuel. A proposed Resolution No. 12-53 has been distributed; adoption of this resolution will accomplish both of these actions. Staff is recommending rejection of all City-wide fuel bids because they believe the respondents did not fully comply with the bid specifications, and the mark-up on the bids is higher than what they are presently paying. There are other providers out there and other government entities that are receiving better pricing than what the City receives. The good news is, with the recommendation to award Aviation Fuel bid to Eastern, the City will save around \$75,000 per year based upon historic fuel sales. As sales go up, savings will be even greater. The City-wide fuel RFP will be reissued.

The Clerk read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, REJECTING ALL BIDS FOR GASOLINE AND DIESEL FUELS AND ACCEPTING THE MOST RESPONSIVE BID FOR AVIATION FUELS, AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO ENTER INTO A CONTRACT WITH EASTERN AVIATION FUELS, INC. Commissioner Kitchens moved to adopt the resolution as read. Commissioner Leary seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Leary, and Mayor Myers, yes; Nays, none. Resolution 12-53 was declared adopted.

2. **REQUEST TO ACCEPT RANKING RECOMMENDATION on the Request for Qualifications for Waterfront Improvements and authorize staff to begin contract negotiations with top-ranked firm** – Jonathan Griffith presented the ranking on the top 5 out of 23 responses received Architectural and Engineering Design/Permitting for three Waterfront/Riverfront Park-related projects; those are 1) dockside improvements at 6 locations for the water taxi; 2) dockside improvements at the City Dock, and 3) the G-P Environmental/Wetlands Center. These five firms made presentations before the ranking committee today and were ranked based upon majority vote of the Committee. Commissioner Kitchens said she's not had time to look over the grading, and hasn't read anything about any of these respondents. She's put in the position of totally relying on staff, and she doesn't like to totally rely on anyone unless she can check behind them. Commissioner Leary said he is a member of the evaluation team and he is a professional planner who has been reviewing RFPs for many years. The other members are Thad Crowe, Jeff Norton and Jonathan Griffith for the City, and Bobby Holt of G-P. They've met three times and heard the final presentations. He strongly recommends they move forward with the top-ranked firm. Mayor Myers said he was present during these presentations as an observer and has no problem with the Committee's ranking recommendation.

Mr. Griffith said the top 5 respondents were ranked in the following order:

1. LeHuu Partners
2. Smith McCrary Architects
3. Passero Associates, LLC
4. Robert Taylor, AIA
5. CRG Architects

Mr. Czymbor said Florida Statute lays out the specifications on how communities select engineers and architects. It has to be done by experience and understanding of the scope of work of the project, not price. The first part of this is to accept the ranking of the review committee, which is based upon experience and understanding of the scope. Then Staff will negotiate a price for the scope of work. That contract will come back to the Commission for approval. If they can't negotiate a contract with the highest qualified firm, they will go on to the next firm on the list. It is not unusual to not reach an agreement with the top-ranked firm, and sometimes they go down to the second or third ranked firm, as there are limited funds in the project budget. Mr. Griffith said the top-ranked firm is based out of Orlando and has consultants in the NE Florida Region. He can provide the Commission with a copy of their response. Commissioner Kitchens said she has no problem with the firm that was picked. The Commission always wants to give top consideration to a local group and she wants to remind the Commission of this.

David Wade, 125 Raintree Woods Trail, Palatka, said he's wondering why they can't get prices from the top three instead of just obtaining a price from just one, in case the top ranked firm backs out. Mr. Czymbor said Florida statute specifically says they can't do that; they have to rank firms based upon the most qualified firm; if they can't agree on price, they move on to the #2 ranked firm, and so on. Then the contract goes on to the Commission, which either accepts or rejects it. They cannot negotiate with more than one firm at a time. The City has a very tight timeline with which to meet their obligation to G-P as well as on other grants for this work. They have only about 14 – 15 months; from this point forward they can start moving towards permitting, once they receive the drawings. Mr. Wade objected to the Commission moving so quickly on this after the ranking presentations.

Commissioner Kitchens said the City Attorney should be present during contract negotiations and requested the Resolution be amended to include the City Attorney. Mr. Czymbor said the City Attorney will be present during negotiations; that's a given.

The Clerk was directed to read a resolution entitled A RESOLUTION OF THE CITY OF PALATKA, FLORIDA, ACCEPTING THE RANKING OF ARCHITECTURAL AND ENGINEERING TEAMS FOR PROFESSIONAL SERVICES, INCLUDING DESIGN, BID ADMINISTRATION, INSPECTION OF PROJECTS AND CONSTRUCTION CONTRACT MANAGEMENT FOR A PASSENGER/OPERATIONS TERMINAL, DOCKSIDE IMPROVEMENTS AT SIX LOCATIONS AND AN ENVIRONMENTAL EDUCATION FACILITY; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT IN ACCORDANCE WITH THE PROVISIONS OF FS 287.055 WITH THE TOP RANKED FIRM FOR SAID SERVICES. Commissioner Brown moved to adopt the Resolution as read. Commissioner Leary seconded the motion. A roll-call vote was taken, with the following results: Commissioners Brown, Kitchens, Leary, and Mayor Myers, yes; Nays, none. Resolution 9-54 was declared adopted.

3. DISCUSSION: RECONSIDERATION OF VOTE TAKEN SEPTEMBER 13, 2012 regarding location of proposed Environmental Center - Steven Hilker, sitting in for City Attorney Donald

E. Holmes, was introduced. Mayor Myers said the initial location for this location was the 100 Block. At the 9/13 meeting the Commission voted to move it to the Riverfront. The vote was 3-2. He and Commissioner Kitchens voted against it. Commissioners Norwood, Leary and Brown voted to move it to a location on the Riverfront Park. The decision was made hastily without proper vetting and without any input from citizens. He's not just referring to residents of Palatka, but all of Putnam County. The City is the center of the County; this is a county-wide issue. Over many years much planning and money has been spent transforming the formerly industrial riverfront to a lovely, pristine park. A photo taken in 1946 shows industrial buildings right down upon the River; Commissioner Kitchens said these photos were provided by Mrs. Major, her 3rd grade teacher. Mayor Myers said since the vote was taken, he's had many conversations with concerned citizens relative to this; by a very wide margin, citizens are not in favor of having anything on the riverfront. He respects other commissioners' opinions on the subject. One of the reasons given to move it to the riverfront was to open a restaurant with it; they have many restaurants on the River. He understands the rezoning designation they are considering for the Park will not allow a restaurant.

Thad Crowe, Planner, said a free-standing restaurant on the Riverfront would not be allowed. The Zoning Code looks at a principal use and an accessory use. In this case the principal use will be a museum; it can have accessory uses that aren't directly related, and are subordinate; they can't be equal in size or overwhelm the facility. Commissioner Kitchens asked if the GP Center can be built on the Riverfront as the Zoning stands today. Mr. Crowe said yes, it could. Commissioner Kitchens said the zoning matter is coming before the Commission on 12/13. If the GP Center is on the Riverfront, and the accessory use is changed by the Planning Board, the restaurant can't be a stand-alone building but can be an accessory use to the GP center. Mr. Crowe said part of the park is zoned commercial and part of it is zoned residential. The intent is to put the entire Park in Parks/Recreation Open Space (ROS) zoning category. The Planning Board is considering a change that narrowly prohibits accessory uses; for example, a hotel that allows conferences and other accessory uses are now illegal. Commissioner Kitchens said the Commission denied rezoning the Park to ROS, so the zoning is still commercial. Under that zoning, can the restaurant be allowed as an accessory? Mr. Crowe said yes. Commissioner Leary said as a condition of their current grants, they are required to have their land use and zoning comply; currently they are not in compliance and do not conform to the Land Use Plan. As a City, they have to make these things comply. Mr. Crowe agreed. If they put the Park into the ROS category, a free-standing restaurant will not be allowed; however, a public building will be allowed. There can be an accessory use with a larger public facility. They will have to make that determination when the time comes. There are a number of tests that will have to apply; one is the test that the restaurant is smaller than the Center. Mr. Crowe said it's not just about size, but also about number of visitors or patrons; a restaurant is a high-turnover use. They'd have to look at the number of patrons to the restaurant compared to the number of patrons for the museum. It would really have to be a small café; it couldn't function as a full-fledged restaurant. Mr. Czymbor said the commission will have the opportunity to look at detailed site plans; the Commission will be able to make that determination as to what accessory uses there will be, if any. Commissioner Brown said they've gotten stuck on restaurants and cafés. She's asked the City Manager to research areas with those features on their waterfronts. A restaurant is secondary to the museum; if they put something there, they want to put something there that makes Palatka a destination for others as well as its citizens. People work here and buy houses here, but complain there is nowhere to go and nothing to do. They are continually losing young people to areas with more to offer. She'd like to see the architect to look at the best possible area to place such a building. Mr. Redd's group was paid a lot of money to give them renderings of possibilities; she'd like to see what will work best.

Commissioners Kitchens said many citizens have called her regarding this; the majority of them want no building on the Riverfront; the citizens want open and free access on the waterfront.

They don't object to a restaurant on the Frank George site. They were told that the reason for moving the building to the riverfront was to parcel it with a restaurant. The City has not done a feasibility study on this. The GP building needs to go back to the 100 Block. Mr. Crowe said the GP building can be built on the riverfront as public buildings are allowed under the combination of land use designations now existing. Commissioner Kitchens said the Commission bought the park land in 1972 to leave it open. Mayor Myers said restaurants are a difficult business. He provided examples of local riverfront restaurants, noting every restaurant is different. Some are successful, some are not. He's not in favor of any new restaurant on that location.

Commissioner Leary asked if they are in discussion as to the motion to reconsider. He's just spent a significant amount of time considering qualifications for architects and engineers for this environmental center. He's now more convinced that they need the symbiotic relationship of the center and a riverboat center. They have around 8 acres all total. The environmental center and a boat ticketing operation would be around 4,000 square feet, or less than 10% of the entire area. When they look at a four-area ratio, anything under 5% is phenomenal. This is a small piece of the Riverfront to utilize to create a destination. They want something that will encourage other people from around the State and country to come here to see the environmental center and riverboat. A restaurant is a discussion for another day. Commissioner Kitchens said buildings on the Riverfront would block the view of anyone wanting to build something on either of the 100 Blocks. She received an e-mail from someone who said the tides are rising on the North side of the river taking more and more of the waterfront; he has concerns of anything being built on the river with the rising tides. There isn't a lot of space there for anything to be built. According to the drawing in the package, which shows where it might be built, there's little space there.

Commissioner Brown said she's not aware that they've chosen a definite spot for this. Mayor Myers said they have not. Commissioner Brown said people have been given misinformation; they aren't looking at the whole picture. She's walked the area and looked at other places with the City Manager and Project Manager. They are planning other dockage for the riverboat that is away from the area where people fish.

Commissioner Leary said there are more than 10,000 people living in the City; he's seen no scientific surveys backing up the statistics given by Commissioner Kitchens. The team of architects said they will be looking at every aspect of design/build no matter where they put it. Mr. Czymbor said the first task of the engineers will be to look at optimal sights for the building, taking into account existing structures. No one has said the torpedo or fountains will not move. The Engineering firm's first task is to come back with sight recommendations. Commissioner Kitchens said the Submarine Vets got the idea that the memorial will move because Mr. Griffith used the Michael Redd presentation on the 13th when they presented the Commission with the proposed new location for the center. She has a major concern; she's now hearing the firm they chose tonight is picking not only the design for the site, but the location for the site. Mayor Myers said they will bring the location back to the Commission; they will look at all sights and site constraints and will present various scenarios to the Commission. The Commission will choose the site. The site currently chosen by the Commission is the riverfront. If that does not change, they will come back to the Commission with proposed sights on the Riverfront.

Mayor Myers opened the floor for public comments.

Sharon Buck, 610 S. 14th Street, said they want to see changes in Palatka to allow Palatka thrive and grow. She is in favor of preserving the riverfront view. She does not want to see any buildings built on the Riverfront Park area.

Sandra Roberts, 602 Cleveland Avenue, said she doesn't want to see anything on the Riverfront. She is not in favor of putting the environmental center on the Riverfront. Commissioner Kitchens asked Mrs. Roberts if she knows whether or not the Presbyterian Church is in favor of putting this building on the Riverfront. Mrs. Roberts said no one person has the authority to speak to this; it must go before the Executive body. The Church has not taken a stance on this.

Linda Freeman, 422 River Street, said she is not in favor of anything being built on the Riverfront Park. She is not in favor of moving the memorials located on the Park space.

William "Doc" Sweeny, Representing US Florida-based Submarine Veterans, 122 Magnolia Trail, Satsuma, said they are concerned that the submarine memorial will be moved. This is what was shown in the Michael Redd plan on Dec. 13. He read a letter written by his organization asking the Commission to move the location of the Environmental Center back to the 100 Block.

Sandy Rowell, 344 E. Buffalo Bluff Rd, Satsuma, said Chicago has an ordinance that specifies nothing can be built on the riverfront side of the street. One day the Center will be an eyesore. She does not want to see it anywhere near the Riverfront Park.

Ann Fryer, 7623 Galveston Avenue, Jacksonville, noted her appearance before the Commission on Dec. 8. She is still not in favor of locating the GP Center on the Riverfront Park; she asked it be built on the 100 Block. She is not in favor of the memorials being removed.

Martha Pace, 113 Matthew Place, Palatka, said she wants the waterfront to stay open and un-obscured. She is in favor of moving the G-P building back to the 100 Block location.

David Wade, 125 Raintree Woods Trl, said the 100 Block is the best place for the G-P Environmental Center; he has no problem with a restaurant in the 100 Block. He noted Bobby Holt of G-P is not an engineer.

Betty Jean Bryan, 2016 Kirby Street, said she doesn't want to see anything built on the Riverfront Park. The view should remain un-obscured.

Christy Sanford, 312 Dodge Street, said she is opposed to anything being built on the Riverfront Park as she is inspired by Chicago's lakefront property. She noted gardens are being planted on the Riverfront Park. She is in favor of moving it back to the 100 Block.

Tracy Hutcherson, 5504 Cypress Links Blvd, St. Augustine, said the unobstructed view of the River brings people downtown. She is not in favor of blocking the view of the River by a building. She believes the G-P Center should be built on the 100 Block. A botanical garden should be built on the Riverfront Park.

Johnny Brown, 107 S. 9th Street, said he's a veteran of the US Army. Veterans look for places to go. He is not bothered by this building being built on the riverfront. They have to pay for it somehow. He can bring 300 people here who would be in favor of this building being built on the Riverfront. Mayor Myers noted the building is being completely paid for by GP.

Christine Speaks, 1218 S. 18th Street, said there are many evening events that bring people downtown that are inexpensive or free, but the streets are empty. There is too much "black space" downtown. She is not in favor of building the G-P center on greenspace.

Nick Owens, Sarasota, FL, said he does not live here now. He does not understand why Memorial Drive is still paved. It leads to nowhere and serves no purpose. It should be greenspace. Mayor Myers noted Nick Owens is his stepson.

Dave Freeman, 120 Franklin Avenue, Pomona Park, asked if when the park was purchased, if the money was given to the Commission with the understanding that nothing could be built there. Mayor Myers said he couldn't speak to that. He objects to putting anything on the Park.

Mike Bosley, 104 Florida Ave, Interlachen, said the river belongs to everyone. He is not in favor of putting the Center on the Riverfront as it will prohibit festivals. He is not in favor of moving the monument. He feels it is sacred.

Mayor Myers closed the public comments portion of the Meeting.

Commissioner Kitchens read an e-mail from Trish Bowles, Public Relations Director from G-P, which she read into the record (filed). It states G-P's official Position is they don't care where the City locates the facility, but they prefer it not be moved as they have to comply with time constraints on the permit. They want it to go where the majority of the citizens want it.

Commissioner Brown said she was born Downtown. They have heard public comments and had phone calls on this. She stops people on the street, and talks to people she's met about this. In her survey, the people that are concerned about the building being on the waterfront are senior citizens. Younger people want to see something on the waterfront. She serves everyone and has to look at what everyone wants. Every time they wanted to make changes, the room is filled up. They worked hard to bring a developer in, and the room was full of people not wanting to see changes, so the developer withdrew his plans. They brought in another developer who got three or four extensions, and he withdrew. Others came with plans but no funding. Downtown is dying. Certain property owners are doing nothing with their property. They are looking at putting ordinances in place to force people to do something with their vacant commercial downtown property. They are going to have to make changes somewhere. She will do what the public asks her to do, but the next time someone comes in to make a change she will move on that change. She has given up the right to get CRA grants although she pays into that fund, because she sits on the Commission. They have said they wouldn't move the memorials. The public needs to work with the Commission. Bring their ideas. If they move the center back to 100 Block, they will have to take care of that center financially as long as it sits there. She'd like to know how they want the City to take care of that property without revenue associated with it, and without raising their taxes. The City will be responsible for keeping it open. They are trying to find a way to not put an added burden on the citizens.

Commissioner Kitchens said they adjusted the memorandum of understanding so that the City wouldn't have to staff it 24/7. They have other facilities that are run by volunteers. There are classes at the Water Works Museum. As to the G-P Center, she's spoken to SJRSC officials who have said they will rent classroom space there. It can be rented for meetings. FloArts will put exhibits there. They can move the Main Street Offices there. They can add the building to the City's insurance. It doesn't have to be a burden. The Price Martin Center is not a burden as it's rented out.

Commissioner Leary said this is an emotional issue. Everyone has an opinion. He bases his on his experience as a professional planner and his travels. They are talking about 20% of the vacant property on the 100 Block and putting a government building. He's had people object to building anything on the Highrise property in order to keep it open for festivals. This is 1% of the total land area owned by the City in the Downtown area. They are missing the point of the relationship between the water taxis and the Center. They have to work together. This is not a

significant impact on the Riverfront; they may have to sacrifice a small portion of the area to have a benefit. They are talking about taking 20% of the taxable value of the 100 Block and rendering it un-taxable. His father was a US veteran; he's gone on the record as saying as he was going to protect the monuments.

Mayor Myers said they are here to represent the citizens and taxpayers of Palatka, and the larger citizenry of greater Putnam County. The majority of the citizens have said they don't want the facility on the Riverfront. Although G-P said they don't care where the building sits, they wanted it on the 100 Block. He implores the Commission to vote to move this back to the 100 Block.

Commissioner Kitchens said her motion is based upon the City Attorney's recommendation, and moved the Commission rescind the action taken by the Commission on September 12, 2013 to move the location of the proposed G-P Environmental Center. Mayor Myers passed the gavel to Vice Mayor Brown, as Mayor Pro Tem, and seconded the motion. Discussion regarding parliamentary procedure ensued, as the agenda item states the discussion was regarding rescinding the motion, not to reconsider the motion made on Dec. 8. Commissioner Brown asked to look at slides of the proposals for architectural services prior to voting.

Mr. Czymbor narrated a slide being shown of an aerial view of a proposed location of an environmental center with a 3,000 sf area outside of the environmental center for enjoying the river, close to the Submarine Center, with a second ticket location on the River, noting this was submitted by one of the architectural/engineering proposers. The next slide was the river view of that option. The next slide shows another possible location adjacent to the first location, but not impacting any monuments. It is across the street from the Church. The next slide is of a museum in Bentonville, AR on their waterfront, which was brought in by Commissioner Brown, who said she did not like that design, but endorses the concept.

There being no further discussion, a roll-call vote was taken on the vote to rescind the action taken on September 12 to move the location of the G-P Center to the Riverfront Park. The results are as follows: Commissioners Kitchens, Mayor/Commissioner Myers and Mayor Pro-Tem Brown, yes; Nays, Commissioner Leary. The motion was declared passed on a vote of 3 in favor, one opposed. Mayor Pro Tem Brown said although she voted affirmatively, she doesn't think this is the right thing to do.

Commissioner Kitchens moved to move the location of the proposed G-P Environmental Center back to the 100 Block and make that the final location. Mayor Myers passed the gavel to Vice Mayor Brown, as Mayor Pro-Tem, and seconded the motion. A roll-call vote was taken with the following results: Commissioners Kitchens, Mayor/Commissioner Myers and Mayor Pro-Tem Brown, yes; Nays: Commissioner Leary. The motion was declared passed on a vote of 3 in favor, one opposed.

Commissioner Kitchens moved to reconsider the vote on the motion made to choose the top Architectural/Engineering respondent for the 3 Waterfront projects, and authorizing negotiations to begin for those services. The motion died for lack of a second. She asked whether or not she could change her original vote; Mr. Hilker said she could not.

ADJOURN – There being no further business to discuss, the meeting was adjourned at 7:55 p.m. upon a motion by Commissioner Leary, seconded by Commissioner Kitchens.