

**PALMETTO CITY COMMISSION
FEBRUARY 1, 2010 - 7:00 PM**

Elected Officials Present:

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

Staff Present:

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

Mayor Bryant called the City Commission and CRA Board meetings to order at 7:00 pm, followed by a Moment of Silence and the Pledge of Allegiance.

Artwork by artist Michael Dowd; Gretchen Leclezio of Palmetto Art Center is responsible for display.

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

Authorization for amendment of the City's public notice requirement was added to the Consent Agenda.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the February 1, 2010 7:00 PM Agenda as amended.

2. CITY COMMISSION CONSENT AGENDA

- A) Special Function Permit: DeSoto Historical Society DeSoto Parades
- B) Authorization for Amendment of Public Notice Requirements

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the February 1, 2010 Consent Agenda.

3. EDENFIELD PROPERTY PHASE II – SITE ASSEMENT PLAN (A. Tusing)

Authorization to execute PBS&J Work Assignment #1 to implement the FDEP Site Assessment Plan for Edenfield Property. Mr. Tusing stated the Site Assessment Plan has been approved by DEP. Now the City must perform the actual assessment. The cost is less than the original quotes that had been reviewed.

Mr. Tusing opined this is a City responsibility as the City executed the agreements; therefore requires Commission approval. Because the property is located in the CRA district, CRA has

allocated \$109,000 for the project. A list of opportunities for uses for the property will be brought to Commission once the assessment and mitigation has been completed. This work is being completed by an approved engineering plan.

The original assessment described arsenic levels above DEP standards, but did not define the plume of contamination. The assessment will identify the contamination plume as well as determine whether or not the pollutants reached the water or water table.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-1 to approve and authorize the Mayor to execute PBS&J Change Order #1 to Work Assignment #1 to implement the FDEP Site Assessment Plan for Edenfield Property, in an amount not to exceed \$67,559.21. Commissioner Williams voted no.

4. ANGIE BREWER & ASSOCIATES, L.C. PROPOSAL (J. Burton)

Mr. Burton informed Commission Angie Brewer & Associates, L.C. has withdrawn their proposal to write the \$250,000 Energy Efficiency and Conservation Block Grant, stating the time allowed to write the grant would probably result in the grant not being awarded.

Mayor Bryant stated discussion at a staff level has occurred regarding the possibility of incorporating the wastewater treatment plant into the grant. Some use of the grant funds could reduce the power usage at the plant by 30%. Staff will determine if Veolia's scope of service would allow them to apply for the grant. Mr. Tusing reported they will be meeting tomorrow morning to see if the City can apply for the grant. Mr. Burton stated that if Veolia applies for the grant, it is out of the purview of the CRA.

No action was taken on the Angie Brewer contract.

Mayor Bryant recessed the City Commission meeting at 7:30 to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:25 pm.

5. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mr. Tusing discussed the timeline for the project, stating the end date has not changed. Manatee County must accept what is designed before it can be constructed. Hard numbers will be obtained when bid; an estimated cost is being prepared by someone familiar with this type of project.

Attorney Barnebey described the schedule as aggressive given all the components that must be completed.

6. DEPARTMENT HEADS' COMMENTS

Chief Lowe

Lt. Tyler demonstrated the new taser. Schedule for implementation will be in April or May, classes in March. No credible data shows that the devise alone can contribute to a person's death.

Commented on the distributed 2009 statistics report and 8th Ave. accident report.

Received a letter from Manatee River Fair Association commending the performance of an employee and the gang unit that participated in the fair. Will distribute the UCR tomorrow; crime down 32%.

Jim Freeman

Reported on his recent long term recovery disaster preparedness training in Maryland. He stated there will be follow up on action items that need to be completed in the City.

Reported the McKinney demolition permit is being applied for, but we are waiting until the February 4, 2010 waiting period deadline to begin the demolition. Expect next week will see action on demolition.

Referred to the Ward 1 Phase II, an RFP for administration and grant writing was issued. Hopes to bring back the topic to the February 15, 2010 so a recommendation can be made to move forward so a consultant is in place when the new grant cycle opens in March.

Hidden Lakes cell tower lease will be on the next workshop and will be moved forward to the 7:00 agenda. Noticing went out to property owners for the public meetings.

Allen Tusing

Preconstruction meeting for 10th St & 14th Ave. and 10th St. resurfacing projects has been held. Contractor will be on site by next Monday.

A Site Assessment Plan for the Police Department is being required by FDEP. Ideas from the consultant may be very inexpensive. The topic will come back at a future meeting.

Attorney Barnebey

Referred to the Commission on Police Accreditation agreement that was approved subject to legal review. He reported his issues with the contract had been addressed, with the exception of two that now need Commission approval: 1) Venue for challenges will still be in Orange County and 2) the entity's broad ability to make changes to the agreement without City consent. Attorney Barnebey stated the staff member he spoke with indicated that in the last 13 years only one change has been made to the contract, which was the elimination of indemnification. He further stated that within the sections of contract there may be a way to cancel it. He instructed Commission that if there is a concern with the contract, a motion to reconsider should be made, otherwise, he recommended the Mayor may execute the contract.

7. MAYOR'S REPORT

None

8. COMMISSIONERS' COMMENTS

Mr. Williams

Referring to the Housing Update, he commented on the building permits. He suggested that department be looked at during the six-month budget review. Mr. Tusing stated he is looking at alternatives.

Ms. Varnadore

None

Mr. Zirkelbach

Thanked Mr. Tusing for ball fields update; good to see how the project is staying on track.

Ms. Cornwell

None

Mrs. Lancaster

Inquired if anything has been heard about the noise. She stated that Mr. Presha commented on the noise when doors opened. Chief Lowe stated the site will be hiring off duty police for security.

Mrs. Lancaster reported Mr. Presha owns the property and told the business to keep the door shut.

Chief Lowe inquired if someone had authorized a noise exemption for the Liberty Tax advertisers. No exemption has been issued.

Meeting adjourned at 9:55 pm.

Minutes approved: February 15, 2010

James R. Freeman

James R. Freeman, City Clerk
City Clerk