

Palmetto City Commission
October 16, 2006 7:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner (entered the meeting at 7:08 pm)
Tambra Varnadore, Commissioner
Brian Williams, Commissioner (entered the meeting at 7:08 pm)

Staff and Others Present:

James R. Freeman, City Clerk
Deputy Chief Mike Mayer
Michele Hall, Attorney
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 7:05 pm. A moment of silence for military overseas personnel was observed, followed by the Pledge of Allegiance.

1. AGENDA APPROVAL

The Renaissance Planning Group contract was added to the agenda and the Palmetto Elementary School topic was deleted from the agenda.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 3-0 to approve the October 16, 2006 7:00 PM agenda as amended.

2. CONSENT AGENDA

- A) Minutes of October 2, 2006 Commission meetings
- B) September Check Register

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 3-0 to approve the October 16, 2006 Consent Agenda.

3. PUBLIC HEARING – ORDINANCE NO. 06-890

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE PORTIONS OF THE ZONING OF THE PROPERTY DESCRIBED HEREIN FROM CG (Commercial General) AND GO (General Office) TO CC (Core Commercial); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Owner: Jim Wade PID# 2783100106 and 2782100008).

Mayor Bustle reopened the public hearing continued from October 2, 2006.

Steve Kirk of Design Team West and representing the applicant informed Commission a meeting with staff has been scheduled and requested the item be continued to a future date or tabled until the applicant had better direction on how to proceed. Attorney Hall recommended the item be tabled, as there is no way to determine when it will be ready to be brought back to Commission.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to table the item to a date uncertain.

4. PUBLIC HEARING – ORDINANCE NO. 06-902

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; AMENDING AND RESTATING ORDINANCE NO. 06-886 PERTAINING TO IMPACT FEES; AMENDING CHAPTER 7, ARTICLE IV OF THE CITY OF PALMETTO CODE OF ORDINANCES AUTHORIZING THE IMPOSITION OF IMPACT FEES; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES OF CONSTRUCTION; PROVIDING THAT DEVELOPMENT IS PRESUMED TO HAVE THE MAXIMUM IMPACT PERMITTED; PROVIDING FOR NOTICE AND PUBLIC HEARING FOR ESTABLISHING OR INCREASING IMPACT FEES; PROVIDING FOR THE IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES; PROVIDING FOR IMPACT FEE ACCOUNTS; PROVIDING FOR USE OF IMPACT FEE PROCEEDS; PROVIDING FOR REFUNDS; PROVIDING FOR AUDITS; PROVIDING FOR PROTESTS AND APPEALS; PROVIDING A STATUTE OF LIMITATION; PROVIDING FOR VARIANCES AND EXCEPTIONS; PROVIDING AMENDMENT PROCEDURES; PROVIDING FOR CREDITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INTENT AND PURPOSE FOR IMPOSITION OF GENERAL GOVERNMENT, POLICE, PARKS AND RECREATION, AND ROAD IMPACT FEES; PROVIDING FOR ASSESSMENT OF NEW PROJECTS; PROVIDING A FEE SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. After no public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Ball moved and Mrs. Lancaster seconded to adopt Ordinance No. 06-902.

Discussion: Attorney Hall explained recently adopted Ordinance #06-886 is being amended to include new legislation requiring a period of 90 days after the first advertised date of the ordinance before impact fees could be collected. There is no consequence to the city, as no impact fees have been collected since the July 14, 2006 advertisement date.

Discussion ensued on the legality of adding stormwater impact fees for new construction. Attorney Hall advised there must be a study performed to validate new impact fees.

Motion on the floor carried 5-0.

5. SECOND AMENDMENT TO AGREEMENT OF SUBLEASE

On April 7, 2006, Commission authorized a temporary use of the second floor of the Restaurant Facility at Regatta Pointe as a banquet hall for a six month period ending October 13, 2006. VanDerNoord Partners, LTD is requesting a six-month extension of the temporary use authorization. Mr. Harry VanDerNoord confirmed that all repairs were completed and permits obtained prior to the first extension date.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Second Amendment to Agreement of Sublease to allow for a private banquet hall on the second floor of the Restaurant Facility at Regatta Pointe for a period of six months, ending April 16, 2007.

6. ENGINEERING SERVICES CONTRACT APPROVAL

The City advertised an RFP for Consulting Engineering Services on January 16, 2006. At the April 3, 2006 Commission Meeting, Mr. Lukowiak was authorized to negotiate with eight

engineering firms to serve as consultants. Negotiations have concluded and staff recommends entering into identical Agreements, subject to their individual rate fee schedules, with eight firms. Three of the final four Agreements are being brought forward for Commission's consideration.

Attorney Hall confirmed the change to the contract requiring Commission approval of any renewal has been made. (Later in the discussion it was acknowledged the language under discussion was in fact contained in the contract in the agenda packet.) She also stated her belief Mr. Lukowiak intends to inform Commission when a project begins, but with the approval of the master contracts, approval of each work assignment may be made administratively by Mr. Lukowiak. Attorney Hall reminded Commission they will review the costs of all planned projects when they approve the CIP.

MOTION: Mr. Ball moved and Mr. Williams seconded to approve and authorize the Mayor to execute the Professional Engineering Consulting Services for General Engineering Projects Agreement with:

1. Ghafari Associates, Inc.
2. TBE Group, Inc.
3. ZNS Engineering, LC

Discussion: Mr. Williams voiced concern about circumventing the Competitive Negotiations Act and Commission's inability to make a decision concerning projects. Attorney Hall advised Commission the Competitive Negotiations Act specifically references continuing contracts. She further stated the practice of negotiating and approving more than one vendor for a specific service is a common and acceptable practice, much like maintaining an approved vendor list. Discussion ensued on Commission being taken out of the decision making process unless Commission assigns a dollar amount to each project an administrative approval may not exceed. It was suggested that Commission should be advised before the start of any project of the engineer being used and the required funding, which Mayor Bustle opined Mr. Lukowiak is doing.

Mr. Freeman informed Commission that an update for the currently approved CIP will be presented November 6, 2006.

Motion on the floor carried 5-0.

7. FLORIDA LEAGUE OF MAYORS, INC. MEMBERSHIP APPROVAL

Florida League of Mayors is an organization for mayors, founded and developed by mayors. Staff seeks approval to join the organization and budget authorization for the annual membership dues.

MOTION: Ms. Varnadore moved, Mr. Williams seconded and motion carried 5-0 to approve annual membership dues not to exceed \$260 to the Florida League of Mayors, Inc.

8. APPOINTMENT APPROVAL

Appointment approval is requested to fill the resignation of Rachel Keener from the Planning and Zoning Board.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the appointment of Michael A. G. Burton to fill the vacancy of Rachel Kenner to the Planning & Zoning Board for a term ending January 2008.

9. BANC OF AMERICA MASTER LEASE PROPERTY SCHEDULE #7

September 12, 2006 Commission approved Resolution No. 06-29, authorizing the lease of equipment through the Master Lease, Property Schedule #7. Lease funding previously administered by Banc of America Leasing & Capital is now administered by an affiliate of the company, Banc of America Public Capital Corp. Resolution No. 06-34 corrects Resolution 06-29 approved on September 12, 2006, to reflect the correct name of Banc of America Public Capital Corp. as the company funding Master Lease Property Schedule #7 rather than Banc of America Leasing & Capital.

A) RESOLUTION NO. 06-34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR CORRECTION OF A CLERICAL ERROR IN RESOLUTION NO. 06-29, PERTAINING TO THE MASTER LEASE/PURCHASE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Resolution No. 06-34.

B) RESOLUTION NO. 06-35

Resolution No. 06-35 authorizes Banc of America Public Capital Corp. to reimburse the City the cost of equipment purchased earlier in the year.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE USE OF A PORTION OF THE AMOUNT FINANCED PURSUANT TO THE MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP., EXECUTED IN ACCORDANCE WITH RESOLUTION 06-29, FOR REIMBURSEMENT OF CERTAIN CAPITAL EXPENDITURES ASSOCIATED WITH THE ACQUISITION OF CERTAIN EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve Resolution No. 06-35.

10. CONTRACT APPROVAL – RENAISSANCE PLANNING GROUP

Item carried forward from the 4:00 pm Commission meeting.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Renaissance Planning Group contract in an amount not to exceed \$76,074, subject to the City Attorney's confirmation that the rates provided in the contract are consistent with the applicable rates under the November 24, 2003 Manatee County contract.

11. DEPARTMENT HEADS' COMMENTS

Deputy Chief Mike Mayor

A cookout and Halloween party will be held October 31, 2006 at the Palmetto Youth Center.

Informed Commission patrol in the Groover's Market area has increased. Discussion ensued on the recent termination of the interlocal agreement with the Manatee County Sheriff's Department. Chief Mayor explained the city police officers' authority in state and county jurisdictions and how the city's police department can assist areas of county jurisdiction like Snead Island via the Mutual Aid Agreement, when the Sheriff's Office requests assistance.

Mr. Freeman

An updated suspense log is available.

Update Commission on the status of stormwater. The topic will be brought to Commission on the November 6, 2006 agenda. Staff will review three possible equations: 1) phasing in the projected revenue over a longer period of time; 2) identified reduction in O&M expenses; and 3) subsidy from the General and Water/Sewer funds. It is anticipated the new user fees can be in place by the first of the year.

Advised Commission Mr. Lukowiak has requested an additional workshop during November due to the topics requiring Commission's attention. It was consensus of Commission to set November 13, 2006 as the additional meeting date, beginning at 5:00 pm. Staff is to ensure there will be no interference with the P&Z Board meeting of that date.

Attorney Hall

Developing an interlocal agreement for execution with Manatee County relating to Jackson Park land acquisition.

Reported Karen Hartman, Robert Atkins, Mr. and Mrs. Jarvis and three commissioners will be deposited in the Olympia Theater issue.

The city has received its first application for the attainable housing program. Staff is working to finalize the documents.

12. MAYOR'S REPORT

Advised Commission the recently hired City Planner has resigned.

Reported he, Mr. Williams, Mr. Lukowiak and Mrs. Lukowiak attended the Council of Governments meeting, where they reviewed the Character and Compatibility Study. City staff voiced concern regarding provisions of the study dealing with the Terra Ceia Bay waterfront (Parent Tract owned and being developed by Manatee Fruit Company), Sarasota Bay area, and the Manatee Village area in Bradenton. He reported collectively they let the presenters know of their disapproval and the briefing was "downplayed". At the conclusion Palmetto and Bradenton let it be known they intended to press forward with their plans.

13. COMMISSIONERS' COMMENTS

Mr. Ball

Commented on his recent attendance of the Florida Public Pension Trustee Association's conference and the excellence of the conference. He reported his understanding none of the Trustees of either board have attended the conference and recommended they attend the school, and suggested it may be beneficial for Mrs. Ponder to consider the three-year certification program.

Ms. Varnadore

No report.

Ms. Cornwell

Inquired about the wrestling being held; portable toilets, approved by the Building Department and Code Enforcement, are available at the venue. The police have received no calls; one citizen complaint regarding noise. Attorney Hall informed Commission the city is not refraining from taking action; there is technically no violation of current codes. Ms. Cornwell opined the issues should be addressed so this cannot be done for a long length of time. Attorney Hall will confer with Mr. Lukowiak to confirm there are no code violations.

Reported her twins think the upgrades to the parks are extraordinary.

Mr. Williams

Stated the city has to be diligent in attaining resolution to the daycare facility issue.

Received a complaint concerning the illumination of the new sign at the marina. Mr. Stollo reported to Mr. Williams there was a permit obtained for the sign; a timer will be placed on the sign by marina personnel.

The Evolve sign will be on a November agenda.

Thanked Mayor Bustle for forming the cemetery committee.

Meeting adjourned t 8:50 pm.

Minutes approved: November 6, 2006



James R. Freeman
City Clerk