

Palmetto City Commission
October 17, 2005 7:00 p.m.

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, City Attorney
Captain Mike Mayer
Chris Lukowiak, Public Works Director
James R. Freeman, City Clerk
Tanya Lukowiak, CRA Executive Director
Ric Hartman, Planning Supervisor/Zoning Administrator
Frank Woodard, Deputy Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:03 p.m. and offered an invocation followed by the Pledge of Allegiance.

Mayor Bustle presented a proclamation declaring Port Manatee Anniversary Awareness Week October 29 – November 2, 2005. Commissioner Jane von Hahmann and Port Director David McDonald accepted the proclamation.

Mayor Bustle presented the Manatee County substance Abuse Coalition's Red Ribbon Proclamation. Accepting the proclamation was Valerie Taylor, Director of Operations, Just for Girls, Inc.

Persons expecting to address City Commission during the meeting were sworn in.

ORDER OF BUSINESS:

1. AGENDA APPROVAL

Commission approved moving item #13 to be considered as item 2A.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve the October 17, 2005 7:00 p.m. agenda as modified.

2. CONSENT AGENDA

- A) Minutes: Commission meetings of October 3, 2005
- B) September Check Register
- C) Special Function Permit: ARC Spay/Neuter Clinic

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve the October 17, 2005 Consent Agenda.

2A. AGREEMENT FOR AUTOMOBILE MAINTENANCE AND REPAIR SERVICES

One year renewal of Bill Lee's Professional Automotive Services, Inc. contract for maintenance and repair of the Police Department's fleet.

MOTION: Mr. Williams moved and Ms. Cornwell seconded to approve and authorize the Mayor to execute the Agreement for Automobile Maintenance and Repair Services with Bill Lee's Professional Automotive Services, Inc. in an amount not to exceed \$55,000.

Discussion: Ms. Varnadore inquired if the one-year extension attached to contract automatically extended the contract for two years. Attorney Hall informed Commission they could renew the contract for either a one-year or two-year term. Captain Mayer stated the Police Department would prefer a two-year term. It was consensus of Commission to renew the contract for a one-year term with an automatic one-year extension period.

Motion on the floor carried 5-0.

3. PUBLIC HEARING – ORDINANCE NO. 05-871

Ordinance No. 05-871 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. The public hearing was closed after no public comment.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 5-0 to adopt Ordinance No. 05-871.

4. 2006 HOLIDAY SCHEDULE

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the 2006 Holiday Schedule.

5. ASSIGNMENT OF LICENSE AND CONCESSION AGREEMENT - GREEN BRIDGE BAIT SHOP (Carried forward from the 4:00 workshop meeting)

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Green Bridge Bait Shop Assignment of License and Concession Agreement.

6. TRANSFER OF RIGHT-OF-WAY FROM MANATEE COUNTY

The City petitioned Manatee County to transfer its right-of-way of the following streets located within City boundaries:

- a) 24th Avenue West, starting at the north right-of-way line of 17th Street West, and running in a northerly direction to the southeasterly right-of-way line of 27th Avenue Boulevard West.
- b) 27th Avenue Boulevard West, starting at the northerly terminus of the 24th Avenue West right-of-way, and running in a northeasterly direction to its terminus.

c) 21st Street West, starting at the west right-of-way line of 14th Avenue West and running in a westerly direction to the southeasterly right-of-way line of 27th Avenue Boulevard West

Approval of the agreement will enable the City to more efficiently address issues such as service and sidewalks.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement between the County of Manatee, Florida, and the City of Palmetto, Florida, for the Transfer of Jurisdiction of Certain Public Roads.

7. RESOLUTION NO. 05-57

Mr. Lukowiak informed Commission Resolution No. 05-57 establishes the budget for Westra Construction Corporation for drainage projects. He confirmed the quoted prices for the projects are secured at the rates approved in the contract.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-57.

Mr. Ball commented on the significant increases in the drainage projects. Mr. Lukowiak informed Commission he is obtaining updated quotes for all approved CIP projects. The updated CIP will be presented to Commission for approval at a subsequent meeting.

Attorney Hall requested permission to return to the Agreement for Automobile Maintenance and Repair Services with Bill Lee's Professional Automotive Services, Inc. agenda item. Attorney Hall referred to the point paper contemplating a one year renewal, which is what is before Commission for consideration. Mr. Williams suggested a two-year term as a way to secure current pricing. Attorney Hall advised Commission may approve the one-year renewal with a one year extension, but Mr. Lee should be advised current prices will prevail for the two-year period. Captain Mayer stated he would speak with Mr. Lee concerning the topic.

8. RESOLUTION NO. 05-58

Mr. Freeman informed Commission Resolution No. 05-58 is a budget amendment for outstanding encumbrances (Carry-Over PO's).

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 05-58.

Mr. Freeman informed Commission staff was in the process of reviewing projects and obtaining new cost estimates. The revised CIP will be presented to Commission at a subsequent meeting.

9. RESOLUTION NO. 05-59

Mr. Lukowiak informed Commission Resolution No. 05-59 establishes the budget for the widening of US 301/US 41 and the signalization of US 301/41 and 7th Street.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 05-51, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2005-2006, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 05-59.

10. RESOLUTION NO. 05-60

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; WITHDRAWING THE CITY OF PALMETTO FROM THE INTERLOCAL AGREEMENT TO CREATE A MANATEE COUNTY TELEVISION CONSORTIUM; PROVIDING FOR WRITTEN NOTICE TO MANATEE COUNTY; SUPERSADING RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 05-60.

11. MANATEE COUNTY RADIO CONTROLLERS

This item brought forward from the 4:00 p.m. Workshop.

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to authorize the City Clerk to send a Notice of Default to Manatee County Radio Controllers, based upon the actions of the sub-lessee, Bradenton Lawn & Fun, Inc. d/b/a Suncoast Paintball.

12. REQUESTED OPERATIONAL & VOLUNTARY COOPERATION AGREEMENT

Chief Lowe requested execution of the annual agreement with Manatee County Sheriff's Office providing a mechanism whereby law enforcement agencies may cross jurisdictional lines.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Requested Operational and Voluntary Cooperation Agreement with Manatee County Sheriff's Office.

13. 1st READING & ADVERTISING APPROVAL – ORDINANCE NO. 05-868 (TAB 13)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY TO THE CITY OF PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Jim Amerson, Palmetto Retail Properties, Inc., AN0503, PID # 242200001 approximately 1.33 AC).

MOTION: Mr. Williams moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance No. 05-868 for advertising and schedule a public hearing November 21, 2005.

15. APPROVAL - REPAIR OF EXISTING DOCK

Mr. Lukowiak informed the Commission the Building Official received an affidavit from the Department of Environmental Protection the City must execute if approval is granted the property owner desiring to repair/replace an existing dock at 4th St. W. and 21st Ave. The affidavit is necessary because the dock is located within 25 feet of the City's right-of-way.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Mayor to execute the DEP affidavit approving repairs to a dock located at 407 21st Ave. W.

The Building Official will monitor the situation to ensure the repairs conform to City ordinances.

16. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

The traffic study the City has commissioned will be coming forward soon.

The quote to replace the D curb with Miami curbing is approximately \$70,000. Mr. Lukowiak will bring the item back to Commission at a future meeting.

Manatee County's water consumption report reflects an overage of approximately 800,000 gallons, resulting in a \$1,200 excessive charge fee. Mr. Lukowiak stated he does not want to pay the \$1,200. He stated every meter is involved on the day the overage occurs, but normal consumption is reported immediately prior to and after the read. Also, the overage occurs only on Saturday to Sunday and Sunday to Monday readings. He opined the readings are not being done properly. He informed Commission he had made arrangements to be notified at the time a reading reflects an overage so the City could also read the meter, but to date that notification has not occurred until a later date when the overage was actually reported. He also informed Commission the meters are to be inspected and calibrated annually. He has requested the inspection materials and has received documentation on only one meter. Attorney Hall suggested placing the overage fee in escrow until the situation has been resolved.

Mr. Freeman

Informed Commission he will be emailing information on the Florida League of Cities City Innovation Showcase program whereby the City can submit programs and projects it has undertaken. The deadline for submission is November 4, 2005.

Captain Mayer

Promotion exams for corporal and sergeant positions will be held October 24, 2005. An interview board comprised of members of surrounding law enforcement agencies will then conduct interviews for those who passed the written examination.

Attorney Hall

Informed Commission that when Edward Conrad, an associate of her firm, works for the City the billing will be at \$150 per hour.

The Fiber Optic conduit agreement has been approved by the School Board.

On the legal services issue, she stated that to her knowledge the law firm has submitted their information. The City Clerk is compiling the necessary data to conclude the issue.

17. MAYOR'S REPORT

Reported he will be leaving Thursday to attend the Leadership Florida conference in Ft. Lauderdale.

Manasota League of Cities' top three legislative priorities are transportation, affordable housing and red tide. They will be submitted to Florida League of Cities for the upcoming legislative session. Mayor Bustle encouraged Commission to consider attending at least one day during the session so they can speak individually with representatives.

18. COMMISSIONERS' COMMENTS

Ms. Cornwell

Reported she will be attending the joint meeting with Manatee County and the School Board schedule for October 18, 2005.

Referred to the memo concerning the one day retreat. Mayor Bustle requested the Commissioners give their top four priorities.

Referring to the October 31, 2005 ACCORD meeting, Mayor Bustle suggested the Commission should attend, as the planners' first report concerning the character and compatibility of the community will be made to the elected officials.

Requested that she be notified when department heads will be out of town.

Mr. Ball

No comments.

Mrs. Lancaster

No comments.

Mr. Williams

Referencing the historical project Palmetto Christian School has undertaken at the yellow fever City cemetery, Ms. Roberts has informed him ground penetrating radar is available at USF, who may be willing to assist Palmetto Christian School for labor costs. Commission concurred Ms. Roberts may coordinate a meeting between USF and Palmetto Christian School. It was suggested Palmetto Historical Commission, Mr. Seger and Mrs. Lukowiak should be included in any meetings to discuss possible grant funding for the project. A presentation on this joint project may be forthcoming.

Inquired how the settlement amount was determined on the Jarvis issue. Attorney Hall stated the amount was lowered to \$5,000 because of the filing difference between the courts. The settlement will be paid the first of November.

Mayor Bustle confirmed the City declined to attend a mediation regarding the Ferdinand issue.


Ms. Varnadore

The Palmetto Historic Commission's Halloween Social is October 28, 2005. The Commission is seeking candy donations and volunteers to work the event.

Inquired how Commission is updated on litigation issues. Attorney Hall advised she can prepare updates as to where an issue is in the process.

Meeting adjourned at 8:02 pm.

Minutes approved: November 7, 2005


James R. Freeman
City Clerk