

**REVISED AGENDA
PALMETTO CITY COMMISSION
AND
COMMUNITY REDEVELOPMENT AGENCY
SEPTEMBER 14, 2009 - 7:00 PM**

*PLEDGE OF PUBLIC CONDUCT
We may disagree, but we will be respectful to one another.
We will direct all comments to issues.
We will avoid personal attacks.*

516 8th Avenue West
Palmetto, Florida 34221

(941) 723-4570
<http://www.palmettofl.org>

Shirley Groover Bryant, Mayor

Commission Members

**Brian Williams, Vice Mayor, Commissioner, Ward 3
Alan Zirkelbach, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2**

Anyone wishing to speak before the City Commission or the CRA Board must sign in and be sworn-in prior to the meeting, stating name, address and topic to be addressed. All comments will be limited to two minutes.

Invocation, followed by the Pledge of Allegiance.

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

Public Comment (non-agenda items): Comments will be limited to two minutes.

CITY COMMISSION MEETING ORDER OF BUSINESS

1. CITY COMMISSION AGENDA APPROVAL

Action Request: Motion to approve the September 14, 2009 7:00 PM Agenda.

2. CITY COMMISSION CONSENT AGENDA

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| A) Minutes: August 17, 18, 24, 31, September 1, 2009 | (TAB 1) |
| B) August Check Register | (TAB 2) |
| C) Kirk Pinkerton Special Litigation | (TAB 3) |
| D) Special Function Permits: Pongo's Party in the Park
Westbrook Bridal Shower | (TAB 4) |
| D) Progressive American Insurance Property Damage Release Claim 09-2930951 | (TAB 5) |
| E) Corrective Ordinances for Street Vacations | (TAB 6) |

Action Request: Motion to approve the September 14, 2009 Consent Agenda.

3. PUBLIC HEARING – TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2010 BUDGET (Mayor Bryant) (TAB 7)

Open public hearing

- o Discuss percentage increase/decrease in proposed tentative millage over rolled-back rate
- o Discuss specific purposes for which ad valorem revenues are being increased/decreased
- o Discuss proposed tentative budget
- o Public Comment

Close public hearing

RESOLUTION NO. 09-34 (to be read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: Motion to adopt Resolution No. 09-34.

RESOLUTION NO. 09-35 (to be read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE TENTATIVE BUDGET FOR FISCAL YEAR 2010; AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: Motion to adopt Resolution No. 09-35.

4. HIDDEN LAKES CELL TOWER (J. Freeman)

A discussion of the proposed Verizon cell tower to be located at Hidden Lake Park. Public comment and input will be accepted.

5. PUBLIC HEARING: TRANSMITTAL OF ORDINANCE NO. 09-995 (T. McCollum) (TAB 8)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 624 (THE CITY OF PALMETTO COMPREHENSIVE PLAN); ADOPTING AMENDMENTS TO THE DEFINITIONS SECTION, FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, HOUSING ELEMENT, SANITARY SEWER ELEMENT, SOLID WASTE ELEMENT, STORMWATER ELEMENT, POTABLE WATER ELEMENT, COASTAL MANAGEMENT ELEMENT, CONSERVATION ELEMENT, PARK, OPEN SPACE, AND RECREATION ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, AND CAPITAL IMPROVEMENT ELEMENT, AND ADDING A PUBLIC SCHOOL FACILITIES ELEMENT TO, THE CITY OF PALMETTO COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Open the public hearing to consider transmittal of Ordinance No. 09-995. Close the public hearing after public comment.

Action Request: Motion to approve and authorize transmittal of Ordinance No. 09-995 to the State of Florida Land Planning Agency.

6. PUBLIC HEARING: ORDINANCE NO. 09-998 (TAB 9)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-175, CONTRIBUTIONS; AMENDING SECTION 22-176, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY BENEFITS; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-186, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-187, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-188, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-189, EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 22-191, FORFEITURE OF PENSION; AMENDING SECTION 22-194, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Reopen the public hearing continued from August 17, 2009.

Action Request: Motion to continue the public hearing to October 19, 2009, at 7:00 p.m. or as soon thereafter as the item may be heard in these chambers.

7. PUBLIC HEARING: ORDINANCE NO. 09-999 (T. McCollum) (TAB 10)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO ADD RECREATION AND AMUSEMENT SERVICES TO THE SCHEDULE OF PERMITTED AND CONDITIONAL USES; PROVIDING STANDARDS FOR USE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Open the public hearing.

Action Request: Motion to approve Ordinance No. 09-999 for a second public hearing September 28, 2009.

8. RESOLUTION NO. 09-36 (J. Freeman) (TAB 11)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING THE MANATEE RIVER FAIR ASSOCIATION'S APPLICATION TO THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR GRANT FUNDING TO CONSTRUCT A NEW AGRICULTURE EDUCATION AND PROMOTION FACILITY AT THE MANATEE COUNTY FAIRGROUNDS.

Action Request: Motion to adopt Resolution No. 09-36.

9. AWARD OF BID AND CONTRACT APPROVAL FOR HEALTH INSURANCE SERVICES (J. Freeman)

The contract with Blue Cross Blue Shield will be provided immediately upon receipt.

Action Request: Motion to award the bid for health insurance services and approve and authorize the Mayor to execute a contract with Blue Cross Blue Shield for a term ending September 30, 2010, in an amount not to exceed \$1.1 million.

10. 23rd STREET ALIGNMENT PROJECT (A. Tusing)

August 17, 2009 7:00 p.m. minutes reflect the presentation Mr. Tusing made on the updated 23rd Street alignment project.

Action Request: **Motion to approve the expenditure of not more than \$700,000 from the net proceeds of \$1,025,498.22 from the sale of property to the School Board of Manatee County, Boys & Girls Club and Just for Girls.**

11. AWARD OF BID: PROPERTY, CASUALTY & LIABILITY INSURANCE (J. Freeman) (TAB 12)

Action Request: **Motion to award the bid for Property, Casualty & Liability Insurance to Florida Municipal Insurance Trust, in an annual premium amount not to exceed \$301,818.**

12. EDENFIELD PROPERTY SITE ASSESSMENT (A. Tusing) (TAB 13)

Work Assignment #1 from PBS&J, City Engineer, for engineering services to the Preparation of Site Assessment Plan for the Edenfield Property.

Action Request: **Motion to approve and authorize the Mayor to executed the PBS&J Work Assignment No. 1, Edenfield Property-Site Assessment, COP Job No. 93-142, in an amount not to exceed \$7,543.**

13. FDOT LOCAL AGENCY PROGRAM AGREEMENT (A. Tusing) (TAB 14)

Resolution No. 09-33 will authorize and approve the participation of the Florida Department of Transportation's funding of the intersection improvement project at 10th Street West and 14th Avenue West.

RESOLUTION NO. 09-33

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN THE INTERSECTION IMPROVEMENT PROJECT AT 10TH STREET WEST AND 14TH AVENUE WEST.

Action Request: **Motion to adopt Resolution No. 09-33.**

14. 1st READ & ADVERTISING APPROVAL-ORDINANCE NO. 09-1000

(Carried forward from 4:00 agenda)

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; PROVIDING FOR CONSISTENT MEASUREMENTS FROM CHURCHES AND SCHOOLS FOR ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: **Motion to approve Ordinance No. 09-1000 for advertising and schedule a public hearing September 28, 2009.**

Recess the City Commission meeting to open the September 14, 2009 CRA Board meeting.

Reconvene the September 14, 2009 City Commission meeting.

15. DEPARTMENT HEADS' COMMENTS

16. MAYOR'S REPORT

17. COMMISSIONERS' COMMENTS

18. PUBLIC COMMENTS FOR CITY COMMISSION

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19. ADJOURNMENT

If any person desires to appeal any decision of the City Commission, the CRA, or of any other Board of the City, that person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Fla. Stat. §286.0105).

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POSTED: SEPTEMBER 10, 2009

REVISED: **SEPTEMBER 11, 2009**

ADDED ITEM #14 – ORDINANCE NO. 09-1000

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POSTED: SEPTEMBER 10, 2009