

**CITY COMMISSION MEETING  
APRIL 16, 2012  
7:00 PM**

Commission Members Present

Shirley Groover Bryant, Mayor  
Brian Williams, Vice Mayor, Commissioner, Ward 3  
Tamara Cornwell, Commissioner-at-Large 1  
Charles Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Alan Zirkelbach, Commissioner-at-Large 2 (entered the meeting at 8:33 p.m.)

Staff Present

Mark Barnebey, City Attorney  
Jim Freeman, City Clerk  
Rick Wells, Chief of Police  
Allen Tusing, Public Works Director  
Deanna Roberts, Administrative Assistant

Mayor Bryant called the April 16, 2012 meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

Eric Gilbert, Chair, Planning and Zoning Board, which also serves at the Tree Board, accepted a National Arbor Day Proclamation. Mr. Gilbert thanked the Commissioners for their support and for making Palmetto a Tree City. He also thanked staff and the Parks Department for all their hard work.

All persons intending to address City Commission were duly sworn.

1. CITY COMMISSION AGENDA APPROVAL

**MOTION: Commissioner Varnadore moved, Commissioner Smith seconded, and motion carried unanimously to approve the April 16, 2012 Agenda with the removal of Item 3.**

2. CONSENT AGENDA APPROVAL

**A. CITY CLERK'S OFFICE**

1. Minutes: April 2, 2012
2. Special Function Permit North Manatee Kiwanis 5K Challenge Oct. 6, 2012
3. One-year renewal of professional audit services contract with Mauldin and Jenkins
4. One-year contract Renewal with Management Services, Inc. d/b/a Baycare Behavioral Health for Employee Assistance Program (EAP) services.

**B. PUBLIC WORKS DEPARTMENT**

1. Approval of FDOT Traffic Signal Maintenance and Compensation Agreement Exhibit A for 2012-2013 funding totaling \$18,546.67

**C. POLICE DEPARTMENT**

1. Approval of \$2,000 partnership between City of Palmetto Police Department and UNIDOS Future Leaders Academy Program
2. Motion to approve settlement related to vehicle seized by Palmetto Police

**MOTION: Commissioner Varnadore moved, Commissioner Williams seconded, and motion carried unanimously to approve the April 16, 2012 Consent Agenda with the removal of items C1 and C2, pulled for discussion as requested by Commissioner Williams.**

Mr. Williams asked which line item the funds for C1 and C2 are coming from. Mr. Freeman said the Police Department asked that funds come from a special law enforcement trust fund. Finance Director Karen Simpson explained that this is an equity reserve fund with a balance of \$4,300. Judgments and fines

collected of \$4,500 will be added to the \$4,300. The \$2,000 for the Unidos partnership will be included in a budget amendment to come back to Commission.

**MOTION: Commissioner Williams moved, Commissioner Smith seconded, and motion carried unanimously to approve Items C1 and C2 on the Consent Agenda.**

3. 1<sup>st</sup> READ: ORDINANCE NO. 2012-04

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE SIGN CODE, ARTICLE III OF CHAPTER III OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO REVISING THE REQUIREMENTS FOR PORTABLE, TEMPORARY AND POLITICAL SIGNS; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Item 3 was withdrawn from the agenda.

Mayor Bryant recessed the City Commission meeting to open the Special CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 8:33 p.m.

4. AWARD OF PROPOSAL FOR THE 5th STREET WEST REVITALIZATION

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded, and motion carried unanimously to award the 5th Street West Revitalization RFP to NDC Construction Company for an amount of \$1,344,494, as approved by the CRA Board this evening, and authorize the Mayor to execute the contract between NDC Construction Company and the City of Palmetto.**

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded, and motion carried unanimously to approve \$90,000 for unforeseen costs associated with the 5th Street West Revitalization RFP to be used if needed, as approved by the CRA Board this evening, and approved in accordance with the contract document between NDC Construction Company and the City of Palmetto.**

**MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded, and motion carried unanimously to approve \$73,000 for unforeseen costs associated with the Sutton Park project to be used if needed and approved by the Mayor, and to authorize the Mayor to approve an amendment to the contract with Stellar revising Section 7.1.1.**

5. MARCH CHECK REGISTER (Informational only)

6. BASEBALL FIELD UPDATE

Mayor Bryant informed Commission that she has spoken to County Administrator Ed Hunzeker who is gathering more information about the baseball field site and will get back to her.

7. ASR WELL UPDATE

Mr. Tusing advised Commission that there will be a public hearing in Chambers at 11:00 a.m. tomorrow morning with FDEP regarding the ASR permit, and on Thursday at 10:00 a.m. with SWFWMD at their Sarasota office regarding funding. Currently the City of Palmetto is ranked 1A for the project.

8. DEPARTMENT HEADS' COMMENTS

Allen Tusing – He said a comment was made that the contracts used on 5<sup>th</sup> Street and Sutton Park would become the norm. His office will continue to use itemization bids which Commission and the City Attorney have already approved.

Jim Freeman - Asked to modify the contract with DSM with respect to IT virtualization. The contract called for 50% for equipment and 50% on completion. The contractor has asked to have the remaining 50% paid in two installments of 25%. This only pertains to the timing of the payments. The budget remains the same.

**MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded, and motion carried unanimously to modify the contract with the City of Palmetto and DSM to allow payment of 25% of the contract amount payable now with remaining 25% due at contract completion, with no change to the contract.**

Mr. Freeman informed Commission that he has been advertising Diane's position and has received several resumes. He expects to begin interviewing next week and have the position filled by May 1.

Chief Wells - No comments

Mark Barnebey - Reported on the City of Palm Bay case regarding code enforcement liens. It will be awhile before a decision is handed down. If this case goes in favor of the City, it will help our code enforcement; if not, those mortgages recorded before our liens take priority, and we will lose all of those liens.

#### 9. MAYOR'S REPORT

Mayor Bryant reported that she attended a Gulf Coast Latin Chamber of Commerce luncheon at the Palmetto Library. Also, spoke at the Women's Council of Realtors and got positive feedback on things going on in the City. She gave a lot of credit to Commission and staff.

Reminded the Commission of the Ward 1 Community Meeting, April 24, 7:00 p.m. at Bible Baptist Church.

#### 10. COMMISSIONERS' COMMENTS

Commissioner Varnadore - No comments

Commissioner Williams - Asked the status of an assistant at Public Works. Mr. Tusing said he is shooting for May 1.

Commissioner Zirkelbach - Commented on the two great projects coming up in the City with two great contractors. He is proud of the good things happening in the City. He offered his assistance to Mr. Tusing should he need anything, at no cost.

#### 11. ADJOURNMENT

The meeting was adjourned at 8:44 p.m.

Minutes approved: May 7, 2012

*James R. Freeman*

James R. Freeman  
City Clerk