

TAB 2

KIRK • PINKERTON

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE 941•364•2400

FACSIMILE 941•364•2490

RECEIVED

JUN 08 2010

CITY HALL

June 07, 2010

City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 32645

Matter Producer: MPB

Client ID: 021733

City of Palmetto/ Palmetto CRA S/TKaren Raimer and Mark Alkire

Invoice # 107543

Federal ID # 65-0295310

For Professional Services Rendered:

04/19/2010	SAJ	Prepare correspondence to Dr. Alkire and Ms. Raimer regarding withdrawal of offer; Work session with Mark Barnebey.	1.20 hr	\$240.00
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Total Professional Services: \$240.00

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
SAJ	\$200.00	1.20	\$240.00

For Professional Services: 1.20 Hours \$240.00

New Charges this Invoice: \$240.00

Previous Balance: \$1,020.00

Less Payment and Credits Received: \$1,020.00

Outstanding Balance: \$0.00

Plus New Charges this Invoice: \$240.00

Total Due: \$240.00

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JUN 08 2010
CITY HALL

June 07, 2010

City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 32629

Matter Producer: MPB

Client ID: 021733

City of Palmetto / vs. George Lagassee, Jr (demolition)

Invoice # 107550

Federal ID # 65-0295310

For Professional Services Rendered:

04/12/2010	MPB	Check on status.	0.10 hr	\$22.50
Total Professional Services:				\$22.50

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
MPB	\$225.00	0.10	\$22.50

For Professional Services: 0.10 Hours \$22.50

New Charges this Invoice: \$22.50

Previous Balance: \$22.50

Less Payment and Credits Received: \$22.50

Outstanding Balance: \$0.00

Plus New Charges this Invoice: \$22.50

Total Due: \$22.50

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RECEIVED
JUN 08 2010
CITY HALL

June 07, 2010

City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 31662

Matter Producer: MPB

Client ID: 021733

City of Palmetto/ Jarvis Foreclosure

Invoice # 107552

Federal ID # 65-0295310

For Professional Services Rendered:

04/12/2010	MPB	Check on status.	0.10 hr	\$22.50
04/19/2010	BWH	Review confirmation bankruptcy;	0.20 hr	\$45.00
			Total Professional Services:	\$67.50

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
MPB	\$225.00	0.10	\$22.50
BWH	\$225.00	0.20	\$45.00

For Professional Services: 0.30 Hours \$67.50

New Charges this Invoice: \$67.50

Previous Balance: \$45.00

Less Payment and Credits Received: \$45.00

Outstanding Balance: \$0.00

Plus New Charges this Invoice: \$67.50

Total Due: \$67.50

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FACSIMILE 941•364•2490

RECEIVED
JUN 08 2010
CITY HALL

June 07, 2010

City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 31636

Matter Producer: MPB

Client ID: 021733

City of Palmetto/ Heagarty Inc vs.

Invoice # 107553

Federal ID # 65-0295310

For Professional Services Rendered:

04/12/2010	MPB	Check on status.	0.10 hr	\$22.50
Total Professional Services:				\$22.50

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
MPB	\$225.00	0.10	\$22.50

For Professional Services: 0.10 Hours \$22.50

New Charges this Invoice: \$22.50

Previous Balance: \$562.50

Less Payment and Credits Received: \$562.50

Outstanding Balance: \$0.00

Plus New Charges this Invoice: \$22.50

Total Due: \$22.50

KIRK • PINKERTON

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE 941 • 364 • 2400

FACSIMILE 941 • 364 • 2490

RECEIVED
JUN 08 2010
CITY HALL

June 07, 2010

City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 32438

Matter Producer: MPB

Client ID: 021733

City of Palmetto/ vs. Genesis Development Partners, LLC -Lien

Invoice # 107558

Federal ID # 65-0295310

For Professional Services Rendered:

04/01/2010	KLZ	Scan and e-file Complaint;	1.00 hr	\$95.00
04/12/2010	MPB	Check on status.	0.20 hr	\$45.00
04/21/2010	BWH	Telephone conference with Eric Garfinkle;	0.20 hr	\$45.00
04/22/2010	BWH	Telephone conference with Attorney Eric Garfinkle re: lawsuit; e-mail to J. Freeman re: payoff amount;	0.40 hr	\$90.00
04/28/2010	BWH	Send follow-up on payoff letter;	0.10 hr	\$22.50
04/29/2010	BWH	Dictate letter re: outstanding lien to attorney Eric Garfield;	0.30 hr	\$67.50
05/17/2010	BWH	Telephone conference with Attorney Gregg McClosky re: settlement;	0.30 hr	\$67.50
05/18/2010	BWH	Review and respond to e-mail from Gregg McClosky, Esq.; draft e-mail to Cheryl Miller;	0.50 hr	\$112.50
05/24/2010	BWH	Review and respond to e-mail from Cheryl Miller re: settlement proposal; dictate e-mail to attorney;	0.30 hr	\$67.50
05/25/2010	BWH	Dictate letter to Attorney Gregg McClosky re: formal offer to settle;	0.30 hr	\$67.50
			Total Professional Services:	\$680.00

For Disbursements Incurred:

04/01/2010	Check # 85273	Clerk Of Court; Disbursement for filing fee	\$430.00	
05/06/2010	Check # 85563	Here Comes the Judge; Disbursement for service fee	\$55.00	
05/10/2010	Check # 85576	Here Comes the Judge; Disbursement for service fee	\$105.00	
05/17/2010	Check # 85637	Chicago Title; Disbursement for title search	\$350.00	
			Total Disbursements Incurred:	\$940.00

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June 07, 2010

Matter ID: 32438

Invoice # 107558

Federal ID # 65-0295310

INVOICE SUMMARY

<u>Producer</u>	<u>Rate</u>	<u>Hours</u>	<u>Amount</u>
MPB	\$225.00	0.20	\$45.00
KLZ	\$95.00	1.00	\$95.00
BWH	\$225.00	2.40	\$540.00

For Professional Services: 3.60 Hours \$680.00

For Disbursements Incurred: \$940.00

New Charges this Invoice: \$1,620.00

Previous Balance: \$458.50

Less Payment and Credits Received: \$458.50

Outstanding Balance: \$0.00

Plus New Charges this Invoice: \$1,620.00

Total Due: \$1,620.00

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June 07, 2010

City of Palmetto
P O BOX 1209
Palmetto, FL 34220

INVOICE

Matter ID: 32439

Matter Producer: MPB

Client ID: 021733

City of Palmetto/ vs. Kathryn L McKinney-Lien

Invoice # 107559

Federal ID # 65-0295310

For Disbursements Incurred:

04/12/2010	Check # 85329 Old Republic Title Sarasota; Disbursement for title search	\$20.00
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Total Disbursements Incurred:	\$20.00
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For Disbursements Incurred:	\$20.00
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New Charges this Invoice:	\$20.00
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Previous Balance:	\$325.00
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Less Payment and Credits Received:	\$325.00
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Outstanding Balance:	\$0.00
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Plus New Charges this Invoice:	\$20.00
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Total Due:	\$20.00
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Consent Agenda

Item 2c

Revised Agenda



City of Palmetto Agenda Item

Meeting Date

6/21/10

Presenter: Allen Tusing

Department: Public Works/Planning

Title:
Lincoln Park proposed Splash Park

Background:
On May 19, 2008 county personnel presented proposed Lincoln Park upgrades that were to be funded from a CDBG grant obtained by Manatee County. A copy of the planned amenities included in the meeting agenda packet is attached, together with minutes from the Commission workshop meeting. During the discussion, Commission inquired if plans for a splash park were being considered.

Issue:
Manatee County is now prepared to move forward with a new Splash Park at Lincoln Park. While this is solely a county project, Lincoln Park is zoned PU; therefore, development approval is required by City Commission.

This matter does not require P&Z Board review, although it would have been presented for informational purposes at the P&Z meeting that was rescheduled for Palmetto night at the Marauders game. The P&Z members were provided the agenda package and there were no comments.

DRC reviewed the project, making several comments regarding the plan. Ugarte & Associates has confirmed that Manatee County will incorporate the DRC recommendations into the plan.

Staff seeks Commission approval of the proposed Splash Park at Lincoln Park as presented.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

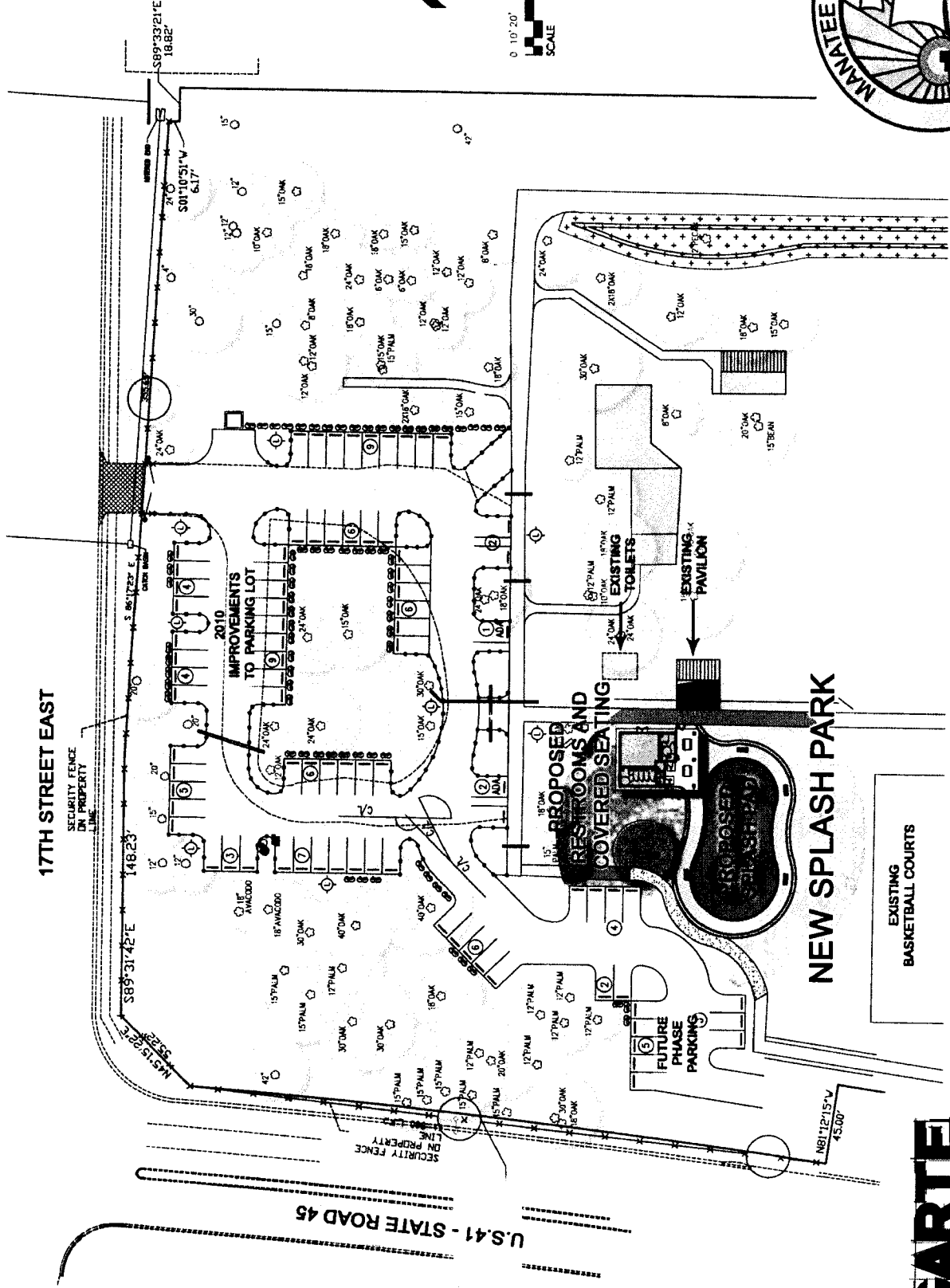
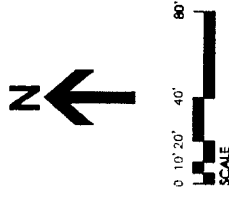
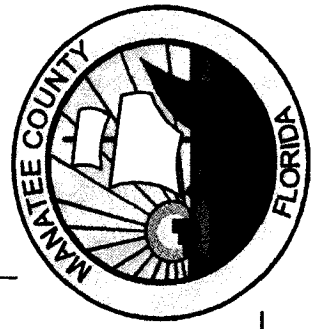
Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested: Motion to approve the plans for the new Lincoln Park Splash Park, as presented

Staff Contact: Allen Tusing

Attachments: May 19, 2008 minutes and agenda packet material; DRC comments; Manatee County graphic of proposed Splash Park



MANATEE COUNTY LINCOLN SPLASH PARK

UGARTE & ASSOCIATES, INC.
 ARCHITECTURE | PLANNING
 434 9TH AVENUE WEST • PALMETTO, FLORIDA 34221
 P: (941) 729-5871 • F: (941) 729-5872
 www.ugartearchitecture.com

City of Palmetto
Development Review Committee
Meeting Minutes
June 9, 2010

PRESENT

Allen Tusing, Public Works Director
Frank Woodard, Deputy Director of Engineering
Duane Kinn, Deputy Director of Operations
Ron Cales, Fire Marshall
Tom McCollum, Interim City Planner
Jeb Mulock, ZNS Engineering
Bryce Cummings, Building Inspector
Linda Butler, Planning Tech

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. **Discussion**

- a. Splash Park, Lincoln Community Park, Ugarte & Associates.

The splash park will be located at the corner of 17th St & US 41, Lincoln Community Park. Highlights of the proposed plan:

- ✓ Security fence
 - ✓ Revised and improved parking
 - ✓ Rinse shower
 - ✓ New fence enclosure around splash pad
 - ✓ New toilets and pump room
 - ✓ New covered benches
 - ✓ New bench seating
 - ✓ New 8' wide concrete sidewalk
- Mr. McCollum suggested an additional handicap parking space
 - Mr. Cales requested installing or designating an entrance to be used for medical emergency only
 - Mr. Mulock stated the plan needs to show the backwash system
 - The question arose regarding the park being served by central liftstation. Mr. Ugarte stated he has not been able to

locate that information.

- Proposed park will be lighted, with the lights directed away from the highway
- Manatee County presented the proposed plan to the City Commission, and was endorsed
- The proposed park will be open 6 days a week, 4 hours a day

b. Verizon Wireless Communication Towers, Laura Belflower

Verizon Wireless has gone before the City Commission to lease the property located at 1712 12th Street West, Hidden Lake Park with the intent to place a communication towers on the site. Highlights of the proposed plan:

- ✓ The location is an existing park and recreation use
 - ✓ Water and sewer is not needed
 - ✓ The tower will be unmanned
 - ✓ Proposed tower will comply with all applicable F.A.A. and F.C.C. regulation and requirement
 - ✓ The existing zoning is P (public)
 - ✓ Tower shall not interfere with normal radio and television reception in the vicinity
-
- DRC members reviewed the plans presented
 - Mr. McCollum raised the question regarding flag height and size. Mr. Tusing suggested the flag sizes that will be acceptable. If the pole is 90 to 100 feet, the flag should be 20x30 or 20x38 feet.
 - Ms. Belflower stated arrangements can be made to allow the City to have access to the flag for the purpose of raising and lowering it.
 - Ms Belflower stated Verizon will maintain landscaping
 - Mr. McCollum informed Ms. Belflower that he will consult with the attorney and find out the next step in the process and notify her.

3. UPDATE: MANATEE COUNTY AREA TRANSIT FACILITY (B. Schmitt)

MCAT representatives will update Commission on the revised plan for the bus transit facility. Additional retention was needed, resulting in the reduction of parking spaces from eleven to five.

Mr. Schmitt reminded Commission that this plan had been previously presented to Commission on January 22, 2008. The plan has since been modified due to the need for additional storm water. The proposed bus facility is located at 1802 8th Avenue West. This was presented as a park and ride facility. The modification reduces the actual number of parking spaces from eleven to five. Mr. Schmitt asked MCAT to come to City Commission and explain why the change was needed.

Ralf Heseler, MCAT, informed Commission that when FDOT gave MCAT the grant money to purchase the property for the transit center, the hope was always to have a park and ride facility on the property, or near the property. During the permitting and approval phase, FDOT came back and said the requirements for the drainage had changed, and therefore the pond site would have to be larger. The only way to correct that was to remove some of the parking spaces, or move the building further to the east which would be too close to the adjoining neighborhood. He is already looking for other properties to add other park and ride opportunities in this area.

Mark Buler, Jetson and Group Engineering, clarified that the reduction is actually eleven parking spaces to six. SWFWMD issued a permit for the plan as presented originally; however, FDOT's criteria is more restrictive. To answer Mr. Williams's question, he said the swale is an existing swale and cannot be used for storm water management. This site is only 7/10 of an acre and FDOT's criteria increased the requirements of the site by 200 percent.

Again, Mr. Heseler stated he is looking for nearby or adjacent properties and reiterated that the original plan did not call for a park and ride, only for a transit center.

Commissioner Cornwell inquired about shared storm water management with surrounding areas. Mr. Lukowiak said he will check with the County to see if there is an oversized pond that would hold the storm water from this site.

Mr. Buler said he has been in contact with the County, and he will be meeting with FDOT tomorrow to address the hardship the requirements place on the site. He noted that 50 percent of the area is impervious and that is the problem.

Mrs. Lancaster asked for clarification on the parking spaces. Mr. Heseler said there are six spaces: four regular parking, one handicapped and one employee space.

Mr. Heseler said he will apply for a grant for park and ride money from FDOT in the coming fiscal year. He is hoping to get priority because of the last minute change of requirements on this property.

4. DISCUSSION: LINCOLN PARK UPGRADES (B. Schmitt)

Staff will review Manatee County's proposed improvements to Lincoln Park.

Mr. Schmitt introduced Tom Yarger, Manatee County Property Management Department. Regarding the proposed improvements to Lincoln Park, he said they do not require site plan approval, but he asked Mr. Yarger to give Commission a presentation to describe the improvements.

CDBG grant money has become available. A list of the planned amenities is included in the agenda packet. There is a deadline of June 25, 2008, to spend the grant money, and although the County may not meet the deadline, it plans to continue with the amenities as money becomes available. In future years, the size of the restrooms will be increased. Mr. Schmitt remarked that although none of the current amenities requires approval, the City would like to see the parking lot plans to make sure the circulation is acceptable for police vehicles. Mr. Yarger agreed. He reported that he has a SWFWMD permit that allows for all the current improvements, as well as for the restrooms in the future.

Mr. Yarger said the plans also call for resodding of the soccer fields sometime after June 1, 2008.

Commissioner Williams asked about plans for a splash pool. Mr. Yarger said it has been discussed, but it doesn't look like there will be enough money until 2010 for a splash pool to be considered.

At this time there is \$193,000 available, and the planned amenities total \$220,000. He said some amenities may have to be cut, but he expects additional money to become available next year. The plans are to continue to enhance Lincoln Park.

Commissioner Williams said there is only one restroom, and he feels the restroom should be a priority. Mr. Yarger agreed, but he said the time constraints for use of the money and the time it would take for permitting preclude that. When asked about a modular restroom, Mr. Yarger said the intent is to expand the existing restroom facility because all the utilities are there.

5. DISCUSSION: EMPLOYEE BACKGROUND CHECKS (M. Hall/J. Freeman)

Discussion to update Commission on the status of the employee background check topic.

Attorney Hall provided a memorandum to Commission regarding criminal background checks on City employees. The memo is included in the agenda packet. Two things not included in the agenda that she wished to point out to Commission were Florida Statutes 112.011 and 166.0442. Based on those statutes, it is her opinion that the City would be on solid ground if it performed checks for certain positions that put the public at risk; citywide may be a different story.

Mrs. Hall introduced Wendy Smith, an attorney with a national firm specializing in labor and employment law. Ms. Smith resides in Palmetto. Attorney Hall informed Ms. Smith that the City is considering adopting an ordinance to require criminal background screens on employees, whether or not they consented on their initial applications, as a condition of continuing employment with the City. Ms. Smith said she saw no problem with that.

Ms. Smith said the City has a compelling interest to protect the public. With the workplace the way it is today, we must give up perceived invasiveness due to violence in the workplace and the Lunsford Law. The City must limit its potential liability. Assuming a conviction were found on an employee's screening, criteria could be established to determine if it has a rational relationship to the employee's position; how long ago did the conviction occur and how serious was the offense. This could be used to determine if there is any future liability to the City in continuing employment. Mayor Bustle was concerned about making value judgments. Ms. Smith said it is possible to come up with some criteria that is not subjective. In reply to Mrs. Lancaster's comments about long term employees, Ms. Smith said what happens to a long term employee who is convicted of something while they're still employed. If that employee were grandfathered in and gets in serious trouble, how do you deal with that circumstance? Would the City be liable for negligent retention? She said employees do have post-termination rights and the impact would have to be considered before proceeding with the background check on existing employees.

A lengthy discussion ensued. Ms. Smith's focus was on potential liability and negligent retention. She opined that doing nothing is not the right thing, and the City should begin with safety sensitive positions. She reiterated that it is about limiting liability, because the world is different now.

Commissioner Williams asked if the labor firm could help the City. Attorney Hall replied, definitely. Ms. Smith said her firm, Fisher and Phillips, represents employers in the public sector and this is the only type of law they practice. Commissioner Williams remarked that he is in favor of moving forward with the background checks.

Commissioner Cornwell reviewed some of the employment applications the City has used over the years. She asked what the City would do if the employee committed a crime after the background check. Ms. Smith said she has several clients that require the employees to self-identify if they are convicted of a crime, because if there is media attention the entity needs to know about it in advance. Some employers require rechecks every five to seven years.

Commissioner Varnadore commented that she supports screening the 50 percent of employees who have not yet been screened. Background checks are needed to protect the public. She supports an ordinance and spending the money to proceed with the background checks.

Point Paper
Lincoln Park Improvements
Southeast Corner 17th Street and US 41
Palmetto, Florida

Background:

Lincoln Park is located within the City limits, but is maintained by Manatee County. Grant money has been made available to Manatee County for improvements to Lincoln Park. Under the terms of the grant, the improvements must be completed by July 1, 2008. Improvements include the construction of a new picnic pavilion and restrooms, stabilizing the base of the parking lot, replacing the playground equipment, and re-sodding the playfields. These limited improvements do not require site plan approval. Only building permits are necessary for the construction of the vertical improvements. As such, Planning staff has requested Manatee County representatives to give the City Commission a brief presentation describing the proposed improvements.

Staff Recommendation:

Staff recommends discussion of the proposed improvements with Manatee County staff.

Budget Impact:

None

Information needed for May 19th meeting.

Include this as an attachment to the Lincoln Park point paper.

From: Tom.Yarger@mymanatee.org [mailto:Tom.Yarger@mymanatee.org]
Sent: Friday, May 09, 2008 2:29 PM
To: Bob Schmitt
Cc: Mike.Sosadeeter@mymanatee.org
Subject: Re: Lincoln Park

Bob,

The planned amenities are:

Picnic Pavilion, 24' x 24'

Picnic Pavilion 24' x 36'

ADA Playground structure to replace the existing structure, in the same general area

Paving the parking lot (SWFWMD approval granted)

Entrance gate

Entrance Sign

Bollards and wheel stops to delineate parking spaces

6' high PVC Fencing at the rear of the existing restrooms (to replace the chain link fencing)

4' black vinyl coated chain link fencing around the new playground area

Park amenities including trash cans, benches and picnic tables

Security lighting at the east side of the park.

Bob, funding is available however, I am not sure how much of this we can complete in the short time we were given. I spoke with Cheri Coryea, Neighborhood Services, regarding funding availability after the deadline. She stated that there may continue to be CDBG funding available after July 1. If there is, we will continue to complete outstanding portions of the project.

The plan will not be ready until later in the week.

Sorry,

Tom Yarger, PMP,
Construction Services Projects Supervisor
Property Management Dept.
1112 Manatee Ave., Suite 803
Bradenton, FL 34205
(941) 749-3003, or ext. 3003
Facsimile # (941) 742-5880
Cell # (941) 737-9674

5/12/2008