

Palmetto City Commission
April 18, 2005 7:00 PM

Elected Officials present:

Larry Bustle, Mayor
Brian Williams, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Staff and others present:

Michele Hall, Attorney
J. E. Free, Jr., City Clerk
Captain Clyde Hedrick
Chris Lukowiak, Public Works Director
Jessica McCann, City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 PM.

Mayor Bustle gave an invocation, followed by the Pledge of Allegiance to the United States Flag.

Public Works Director Chris Lukowiak accepted a Proclamation read by Mayor Bustle recognizing National Public Works Week.

Public Comment: Ruben Valle, owner of El Sombrero, spoke to Commission concerning his efforts to resolve complaints that have been filed against the business.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve the April 18, 2005 7:00 PM agenda.

2. CONSENT AGENDA

- A) Minutes: March 21, 2005 4:00 PM and 7:00 PM Commission meetings
April 4, 2005 4:00 PM and 7:00 PM Commission meetings
April 6, 2005 Special Commission meeting
- B) March Check Register

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Consent Agenda.

3. PUBLIC HEARING - ORDINANCE NO. 05-842

Ordinance No. 05-842 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SMALL SCALE DEVELOPMENT AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP BY REDESIGNATING CERTAIN LANDS FROM IL (INDUSTRIAL LIGHT - COUNTY) TO PD (PLANNED DEVELOPMENT CITY); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (DANIEL DUKE COURTNEY - PA0407, PID # 2580010102, APPROXIMATELY 5.56 ACRES).

There was no public comment during the public hearing.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 05-842.

4. PUBLIC HEARING - ORDINANCE NO. 05-847

Ordinance No. 05-847 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO DESIGNATE THE ZONING OF THE PROPERTIES DESCRIBED IN EXHIBIT "A" AS PD-H (PLANNED DEVELOPMENT-HOUSING); AMENDING THE ZONING MAP OF THE CITY OF PALMETTO PERTAINING TO THE PROPERTIES DESCRIBED HEREIN; RE-APPROVING A CONCEPTUAL PLAN FOR THE PROPERTIES DESCRIBED HEREIN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0501 Manatee Fruit Company. PID #2414000006, 2414520003, 2414500109, and 2414510004, approx. 88.5 acres).

There was no public comment during the public hearing.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 05-847, based on the incorporation of testimony and findings from the previous public hearing on the Conceptual Plan.

5. PUBLIC HEARING - ORDINANCE NO. 05-848

Ordinance No. 05-848 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING A PRELIMINARY PLAT FOR THE PARCEL OF LAND IN THE 1600 BLOCK OF 17TH STREET EAST; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PP05-01 Palmetto Industrial Park, LLC., PID # 2575700059, 2575700109, 2578800001, approx. 10 acres).

There was no public comment during the public hearing.

Discussion: All references to the location of the property were corrected to read the 1600 block of 17th Street East.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 05-848 as amended.

6. PUBLIC HEARING - ORDINANCE NO. 05-846

Ordinance No. 05-846 was read by title.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY CODE OF ORDINANCES TO ESTABLISH A NEW PERSONNEL POLICY; PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL OF PALMETTO CITY ORDINANCES 584, 605, 02-741 AND 02-769; PROVIDING FOR REPEAL OF CITY OF PALMETTO CODE OF ORDINANCES CHAPTER 22, ARTICLES, I, II, AND VI IN THEIR ENTIRETY; PROVIDING FOR INCORPORATION OF THE NEW PERSONNEL POLICY INTO THE CODE OF ORDINANCES BY CREATING A NEW CHAPTER 22, DIVISION I; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

There was no public comment during the public hearing.

Discussion: Effective date of the Policy shall read April 18, 2005.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Ordinance No. 05-846.

7. SOVEREIGN SUBMERGED LAND LEASE AMENDMENT

Prior to 2000 the State of Florida mandated the square footage contained in the City's Sovereign Submerged Lands Lease be amended. The proposed lease will be submitted to the State for approval to conform the lease back to the approved 1981 version, correcting erroneous amendments made in 2000 that were not approved by the Board of Trustees of the Internal Improvement Trust Fund.

Staff will consult the 1981 lease to confirm Exhibit A has been included in the proposed lease in its entirety (issue: whether or not gas docks was specifically listed as structures permitted to be built over sovereign submerged land).

MOTION: Mrs. Lancaster moved, Mr. Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the revised lease agreement for submittal to the Board of Trustees of the Internal Improvement Trust Fund for the State of Florida for approval.

8. POTABLE WATER AGREEMENT

The Manatee County potable water agreement, incorporating language Commission requested at the last review was discussed with John Zimmerman, Manatee County Utility System and Maureen Sikora, an assistant county attorney. They agreed to the following amendments:

- Section 3A - Language amended to have the effective date for the first annual report be for the year ending June 30, 2006, and annually thereafter;
- Section 15 - Language will be added to clarify that the City will install and inspect only the backflow prevention devices attached to the master meters connected to the County's water supply.

Commission made no further amendments to the agreement.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute a new Agreement for the provision of potable water by Manatee County to the City of Palmetto, with amendments as noted.

9. RESOLUTION NO. 05-15

Schedule 5 of the Florida League of Cities Master Lease Program to lease/purchase 11 vehicles contained in the 2004/2005 budget.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC; AUTHORIZING A LEASE OF EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to adopt Resolution No. 05-15.

10. RESOLUTION NO. 05-21

Resolution will establish a budget to fund well monitoring at the Police Department. Commission approved the expense March 21, 2005.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 04-64, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2004-2005, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-21.

11. AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES

Proposed agreement with Fawley Bryant Architects, Inc. to perform a needs and site assessment of Palmetto Elementary School to determine the feasibility of relocating a City Center to the site.

Action Request: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-1 to approve and authorize the Mayor to execute an Agreement for Professional Consulting Services with Fawley Bryant Architects, Inc. in an amount not to exceed \$19,000. Mr. Williams voted no.

12. LEASE APPROVAL – CITY HALL POSTAGE METER

Proposed lease replaces the Pitney Bowes lease for City Hall's postage meter that expires in May 2005.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute a Pitney Bowes Credit Corporation lease in an amount not to exceed \$3,984 for 48 months.

13. MANATEE COUNTY RADIO CONTROLLERS, INC. LEASE AMENDMENT APPROVAL

Topic was discussed at the 4:00 PM Commission workshop meeting. Mayor Bustle assured the Commission that before he executes the lease, insurance will be reviewed by Ron Koper, through Florida League of Cities, to ensure the City is adequately insured.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 3-2 to approve and authorize the Mayor to execute a Lease Amendment to the September 24, 2002 Lease with Manatee County Radio Controllers, Inc., and, upon receipt of the requisite proof of insurance, to provide MCRC with written authorization to sublease a portion of the leased premises to Bradenton Lawn & Fun, Inc. for the purpose of operating a paintball recreation area, contingent upon insurance review by Ron Koper. Ms. Cornwell and Mrs. Lancaster voted no.

14. DEPARTMENT HEADS' COMMENTS

Mr. Free

Advised Commission Dave Rothfuss of the Manatee County administrator's office contacted him several months ago regarding new rail crossings with CSX, as part of a swap program, and he was told the City was interested in removing CSX rail crossing on 8th Avenue. Mr. Rothfuss is seeking Commission's assurance the City wants 8th Avenue on the list. Mayor Bustle stated his opinion CSX should cooperate with the City regarding the fiber optic ring installation and then the City would include the removal of the rail crossing on 8th Avenue. Mrs. Lancaster commented on the tracks running close to 11th Street that seem to need to be repaired.

Attorney Hall

Advised Commission the legal fees are under budget. Ms. Cornwell reported the School Board received three responses to its RFP for in-house counsel, of which only one was a local firm. To prepare for the budget process, a survey of like cities will be made regarding in-house legal services.

15. MAYOR'S REPORT

Thanked everyone who participated in the Great Palmetto Clean-Up. Mr. Lukowiak reported on the success of the multi-cultural picnic held 12:00 to 3:30 PM.

Economic Development Center is sponsoring the Trustee Forum April 21, 2005 beginning at 7:45 AM at the Ross Camp Institute.

A meeting has been scheduled with county staff to discuss outstanding issues.

Commissioner Glass will be meeting with City staff and Rob Roberts, Manatee County Housing Authority to discuss affordable housing. The City is attempting to participate in the Jump Start Coalition to determine what can be done in Palmetto.

The second Growing Pains – Manatee at the Crossroads forum will be held April 28, 2005 at the Civic Center 5:00 to 8:00 PM.

April 19, 2005 at a time certain 1:30 PM, the Board of County Commissioners will discuss Blackstone Park. The issue is the Aquatic Center providing a competition size swimming pool, vs. a 50 meter pool.

16. COMMISSIONERS' COMMENTS

Mrs. Lancaster

There is a meeting scheduled with FPL Tuesday morning at 10:30 AM to discuss the grid.

Complimented Mr. Seger's organization of the clean up event.

Voiced her satisfaction with Attorney Hall's representation of the City.

Mr. Ball

Work has begun on the buildings in the Historic Park.

Ms. Cornwell

Reported she has attempted to contact a history professor at the university regarding a historical mapping of the City cemetery. She will report back to the Commission once she has spoken to the professor.

Requested the surrounding entities be notified of the two day Cinco de Mayo celebration at the Alvarez Restaurant.

Suggested the City should create an ordinance banning paintball activities in undesignated areas.

Reported she would like to attend the Leadership Government conference, at a cost of approximately \$300, if she has no scheduling conflict.

Graffiti is increasing in the City. Discussed the philosophy behind quickly covering the symbols.

Ms. Varnadore

Reported she is receiving complimentary comments regarding the City's restoration project at the cemetery. Inquired who maintains the old cemetery at the corner of 5th Street and 14th Avenue. Stated she would like to see the City begin a project to renew, improve and maintain the cemeteries. Stated she would like to see the City continue the restoration after Mrs. Smith's bequest has been exhausted.

Mr. Lukowiak confirmed the 5th, 6th and 7th Street project may be as close as 45 days to completion.

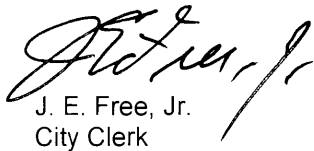
Mr. Williams

Voiced his satisfaction in staff's efforts to resolve outstanding ordinances.

Requested a Commission retreat be considered in conjunction with the Florida League of Cities conference.

Meeting adjourned at 8:40 PM.

Minutes approved: May 2, 2005


J. E. Free, Jr.
City Clerk