

**CITY OF PALMETTO
CITY COMMISSION MEETING
JUNE 20, 2011
7:00 PM**

Elected Officials Present

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

Elected Officials Absent

Tambra Varnadore, Commissioner, Ward 2

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

PRESENTATION: Public Works Director Allen Tusing presented the Earle B. Phelps Award to the Wastewater Treatment Plant Project Manager Ray D'Auito. The City was named as runner-up out of 2,300 advanced wastewater treatment facilities in the State. Mayor Bryant commended Mr. D'Auito's contributions to the City, which will be stated in a letter to Veolia Water.

Swearing-in of all persons intending to address City Commission.

Public Comment: None

1. CITY COMMISSION AGENDA APPROVAL

Mr. Barnebey requested that the extension for the Grubbs contract for debris removal be added to the agenda. The extension will be for a period of time until the RFP process is completed. Commission added the item as 3A. The extension contract will be subject to attorney review.

On item #7 on the Consent Agenda, Mayor Bryant requested that Attorney Barnebey clarify what senior commissioner means in the absence of the mayor and vice mayor. Attorney Barnebey stated senior commissioner would generally be interpreted as being an individual's consecutive years of service in the role.

Mr. Tusing asked that the pedestrian sidewalk, driveways, handicap ramp improvement and miscellaneous work bid be added as item 3B.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 4-0 to approve the June 20, 2011 7:00 PM Agenda with the addition of 3A, Grubbs contract and 3B pedestrian improvements.

2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes: June 6, 2011
2. Special Function Permits:
 - Palmetto B&B Wedding September 3, 2011
 - Palmetto B&B Wedding September 10, 2011
 - Palmetto B&B Wedding October 1, 2011
 - Palmetto B&B Wedding October 9, 2011
 - Palmetto B&B Wedding November 12, 2011
 - Palmetto B&B Wedding November 19, 2011
 - Palmetto B&B Wedding November 26, 2011
 - Palmetto B&B Wedding December 3, 2011
 - Palmetto Historical Park Highwaymen Artists Meet and Greet and Art Sale
3. Resolution No. 2011-18
Finance is recommending mid-year budget adjustments for certain accounts and is recommending closure of the Riverside resurfacing grant project.
4. Resolution No. 2011-19
The resolution will correct a scrivener's error in Ordinance No. 2011-02.
5. Kirk Pinkerton litigation billing
Invoice Nos. 111308, 111520, 110568, 111518, 1110565, 111514, 1110560, 110563
6. RFP Recommendation-Health Insurance Agent
Approval of the RFP Committee's recommendation to select Alltrust Insurance as the City's Health Insurance Agent for fiscal years 2011-2013 and authorization for the Mayor to execute applicable documents, subject to attorney review.
7. Resolution No. 2011-20
Resolution No. 2011-20 will adopt Rules & Procedures to govern City Commission meetings.

B) POLICE DEPARTMENT

1. U.S. Department of Justice Bullet Proof Vest Partnership Program Grant
Application for a \$6,000, 50% matching grant, for the purchase of 15 bullet proof vests for a total City expenditure not to exceed \$3,000

C) PUBLIC WORKS DEPARTMENT

1. Gator Grading & Paving, LLC contract
Authorization for the Mayor to execute the contract for the Haben Boulevard Roundabout Project in an amount not to exceed \$381,409.30.

Items 3, 4, 6, 7 and B and C were removed for discussion.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to approve items A1, 2 and 5 of the Consent Agenda.

#3. Resolution No. 2011-18

Mr. Freeman explained the resolution will adjust revenues and expenditures of account as part of a mid-year review. Mrs. Simpson explained the entries to close the Riverside Dr. Grant, as well as explaining the other adjustments to accounts where there should be no additional activity. Another "clean-up" budget resolution will be brought forward in September.

#4 Resolution No. 2011-19

Mr. Freeman explained that pursuant to Attorney Barnebey's recommendation at the last meeting, the resolution will correct an existing scrivener's error in Ordinance No. 2011-02 to correctly identify 5th Street vs. how it is identified in the ordinance as 50th Street. Attorney Barnebey confirmed the resolution's language will have no impact on the River House restaurant.

#6 Health Insurance RFP award

Mr. Freeman confirmed the RFP committee chose Alltrust Insurance, based on specific criteria used to rank the seven responses. Based on initial rankings, the top three companies interviewed with the committee, from which the top choice was made. Mr. Freeman confirmed that local agents were contacted to give them the opportunity to bid. Attorney Barnebey stated that the award of contract will be subject to negotiation. Mr. Freeman introduced Joe Park, founder of Alltrust, and Steve Hall, a local resident who will be the broker in charge of the day-to-day operation of the account.

#7 Resolution 2011-20.

Commissioner Lancaster suggested that if a senior commissioner is determined by consecutive years it should be stated as such in the Rules & Procedures. Attorney Barnebey agreed.

Commissioner Cornwell stated her preference to vote separately on items removed from the Consent Agenda. If a voted occurred on multiple items and she had disfavor with only one, she would have to vote no on all of them.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 4-0 to approve Consent Agenda items 1A, 3, 4 and 6.

#7 Discussion ensued on why the Rules & Procedures were brought forward for Commission consideration. Mayor Bryant explained they were drafted mainly for issues regarding public hearings, especially public hearings on land use items.

MOTION: Commissioner Williams moved and Commissioner Cornwell seconded to table item #7 indefinitely.

Discussion: Attorney Barnebey strongly recommended that Commission adopt parts of the Rules & Procedures from the due process standpoint. Commissioner Williams asked that those items be pulled out of the document and brought back to a workshop.

Commissioner Williams withdrew his motion and Commissioner Cornwell withdrew her second.

Attorney Barnebey confirmed that the issue of who runs a meeting in the absence of the mayor and vice mayor is not essential to adopting the resolution, but it would be beneficial. Mayor Bryant suggested that Commission consider the document to "protect the City in situations of ambiguity, and making sure there is consistency in those presentations" [for public hearings].

The tie vote issue was discussed. Attorney Barnebey stated he attempted to document for a commission and the public what a tie vote would mean, especially in the event of tie vote on a land use item. He opined it is not clear today what would happen, but under the Rules & Procedures the issue would have died.

Attorney Barnebey recommended that the records portion of the document "absolutely needs to be adopted by this Board". He also recommended adopting the quasi judicial procedures.

The Rules & Procedures will be brought back to a future workshop.

#B POLICE DEPARTMENT

1. U.S. Department of Justice Bullet Proof Vest Partnership Program Grant

Mayor Bryant asked that Commission also authorize her to accept the grant, subject to attorney review.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-0 to approve the US Department of Justice Bullet Proof Vest Partnership Program in the amount of \$6,000, 50/50 matching grant, for the purchase of 15 bullet-proof vests, for a total City

expenditure not to exceed \$3,000, and authorize the Mayor to accept, subject to City Attorney review.

#C PUBLIC WORKS

1. Gator Grading & Paving, LLC contract

Mr. Tusing confirmed Commission previously approved Gator Grading for the Haben Boulevard roundabout project; the motion lacked the verbiage to authorize the Mayor to execute the contract.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to authorize the Mayor to execute the contract for the Haben Boulevard roundabout project in amount not to exceed \$381,040.30, subject to City Attorney approval.

3. FLORIDA ENERGY EFFICIENT CONSERVATION BLOCK GRANT (EECBG) LIGHTING RETROFIT SERVICES CONTRACT (

Mr. Freeman explained that as part of the \$250,000 EECBG Grant award, an RFQ was issued for a lighting system retrofit project for City Hall, Public Works, Police Department and Water Treatment Plant buildings. Of the four quotes obtained, Synergy Lighting, Inc. was the lowest. Staff is seeking authorization to enter into the contract. This project is one of four tasks in the grant, and has a line item amount of \$29,200.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 4-0 to authorize the Mayor to execute a contract with Synergy Lighting, Inc. for the EECBG Lighting System Retrofit project in an amount not to exceed \$20,000, contingent upon City Attorney approval of the contract.

3A GRUBBS CONSTRUCTION CONTRACT EXTENSION

Mr. Freeman explained that the contract is for debris removal in the event of disaster. A contract was executed in 2005 and subsequently renewed. An earlier approval request was removed from a previous agenda because of the new FEMA rule requiring a bid. This contract extension will continue until the RFP process is completed and a new contract is in place. Mr. Freeman also stated there is a possibility FEMA will not reimburse the City should an event occur during the Grubbs contract because it was not bid.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to authorize approval of a six month extension for the contract with Grubbs with the ability of the City to terminate that agreement after a 30 day notice, and authorize the Mayor to execute the contract.

3B PEDESTRIAN IMPROVEMENTS BID AWARD

Mr. Tusing explained a bid was issued for pedestrian improvement for sidewalk repairs. Eight bids were received, with the #3 bidder being deemed non-compliant. Kukhausen Construction was the second lowest bidder.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 4-0 to award the bid to Kukhausen Construction in an amount not to exceed \$74,459.50 and authorize the Mayor to execute the agreement, pending attorney review.

Mr. Tusing confirmed the City has never made residents repair sidewalks. He opined the City's ordinance needs more strength to enforce resident responsibility for repairs.

4. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

None

5. ASR WELL UPDATE

Mr. Tusing reported the engineer is working on the design. He anticipates one more week of testing. He is also working on the two ponds at Terra Ceia for additional wet weather storage.

6. DEPARTMENT HEADS' COMMENTS

Mr. Tusing

Stated the \$9,000 savings Mr. Freeman had [item #3] will not fund lighted crosswalks, as they cost \$30,000 per intersection.

Mr. Freeman

Reviewed the budget meeting calendar for July and August. He briefly commented on some issues, stating the Enterprise Funds are sound, but the General Fund will be a challenge.

The Police union is being scheduled. Commissioner Cornwell requested that protocol of what is required for approval.

Chief Wells

No report.

Attorney Barnebey

He will bring back the trespass ordinance that was discussed at the workshop meeting.

7. MAYOR'S REPORT

Commissioners Cornwell, Williams and Zirkelbach indicated they would be attending the Florida League of Cities conference. She stated she has not yet made her decision about attending. A voting delegate will have to be nominated.

She will submit the Mayor and City Commission budget. She stated that if Commissioners are not using their Netbooks they can be utilized in different areas.

Reported a Building Official will be hired as a full time employee.

8. COMMISSIONERS' COMMENTS

Mrs. Lancaster

No report

Ms. Cornwell

Referring to the mobile home park questions, she asked for a report when issues have been resolved, such as the dog issue. Mayor Bryant stated that is a county Animal Control issue. As to Tropic Isles and the debris issue, Mr. Tusing reported the park created the debris pile that is one property the park leases from Manatee Fruit. Mayor Bryant discussed starting the community meetings earlier in the year after the summer months. Ms. Cornwell suggested that when they again begin the meetings, reports on left over pending items should be made to the parks.

Commented on the volume of shopping carts that can be seen in the neighborhoods. The City is reaching out to store owners regarding the problem. The item will be added to the suspense log.

Stated 17th Street is remarkable.

Mr. Williams

Inquired when the Villa la Por Marina will be on the next agenda.

Mr. Tusing reported the Building Official job description has not been amended from when approved by the City Commission. A take home vehicle will not be provided to the position.

Mr. Zirkelbach

Commented on the beautiful lake the county has created on 17th Street. He suggested staff should solicit the county to add trees around the lake, as they would further improve its appearance as a gateway into the City. Mayor Bryant stated the gateways are a top priority issue for the department head meetings, specifically mentioning signage that is targeted for improvement. She again asked Commissioners to refer any potential businesses looking to relocate to the CRA.

Reported that he had included Wi-Fi accessibility in his Strategic Plan submission of items Commission should consider. Discussion ensued on plans to include the Wi-Fi accessibility in park improvements. Mr. Tusing also informed Commission that the City can use the cell tower at the old Palmetto Elementary site, but in the event the School Board decides to reuse the property, the City will be responsible for removing the tower.

Mr. Williams

Mr. Tusing mentioned that the dead palm trees at Estuary Park have been removed.

The billboard at Estuary Park is a City billboard leased to CVS, which expires in 2014. Mr. Tusing reported the sign had been in place since the 1970's. Attorney Barnebey stated the electronics were added this year, but he does not know if permits were obtained. Commissioner Williams asked for documentation authorizing the change to the sign.

Ms. Cornwell

Requested that staff contact FLOC regarding Wi-Fi issue.

Meeting adjourned at 9:10 p.m.

Minutes approved: August 1, 2011

James R. Freeman

James R. Freeman
City Clerk