



MEMORANDUM

Date: Jan 11, 2023
To: Board of Commissioners
From: Robin I. Gomez, City Manager
Subject: Ratify an After-the-Fact Healey Consultant Services, LLC, Agreement Dated July 26, 2021, including past and thru 12-30-22 Payments (to consultant), and Waive Purchasing Procedures in City Code section 2-193(4)

Background

On July 26, 2021, the City of Madeira Beach previous City Manager, signed a contract (copy enclosed) with Healy Consultant Services, LLC (HCS), to perform the various planning work, specifically three (3) main areas: (1) a request that Mr. Healey verify planning staff's numbers as they related density and FAR in the first Schooner application; (2) a request that Mr. Healey help with issues related to non-conforming structures/uses portion of the code; and (3) a request that Mr. Healey guide the city through the county review process when adopting the Activity Center. The signed contract was never approved by the Madeira Beach Board of Commissioners (BOC).

Discussion:

Upon further review/research by City staff and the City Attorney, it is the City Manager's recommendation to have the BOC ratify/approve the after-the-fact HCS Contract, all past and through 12-30-2022 payments, through Oct 7, 2022, totaling \$42,145, and waive the purchasing procedures set forth in City Code section 2-194(4):

- (4) The city manager will secure the board of commissioners approval for the purchases which have not previously been approved by the commission or when such purchases exceed \$30,000.00.

The appropriate purchasing approval process was not followed. The correction by the Board of Commissioners can occur pursuant to Sec. 2-193(4), as listed above.

To clarify concerns with the after-the-fact ratification, the City Code also provides in Sec. 2-193(5) that: "The board of commissioners, upon recommendation of the city manager, may waive the above procedures in Sec 2-193(4) by four-fifths vote whenever the strict imposition of these procedures would not be in the best interests of the city. Such waiver shall be by motion and shall occur at a public meeting. All rental of city owned property, whether personal or real property,

shall be by motion of the board of commissioners and shall be done at a public meeting.” It is in the City’s best interest to have the after-the-fact contract approved for work already completed and pay the consultant for hours billed to the City through December 30, 2022.

Fiscal Impact

Cost of Consultant’s work.

Recommendation:

BOC ratify/approve the after-the-fact HCS Contract, all past and through 12-30-2022 payments, and waive the purchasing procedures set forth in City Code section 2-194(4).