

TAB 1

Palmetto City Commission
July 21, 2008 4:00 PM

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
Bob Schmitt, Planning Supervisor/Zoning Administrator
Karen Simpson, Deputy Clerk-Finance
Diane Ponder, Deputy Clerk-Administration
Frank Woodward, Deputy Director Property Management & Engineering

Mayor Bustle called the meeting to order at 4:02 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to approve the July 21, 2008 4:00 pm agenda.

2. DISCUSSION: CIP UPDATE AND ADDITIONS

Mr. Lukowiak reviewed the projects compiled this fiscal year to create a proposed FY 2009 Capital Improvement Plan (CIP) including annual projects, ongoing projects, additional projects and also notable projects to be considered and potential CRA funded projects. Accompanying the proposed CIP was a spreadsheet delineating the funding of the projects for a five year period ending 2013. The proposed CIP, including annual and ongoing projects and additional projects amounts to \$9,035,390. With outside funding of \$2,970,390 and the carry over of \$1.4 million from the FY 2008 CIP, it will cost approximately \$4.6 million to fund the proposed CIP. Mr. Lukowiak stated he is requesting Commission prioritize the projects so he will be able to compile the formal 2009 CIP for presentation at a later date.

Commission discussed the proposed CIP and suggested that the Downtown Utility Replacement Project under Additional Projects be funded by CRA; Mrs. Lukowiak concurred with the suggestion and will present it to her board. Mayor Bustle also commented that dredging should be reconsidered due to the volume of canals and how sites for dredging would be selected. He suggested the topic should be studied to determine the most need; staff suggested City resources could be used to locate potential funding, but the communities may need to be financially responsible.

Topics of discussion that require additional staff research are as follows:

- TMDL: Continue involvement with developers to assure wastewater is pretreated and the developer absorbs the cost.

- ARS Well: If DEP is requiring a greater depth of the test well, are they paying the additional cost; inquire if water may be withdrawn from the test well; inquire if other entities can be charged for disposing water into the City's ASR well.
- Reuse: Inquiry why the Hammocks and Sanctuary Cove have not been required to connect to the City reuse system and how both developments have been permitted by the Health Department for irrigation wells. Mr. Lukowiak commented on the benefits of Sanctuary Cove being able to utilize the well for newly installed landscaping; when the reuse system with Bradenton and Manatee County becomes operational they will connect. It was suggested that current City reuse can be pumped into the freshwater lake at Sanctuary Cove. Mr. Williams suggested a letter should be addressed to Sanctuary Cove regarding the use of wells when City ordinances prohibit that practice. Mr. Lukowiak spoke of pressure pumps he is researching to address reuse. Ms. Varnadore spoke of the ordinance's requirements prohibiting new wells within the city limits. Mr. Williams went so far as to suggest that permitting should be discontinued until the well issue is resolved. Mrs. Lukowiak stated the Hammock's well is not currently being used; staff is working with SWFWMD to determine if there is sufficient pressure should the well be turned back on; also looking at the feasibility of allowing a community well with a two-way pressurized valve that could supplement both entities reuse system. Mrs. Lukowiak described how this type of well would work, and the fact this type of system was suggested by SWFWMD, which may fund the construction of the system. Mr. Williams opined the Commission should be notified of happenings contrary to City ordinances.
- 10th St. & 14th Ave.: Continue efforts to get \$250,000 additional funding from MPO; confirm City and county jurisdiction on 10th Street and any financial assistance the county can provide.
- Dredging: Engineering for Jet Park and Tropic Isles. Mayor Bustle expressed concern and suggested the topic should be studied prior to beginning any dredging project; consider offering the City's resources provided the community bears the financial responsibility.

Debt service on the \$4.6 million would be approximately \$370,000 per year.

Mrs. Lukowiak confirmed CRA has no plans to issue additional debt. She also confirmed CRA could assume funding for the downtown Utility Replacement project.

Commission requested that staff determine what is occurring to the paving in the areas where the City cut through on 5th Street.

Mayor Bustle recessed the meeting for ten minutes. Mr. Ball departed the meeting during the recess.

Mayor Bustle reopened the meeting.

3. ANNEXATION AND UTILITY EXPANSION ANALYSIS

Mr. Lukowiak narrated a presentation demonstrating the cost-benefit analysis considered in the development review process. The analysis showed the utility expansion for US 301 and US 41 totaled \$3,955,641. After developer contributions of \$1,237,000 the net expenses to the City was \$2,718,641. Using a 4.5 millage rate, Mr. Lukowiak estimated that at build out the two projects would increase ad valorem tax revenue by \$5.8 million on an annual basis; debt service for the

US 41 and US 301 expansion and existing debt of \$14.3 million would be approximately \$350,000 per year; the total debt could be fully paid in 13 years. Mr. Lukowiak also discussed the fact that impact fees and user fees would pay toward the construction and the on-going expenses associated with expansion of the utility system.

4. DISCUSSION: VEOLIA WATER CONTRACT RENEWAL

Pursuant to the Veolia Water contract for the operation and maintenance of the wastewater treatment plan expiring December 31, 2008, the City must provide Veolia Water notice of its intent to renew the contract for an additional two-year period.

Mr. Lukowiak confirmed the contract contains an automatic CPI increase, thus no other amendments will be made, and no fuel adjustment is included. A 4% CPI increase has been included in the FY 2008-2009 budget.

Commission agreed to renew the contract for an additional two year period.

Meeting adjourned at 6:00 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
July 21, 2008 7:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Eric Ball, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Tanya Lukowiak, CRA Executive Director
Bob Schmitt, Planning Supervisor/Zoning Administrator
Karen Simpson, Deputy Clerk-Finance
Diane Ponder, Deputy Clerk-Administration
Frank Woodward, Deputy Director Property Management & Engineering

Mayor Bustle called the meeting to order at 7:02 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Persons planning to address Commission were sworn in.

PUBLIC COMMENT:

Julia Durrance, representing a group from the Palmetto Woman's Club, read a statement concerning the recent decision to discontinue the lawn maintenance that the City has provided the organization since 1930. The statement also highlighted the organization's civic services provided to the community. Commission discussed the topic and concurred that because of the length of time the service has been provided it should be continued. Commission directed staff to prepare an agreement for execution between the Palmetto Woman's Club and the City, formalizing the City's continued lawn maintenance.

Mary Jo Kimbrough spoke to Commission concerning the continued noise problems associated with Club Nitrous, now known as the Brickhouse Restaurant. Chief Lowe explained how the police department responded to complaints. Mrs. Lancaster confirmed that she had visited Mrs. Kimbrough's home after receiving a complaint and the effect the noise had inside the home. Code Enforcement will be asked to meet with Chief Lowe and the owner of the establishment to evaluate the situation.

Bruce Varnadore commented on the Kimbrough subject, suggesting an unmarked police car visiting the establishment around 9:00 pm and directing that the music be turned off when the problem begins could be a solution to the noise problem.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the July 21, 2008 7:00 agenda.

2. CONSENT AGENDA

- A) Minutes: June 16, 23 and 24, 2008
- B) Minutes: March 1, 20204 correction
- C) June Check Register
- D) Special Function Permit: Walk for Life
Village of the Palms Neighborhood Completion Celebration

Ms. Cornwell withdrew item B.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve items A, C and D of the Consent Agenda.

Mrs. Ponder explained that the March 1, 2004 minutes were being corrected to include the public hearing for Ordinance No. 04-792 that inadvertently omitted from the originally approved minutes.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve item B of the Consent Agenda.

3. APPROVAL: WARD I PHASE II INFRASTRUCTURE IMPROVEMENTS

Mr. Lukowiak recapped the previous approvals for the engineering of the Ward I Phase II project. Discussion ensued on the Giffels-Webster Work Assignment #4 and the fact the work assignment included tasks to completion of the project when a construction date has not yet been approved. Staff assured Commission that only the tasks pertaining to the engineering design would be permitted at this time, those tasks would be the only financial responsibility to the City and the design as drawn would still be an accurate rendering when construction begins. Discussion also occurred on how this particular firm had been selected to provide the engineering design.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Giffels-Webster Engineers, Inc. Work Assignment No. 4 for Ward I Phase II in an amount not to exceed \$400,000, COP Project #05-436.

Discussion ensued on the Work Assignment's listed cost of \$395,685 rather than the \$400,000 contained in the agenda material.

Mrs. Lancaster and Ms. Cornwell agreed to amend the motion to change the motion to limit the project funds to \$395,865.

4. APPROVAL: GRANT ACCEPTANCE

Mrs. Lukowiak informed the Commission this is a non-matching Florida Recreation Development Assistance Program (FRDAP) grant for the resurfacing of the fishing pier at Riverside Park West.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to accept and authorize the Mayor to execute the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program Agreement A9140 in an amount not to exceed \$33,903.

5. APPROVAL: TOWING SERVICES AGREEMENT

Chief Lowe informed Commission Norm's Towing was the sole vendor to submit a bid for the Towing Services RFP. Commission discussed the agreement and amended it to reflect that Norm's Towing was the only vendor to respond to the RFP and to require Commission approval on any renewals of the contract.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Agreement for Towing Services with Norm's Towing.

Discussion: Commission discussed the contract and amended it to require Commission approval on any contract renewals.

Ms. Cornwell and Mrs. Lancaster agreed to amend the motion to include the additional approval requirement for renewals of the contract. Motion on the floor carried 4-0.

6. APPROVAL: US 301 FUTURE UTILITY EXPANSION

Mr. Lukowiak informed Commission this project has previously been presented for review and approval. There are two components to the this project: 1) engineering for Leg 4, the last leg of the US 301 utility expansion, and change orders that have been done during the project – specifically the Winn Dixie easement reviewed and approved by Commission and other changes resulting in a savings in the project overall, and 2) construction of the Leg 4 utility expansion. He requested that the overall project be approved, but specifically asked that the engineering portion of the project be approved.

Mr. Lukowiak explained that the engineering is a work assignment because ZNS is one of the eight engineering firms City Commission approved as the result of an RFP. The contract with Westra is a piggy back contract; however, plans are being formulated now for a cafeteria style RFP for construction firms.

MOTION: Mrs. Lancaster moved to approve and authorize the Mayor to execute the ZNS Engineering, LC Change Order #2 in an amount not to exceed \$149,788; and the Westra Construction Corp. contract in an amount not to exceed \$275,000, based on the unit prices competitively bid and awarded to Sarasota County Bahia Vista, Central Hillsborough County, City of Clearwater Beachwalk, SR 25 (US 27), Sarasota County Area C, Pinellas North County reclaimed Water Transmission and the North County Reclaimed Water Phase 2A contracts, COP Job #04-396. Motion died for lack of a second.

Mayor Bustle suggested a motion to authorize the engineering portion of the project; Mr. Lukowiak stated that before the construction portion of the project can be put out to bid, complete engineering plans must be completed.

Mr. Lukowiak described the properties Leg 4 encompasses and the fact one property (Space Box) intends to hook up to the utilities. He explained the construction project is \$273,000 and Space Box has committed to a development agreement to the project; the City will actually expend approximately \$115,000 plus engineering on the project. Mr. Schmitt confirmed Space Box is in the process of submitting construction plans.

Mr. Lukowiak discussed the ramifications to the bid process because of the project having been on the CIP for over a year; bids will come in under the quoted price from Westra and there will be at least \$200,000 in change orders. Mr. Woodard also confirmed that the existing bid from Westra is based on 2004 prices. Mr. Lukowiak also informed Commission that Manatee County personnel has related that they have been instructed from Mr. Hunzinger to seek piggy back contracts rather than going to bid. Mr. Lukowiak stated a project from the 2009 CIP would be put out to bid.

Mr. Lukowiak was instructed to bring additional information on the engineering portion of the project for Commission review.

7. APPROVAL: POLICE DEPARTMENT PROPERTY ENVIRONMENTAL MONITORING 2008

Approval of engineering services by Jones, Edmunds & Associates, Inc. (JEA) to continue the Natural Attenuation Monitoring for the Palmetto Police Department property, to include sampling of groundwater wells and reports to Florida Department of Environmental Protection.

MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to authorize the Mayor to execute the Jones Edmunds & Associates, Inc. Work Assignment #8 in an amount not to exceed \$12,000, COP Job #04-400.

Attorney Hall will speak with JEA to see if it can be ascertained how long the monitoring must continue.

8. DEPARTMENT HEADS' COMMENTS

Mr. Schmitt

July 23, is the workshop involving P&Z, CRA and Commission regarding signs.

Mr. Lukowiak

No report.

Mr. Freeman

Reminder that the July 22 budget workshop is 5:00 – 7:00 pm.

The proposed 4.6662 tentative millage rate will be a topic on the July 28 agenda. Commission asked that he also provide data on a proposed millage rate .25 higher than the proposed 4.6662 rate. Mr. Freeman also discussed the potential to hold the public hearings for adoption of the tentative and final millage rate and budgets on September 8 and September 22.

A special function permit for the Brewers and Waiters event was approved for July 19. Because of weather the event was cancelled. The applicant is requesting a new date of September 6, which was approved by Commission.

Additional information on the cell phone audit will be available by the end of the week.

Chief Lowe

No report.

Attorney Hall

Attorney Wendy Smith has quoted a flat fee of \$1,000 to review the Personnel Policy. After reviewing certain portions of the policy relating to background checks, Attorney Smith has estimated she could "slim" the policy. Commission concurred.

Informed Commission that in the course of representing the P&Z Board, that board has requested information on copyright issues and potential liability to the City by requiring that plans be provided in an electronic version. Tentatively, Attorney Hall and Mr. Schmitt will hold a meeting with interested architects and engineers regarding what they are willing to provide the City in a format that can be integrated with our system.

Reviewed the attorney expenses she pays for. Commission asked that they be provided in a memo.

Briefly reviewed the procedural aspects of the two conflict assessment meetings with representatives of Palms of Terra Ceia CDD. Attorney Hall offered to speak individually with each Commissioner regarding the topic. She stated that at this time an additional conflict assessment meeting has not been called for by the CDD.

9. MAYOR'S REPORT

No report.

10. COMMISSIONERS' COMMENTS

Mrs. Lancaster

At Mrs. Lancaster's request, Mr. Lukowiak explained the reasons for slowing the reclaim water installation, i.e. carry over on the CIP and the lack of availability extending from one month to approximately three months out of the year. Mrs. Lancaster opined that every citizen has a right to reclaimed water and it is not fair to delay the installation because of the unavailability issue; if new users only have the benefit of a one-time use per month, it is better than them having to pay for the use of potable water to irrigate their lawns.

Referring to the Kimbrough issue, she opined that only because there is only one complaint, that does not make that complaint any less valid.

Ms. Varnadore

Stated she is very disappointed that developments can develop irrigation wells when there are areas in the community that don't have reuse and they are not allowed to have wells.

Mr. Lukowiak confirmed he has received no word on the Jackson Park Interlocal Agreement. Mayor Bustle spoke of his efforts to resolve the issue.

The joint meeting with the School Board regarding Palmetto Elementary will be on the July 28 agenda.

Inquired the status of the Tomato Festival, as the Palmetto Historical Commission is making plans for their participation. Mrs. Lukowiak confirmed the flyer Ms. Varnadore obtained through the Palmetto Historical Commission is the same flyer that was available at the fair. Nothing more than preliminary plans have been made. The event will be discussed during the budget.

Mr. Williams

Inquired if the candidates will be provided agendas and budgets as have been done in the past. Commission agreed to continue the practice and instructed staff to reach out to the qualifying candidates to determine if a hard copy should be provided.

Requested that issuance dates for the permits for the wells at Sanctuary Cove and the Hammocks be obtained and provided to Commission.

Referred to the comments Mrs. Lukowiak made regarding her cell phone that took place after the last budget meeting. Mrs. Lukowiak informed Commission she asked the chairman of the CRA Board to do an audit on her phone and Commission will be receiving a letter concerning those results. She stated she had said she was not part of the budget; she had been instructed by her board to obtain a phone for less than \$100 per month, and if she exceed the allowed minutes she would be expected to reimburse the City.

Ms. Cornwell

Referring to protecting the waters from business having severe impacts, she stated her desire to move forward with that process. Mr. Lukowiak stated that with the tomato plant and in the industrial park, Manatee County Department of Health will review the proposed use for chemicals; if stated chemicals are not provided at the wastewater treatment plant, the businesses will have to provide a rinse. Mr. Lukowiak will research available language concerning industrial waste for the development of an ordinance.

Suggested Commission consider reviewing the 4:00 meeting time for workshops because of the hardship it creates for working commissioners. Mr. Williams suggested splitting the meetings so every Monday would accommodate either a workshop (5:00 – 7:00 pm) or regular meeting (beginning at 7:00 pm). Mrs. Lancaster stated she did not want to have to meet every Monday of the month. Ms. Varnadore stated she would have to consider the suggestion.

Meeting adjourned at 9:40 pm.

Minutes approved:

James R. Freeman
City Clerk

Palmetto City Commission
July 22, 2008 5:00 PM

Elected Officials Present:

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

Elected Officials Absent

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
Deputy Chief Mike Mayer
Bob Schmitt, Planning Supervisor/Zoning Administrator
Karen Simpson, Deputy Clerk-Finance
Diane Ponder, Deputy Clerk-Administration
Frank Woodward, Deputy Director Property Management & Engineering

Mayor Bustle called the meeting to order at 5:10 p.m., followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. AGENDA APPROVAL

MOTION: Ms. Cornwell moved, Ms. Varnadore seconded and motion carried 4-0 to approve the July 22, 2008 5:00 pm agenda.

2. FISCAL YEAR 2008-2009 BUDGET

The budget discussion continued, beginning with the Finance Department.

Finance Department

0015155413 Technical & Training: Karen Simpson discussed the justification for requesting a step increase for employees who successfully complete the certification application to their field. Commission discussed the requested certifications and step increase, stating they were not adverse to a step increase for an employee who receives a certification applicable to their job responsibility, but they opined employees should be required to serve the City for a stated period of time if the City bears the expense of the additional education. Staff was directed to amend the Personnel Policy to include language that would mirror the Tuition Reimbursement Policy by 1) require a stated period of service after receipt of a City funded certification and 2) require repayment for any failed testing as part of a certification. There was no adjustment to the Finance Department budget.

IT Manger Geoff Campbell and Deputy Chief Mike Mayer updated Commission on the Coban system. He and Deputy Chief Mayer estimated that next year's investment will be between \$100,000 and \$150,000, plus there will be future upgrades that will be necessary to maintain the system at an optimum operating level.

Mr. Campbell discussed the items that have been removed from his budget, which was previously reviewed by Commission. He also explained his reasons for requesting the additional computers

in his budget; he will look at pricing the towers less any screens. He stated that he had reduced his budget by \$14,000.

Mr. Freeman advised Commission that he is requesting a reclassification and step increase for Mr. Campbell's position equating to \$1,500 including the 2% COLA. The topic was placed on the pending budget items list.

Human Resources

No adjustments were made to the proposed budget.

Code Enforcement

No adjustments were made to the proposed budget. Commission agreed to Mr. Freeman's request to begin implementing the transition of the Human Resource Coordinator to the Code Enforcement Officer position.

Police Department

0015216401 Machinery and Equipment:

Deleted Prisoner Partitions totaling \$2,000

Public Works

No adjustments were made to the proposed budget.

Engineering

0015425242 Small Tools Minor Equipment

New traffic counters totaling \$2,800 were placed on the pending budget items list.

Planning

No adjustments were made to the proposed budget.

Fleet Maintenance

0015495242 Small Tools Minor Equipment

Scanner cards for the Ford and GMC totaling \$1,500 were placed on the pending budget items list.

The next budget meeting will begin with the Parks and Recreation Department.

Meeting adjourned at 6:55 pm.

Minutes approved:

James R. Freeman
City Clerk