

# TAB 1

Palmetto City Commission  
January 22, 2008 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Tambra Varnadore, Vice Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Michele Hall, City Attorney  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:06 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the January 22, 2008 4:00 pm agenda.**

2. REPRESENTATION IN BANKRUPTCY MATTERS

Mr. Freeman informed Commission that due to the increase in bankruptcy and foreclosure filings and the legal intricacies associated with bankruptcy cases, staff was seeking permission to retain the legal services of Sacha Ross of Grimes, Goebel, Grimes, Hawkins, Gladfelter & Galvano to provide assistance to City Attorney Michele Hall. Ms. Hall discussed how she intended to utilize the expertise of Ms. Ross when dealing with bankruptcy filings.

Commission discussed the proposed retainer letter from the firm. The majority of Commissioners elected to accept the proposal, provided it was amended to reflect an hourly rate of \$190, a termination date of September 30, 2008, and acknowledgement that the firm will bill a maximum of \$2,000. Ms. Cornwell opposed the proposal because staff had not obtained additional quotes from other legal firms.

It was consensus of Commission to remove the item from the 7:00 agenda so that a new proposal letter could be obtained from the legal firm.

3. PRESENTATION: MANATEE COUNTY AREA TRANSIT

Ralph Heseler, Transit Manager for Manatee County Area Transit briefed Commission on a planned new transit center at 8<sup>th</sup> Avenue and 19<sup>th</sup> Street West, which will replace the current exchange center at the fair grounds. The new center will also offer park and ride services for commuters going south, as far as Sarasota County. Future services may include express bus services to counties north of the center.

Commission discussed the center with Mr. Heseler. He confirmed the proposed building will meet all state and federal requirements. He stated an area of the building may be offered as a temporary outpost to Palmetto Police and Manatee Sheriff's Department. He also confirmed the express bus service is planned for Wifi services.

Mr. Schmitt confirmed the project has been reviewed by the City, which resulted in comments concerning the planned route through a residential area. He stated the City has asked that all residents along the planned route be notified, but the City will also suggest that the route leaving

the center should be 19th Street to 8<sup>th</sup> Avenue, 8<sup>th</sup> Avenue north to Bayshore, Bayshore back to 17<sup>th</sup> Street. Mr. Heseler discussed the 10 day public notice that will occur because of the major route change, and confirmed that if the City prefers, letters to affected residents will be sent. Mr. Schmitt read the comments into the record, acknowledging that portions of the project fall under the jurisdiction of Manatee County. City Engineer Dick Clark discussed the requirements for the stormwater and outfall requirements.

Mr. Heseler then reviewed the proposed new routes for Palmetto and other areas north and east of the City.

#### 4. DISCUSSION: COMP PLAN DENSITY ORDINANCE

Ms. Lukowiak reviewed the changes to Ordinance No. 06-898 the proposed ordinance will accomplish;

- To clarify for a potential real estate purchaser that 45 dwelling units per acre will not be allowed outside the downtown waterfront area; and
- Permissible density bonus will be consistent with the Comprehensive Plan

Mr. Schmitt confirmed that while reviewing a planned project in the downtown area, the unintentional consequences of Ordinance No. 06-898 was discovered, thus the proposed ordinance.

After discussing sections three and four, specific to the new language referring to the description of "Downtown Core" and "maximum density limits", staff will amend the language for further clarity.

Mrs. Lukowiak confirmed that with the real estate market as it is, the attainable housing topic will be brought back to a workshop in the near future, so Commission can determine appropriate revision of the attainable housing ordinance.

Commission suggested that for consistency, sections 1 and 2 should have a descriptive title.

#### 5. DISCUSSION: PALMETTO FARMER'S MARKET

Mr. Lukowiak informed Commission a group is trying to establish a Farmer's Market in Riverside Park West each Saturday, and is requesting the City's participation at the beginning of the venture. The group is requesting waiver of the park rental fees for the first three months and use of onsite restrooms facilities and waste disposal containers. Kevin Lindbloom discussed his and his team's qualifications in this type of venture, stating the market will be local produce and local craft oriented.

When questioned whose responsibility clean-up will be, Mr. Lukowiak stated that because this is a presentation to determine Commission's opinion on such a venture, there will be further discussion with Mr. Lindbloom about clean-up, etc.

Ms. Cornwell commented on the fact Palmetto High School currently holds a flea market one Saturday a month. Mr. Lindbloom stated he would reach out to the local produce vendors participating at the school.

Mr. Lukowiak stated he will bring the topic back to Commission as a Special Function Permit.

Meeting adjourned at 6:05 pm.

Minutes approve:

James R. Freeman, City Clerk

Palmetto City Commission  
January 22, 2008 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor  
Tambra Varnadore, Vice Mayor  
Eric Ball, Commissioner  
Tamara Cornwell, Commissioner  
Mary Lancaster, Commissioner  
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Michele Hall, City Attorney  
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

**PUBLIC COMMENT:**

Francesco Mucci, president of Bella Vista Ristorante Italiano, requested that Commission approve a Special Permit Exception to the City's Noise Ordinance, for an event planned at the restaurant for January 26, 2008. The event has been advertised as "Carneval Di Barranchilia" and will feature live music in and outside the building. Commission discussed the application and instructed Mr. Mucci to move the music indoors at 11:00 pm and lower the volume so surrounding neighbors will not be affected. Chief Lowe stated normal patrol will be provided, and his department will quickly respond to any noise complaints. Mr. Williams reminded Commission that because the fair is allowed to run until 12:00 am, the same consideration should be provided this event.

**MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to accept the Special Permit Exception to the City's Noise Ordinance for Bella Vista Ristorante Italiano and allow the music to go until 12:00 am.**

1. AGENDA APPROVAL

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve the January 22, 2008 7:00pm agenda, with the deletion of item #10.**

2. CONSENT AGENDA

- A) Minutes: January 7, 2008
- B) Noise Exception Permit: S&S Kustom Innovations

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the January 22, 2008 7:00 pm Consent Agenda.**

James St. John, S&S Kustom Innovations, extended an open invitation to an open house the company is having Thursday, January 24, 2008.

**3. PUBLIC HEARING: ORDINANCE NO. 08-956**

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. Mr. Derrin Parks, representing counsel for Riviera Dunes, informed Commission he was available for any questions. After no further public comment, Mayor Bustle closed the public hearing.

**MOTION: Mr. Ball moved and Ms. Varnadore seconded to adopt Ordinance No. 08-956**

Discussion: Mr. Schmitt informed Commission the applicant has requested the Land Use Equivalency Matrix be modified to allow a maximum of 75,000 sq. ft. of office and 12,000 sq. ft of quality restaurant within the project through conversion of other previously approved residential use. He further stated that the parcels have not officially been designated where the commercial/retail use will be placed, but the developer has verbally agreed to locate the use adjacent to US 41, which staff feels is a better use than the previously approved town homes approved for the location. Mr. Parks confirmed the planned placement of the commercial/retail project. When the general development plan for the uses is brought forward, the parcels will be formally identified. Approval of the swap will not alter the overall matrix of the DRI.

Mr. Lukowiak confirmed that DOT has stated the only widening of US 41 that will be necessary will be the portion in front of the Civic Center. He also stated the hotel is still a viable project.

**Motion on the floor carried 5-0.**

**4. CONTRACT APPROVAL: SUPERIOR ASPHALT, INC.**

Mr. Lukowiak referred to his updated point paper, and explained he has amended his original point paper for approval of the Superior Asphalt, Inc. contract of \$100,000 for five projects, as follows:

Eliminate WA #1 (9<sup>th</sup> St. Dr. & 9<sup>th</sup> St. W.) for \$12,970  
Eliminate WA #5 (8<sup>th</sup> St. W. & 13<sup>th</sup> Cir. W.) for \$10,045

Both areas still need the installation of reclaim and stormwater lines

The updated point paper contained the remaining three projects plus the addition of 10<sup>th</sup> Avenue from 7<sup>th</sup> St. to 10<sup>th</sup> St. because of comments received in emails and at the City's fair booth. Mr. Lukowiak requested a new not to exceed amount of \$112,274, to be funded by the 2008 CIP (\$100,000) and Road & Bridge (\$20,651) for a total amount of funding of \$120,651. Mr. Freeman stated the \$20,651 is from the Road & Bridge operating account.

Ms. Varnadore suggested that on Work Assignment #3 (4<sup>th</sup> St. W. & 13<sup>th</sup> and 14<sup>th</sup> Ave. W.) work should begin at 12<sup>th</sup> Avenue. Mr. Lukowiak stated he would have to confirm there are no issues at 12<sup>th</sup> Avenue, but if the infrastructure is in place he would add the site to the work assignment and would like the contract to be approved for \$120,651. He stated he will report the status of 12<sup>th</sup> Avenue at the next meeting if issues requiring a large expense are identified. Mr. Lukowiak confirmed that infrastructure under the other areas is adequate at this time and he will move forward with them as proposed.

Commission discussed the need to improve 7<sup>th</sup> Avenue behind Walgreens and 10<sup>th</sup> Avenue as compared to other areas of the City.

**MOTION:** Mr. Ball moved and Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Superior Asphalt, Inc. contract, based on the unit prices competitively bid and awarded to Manatee County, in an amount not to exceed \$120,651; and approve work assignments #1 through #4 in a total amount not to exceed \$120,651, Job #07-572.

**MOTION:** Mr. Ball moved to strike work assignment #4. Mr. Williams seconded.

Discussion: Ms. Varnadore questioned why a contract for \$120,651 would be improved with work assignments amounting to less than the contract. Attorney Hall explained Mr. Lukowiak could then bring forward different work assignments for approval, so long as they did not exceed the contract amount. Mr. Lukowiak confirmed the amending motion would approve only work assignments #1 through #3.

**Mr. Williams withdrew his second, stating the issue is not clear after the discussion. Ms. Varnadore seconded the amendment, so Mr. Lukowiak could perform further research and bring the topic back at a later date. Motion on the floor carried 4-1. Mr. Williams voted no.**

The motion as amended was read to approve the contract for \$120,651 and approve work assignments #1 through #3 in an amount not to exceed \$63,605.

**The motion as amended carried 4-1. Mr. Williams voted no.**

**5. APPROVAL: TAMPA BAY NITROGEN MANAGEMENT CONSORTIUM PARTNERSHIP**

Ms. Holly Greene, Tampa Bay Estuary, addressed Commission on the proposed partnership with other agencies in the Tampa Bay Estuary Program's Consortium for Nitrogen Management, which allows for cooperative efforts toward the continuing recovery of the Tampa Bay Estuary.

**MOTION:** Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to approve and authorize partnership in the Tampa Bay Nitrogen Management Consortium in an amount not to exceed \$5,000.

**6. APPROVAL GASB 45 (OTHER POST EMPLOYMENT BENEFITS STUDY)**

Mr. Freeman explained the proposal for Florida League of Cities (FLOC) is to perform a mandated GASB 45 actuarial calculation to determine the City's liability for other post employment benefits exclusive of pension plans. Mr. Freeman confirmed FLOC has quoted \$3,750 for the study and \$2,500 to present the results of the study to Commission; if possible, staff will present the results of the valuation. Commission determined it may be advantageous to approve the entire expense at this time, rather than having to bring a portion back at a later date.

**MOTION:** Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 5-0 to approve and authorize Florida League of Cities to perform a GASB 45 actuarial calculation in an amount not to exceed \$6,000.

**7. RESOLUTION NO. 08-01**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP; AUTHORIZING A LEASE OF EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

**MOTION:** Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 08-01

8. RESOLUTION NO. 08-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE USE OF A PORTION OF THE AMOUNT FINANCED PURSUANT TO THE MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP., EXECUTED IN ACCORDANCE WITH RESOLUTION 08-01; FOR REIMBURSEMENT OF CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE ACQUISITION OF CERTAIN EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 08-02.**

9. APPROVAL: 2008 COMMISSION LIAISON ASSIGNMENTS

Mayor Bustle informed Commission the outside appointment to the Palmetto Historical Commission previously approved by Commission should reflect Mr. Williams as the appointee rather than Ms. Varnadore. Mr. Williams informed Commission he would not be able to serve in the capacity, as he works Saturdays. After discussion, he was assigned as a floater to special meetings

**MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-1 to approve the 2008 Commission Liaison Assignments, as presented. Ms. Cornwell voted no.**

11. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt  
No report.

Mr. Lukowiak  
Several events have reiterated the need for an earthmoving ordinance, which Mr. Lukowiak requested be added to the Suspense Log.

Stated that as agreed to with Manatee County, he would remove the MLK Street signs Tuesday. Commission discussed how the City can intercede on behalf of the residents to permanently rename 17<sup>th</sup> Street. Mayor Bustle will send a letter on the topic to the chairman of the county commission.

Inquired how he should respond to the persons who had commented on the need to repair 10<sup>th</sup> Avenue. Mr. Williams apologized for misunderstanding the work assignments that were approved.

Mr. Freeman  
No report.

Chief Lowe  
Congratulated the Mayor on his award received at the MLK Banquet. Stated there were no incidents during the MLK Parade.

Attorney Hall  
Informed Commission she had placed information on modified Roberts Rules in their mailboxes.

12. MAYOR'S REPORT

There is nothing new to report on Palmetto Elementary.

There is a meeting with the county scheduled Friday to discuss 7<sup>th</sup> Street.

### 13. COMMISSIONERS' COMMENTS

#### Mrs. Lancaster

Chief Lowe reported the process to bring Club Nitrous to the Code Enforcement Board is underway. Attorney Hall reported she will be meeting with Mr. Strollo later in the week.

Congratulated the Mayor on his award. Complimented Ms. Lukowiak and Ms. Varnadore on the presentations made at the MLK Banquet.

#### Ms. Varnadore

Inquired the City's position on 11<sup>th</sup> St. Ct. W. right-of-way. Mr. Lukowiak discussed the county's position. The developer stated he will either put the project on hold or refigure the infrastructure.

Inquired about the stop sign removal project. Mr. Lukowiak stated he has met with Nick Lepps, Renaissance Planning, concerning the \$30,000 refund the City was to receive if the firm was awarded the FDOT contract for the Palmetto/Bradenton traffic study. Because there may be difficulty receiving the \$30,000 credit, Mr. Lepps has been asked to give a quote on a plan for the stop sign removal, a plan for transportation concurrency and a few other topics as a way to spend the credit. He stated that if he agrees with the quote he will bring it to Commission for approval; if not, his staff will begin the removal. Regardless, the project will begin within the next 30 days.

Commended staff on the MLK celebration.

Commended Detective Tyler and the police department in a recent incident involving her family.

#### Mr. Williams

The fair has been a success thus far.

Inquired about the annexed building on 8<sup>th</sup> Avenue. Mr. Schmitt reported a site plan was submitted Friday and the applicant now has less than 30 days to perform the plan.

Stated he does not want to receive any more handouts concerning an agenda item prior to or during a meeting; if an item is changed it should be removed from the agenda. Commission declined to make a policy regarding handouts at a meeting.

Inquired if there has been further communication with FDOT about painting the island (on 10<sup>th</sup> Street). Mr. Lukowiak stated he has spoken with Mr. Giddens on several occasions concerning the topic.

#### Ms. Cornwell

Reported two more Council of Government meeting are scheduled; February 20, 2008 and March 19, 2008. Requested that Palmetto submit the pool and 17<sup>th</sup> Street issues for agenda items. Inquired if the joint workshop meeting has been scheduled; Mr. Lukowiak stated the proposed meeting is specific to the Erie Road Landfill. Mayor Bustle stated he will bring the items forward at the next meeting.

Referring to the simple parliamentary rules, she stated it is difficult for her to support something coming from the California League of Cities because of a lack education on a rule she is not familiar with. Stated that without a chance to review the rules and attend course work, she could not voice acceptance of the new procedure. Attorney Hall stated the rules were distributed as an example and she does not intend to pursue the topic without direction from Commission or the Mayor.

#### Mr. Ball



Commented on the pile of dirt on 7<sup>th</sup> Street. Mr. Lukowiak stated the pile is the reason he is bringing forward the earthmoving ordinance. He has confirmed that the property owner is utilizing best management practices, but that is the extent of action the City can undertake at this time. He is awaiting comments from the City's SWFWMD representative, which toured the City with him last week.

Mr. Williams complimented the Mayor on his letter to the Chairman of the Board of County Commissioners.

Meeting adjourned at 8:50 pm.

Minutes approved:

James R. Freeman  
City Clerk