

TAB 1

Palmetto City Commission
April 20, 2009 4:30 p.m.

Elected Officials Present:

Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Alan Zirkelbach, Commissioner

Elected Officials Absent:

Shirley Bryant, Mayor

Staff Present:

James R. Freeman, City Clerk
Mike Mayer, Deputy Chief of Police
Tom McCollum, Interim City Planner
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Frank Woodard, Deputy Director of Project Management & Engineering
Diane Ponder, Deputy Clerk-Administration

Vice Mayor Williams called the meeting to order at 4:30 pm, followed by a moment of silence and the Pledge of Allegiance.

Mr. Freeman recognized Whitney Ewing, who splits her time between the Human Resource and Code Enforcement Department, for successfully obtaining Code Enforcement Level 1 Certification.

Vice Mayor Williams welcomed Karen Simpson back from medical leave.

Vice Mayor Williams announced Mayor Bryant was absent from the meeting because of illness, but will be present at the 7:00 meeting.

1. HOLY CROSS GDP PRESENTATION

Tom McCollum stated the presentation is for site plan approval of a 68 unit, one bedroom, three story low income housing facility for the elderly. The proposed project is immediately west of the existing Holy Cross Manor facility, and again offers federal grant funds.

Mr. McCollum stated the only revision to the drawings were in the notes of the site plan page. He stated that in answer to questions raised by the P&Z Board, staff has confirmed the project meets the City's density requirements, and there is more open space than required by the City.

Mr. McCollum stated there was not a neighborhood meeting conducted by the City, but one resident of the mobile home park to the north commented on the project and a Mr. Cooper attended the P&Z meeting. Commissioner Zirkelbach stated he wanted to be sure residents of the mobile home park have had ample time to comment on the project.

Mr. McCollum stated DRC review resulted in no negative comments. The Fire Marshall is currently reviewing the plan, and other than a sprinkler system in the building and other fire related requirements, the plan is adequate as proposed.

Discussion ensued on the proposed landscaping plan and a 6' vinyl fence on the north side of the project. Henry Woodruff, Woodruff Corporation Architects stated that in response to comments

from the neighborhood a ten-foot landscape buffer is proposed rather than a fence. He confirmed the existing fence on the western boundary was erected by the mobile home park and will remain. Kathy Burghlaw, representative of the property manager for Holy Cross Manor I, stated Mr. Cooper, speaking on behalf of five homeowners whose property abuts the north side of the project preferred no fence.

Mr. McCollum assured City Commission the project will comply with all City standards. Chief Lowe requested that St. Tyler have the opportunity to review the landscape plan.

The project was moved forward to the 7:00 meeting for Commission action.

2. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PRESENTATION

Mr. Freeman narrated a high level presentation of the City's CAFR Report. He highlighted data regarding the City's major initiatives for the fiscal year and in the future, as well as financial highlights of the report. He commented on concerns for the next budget year, including required contributions to the pension plans because of the loss in each plan's portfolio.

Tommie Barrie, CPA Associates, commended the City on the award of the Certificate of Achievement for excellence in financial reporting. She commented on the financial staff's cooperation and how they have grown in their jobs.

She stated her firm issued an unqualified opinion, the highest achievable concerning the financial information included in the CAFR. She commented on the required Yellow Book report addressing internal control or over financial matters, stating no material weakness was noted, nor any instances of non-compliance.

Mr. Freeman discussed the accounts receivable of the City and the aggressive efforts staff is taking on delinquent accounts.

Commission discussed with Ms. Barrie the difference between the audit from her firm conducted on the CRA vs. a compliance audit. She stated an audit could be performed based upon an agreed upon scope, and her firm is qualified to perform the audit. Ms. Barrie stated that every year during the audit a department is chosen and extra testing is performed; this year CRA was the chosen department. Commissioner Zirkelbach read the definition of the proposed CRA compliance audit, which Ms. Barrie opined is more a legal review. She stated the current contract does not include the additional cost of undertaking a compliance audit

Meeting adjourned at 5:45 pm.

Minutes approved:

James R. Freeman
City clerk

Palmetto City Commission
April 20, 2009 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Mike Mayer, Deputy Chief of Police
Tom McCollum, Interim City Planner
Allen Tusing, Public Works Director
Frank Woodard, Deputy Director of Project Management & Engineering
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm.

Invocation by Commissioner Zirkelbach, followed by the Pledge of Allegiance.

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

PUBLIC COMMENT: Robert Jones spoke about the need for speed limit signage on 3rd Ave. W. and also the speeding on 10th Street near 3rd Ave. W. and the littering from passing vehicles that is occurring in the neighborhood. He also commented on the need to have Code Enforcement visit the area because of unkempt properties.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the April 20, 2009 7:00 p.m. agenda.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: April 6, 2009
- B) Kirk Pinkerton Litigation Billing
- C) Special Function Permit: Cinco de Mayo Festival
College Graduation Party
3rd Annual Mopar Madness Car & Truck Show

Item C was removed from the Consent Agenda.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to approve items A and B of the April 20, 2009 Consent Agenda.

Discussion ensued on the requirement for insurance for the rental of the Carnegie Library for a College Graduation Party and the fact the proof of insurance has not been enforced when a Rental Agreement has been executed for the rental of City properties, nor could staff confirm that the applicant was apprised of the insurance requirement. Mayor Bryant acknowledged staff has

placed the topic on the suspense log due to the inconsistent language between the form and the Code. She also commented on the lack of protection the indemnity clause truly offers the City.

Attorney Barnebey cited the portion of the Code regarding the Special Function Permit requirements and the required liability insurance. Mr. Tusing commented on the fact the threshold of 50 requires the Special Function Permit which triggers the required insurance. Attorney Barnebey stated he can find no exception in the Code for the required insurance.

MOTION: Commissioner Zirkelbach moved and Commissioner Lancaster seconded to approve all three events in item C. Motion failed 3-2. Commissioners Cornwell, Varnadore and Williams voted no.

MOTION: Commissioner Varnadore moved and Commissioner Williams seconded to approve Item C with the waiver of the College Day event insurance until staff returns the topic back to Commission with proper information. Motion passed 3-2. Commissioners Lancaster and Zirkelbach voted no.

Staff was instructed to amend City forms to comply with the Code and bring the topic back to the next meeting. Attorney Barnebey suggested Commission may want to review the ordinance to determine exactly how Commission wishes to handle the rental of City properties.

3. PUBLIC HEARING: ORDINANCE NO. 09-989

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM GENERAL OFFICE (GO) TO COMMERCIAL GENERAL (CG); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z-09-01 Jack Beal and Rebecca Beal (Palmetto Animal Clinic, 712 3rd Avenue West, Palmetto, Florida) PID #2796400006, approximately 0.32+/- acres).

Mayor Bryant opened the public hearing. City Planner Tom McCollum gave the staff report for the requested rezoning. The application was submitted to permit the expansion of the veterinary clinic. Planning and Zoning unanimously approved the application, with no required stipulations or variances. With no further public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to adopt Ordinance No. 09-989.

4. PUBLIC HEARING: ORDINANCE NO. 09-990

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES REVISING THE REQUIREMENTS FOR PROCURING GOODS AND SERVICES; REVISING WHEN INFORMAL COMPETITIVE QUOTES MAY BE UTILIZED AND WHEN SEALED BIDS OR PROPOSALS ARE NECESSARY; ADDING PROVISIONS OF CONSIDERATION OF LOCAL VENDORS IN THE PROCUREMENT PROCESS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mr. Freeman and Attorney Barnebey reviewed the amendments to the ordinance. Attorney Barnebey confirmed he is in the process of reviewing the entire purchasing ordinance. With no further public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to adopt Ordinance No. 09-990.

5. JACKSON PARK DISCUSSION REGARDING PARCEL #2

Attorney Barnebey informed Commission that there has been discussion concerning the fair market value of Parcel #2 of the Jackson Park Drainage Project, but the property owner does not appear to wish to move the topic forward, nor is there a reason for the City to move the topic forward. He stated the opposing party will eventually set the matter for hearing and it will be resolved. He requested direction on whether he should pursue the matter or wait until the opposing party is ready to move forward. It was consensus of Commission to put the matter on hold, as the project has been completed.

6. MERITAIN HEALTH AMENDMENT (J. Freeman)

(TAB 6)

Approval of Performance Level Guarantees Amendment to Administrative Services Agreement with Meritain Health regarding Stop-Loss Claims Administration.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute Meritain Health Amendment Performance Level Guarantees. Commissioner Williams was absent for the vote.

7. 1st READ & ADVERTISING APPROVAL: ORDINANCE NO. 09-991

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A GENERAL DEVELOPMENT PLAN FOR THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (GDP 04-403 GDP-II, Holy Cross Manor II/Diocese of Venice, 520 26th St. W., approximately 4.01 acres).

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve Ordinance No. 09-991 for advertising and schedule a public hearing May 4, 2009.

8. COBAN PROJECT UPDATE

Geoff Campbell, IT Department, updated Commission on the status of the Coban Project. Officer Burns reported on the success of the unit installed in his patrol car. Mr. Freeman announced that Officer Burns' car was still available for Commission to see the video unit.

Mayor Bryant recessed the April 20, 2009 City Commission meeting at 8:20 pm to open the CRA Board meeting.

Mayor Bryant reconvened the meeting at 9:00 pm.

9. DEPARTMENT HEADS' COMMENTS

Tom McCollum

The P&Z Board will hold workshops on April 30, May 7 and 14, 2009 at 6:00 pm to review the Comp Plan, after which the public hearing with the P&Z Board will be scheduled. He also stated

the P&Z Board was honored by Commission's request for a joint meeting. Mr. Freeman was instructed to obtain dates when Commissioners would be available for the joint meeting.

Allen Tusing

The contract with Cintas, the City's uniform supplier, is expiring. Two quotes have been obtained, with Cintas still offering the lowest at \$4.25 per week per employee. The new contract will resize and supply new uniforms for the employees.

MOTION: Commissioner Varnadore moved, Commissioner Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Cintax contract for one year, with two one-year renewal terms with Commission approval.

Jim Freeman

The quarterly budget review meeting is April 27, 2009 from 5 pm to 7 pm.

The Relay for Life event will be held at Palmetto High School beginning Friday night and concluding Saturday.

Chief Lowe

The Citizens Academy will be held tomorrow at 7:00 pm; there are 15 participants and the course will run for seven consecutive weeks.

A cookout is scheduled in Mr. Jones' neighborhood on April 30, 2009 from 6 pm to 8 pm.

Attorney Barnebey

He will be bringing forward a policy for Commission approval regarding the settlement of certain claims by the Risk Manager or City Clerk up to \$10,000, with attorney approval.

10. MAYOR'S REPORT

The County Commission will be discussing Palmetto Elementary at a time certain 9:30 am Tuesday morning. Attorney Barnebey discussed the outstanding issues: 1) the School Board is working to not require the City to trade the parcel at the corner of 7th St. and 10th Ave.; cash payment will be made for the parcel the City acquired north of the current school. 2) Ownership of the land where the ball fields will be built between 17th St. and 23rd St.; who will maintain the fields and who will be responsible for cost overruns. There is question as to whether the same number of fields can be constructed on the proposed location. He stated the agreement will be written to allow some flexibility. Commission discussed the topic, including any proposed costs for the fields, the possible relocation of 23rd St. and the sharing of the maintenance of the fields. Mayor Bryant requested Commission's opinion regarding the transfer of the fields to Manatee County and sharing the costs of the O&M (which they currently provide on the current fields). Discussion also ensued on the impact fees associated; Manatee Fruit is expecting a credit from the City if they donate land to the project. Commission concurred they would not support participating with the county in sharing any of the O&M on the new fields.

Announced she has been invited to participate in a meeting at the county concerning the 7th Street light on April 28, 2009. Chief Lowe opined that if the light is installed, it would probably be on caution.

She has received an email of appreciation from Tropic Isles for Mr. Tusing's fast response to issues.

11. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Inquired about holding a meeting in Ward 1. Commissioner Varnadore suggested meetings should be scheduled in a park in each Ward. She also suggested the topic should be discussed at the department head meeting. Mrs. Lancaster stated she would like the meetings advertised so everyone could attend and that she be informed of the date so she can distribute flyers.

Ms. Cornwell

No comments.

Commissioner Zirkelbach

Stated that he will be asking questions about the Building Department during budget discussions. He also stated he will also want confirmation that all Building Department employees are in that department.

Distributed the Chamber of Commerce 4U Quotes web page and Manatee County's vendor registration forms from their website. He stated the City could do the same type of posting.

Mr. Williams

Requested that maps are always included in the agenda.

Inquired the status of the cell phones. Mr. Freeman stated staff has met with Sprint and there has been discussion on meeting with Verizon. The topic will be brought back as soon as all the data is gathered.

Mrs. Varnadore

Inquired if the City has experienced any home invasions like other parts of the county. Chief Lowe confirmed there have been no incidents. Suggested PD could offer safety tips to residents for inclusion in the water bills or as flyers.

Mrs. Lancaster inquired if the mobile home park residents have been advised of the best way to leave their homes when they go back north. Chief Lowe confirmed his department has completed the task.

Meeting adjourned at 9:45 pm.

Minutes approved:

James R. Freeman
City Clerk