

Palmetto City Commission
March 6, 2006 7:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Frank Woodard, Deputy Public Works Director
Chief Garry Lowe
Ric Hartman, Planning Supervisor/Zoning Administrator
Tanya Lukowiak, CRA Executive Director
Michele Hall, City Attorney
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:00 pm. He offered an invocation, followed by the Pledge of Allegiance.

Chief Lowe announced the Police Department's Explorer Cadets had recently placed second in the High Risk Warrant Service national competition. Certificates of Achievement were presented to Lindsay Hafer, Kersten Gillum, Daila Santana, Anna Mondragon and Mike Mejea.

Diane Ponder swore individuals planning to address Commission.

There was no public comment on non-agenda items.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried unanimously to approve the March 6, 2006 7:00 pm agenda.

2. CONSENT AGENDA

- A) Attorney Billing through January 31, 2006
- B) Special Function Permits: VFW 2488 Rib Dinner-Blood Drive
20th Annual Kids' Fishing Tournament
Veterans Council Memorial Day Service
Big Brothers/Big Sisters' The Big Race-Keeping Kids on Track

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the March 6, 2006 Consent Agenda.

3. GROWTH & NEEDS STUDY FOR WATER & WASTEWATER SYSTEMS

A) Staff is seeking authorization for JEA to perform a growth and needs study for water and wastewater systems. Carried forward from the 4:00 agenda.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to authorize JEA to perform a growth and needs study for water and wastewater systems in an amount not to exceed \$49,570.

B) RESOLUTION NO. 06-12 (08:30) (

Resolution No. 06-12 establishes the budget for the JEA growth and needs study for water and wastewater systems.

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: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Resolution No. 06-12.

4. WESTRA CONSTRUCTION CORPORATION AGREEMENT FOR OPERATIONS AND MAINTENANCE SERVICES (09:28)

Staff is seeking approval and authorization to enter into a "master" contract with Westra Construction to complete seven specific projects. Item carried forward from the 4:00 agenda.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 4-0 to approve and authorize the Mayor to enter into a contract with Westra Construction Corporation for projects and associated not-to-exceed costs as identified in the proposed schedule, in an amount not to exceed \$1,591,000.

Attorney Hall confirmed Section 6.3 will be deleted from the contract prior to execution.

5. EMPLOYEE SALARY ADJUSTMENT (10:31)

Staff is seeking approval to adjust the salary of the storm water manager so it is commensurate with duties and longevity in the position. Item carried forward from the 4:00 agenda.

MOTION: Mr. Ball moved, Ms. Varnadore seconded and motion carried 4-0 to approve the salary adjustment for the current storm water manager from Grade 112, Step 5 to Grade 112, Step 6, retroactive to the November 28, 2005 anniversary date.

6. DEPARTMENT HEADS' COMMENTS

Mrs. Lukowiak

The LLED Grant monitoring session will be held Wednesday. The grant purchased the Police Department's radios.

Mr. Woodard

Reported the demise of Parks & Rec employee "Bam" LaFitte.

Mr. Freeman

CPA Associates will present the CAFR at the March 20, 2006 Commission meeting.

Florida League of Cities will provide revenue enhancement training March 30, 2006. City Commission was invited to attend the session beginning at 4:00 pm. The final hour will be taped.

Chief Lowe

Reported the Police Department may be on METV and the film will show the apprehension and arrest of a suspect during a burglary. Commission will be provided the date and time of the airing.

Attorney Hall

Staff is developing a necessary proper use for the Olympia Theatre should it be taken by eminent domain.

Staff is still working on the inclusionary housing ordinance, which now contains a lot of new concepts. Staff is proceeding with care to ensure all appropriate data is in place. The ordinance will meet the City's needs, yet allow a reasonable return to builders and developers.

7. MAYOR'S REPORT

Will be in Tallahassee tomorrow to make a statement to the Florida Transportation Commission on behalf of the MPO. He will read his guest editorial published in the two local newspapers concerning additional funding out of the state's non-recurring revenue fund.

Will attend the Florida Leadership Conference Thursday through Saturday.

The trolley tour is scheduled for March 20, 2006. Code Enforcement Director Bill Strollo will narrate the tour.

The retreat for Commission and department heads is scheduled for Saturday, April 22, 2006 at Pirate City beginning at 10:00 am and ending approximately 3:30 pm. Purpose is to take the strengths, weaknesses, opportunities and threats identified at the last retreat and create an application for the good of the City.

Stated he is not ready yet to propose a solution to the legal services issue. Discussed a proposal he is considering, whereby Attorney Hall would be in-house two days a week and Associate Edward Conrad would be in-house two days a week. Consideration will have to be given to how the time Mr. Conrad spends discussing City business with Attorney Hall and her attendance at City meetings is billed, as well as their technology needs.

Discussed his view of the status of the Manatee Players issue:

- CRA Board has agreed in principal to support Manatee Players
- CRA will hire a consultant to determine an expected revenue level over a ten year period
- CRA will assist in the construction cost to a maximum level of \$4 million
- City will own and maintain the building until purchased by Manatee Players
- a joint participation or public/private partnership agreement will provide for Manatee Players' purchase price of the property and building from the City to be based on a sliding scale

Issues to be considered are:

- competition and contract; Manatee Players proposes a project that has already been bid and a project manager selected; researching to ensure the City's interests are protected
- indemnification of the City should Manatee Players not have adequate funds to build the project
- time frame the City faces; bequest of \$1.7 million depends on Manatee Players breaking ground not later than September 2006

Benefits to the City:

- can be a catalyst to make Palmetto a cultural destination
- catalyst for the Waterfront Development Plan
- economic benefits to downtown

Attorney Hall informed Commission she has not performed in-depth research regarding the legality of the project already having been bid. She confirmed the building will not be taxable while owned by the City. There is no date certain as to when the funds must be available, but the Manatee Players has stated their willingness to supply some start up funds. The executive director has identified \$5 million available funds, but they have not been committed at this time.

Attorney Hall opined that coupled with the time frame imposed on the City and the bid issue, there are legal aspects of the project that must be resolved before the City makes any policy decisions or expends any funds.

Mrs. Lukowiak advised Commission CRA hopes to review the joint participation agreement on April 12, 2006, to determine if timing and legal obstacles can be overcome. Burton and Associates is currently developing a revenue projection. Mrs. Lukowiak also discussed the commitments the CRA is currently overseeing. The proposed location is CBI located at 5th Street and 9th Avenue, at a cost of \$840,000; the seller is willing to hold the property for the City in the event Manatee Players does not locate in Palmetto.

8. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Regarding the code enforcement issue at 505 11th St. Dr., reported she has spoken with the owner with no success. Mrs. Lukowiak stated CRA unsuccessfully attempted to get the house into the SHIP program.

Informed Commission Manatee Opportunity Council is facing some very serious issues.

Ms. Cornwell

Spring break begins March 20, 2006.

Requested a map locating all the proposed projects in the City.

Regarding the houses on 24th Avenue, Mr. Lukowiak has visited the site. Ms. Cornwell asked if the Mayor could speak with the owner to see if there is a way the buildings can be enhanced.

Inquired the status of the island restaurant. Attorney Hall reported the agreed upon six months has not yet expired. FDEP has approved the revised sovereign submerged land lease. The revision to the lease allowing the use of the property as a banquet hall has not yet been drafted, as she is awaiting the outcome of a public records request on Mr. Van Der Noord's behalf. Sub-lessee has also requested the City apply for a disclaimer with the state to have ownership of the land lying under the pier, because there are photographs predating the Butler Act showing a land bridge at the site, to which the City had title. Mr. Woodard will report back the status of the required repairs to occupy the building. Mr. Ball reported he has heard there is an event schedule at the site in the near future.

Scheduled completion date for Wal Mart is May 2006. The property is located in the CRA district.

March 17, 2006 is Read Across Florida at local schools. Volunteer readers will be welcome at Palmetto Elementary and Tillman Elementary.

Discussed the presentation at the CRA meeting regarding Riverside Plaza.

Ms. Varnadore

Attorney Hall confirmed she would have to consult the exact wording of the Commission's authorization regarding the approved timeline for the island restaurant property. All involved parties agreed the revision of the sublease authorizing the use of the property as a banquet hall could not be completed until the revised lease was approved by FDEP.

Heritage Day is March 11, 2006 at the Palmetto Historic Park from 10 am to 3 pm.


Mr. Ball

Commented on the Police Department's numerous appearances in the paper. Stated his belief the more people believe the City is theirs and take action to report suspicious incidents, the better the police can do their jobs.

Expressed his gratitude to Mayor Bustle, fellow Commissioners, legal staff and City staff for their courage in developing a leading-edge ordinance concerning inclusionary housing.

Meeting adjourned at 8:05 pm.

Minutes approved: March 20, 2006



James R. Freeman
City Clerk