

TAB 1


DRAFT
PALMETTO CITY COMMISSION
JANUARY 25, 2010 – 4:30 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor (Not voting)
Tamara Cornwell, Vice Mayor
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner (entered at 4:37 pm)
Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 4:32 pm. A moment of silence was observed, followed by the Pledge of Allegiance.

Commission concurred with the Mayor's request to hear item #2 as the first agenda item.

 **2. PROPOSED CHARTER AMENDMENT ORDINANCE**


Chair Ron Witt and Vice Chair Frank Brunner led a review of the proposed Charter amendment ordinance. Mr. Witt stated there were a number of items the Charter Review Committee dealt with, specifically: definitions; the Mayor not being a member of Commission; residency and qualification; employees running for election; when a Vice Mayor would become Mayor. Committee member Bob Rotondo was also present.

The following items were discussed:

Commissioner Qualifications: The residency requirements were established in days vs. months to make the requirement as precise as possible. An individual running for office or serving as a Commissioner or Mayor can only have one permanent residence; if a homestead is declared elsewhere, a person would no longer be considered a legal resident of Palmetto.

Mayor Powers and Duties. The two year term limit was proposed to prevent a departing Mayor the ability to make an appointment beyond the then-current Mayor's term. Attorney Barnebey stated this clause will require ordinance changes, because some board terms are currently longer than two years.

Appointed Officers: Commission concurred to not amend the term expiration date of December 31st following a General Election.

 **Vacancy of Mayor:** In the event a Vice Mayor shall be become Mayor, the proposed language gives a Vice Mayor a ten day period to decline the position. If the Mayor's position is chosen, the position will be filled until the end of the term, and the Commission seat will be vacated. If the Vice Mayor declines the Mayor's position and the term has more than 180 days before expiration, a special election must be held. As the Charter is written now, the Vice Mayor has no option to decline the Mayor's position.

Attorney Barnebey explained what would happen if the Mayor's seat were vacated, as follows:

- The Vice Mayor has ten days to accept or decline the Mayor's seat. If declined, another Vice Mayor could be elected to take the position.

- If a sitting Commissioner accepts the Mayor's position, then the Commission seat can be filled by an appointment from the public for the remainder of the then-current term.
- If none of the sitting Commissioners fill Mayor's position and less than 180 days remain in the current Mayor's term, there is the option to select a resident as Mayor.

Discussion ensued on whether or not a Vice Mayor accepting the Mayor's position temporarily until a special election can be held would retain the right to vote; whether or not a Commissioner could become an acting Mayor until an election could be held; whether or not a Commissioner acting as Mayor for an extended period of time until a special election can be held could have Commissioner powers temporarily revoked.

Mr. Brunner suggested that the Charter Committee may have meant that the 180-day term should apply to the Commission seat, as the Vice Mayor would be elected by the Mayor.

Mr. Brunner opined that under the current Charter, it is automatic that the Vice Mayor would become Mayor and the Commission would be filling a Commissioner's seat.

Attorney Barnebey will research if the voting powers of a Commissioner can temporarily be suspended and how long an acting Mayor position can be held.

Mr. Witt opined that the present language has to change, as there is no option as to how the Mayor's seat will be filled in the event of a permanent vacancy.

Mr. Barnebey clarified when a special election would be necessary to fill a vacant Commission seat.

Amendment Referendum: The language was parroted from Florida Statutes.

Attorney Barnebey stated it is his belief that the Charter can only be changed by referendum as provided by general law. The Charter Review Committee members confirmed it was not the committee's intent to say the Commission could amend the Charter by ordinance. Attorney Barnebey will bring back further defining language.

Interpretation: Attorney Barnebey explained that new ordinances will have to comply with new Charter; existing ordinances will remain in force and effect.

The language referring the Charter back to the Charter Review Committee every five years was not amended.

Commission Meetings; Quorum; Majority Vote: Discussion ensued on how Commission could call a meeting. Attorney Barnebey agreed that a Commissioner could call General Counsel asking for a special meeting, who would then call other Commissioners to obtain a majority vote to hold the meeting. (Practical application: General Counsel would contact the Mayor or Vice Mayor and suggest that a special meeting should be called.) He suggested that this application would be served by having a second Vice Mayor position; Mayor Bryant opined a second Vice Mayor would be helpful.

Appointed Officials: Discussion ensued on the super majority vote required for appointed officials' terms that exceed one year. Also discussed was the Commissioner's right to request and receive information from Appointed Officials. No amendment to the proposed language was made.

Attorney Barnebey confirmed that department heads are city employees.

The topic will be brought back to Commission at the next workshop.



1. RFP FOR THE GREEN BRIDGE BAIT SHOP

Discussion of staff's recommendation to award the RFP for the Green Bridge Bait Shop.

Mr. Tusing stated that the one response to the RFP is proposing that a dock be installed on the water. Staff stated that the CRA's study of the area suggested additional amenities, including the installation of two docks on the waterfront.

Mr. Tusing requested Commission's opinion on installing a dock. Discussion ensued on necessary permits, with Mr. Tusing being instructed to determine if a submerged land lease with the State is necessary, or if not necessary, what type of permit would be necessary.

Potential tenants Race and Jamie Foster stated their proposal is contingent upon the installation of a dock. He stated that if they install the dock, they would expect the City to apply for the permits. He confirmed the dock will be removed if the lease is terminated. He also confirmed he will be responsible for utilities.

Discussion ensued on offering a short term lease for six months at the \$100 per month that was received from the previous tenant. During this time City can pursue the requirements for the City to install the dock. Attorney Barnebey stated the lease can be modified for the short term lease. Commission agreed to the terms of the six month lease. The topic will be brought back to the next workshop.

Meeting adjourned at 6:10 pm.

Minutes approved:

James R. Freeman
City Clerk


DRAFT
PALMETTO CITY COMMISSION
JANUARY 25, 2010 - 7:00 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor (Not voting)
Tamara Cornwell, Vice Mayor
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner
Alan Zirkelbach, Commissioner

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration


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

Moment of Silence, followed by the Pledge of Allegiance.

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

 Public Comment:

Jane Von Hahmann, member of the Mandates Committee of the Manatee School Board, issued invitation for the Commission to attend a Legislative 101 forum Thursday night at Bradenton River High School. She commended the City for an "incredible job" hosting the Manatee County Fair.

 Tony Katsamakias addressed Commission regarding zoning on his property located at 314 8th Ave. W. He stated that because of the zoning and conditions placed in the Conditional Use Permit for the property he has lost a renter that had occupied the building for five years and subsequent rental possibilities have fallen through. Attorney Barnebey informed Commission he has spoken with Tom McCollum regarding the issue. The zoning is CC and the Conditional Use Permit has specific conditions that he has concerns about; the prohibition of auto repair on site and test driving of vehicles on public streets. He recommended that Mr. Katsamakias apply to amend the Conditional Use Permit. Staff will contact Mr. Katsamakias regarding the topic.

 A letter from Willie and Lois Davis commending Brian Williams and Jeff Burton was read into the record.

 Mayor Bryant congratulated Commissioner Zirkelbach as the recipient of the Senator Edgar H. Price, Jr. Humanitarian Award at the MLK Banquet.

 **1. CITY COMMISSION AGENDA APPROVAL**

Mayor Bryant requested that Commission delete item four from the agenda and reverse the order of the topics in item three.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the January 25, 2010 7:00 PM Agenda with the deletion of item 4 and reversal of items 3A and B.

B) Liaison appointments

Mayor Bryant stated that even though it has been the practice in prior years to appoint liaisons to City departments, she questioned if the practice is still necessary because she meets weekly with all the department heads. She voiced her preference to utilize the Commissioners for various projects. Commission did not object to discontinuing liaison appointments.



5. DEP AGREEMENT NO. LP8966 GRANT EXTENSION

State Financial Assistance Agreement, DEP Agreement No. LP8966, was approved by Commission on January 12, 2009. The extension of this grant is for one year, ending January 31, 2011. Mr. Tusing stated the City is nearing completion of the evaluation of line, and now needs to compare what has been discovered to base information. He confirmed the City performs the work and then invoices the FDEP; the project will be completed in this budget year with available funds.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute Amendment No. 1 to the State Financial Assistance Agreement, DEP Agreement No. LP8966 for the Collection System Rehabilitation Program.



6. POLICE DEPARTMENT REACCREDITATION AGREEMENT

Authorization to enter into a Reaccreditation Agreement with the Commission for Florida Law Enforcement Accreditation for the next three-year accreditation cycle. Chief Lowe stated this is a three year continuing contract at a total cost of \$3,025.

Attorney Barnebey stated there are issues with the contract that needs to be resolved; the agreement can be amended without the consent of the City and the contract is with the City rather than with the Police Department.

MOTION: Commissioner Varnadore moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Reaccreditation Agreement with the Commission for Florida Law Enforcement Accreditation, subject to legal review, in an amount not to exceed \$3,025.



7. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

Mr. Burton requested authorization to make application for an Energy Efficiency and Conservation Block Grant and award the costs associated with administering the grant. The grant is \$250,000 in federal stimulus money. He stated the CRA Advisory Board allocated \$10,000 for grant. He informed Commission that this is not a sole source, and that in addition to the one quote received, Angie Brewer & Associates is proposing to write the grant for \$4,200 which will only be due and payable if the City is awarded the grant. 20% of the grant is for administration, which will pay the proposed \$4,200 grant writing fee, if awarded, and the administration can then be bid. Mr. Burton further stated more points are awarded if there is a match, and the CRA is prepared to match the grant dollar-for-dollar.

Discussion ensued on what projects could be undertaken with the grant funds. Mr. Burton suggested the Finance Department could audit the grant, and the private sector could perform the actual work to complete projects.

Discussion also commenced on the requirements contained in the purchasing ordinance. Attorney Barnebey concurred that if an item is less than \$10,000 and is budgeted it is not necessary to acquire Commission approval; however, the Commission is not in the position to authorize a contract at this point because they have not been presented a contract. He

acknowledged he could have a contract ready by the February 1, 2010 Commission meeting, if not sooner.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 4-1 to accept the application to move forward with the Energy Efficiency and Conservation Block Grant, with a contract being presented either January 28, 2010 or February 1, 2010 for final approval and authorize staff to proceed with entering into the contract with Angie Brewer. Commissioner Varnadore voted no.

 **8. SIGN ORDINANCE STATUS UPDATE**

The proposed sign ordinance, which Commissioner Zirkelbach stated was actually created in 2001, is currently being reviewed by Mr. McCollum. It is planned to present the ordinance to Planning and Zoning in February. Mayor Bryant asked that Commission submit their comments to either Mr. McCollum or Attorney Barnebey. Frank Woodard confirmed that public comments had been included into the newer version of the ordinance that was also distributed to Commission.

 **9. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)**

Getting very close to having all documents together for the land exchange. As part of the land swap a survey needs to be done of the 10th Ave extension to obtain the right-of-way description and additional survey work needs to be completed on the perimeter of the Blackstone Park softball fields. Funding is not available for the surveys. While he does not have the exact amount, he stated it could be a total of approximately \$12,000. Attorney Barnebey confirmed he has had no discussion with the School Board regarding funds. Attorney Grimes, representing the land owner, will have the map of the property soon. Mr. Tusing requested that funds from the sale of the property be released to pay for the surveys.

Attorney Barnebey stated that to his knowledge there has been no discussion with the School Board regarding funds. He stated he has spoken with Caleb Grimes regarding receipt of the map. He confirmed the City will need the survey of 10th Ave. Mr. Tusing requested that the Commission approve a release of the funds from the sale of property not to exceed \$20,000.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to authorize Finance to allocate up to \$20,000 of the purchase money from the old Palmetto Elementary site for survey costs related to 10th Ave. and the ball fields.

Mr. Tusing reported he hopes bids will let late by early next week. Once the land swap is completed, the road can then be constructed. He hopes to have the property and surveys taken care of by end of February, after which the project can begin.

Mr. Tusing stated he has not conversed with the Little League recently, other than some correspondence concerning nets in the batting cages, which will have to be coordinated with Manatee County. He confirmed he will chart out a schedule for the project for Commission's next meeting.

The Little League has commented on the safety of the temporary mounds. Manatee County will be contacted about the safety issue.

 **10. DEPARTMENT HEADS' COMMENTS**

Mayor Bryant reported that Mr. Freeman was at FEMA training in Maryland through the end of week.

Chief Lowe
No report

Mr. Tusing
No report

Attorney Barnebey
No report



11. MAYOR'S REPORT

Commented on the project status report that was distributed to Commission. The suspense log was emailed. She reviewed the top priorities currently being worked on and stated that she is adding the Nuisance Abatement ordinance for review. In conjunction to that ordinance's review, the Police Department is helping to set up a neighborhood meeting to establish a Neighborhood Watch.

It was consensus of Commission to order magnetic signs for their automobiles.

Mayor Bryant asked that the Commissioners sitting on boards give a brief report of meetings they attend. She reported that at the MPO meeting it was discussed that the increase in air quality standards will mean that neither Manatee nor Sarasota counties will be in compliance, which further supports the need to "go green" as much as possible.



12. COMMISSIONERS' COMMENTS

Mr. Williams

Stated he has been approached by one person who has purchased a foreclosed home for renovation and has asked if a motor home can be placed behind the home during construction. He suggested the City should look at a way to assist the purchasers trying to improve neighborhoods in such refurbishments. Code Enforcement will be asked to look at the ramifications of allowing such actions in the City's neighborhoods.

Stated that while he voted for the energy block grant application, he felt the presentation was incomplete; He stated he hopes that in the future Commission will get the information sooner and in a more complete form.

Ms. Varnadore
None



Mr. Zirkelbach

Reported on the recent Manasota League of Cities meeting where energy efficiency of cities and things that can be done in addition to street lighting was discussed. He reported Manatee County is the only community invited to participate in training happening in Maryland. He also commented on Manasota's development of a stronger position paper and its attempts to try to get 100% participation for a trip to Tallahassee.

Excited to hear about what's happening with the ball fields.



Ms. Cornwell

Stated she was not notified of the Historic Commission's board meeting; she will get an update.

Reported the fair was a huge success.

Inquired about the mobile home park visits. Ms. Varnadore opined there is a need to also have ward meetings for single-family homes that live outside associations. Ms. Cornwell suggested to

record meetings and put on the web site. Discussion ensued on holding ward meetings prior to showing the Movie in the Park.



Mrs. Lancaster

Thanked Mr. Burton for the tee shirts, stating she preferred handing out the shirts.

Reported that the lady that has come before Commission numerous times regarding noise has informed her she has received a letter from an attorney threatening suit if she calls the police. She stated she has been in the home and the sound is totally different. Mayor Bryant stated staff may have feedback by the next meeting.



Mayor Bryant reported on a meeting with First Baptist Church and Col. Pack from the Historic Center on the portables. She has asked that they look at a short and long-term solution. She inquired if the Historic Commission is interested in pursuing grant funding to purchase the property back from the church. The church has property on 10th Ave. that may be surplus.

Mrs. Lancaster reported the Enterprise Zone is developing a directory of businesses.

Mayor Bryant reported there is a business interested in moving into the City into a 7,000 to 10,000 square foot facility. Mrs. Lancaster reported the tire business has closed.



Mr. Burton

Reported that the CRA cannot do community policing, as it is not in CRA Plan.

Discussed plans to upgrade the billboard. The CRA Advisory can allocate funds to paint the existing advertisement. The CRA Plan contains an Imaging Plan. He would like to allow the local high schools to develop a new advertisement over the next budget year, with Commission selecting the final print. Attorney Barnebey stated a document giving the print to the City would be necessary. The document stating ownership of the billboard has not yet been located. Mr. Burton stated there is also a need to contact the entity currently renting the billboard on City property to remove sign.

Mayor Bryant requested that as Commission sees items needing attention that they email her.

Meeting adjourned at 9:10 pm.

Minutes approved:

James R. Freeman
City Clerk


DRAFT
PALMETTO CITY COMMISSION
WORKSHOP AGENDA
February 1, 2010 – 4:30 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2 (entered at 4:45 pm)
Alan Zirkelbach, Commissioner-at-Large 1
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney
James R. Freeman (entered at 4:50 pm)
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the meeting to order at 4:35 pm, followed by a Moment of Silence and Pledge of Allegiance.

Mayor Bryant informed Commission Commissioner Cornwell has been delayed and has requested that the roundabout be moved to the first place on the agenda. There was no opposition.

 1. HABEN BOULEVARD ROUNDABOUT PRESENTATION

Mr. Tusing narrated a brief video on a working roundabout in California.

Dick Clarke, ZNS Engineering, narrated a slide show presentation designed by a sub-consultant of the firm. The intersection at Haben Blvd. will contain a truck apron to allow large semi trucks ease in navigating the roundabout. Traffic on Haben Blvd. is approximately 10,000 per day. A roundabout can change the level of service from level F to level B.

Concept 1 is the plan currently under design. Traffic going east on Haben Blvd. to Riviera Dunes will have an exclusive right turn lane into the subdivision. The rest of the roundabout will be one lane in and out and will then transition to the two lane road. The plan does not preclude a Phase II, if necessary.

Crosswalks will be installed where there are existing sidewalks to tie into, and are placed far enough out of the roundabout that a vehicle will typically not have to stop in the roundabout.

Mr. Tusing would prefer that single lanes remain the same on all three quadrants rather than a dedicated right turn lane into Riviera Dunes.

Florida Department of Transportation is in charge of the resurfacing of Haben Blvd. He confirmed there is a possibility that the resurfacing will be completed before the City can start construction on the roundabout. Mayor Bryant stated that the City will work with FDOT on the timing of the project, but the City will not risk losing the \$800,000 grant for the resurfacing.

 2. PROPOSED CHARTER AMENDMENT ORDINANCE

Discussion continued from the January 25, 2010 workshop on the proposed ordinance.

Attorney Barnebey confirmed that in the definitions section, City would be identified as City of Palmetto.

Discussion ensued on the topic of a second vice mayor, and the suggestion that the past vice mayor become the second vice mayor. If not applicable, Commission could elect the second vice mayor. It was suggested that a newly elected official could be named as second vice mayor, which prompted comment that experience may be beneficial. It was further suggested that during election years, consideration will have to given to the election of a vice mayor. The topic will be referred back to the Charter Review Committee for further review.

Vacancy of the Mayor: Add language to secure the certainty that appointed officials' terms will expire December 31 with the then-appointing Mayor's term; no appointed officials' term can be extended beyond a departing Mayor's term.

Attorney Barnebey confirmed that appointed officials are designated in Section 2 of the Code of Ordinances. He further opined that the attorney is not an employee of the City.

General Election: Discussed the Commission appointing a person to fill a vacant commission seat vs. holding a special election to fill the seat. The topic was referred back to the committee to recommend a specific time during the term of a Commission seat when special election must be held. It was also recommended that language be added setting the procedures Commission must follow when making an appointment to fill a vacant Commission seat.

Attorney Barnebey was asked to define the Commission's organizational meeting.

Attorney Barnebey confirmed that if the Charter Review Committee is going to be asked to review the questions that have been raised by Commission, the committee will have to be reappointed.

Attorney Barnebey was asked for clarification language regarding an amendment of the Charter.



2. AMENDMENT TO NOTICE REQUIREMENTS

Attorney Barnebey requested authorization to initiate a Code amendment regarding public notice requirements. He recommended that the City's Code should be consistent with Chapter 166, which in 1995 was amended to ten days for public advertising and notice to adjacent property owners. Commission requested that Attorney Barnebey confirm the required distance for mailings of public hearing notices to adjacent property owners.



4. HOUSING UPDATE

Tom McCollum discussed the additional statistical information collected from the Property Appraisers office, who supplied ad valorem assessed value of single family residences in the City.

Mr. McCollum stated that he has still determined that the original finding that the city is in a voluntary period has not changed, and recommended the City Commission authorize receipt of the report; provide for an update in 2012; and update language in the Code so the Planner is not the sole decider of the issue. He reported that he spoken with the past planner regarding the topic, and Bob Schmitt's memory is that the City has been in a voluntary period for some quite time.

Commissioners discussed their individual opinions of the attainable housing issue.

Mr. Freeman opined that the assessed value is typically 75 – 85 percent of market value. He also commented on the Save Our Homes Amendment, which caps the increase of assessed value at 3%. He suggested that some of the homes may have an assessed value that is much lower than the market value. Mr. McCollum agreed, stating that the Census data is stale, thus the recommendation to again look at the topic in 2012.

Attorney Barnebey reiterated that under the current ordinance, Mr. McCollum makes the determination as to a voluntary/mandatory period. He recommended that the ordinance be modified or that Commission could rescind the ordinance. By consensus, Commission acknowledged receipt of the information contained in the 2010 Housing Update.

Commission agreed that the ordinance needs more discussion to consider the one development that fell under the ordinance. Mr. Tusing suggested that because the City is in a voluntary period, the discussion could be postponed until a future date so more pressing priorities can be addressed. Commission agreed to leave the topic on the next workshop to discuss the one development issue.

Meeting adjourned at 6:10

Minutes approved:

James R. Freeman
City Clerk


PALMETTO CITY COMMISSION
FEBRUARY 1, 2010 - 7:00 PM

Elected Officials Present:

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

Staff Present:

Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

 Mayor Bryant called the City Commission and CRA Board meetings to order at 7:00 pm, followed by a Moment of Silence and the Pledge of Allegiance.

Artwork by artist Michael Dowd; Gretchen Leclezio of Palmetto Art Center is responsible for display.

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

Public Comment (non-agenda items): None

 1. CITY COMMISSION AGENDA APPROVAL

Authorization for amendment of the City's public notice requirement was added to the Consent Agenda.

MOTION: Commissioner Lancaster moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the February 1, 2010 7:00 PM Agenda as amended.

 2. CITY COMMISSION CONSENT AGENDA

- A) Special Function Permit: DeSoto Historical Society DeSoto Parades
- B) Authorization for Amendment of Public Notice Requirements

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the February 1, 2010 Consent Agenda.

 3. EDENFIELD PROPERTY PHASE II – SITE ASSEMENT PLAN (A. Tusing)

Authorization to execute PBS&J Work Assignment #1 to implement the FDEP Site Assessment Plan for Edenfield Property. Mr. Tusing stated the Site Assessment Plan has been approved by DEP. Now the City must perform the actual assessment. The cost is less than the original quotes that had been reviewed.

Mr. Tusing opined this is a City responsibility as the City executed the agreements; therefore requires Commission approval. Because the property is located in the CRA district, CRA has allocated \$109,000 for the project. A list of opportunities for uses for the property will be brought to Commission once the assessment and mitigation has been completed. This work is being completed by an approved engineering plan.

The original assessment described arsenic levels above DEP standards, but did not define the plume of contamination. The assessment will identify the contamination plume as well as determine whether or not the pollutants reached the water or water table.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 4-1 to approve and authorize the Mayor to execute PBS&J Change Order #1 to Work Assignment #1 to implement the FDEP Site Assessment Plan for Edenfield Property, in an amount not to exceed \$67,559.21. Commissioner Williams voted no.



4. ANGIE BREWER & ASSOCIATES, L.C. PROPOSAL (J. Burton)

Mr. Burton informed Commission Angie Brewer & Associates, L.C. has withdrawn their proposal to write the \$250,000 Energy Efficiency and Conservation Block Grant, stating the time allowed to write the grant would probably result in the grant not being awarded.

Mayor Bryant stated discussion at a staff level has occurred regarding the possibility of incorporating the wastewater treatment plant into the grant. Some use of the grant funds could reduce the power usage at the plant by 30%. Staff will determine if Veolia's scope of service would allow them to apply for the grant. Mr. Tusing reported they will be meeting tomorrow morning to see if the City can apply for the grant. Mr. Burton stated that if Veolia applies for the grant, it is out of the purview of the CRA.

No action was taken on the Angie Brewer contract.

Mayor Bryant recessed the City Commission meeting at 7:30 to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:25 pm.



5. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mr. Tusing discussed the timeline for the project, stating the end date has not changed. Manatee County must accept what is designed before it can be constructed. Hard numbers will be obtained when bid; an estimated cost is being prepared by someone familiar with this type of project.

Attorney Barnebey described the schedule as aggressive given all the components that must be completed.

6. DEPARTMENT HEADS' COMMENTS



Chief Lowe

Lt. Tyler demonstrated the new taser. Schedule for implementation will be in April or May, classes in March. No credible data shows that the devise alone can contribute to a person's death.

Commented on the distributed 2009 statistics report and 8th Ave. accident report.

Received a letter from Manatee River Fair Association commending the performance of an employee and the gang unit that participated in the fair. Will distribute the UCR tomorrow; crime down 32%.



Jim Freeman

Reported on his recent long term recovery disaster preparedness training in Maryland. He stated there will be follow up on action items that need to be completed in the City.

Reported the McKinney demolition permit is being applied for, but we are waiting until the February 4, 2010 waiting period deadline to begin the demolition. Expect next week will see action on demolition.

Referred to the Ward 1 Phase II, an RFP for administration and grant writing was issued. Hopes to bring back the topic to the February 15, 2010 so a recommendation can be made to move forward so a consultant is in place when the new grant cycle opens in March.

Hidden Lakes cell tower lease will be on the next workshop and will be moved forward to the 7:00 agenda. Noticing went out to property owners for the public meetings.



Allen Tusing

Preconstruction meeting for 10th St & 14th Ave. and 10th St. resurfacing projects has been held. Contractor will be on site by next Monday.

A Site Assessment Plan for the Police Department is being required by FDEP. Ideas from the consultant may be very inexpensive. The topic will come back at a future meeting.



Attorney Barnebey

Referred to the Commission on Police Accreditation agreement that was approved subject to legal review. He reported his issues with the contract had been addressed, with the exception of two that now need Commission approval: 1) Venue for challenges will still be in Orange County and 2) the entity's broad ability to make changes to the agreement without City consent. Attorney Barnebey stated the staff member he spoke with indicated that in the last 13 years only one change has been made to the contract, which was the elimination of indemnification. He further stated that within the sections of contract there may be a way to cancel it. He instructed Commission that if there is a concern with the contract, a motion to reconsider should be made, otherwise, he recommended the Mayor may execute the contract.

7. MAYOR'S REPORT

None



8. COMMISSIONERS' COMMENTS

Mr. Williams

Referring to the Housing Update, he commented on the building permits. He suggested that department be looked at during the six-month budget review. Mr. Tusing stated he is looking at alternatives.

Ms. Varnadore

None

Mr. Zirkelbach

Thanked Mr. Tusing for ball fields update; good to see how the project is staying on track.

Ms. Cornwell

None

Mrs. Lancaster

Inquired if anything has been heard about the noise. She stated that Mr. Presha commented on the noise when doors opened. Chief Lowe stated the site will be hiring off duty police for security. Mrs. Lancaster reported Mr. Presha owns the property and told the business to keep the door shut.

Chief Lowe inquired if someone had authorized a noise exemption for the Liberty Tax advertisers. No exemption has been issued.

Meeting adjourned at 9:55 pm.

Minutes approved:

James R. Freeman, City Clerk
City Clerk