

**CITY OF ANNA MARIA
SPECIAL COMMISSION MEETING
JUNE 10, 2004
6:00 P.M.**

CALL TO ORDER

PLEDGE TO THE FLAG

ROLL CALL: Commission Chair John Quam, Commissioner Dale Woodland, Commissioner Carol Ann Magill, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

Also present: Mayor SueLynn, City Clerk Alice Baird, Deputy City Clerk Diane Percycoe, Minutes Clerk Sylvie Reichmann

Press: Sun, Islander

1. APPROVE BANNER FOR PLAYERS THEATRE

Commission Chair John Quam asked the Commissioners if there were any objections to the Mayor approving the banner, and received none. He confirmed that the Mayor would approve the banner.

2. REMEDIAL WORK ON OAK/TARPON

Mayor SueLynn indicated that remedial work on the road surface would cost \$9,000 in addition to the money the City still owes the contractor, APAC. She said that the CIAC Committee recommended that the Commission accept the compromise BDI had negotiated with APAC and move forward with the work. The Mayor said that if paid, APAC would move ahead with work within next two weeks. She confirmed that 75% of approximately \$31,000 needed to be paid, amounting to \$22,600, plus 25% of \$9,000 before any work could begin.

Commissioner Duke Miller expressed outrage that the City is obliged to pay an additional \$9,000 when the job was not done according to contract, although he said he would not go against the recommendation that the Commission accept the remedial work.

The Mayor responded by saying that she shared the same frustration, but that to go to a lawsuit would cost more than \$9,000. She said that one outcome, however would be that the City would most likely not have a similar experience in the future. She said that daily inspection and comprehensive supervision would be mandatory. The Mayor added that the contracts in the future would be reviewed by the CIAC, as well as the City Attorney.

Commissioner Carol Ann Magill asked for confirmation that BDI would not be charging any additional fees with relation to this project. Commission Chair John Quam said the approval was only for the \$9,034.

Commissioner Dale Woodland said that he did not agree in principle with the amounts to be paid, but that it was most likely the best way to alleviate the

situation on Oak and Tarpon. Deputy Commission Chair Linda Cramer also objected to paying the large amounts, and recommended that the \$9,000 be paid in advance, with the balance payable upon satisfactory completion. She said she would be against paying 75% up front, and suggested that 40% would be something she would consider. Commissioner Duke Miller suggested finding someone else to finish the work. Mayor SueLynn indicated that this could end up being more costly, along with the probability of a law suit, which was not likely to be decided in the City's favor.

MOTION: Commissioner Dale Woodland moved to approve a line item transfer from the Capital Improvements Contingency Fund in the amount of \$9,034.23 for remedial work to be done by APAC on Oak and Tarpon Streets, in agreement with BDI's memo dated May 26, 2004, seconded by Commissioner Chair John Quam. (Transfer form to be attached to Minutes.)

Commission Chair John Quam withdrew his second and recommended a 50% advance. Commissioner Woodland withdrew his motion.

The Mayor stated for the record that APAC had not actually threatened to sue; rather, their representative had indicated that this would be a possible recourse.

Commission Chair John Quam asked the Mayor to confirm that supervision had been the responsibility of the City's Public Works Department for this project. The Mayor said that the Minutes would be checked and she would return to the Commission with this information. Commissioner Dale Woodland said that Tom Wilcox had told him that Public Works Director George McKay would supervise.

Commissioner Duke Miller recommended obtaining a letter from the City Attorney outlining the options available to the City. Deputy Commission Chair Linda Cramer asked to see a cost for redoing the streets entirely. She recommended that the City Attorney write a letter to APAC.

MOTION: Commissioner Duke Miller moved that the Commission request City Attorney Dye to write the Commission a letter of opinion on what the City's options were, based on the contract with APAC. Motion seconded by Commissioner Linda Cramer.

Vote: All Ayes. Motion carried.

Public Comment

A resident suggested that it would not be in BDI's interests to negotiate hard, and recommended trying to withhold more money. She said 50% seemed like a fair amount.

Another resident expressed deference to the CIAC and the Mayor, but agreed with Commissioner Duke Miller that the situation was far from acceptable. He

recommended that BDI pay part of the \$9,000 and asked that a specific time be set for completion of repairs until any money is released.

A resident confirmed that so far, APAC had been paid nothing. She asked for confirmation in writing that there would be no additional charges incurred from BDI relative to this project. The resident expressed doubt that a patched road would last as long as one that had been done properly to begin with. She recommended not paying anything, and hiring someone else to do the whole road properly, or even leave the roads as they are. She went on to say that the drainage had not been fixed per BDI's recommendation, as expected, and mentioned the dead sod that had been dumped at the end of Tarpon Street.

A resident said that someone who did not cover himself with a bond on a project was assuming responsibility for the outcome. She said that 75% paid up front allowed no leverage. She recommended a counter suit if a lawsuit was threatened.

A resident suggested that APAC did not need to formally threaten a lawsuit, as there were enough City consultants and employees unwilling to face one.

3. CITY HALL MAINTENANCE PROJECTS (Line Item Transfers)

Mayor SueLynn said that per the Commission's request, two change orders were now before them. She said that Change Order C001 was for all maintenance at \$37,347, and the second, Change Order C002 was the roofing change order for \$33,040, and pointed out that an 8% architect's fee would be charged for these amounts. She confirmed that all the monies were not to come from reserves, with one exception, being \$6,600 marked for transfer to a City Pier fund. She asked the Commissioners to at least approve Change Order C001, to allow the remodeling project to move forward and to allow the City to contact the asbestos removing company.

Deputy Commission Chair Linda Cramer asked for alternative roof design and construction material options. The Mayor indicated that the roof design would be changed to improve storm water runoff, and noted that insulation and proper restroom ventilation would also be provided. Commissioner Carol Ann Magill also said she would like to see additional roofing material options.

MOTION: Commission Chair John Quam moved to approve Change Order C001 from Southern Cross and to approve line item transfers from Accounts #519.01-52 Remodeling Project, #515.74-52 Wireless Plan, #515.73-52 Bay Erosion, #551.13-56 Crescent Drive to North Shore in order to fund the Change Order for this maintenance project and contingency amount totaling \$40,334.76 as outlined in the transfer request form and Change Orders dated June 9th, 2004, seconded by Commissioner Linda Cramer. (Transfer request form and Change Orders to be attached to Minutes.)

Roll Call Vote: Three Ayes. Two Nays. Motion carried.

AMENDED MOTION: Commission Chair John Quam moved to approve Change Order C001 from Southern Cross and to approve line item transfers from Accounts #519.01-52 Remodeling Project, #516.17-56 Parking Plan Support, #515.73-52 Bay Erosion, #551.13-56 Crescent Drive to North Shore, and in order to fund the Change Order for this maintenance project and contingency amount totaling \$40,334.76 as outlined in the transfer request form and Change Orders dated June 9th, 2004, seconded by Commissioner Linda Cramer. (Transfer request form and Change Orders to be attached to Minutes.)

Roll Call Vote: Three Ayes. Two Nays. Motion carried.

Public Comment

A resident expressed doubts about the competence of the architect. She asked for monies to be taken out of Belle Haven Maintenance, Parking Plan Support, Benches for Shelter, rather than the line items specified by Chair Quam.

A resident questioned the willingness to exceed expectations and thoroughness of the architect. He recommended verification that the contract had been signed by the proper and responsible authorities at the company. He reminded the Commission that at a previous meeting it had been agreed to keep a running list of all expenses relative to the remodeling of City Hall.

4. CONTRACT TO RENT ISLAND BAPTIST CHURCH DURING REMODELING

Mayor SueLynn indicated that the City Attorney had reviewed and approved the contract, and indicated that line item transfers had been identified to fund it.

MOTION: Deputy Commission Chair Linda Cramer moved to approve contract agreement between the City of Anna Maria and Island Baptist Church and approval of line item transfers in order to fund up to four months as a temporary site for Anna Maria City Hall at \$1,700 a month totaling \$6,800. Motion seconded by Commissioner Carol Ann Magill. (Transfer request form and Contract to be attached to Minutes.)

Vote: Four Ayes. One Nay. Motion carried.

PUBLIC COMMENT

Public comment was heard throughout the meeting for each agenda item.

PRESS COMMENT

None offered.

ADJOURNMENT

MOTION: Commissioner Deputy Commission Chair Linda Cramer moved to adjourn the meeting, seconded by Commissioner Dale Woodland.

Vote: All Ayes. Motion carried.

The meeting adjourned at 7:58 p.m.

Respectfully submitted,

Alice Baird
City Clerk

June 24, 2004
Date