


PALMETTO CITY COMMISSION
DECEMBER 7, 2009 - 7:00 PM


Elected Officials Present:


Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Alan Zirkelbach, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2


Staff Present:


Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
James. R. Freeman, City Clerk
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 7:00 pm, followed by a moment of silence and the Pledge of Allegiance.

 Mr. Freeman presented the Certificate of Achievement for Excellence in Financial Reporting from the Florida Government Finance Officers Association. Accepted by Karen Simpson, Deputy Clerk-Finance. This was the fourth annual award presented to the Finance Department.

 Swearing-in of all persons intending to address City Commission or the CRA Board.

 Public Comment (non-agenda items):
Lois Davis 312 12th St. W. discussed the lack of City services she is experiencing, referring specifically to City property close to her home that is not being maintained. She also commented on vacant lots and she has contacted Code Enforcement to mow and clean. Mr. Freeman will follow up and report back to Mrs. Davis.

 Roger Wileke, 327 3rd St. Dr., Lot 37 discussed his concerns regarding the utility billing from the City. He commented on the security deposit refund that he has been told he has to request from City Commission before his account's two year anniversary date. He also discussed the fact he is not at his Palmetto home in the summer, yet that billing is sometimes higher than his northern home's bill for utilities. Mr. Freeman will follow up and report back to Mr. Wileke.

 1. CITY COMMISSION AGENDA APPROVAL

Action Request: Motion to approve the December 7, 2009 7:00 PM Agenda, with the addition of the 10th Street project bid award and contract approval.

 2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: October 26 and November 16, 2009
- B) November Check Register
- C) Manatee River Fair Association, Inc. License Agreement (fair booth rental)
- D) Kirk Pinkerton Special Litigation
- E) Special Function Permit: Hoffner Private Holiday Party

MOTION: Commissioner Cornwell moved to approve the December 7, 2009 Consent Agenda.

Commissioner Varnadore requested that the November 16, 2009 Commission minutes be removed for correction.

Commissioner Cornwell amended her motion to remove Item A from the Consent Agenda. Commissioner Varnadore seconded the motion. Motion carried 5-0 to approve the Consent Agenda with the removal of item A.

Item A: Commissioner Varnadore corrected the November 16, 2009 Commission minutes, item 2F, to reflect that she was absent for the vote on the minutes' approval.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve Item A with the correction.



3. PUBLIC HEARING: ORDINANCE NO. 09-1001

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 29, ARTICLE VII, SECTION 29-207 OF THE CITY CODE OF ORDINANCES, PERTAINING TO THE CITY STORMWATER MANAGEMENT SYSTEM; PROVIDING CLARIFICATION OF FEE AND RESPONSIBILITY FOR STORMWATER MANAGEMENT SERVICE AND RELATED CHANGES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Freeman explained that the proposed ordinance is intended to clarify that the customer of record is the responsible party for the stormwater fee and to also clarify that the fee tables reflect a monthly rate.

Mayor Bryant opened the public hearing continued from November 16, 2009. After no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 09-1001.



4. PUBLIC HEARING: ORDINANCE 09-1002

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-82, MEMBERSHIP; AMENDING SECTION 22-84, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mr. Freeman explained the ordinance allows for the investment of the pension plan's portfolio in alternative investments to diversify and reduce the volatility of investments in the current economic environment. The Board of Trustees has recommended allowing a maximum 10% of the portfolio to be placed in alternative investments. If Commission adopts the ordinance, the Board of Trustees must then modify the plan's Investment Policy to allow alternate investments.

The ordinance also allows for a one-time buy-back option for employees who have opted out of the pension plan, provided it is a cost neutral transaction to the Fund.

Mayor Bryant opened public hearing.

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to adopt Ordinance No. 09-1002.

Discussion: Attorney Barnebey confirmed that the language pertaining to compliance with Section 215.47 narrows the investment possibilities to the investments set forth in the Statutes.

Commissioner Varnadore questioned how the investment in a group trust differs from Section 215.47. Ray Dielman, chair of the Pension Plan Board of Trustees, stated that the group trust is another investment option that the Board of Trustees may utilize.

Mayor Bryant closed the public hearing.

Motion on the floor carried 5-0.

 **5. PUBLIC HEARING: APPROVE SALE OF PROPERTY AT 924 5TH STREET WEST, PALMETTO BY THE PALMETTO COMMUNITY REDEVELOPMENT AGENCY AT LESS THAN FAIR MARKET VALUE**

Attorney Barnebey stated a public hearing to sell property at less than fair market value is required pursuant to Florida Statutes. The CRA Board reviewed and voted to accept the proposal submitted by the only RFP respondent at the November 2, 2009 meeting. Commission must now approve the sale of the property at less than fair market value.

Mayor Bryant opened the public hearing.

Jim Amerson, 551 17th St. W., discussed his outstanding issues with the sale. He stated he had conversed with the Fire Department, which stated the existing system had to be made operational; Public Works confirmed they had received a quote for approximately \$2,000 to make the system operational. He also opined an appraisal should have been obtained to have a starting point for the sales price in order to protect the tax payers' dollars.

Ellen Leonard stated her concern was with the notice process to proposers or potential buyers. She commented on the length of time the public notice was advertised and efforts the City could have taken to alert the public of the sale, stating she was not satisfied the City had exhausted all possible advertisement avenues. She requested the Commission reconsider the item and put it out for further proposals to ensure the City is getting the very best proposal for property.

Commissioner Lancaster inquired if the sprinkler system could be repaired. Mayor Bryant stated the repairs would be much more than \$2,000. Jeff Burton, Interim CRA Administrator, stated the Fire Dept. has tagged the building as being delinquent. He stated the noticing was done in accordance with Florida Statutes. He opined that with the outstanding violations, it would be better to demolish the building than make the necessary repairs. Commissioner Zirkelbach quoted a price of \$1.50 to \$2 per foot for a new fire system.

Commissioner Zirkelbach discussed the Manatee County just value of \$292,000, of which \$82,000 was land value. He equated the size of the land as eight city lots valued at \$10,000 per lot. He acknowledged that at the time of the property's purchase, the appraisal was based on market appraisal.

Mayor Bryant opined that the City can either spend substantial sums on the building or find a way to make the property marketable. The purchasers propose a level of work in excess \$1 million within a two-year timeframe, and will not be eligible for any of the CRA Storefront Grants for ten years, an equivalent of \$150,000.


Mr. Burton discussed the on-street parking that the purchaser has committed to deed back to the City, as well as the building's lot that will be open to public parking. The removal of industrial use

in the Old Main Street coordinator and the proposed doctor's office in the area is a viable solution to the issue.

Mr. Burton discussed the process that was observed in the sale of the building. Attorney Barnebey assured Commission the requirements in Florida Statutes regarding the sale of property for less than market value were followed.


Mayor Bryant closed the public hearing.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 3-2 to approve the sale of property at 924 5th Street, West, Palmetto, by the Palmetto Community Redevelopment Agency at less than fair market value, but not less than \$100,000. Commissioners Lancaster and Zirkelbach voted no.


 6. RESOLUTION NO. 09-50 (J. Freeman) (TAB 9)
FY2010 budget resolution to record a Stimulus grant award from FDOT to resurface 10th St. W. from 14th Ave. W. to 8th Ave. W.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commission Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-50.

 7. APPROVAL: ZNS ENGINEERING WORK ASSIGNMENT #2
Construction engineering and inspection services for the resurfacing at 10th St. W. from 8th Ave. W. to 14th Ave. W. A portion of the project is being completed by federal stimulus funds, thus the requirement the City must select an engineer other than the engineer of record to perform CEI services.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve and authorize the Mayor to execute ZNS Engineering, LC Work Assignment #2 for COP Job #09-597, in an amount not to exceed \$4,000.

 8. RESOLUTION NO. 09-51
FY2010 budget resolution to record a \$400,000 grant award from FDOT for intersection improvements at 10th St. W. and 14th Ave. W.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-51.



9. RESOLUTION NO. 09-52

Resolution No. 09-52 is an FDOT resolution wherein the City agrees to maintain Haben Blvd. after FDOT resurfaces the roadway. The use of federal stimulus mandates the City accept maintenance of the roadway after completion of the project.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-52 and authorize the Mayor to execute the FDOT Transportation Post Project Maintenance Agreement, FPID #426727 2 52/62 01.

Discussion: Maintenance will entail the City's general maintenance performed on all city streets and will not require the purchase of any specialized equipment. FDOT will not repair potholes, restripe the roadway, etc. The flooding is part of the roundabout and gateway project, which will be updated later in the meeting.



10. RESOLUTION NO. 09-53

FY2010 budget resolution to fund the CRA two part time positions and the 6-month extension of the CRA Administrator's contract.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved and Commissioner Lancaster seconded to adopt Resolution No. 09-53.

Discussion: Commissioner Lancaster voiced her concern about filling the positions because of the reduction in workforce and lack of any pay raises. Mr. Burton confirmed the positions were offered to anybody who would have applied; no prior employees submitted an application. No benefits are paid to either position. GIS Specialist does not have a time certain end; Strategic Planner Specialist position will end when the strategic plan and the CRA audit are completed. Planning Specialist was posted as temporary/part time position, which he anticipates will be for approximately one year.

Mr. Freeman confirmed that the resolution is to fund the positions that have already been filled.

Motion on the floor carried 3-2. Commissioners Cornwell and Lancaster voted no.



11. RESOLUTION NO. 09-54

FY2010 budget resolution to record the increased revenue from FDOT Traffic Signal Maintenance Agreement. Two components now eligible for reimbursement.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 09-54 and authorize the Mayor to execute the FDOT Traffic Signal Maintenance and Compensation Agreement, Amendment #1, Contract No. AM979.

 12. RESOLUTION NO. 09-55

Tampa Bay Regional Planning Council is requesting that each governmental contribute funds to host the annual conference. The City is being asked to contribute \$500.

A RESOLUTION OF THE CITY OF PALMETTO SUPPORTING THE TAMPA BAY REGIONAL PLANNING COUNCIL AS HOSTS OF THE 2012 NATIONAL ASSOCIATION OF REGIONAL COUNCILS ANNUAL CONFERENCE.

Commissioner Lancaster moved and Commissioner Zirkelbach seconded to adopt Resolution No. 09-55.

Discussion ensued on what benefits the City could expect to receive from the contribution. Mr. Freeman stated the annual dues to TBRPC amount to \$5,000. Commissioner Cornwell requested that the item be tabled until the benefit to the City is confirmed. Mayor Bryant defended the annual dues paid, explaining the benefits the City derive from the membership.

Motion on the floor carried 3-2. Commissioners Cornwell and Varnadore voted no.

 13. RESOLUTION NO. 09-56

FY2010 budget resolution to fund the purchase of children's crime prevention materials. \$1,743

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 09-56.

 14. RESOLUTION NO. 09-57

FY2010 budget resolution to properly record the sponsorship of Movie in the Park by Bright House Networks. \$3,000 per year.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-57 and authorize the Mayor to execute the Letter of Agreement with Bright House Networks.

 ***Mayor Bryant recessed the City Commission meeting at 8:41 pm to open the CRA Board meeting.***

Mayor Bryant reconvened the City Commission meeting at 9:52 pm.

 15. APPROVAL: CRA PART TIME OFFICE ASSISTANT

If approved by the CRA Board, City Commission must approve the posting of the CRA temporary part time Office Assistant position.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the posting of a CRA temporary part time office assistant position at Grade 103, with an entry level hourly wage of \$11.9304.



16. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Mr. Tusing stated the bid documents are being revised. Timing of the project remains the same.



16A 10th STREET & 14th AVE. INTERSECTION IMPROVEMENTS PROJECTS

Discussion ensued on the six bids received. The lowest bid was deemed unresponsive because the bid did not include Addendum #3. Mr. Tusing confirmed the addendum was properly noticed. He also confirmed the State has approved the item and concurs with the recommendation to award the bid to Superior Asphalt.

MOTION: Commissioner Zirkelbach moved and Commissioner Williams seconded to award the bid to Superior Asphalt and authorize the Mayor to execute a contract that is consistent with the City's standard contract for that work, based on the bid.

Commissioner Varnadore requested that the motion be amended to include language that Commission is provided with the contract and if questions are raised by Commission within 48 hours of receiving that contract it will be brought back to the City Commission for further action.

RESTATED MOTION: Award the bid to Superior Asphalt and authorize the Mayor to execute a contract that is consistent with the City's standard contract for that work, based on the bid, provided Commission is provided with the contract; if questions are raised by Commission within 48 hours of receiving that contract, it will be brought back to the City Commission for further action.

Commissioner Williams amended his second to include Commissioner Varnadore's comments. Commissioner Zirkelbach amended his motion. Motion on the floor carried 5-0

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to extend the meeting an additional 15 minutes.

17. DEPARTMENT HEADS' COMMENTS



Mr. Barnebey

Walls are up on new exhibit hall at fairgrounds.


Noted that Commission needs to consider what they want to do with the sign ordinance. Because enforcement has been questionable, what changes to the ordinance that should be made may not be apparent until there is a problem with enforcement.



Mr. Tusing

Gave a brief update on the Haben Blvd. roundabout project; ZNS has a work assignment for the drainage issues. Alternative is available to correct the flooding issue. Stimulus money is still appropriated. 60% drawings are due to the State by March. Mr. Williams requested a time line for the project.

Requested that Commissioners contact him with a date and time when they can meet individually with him.

 Mr. Freeman

December 17, 2009 is employee and volunteer board appreciation day. A luncheon is planned from 11:00 am through 2:00 pm at the Woman's Club.

The FY2009 audit has begun. Staff is working to finalize the FY09 CAFR.

CIP will be brought back to Commission on the December 21, 2009 workshop agenda.

Staff is working through formatting on the new point paper/agenda cover sheets.

 Chief Lowe

Commended Squad C for their actions during a recent robbery.

 18. MAYOR'S REPORT

A survey is being developed regarding the alcohol ordinance, which will go out after the first of the year.

Commented on Christmas in the Park. Commended City staff that assisted in the set-up.

19. COMMISSIONERS' COMMENTS


Mrs. Lancaster

None


 Ms. Cornwell

Attended the Palmetto Historic Commission meeting. A request for a Commission presentation will be coming forward.

As the City does projects; would like written in a plan so succeeding elected officials will have historical data of what plans have been approved.

 Mr. Zirkelbach

Confirmed that Mr. Freeman will respond to the gentlemen regarding utility bills. Commented on the ready-to-serve charge that is assessed and the fact that when a transient resident returns to our community, the utilities are available for use.

 Mr. Williams

Spoke of the Mayor's Feed the Hungry participants.

Thanked Ms. Davis for coming to City Commission with her concerns.

Requested a staff response on the following topics: I&I update, Cell Tower, Bait Shop, Tasers.


 Ms. Varnadore

Sign ordinance is long overdue. Very lax in enforcement in we what currently have. Inquired what will happen with the grandfather clause.

Need to concentrate on the east and north end of town; need plan to beautify all gateways into the city. Need to start a visioning process for specific areas.

Requested a status of projects that have been approved but that have not moved dirt.

4-H Foundation fundraiser is selling a plat book of Manatee County; \$40 returned to the foundation for low interest college loans.

 Mr. Williams requested a list of all ordinances that are in the planning stage. Mr. Freeman will provide the information on the updated suspense log.

20. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 10:25 pm.

Minutes approved: **December 21, 2009**

James R. Freeman

James R. Freeman, City Clerk