

TAB 1

DRAFT
CITY COMMISSION WORKSHOP MEETING
September 20, 2010
5:50 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

Elected Officials Absent:

Alan Zirkelbach, Commissioner-at-Large 1

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 5:50 p.m.

LAND CONTRACTS RELATED TO THE BALL FIELDS AND 23RD STREET REALIGNMENT

Attorney Barnebey mentioned the meetings that have been held between the City, Manatee County, the School Board and property owner regarding this project. Contract negotiations have resulted in the Dedication Agreement Between the City of Palmetto and Manatee Fruit Company and an Agreement Regarding the Transfer of Lands and Construction and Operation of Park Facilities Among Manatee Fruit Company, Inc., Manatee County, the City of Palmetto, and the School Board of Manatee County, that are the subject of this meeting. Attorney Barnebey stated that the agreements are tentatively scheduled to be considered by the City and School Board on September 27, 2010 and Manatee County on October 7, 2010, if no major issues are outstanding after Commission's review of the documents. He stated that he and Michael Hankin, Special Counsel for the City for this project, are legally comfortable with the documents.

Attorney Michael Hankin referred to the discussion sheets that were prepared for both contracts, copies of which are attached hereto and made a part of these minutes. Also attached to these minutes are the agenda item cover sheets for both contracts.

Attorney Hankin confirmed that the pending approval of the Comprehensive Plan Amendment will not delay the closing on the 23rd Street Dedication Agreement, as "non-appealable approval" is not necessary. The second phase of the project is the ball field complex construction, acquisition of the right-of-way for the extension of 10th Avenue, and conveyances of property involving Manatee County, the School Board and Manatee Fruit Company. Non-appealable approval must have been granted on the Comprehensive Plan Amendment to move forward with the second phase agreement.

Attorney Hankin reviewed legal's identified issues, explaining why they had been so noted. Commission offered comments on their concerns regarding the noted issues. Generally, Commission was in support of the agreements.

In the Dedication Agreement for 23rd Street, 5(a) was amended to reflect that closing shall occur earlier of 30 days following satisfaction or waiver of conditions ~~or~~ November 1, 2011.

Commissioner Varnadore requested that the following items be amended in the Transfer of Lands and Construction and Operation of Park Facilities agreement:

1. Modify section 5(c) of the agreement relating to 10th Ave. Commission requested that language be added to clarify that City approval must be granted for the construction of the road by Manatee Fruit Company and that reimbursement would be subject to the availability of City funding. (Attorney Barnebey indicated that Attorney Grimes, representing Manatee Fruit Company, is of the opinion the issue can be resolved before the next Commission meeting.)
2. Strike the language that the Manatee County operation and maintenance of the ball fields is subject to their budget.
3. Attorneys Barnebey and Hankin will revisit the time table for the execution of the transfer agreement, as it involves the other entities' approval and execution. They will determine whether the Mayor should be authorized to sign the document after execution by the final entity involved in the project.

Debra Golden-Gestner, Capital Philanthropy Group, discussed the CDBGED Grant and Road Trust Grant that will be simultaneously submitted to fund this project. She discussed the application, making it clear that the grant is a reimbursement grant.

Karen Windon, Deputy County Administrator, confirmed that Manatee County intends to assume the maintenance operation of the ball field complex, and that they will be maintained as any other park in Manatee County is maintained. She committed to entertain discussion with legal about the suggested language regarding maintenance.

Discussion ensued on what the City faces financially if grants are not awarded. Mayor Bryant acknowledged that there is risk to the City, but stressed that the other entities have verbally committed to assisting the City in seeing the project to completion.

The agreements will be brought to Commission for approval on September 27, 2010.

Discussion ensued on the outstanding budget questions. The CRA budget will be amended to move the combined car and phone allowance of \$6,600 into a salary line item until the appointment of the CRA Director. Mayor Bryant discussed the evaluation process she is developing regarding the salary for the individual department head positions.

The car allowance for the Mayor will be addressed after adoption of the FY2011 budget.

Meeting adjourned at 8:00 p.m.

Minutes approved:

James R. Freeman
City Clerk