

Palmetto City Commission
January 8, 2007 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Michele Hall, Attorney
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:00 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

All persons planning to address Commission were sworn in.

Chief Lowe administered the Oath of Office to new Palmetto Police Officers George Donahue, II, Travis Ellison, Douglas Marston and Jeffrey McDonald.

1. AGENDA APPROVAL

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to approve the January 8, 2007 7:00 pm agenda as amended by the addition of item 2A City Center Analysis and a Vice Mayor election item.

2. CONSENT AGENDA

- A) Minutes of December 18, 2006 Commission meetings
- B) December Check Register
- C) Attorney billing through November 30, 2006
- D) Special Function Permits: Church World Services' Crop Walk

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the January 8, 2007 Consent Agenda.

2A. CITY CENTER ANALYSIS

Staff requests approval of a contract with Fawley Bryant to complete Phase II of the Gold Dome Building. The study will determine if it is feasible to modify the building to satisfy requirements necessary to serve as a City Center.

MOTION: Mr. Ball moved and Mr. Williams seconded to approve and authorize the Mayor to enter into a contract with Fawley Bryant for the Phase II study of the Gold Dome Building, not to exceed \$70,000.

Discussion: Commission discussed their concerns with the building and its location. David Bishop of Fawley Bryant and Mr. Lukowiak stated the study would look at issues such as traffic flow, use of the building, its life expectancy, etc. Within the study there are four steps that look at very specific issues. The final step would provide schematic drawings of how the building would

best serve the City's needs. Mr. Lukowiak was directed to update Commission after Steps I – II so Commission could evaluate the information before moving into the final step. Attorney Hall requested that Commission approve the City's standard agreement format with Fawley Bryant rather than the contract presented. Commission concurred.

Motion on the floor carried 4-1. Ms. Cornwell voted no.

2B. ELECTION OF VICE MAYOR

MOTION: Mr. Williams moved and Mrs. Lancaster seconded to nominate Eric Ball as Vice Mayor.

MOTION: Mr. Ball moved and Mr. Williams seconded to close the nominations for Vice Mayor.

Motion on the floor to elect Eric Ball as Vice Mayor carried 5-0.

3. APPROVAL: COOPERATIVE FUNDING AGREEMENT WITH SWFWMD FOR THE ASR PROJECT-PHASE II

Mr. Lukowiak stated the Southwest Florida Water Management District Cooperating Funding Agreement is for Phase II of the ASR Well project, which encompasses final design and bidding, well construction, cycle testing and operational permitting. SWFWMD's cooperative funding is for 50% of the total project cost of \$2,340,000. Funding has been allocated in the CIP.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Cooperative Funding Agreement Between The Southwest Florida Water Management District and the City of Palmetto for the City of Palmetto Reclaimed Water ASR Project (L608).

4. APPROVAL: PYROTECNICO OF FLORIDA, LLC

Mr. Freeman explained the July 4th fireworks display contract with Pyrotechnico of Florida, LLC for an additional two years at an annual expense of \$24,500. The total cost of the fireworks display is split equally between the City, Manatee County and the City of Bradenton. The City's portion of the display was included in the FY 2007 budget.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Pyrotecnico of Florida, LLC contract for an additional two years in an amount not to exceed an annual cost of \$24,500.

5. APPROVAL: COMPANY CARE PROVIDER LETTER OF AGREEMENT

Execution of the Company Care Provider Letter of Agreement will add an alternative provider to expedite the employment process and Worker's Compensation job-related injury assessments.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Company Care Provider Letter of Agreement for a term ending January 7, 2008.

6. APPROVAL: MEMORANDUM OF UNDERSTANDING/WORKING AGREEMENT WITH CHILD PROTECTION INVESTIGATIONS DIVISION OF THE MANATEE COUNTY SHERIFF'S OFFICE

Chief Lowe requested approval to renew the Police Department's participation in the coordinated services of the Sheriff's Office, the Child Protection Investigations Division and other law enforcement agencies within Manatee County.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor and Chief of Police to execute the Memorandum of Understanding/Working Agreement with the Child Protection Investigations Division of the Manatee County Sheriff's Office.

7. APPROVAL: AARP HOST AGENCY AGREEMENT

Staff seeks approval of the AARP Host Agency Agreement to participate in the AARP Senior Community Service Employment Program, so the City can utilize program participants to provide assistance while they actively pursue unsubsidized employment.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to execute the AARP Senior Community Service Employment Program Host Agency Agreement.

8. DISCUSSION: LEGAL SERVICES

Mayor Bustle requested approval to appoint Michele Hall as City Attorney for an initial two-year term from when executed. Mayor Bustle discussed his conversation with Ms. Petruff of Dye, Deitrich; the firm would most likely be agreeable to the \$25,000 per month. Mayor Bustle discussed his proposal would ensure Ms. Hall's availability to the City 24/7, while saving the City \$70,000 over this year's budget. Mayor Bustle also confirmed Attorney Hall will attempt to fulfill the City's to the extent of her expertise. If necessary, she will decide the best outside attorney to assist the City in matters beyond her experience.

If the appointment is confirmed, it is proposed Attorney Hall also serve as the CRA Attorney. Mrs. Lukowiak stated her Board has budgeted \$25,000. She stated it would be possible to track an hourly expense for Attorney Hall's service, but she would have to take the matter to her Board for approval. Mr. Freeman stated that it is also possible to use historical billing information to determine a fixed allocation.

Mayor Bustle confirmed the pass through items would be reimbursed to the City.

MOTION: Ms. Varnadore moved and Mr. Williams seconded to appoint Michele Hall as City Attorney for an initial two-year term, at a fixed annual fee of \$225,000.

Discussion: Ms. Cornwell voiced her non-support of the item as follows: 1) to be fiscally responsible, the issue should have been bid; 2) a Mayoral appointed City Attorney may create alliance vs. non-biased issues; and 3) no possibility of services a firm could provide.

Mrs. Lancaster voiced that the City does not know the legal expenses outside Attorney Hall's expertise the City will face, especially for two years. Mayor Bustle explained the monies available in the budget to assist Attorney Hall, if necessary.

Mr. Williams, Ms. Varnadore and Mrs. Ball voted for the motion on the floor. Ms. Cornwell and Mrs. Lancaster voted no. Motion failed because of the super majority vote necessary to approve an appointed position for a multiple year term.

9. APPROVAL: SARASOTA/MANATEE MPO BOARD 2007 APPOINTMENTS

Proposal to reappoint Mayor Bustle as the City's representative to the Sarasota/Manatee MPO Board in 2007 and appoint of an alternate member to the Board for 2007.

MOTION: Mrs. Lancaster moved, Mr. Ball seconded and motion carried 5-0 to appoint Mayor Bustle to the Sarasota/Manatee MPO Board in 2007 and Mr. Williams as an alternate member.

10. APPROVAL: MASTER EQUIPMENT LEASE AGREEMENT

The Master Equipment Lease/Purchase Agreement between the City, Florida League of Cities and Banc of America Leasing and Capital, LLC for the funding of capital equipment lease/purchases expired November, 2006. Staff requests renewal of the program between the City, Florida League of Cities and Banc of America Public Capital Corp.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Master Equipment Lease/Purchase Agreement with Banc of America Public Capital Corp.

11. RESOLUTION NO. 06-42

Resolution No. 06-42 proposes staff's recommended reductions to the 2007 budget to balance the Stormwater Fund.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 06-33, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2006-2007, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved, Mr. Ball seconded and motion carried 5-0 to adopt Resolution No. 06-42.

12. RESOLUTION NO. 07-01

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, DECLARING A LIMITATION ON THE USE OF CERTAIN CITY-OWNED OR CITY-CONTROLLED PROPERTY LOCATED ALONG RIVERSIDE DRIVE; PROVIDING FOR RECORDING OF A NOTICE OF SUCH LIMITATION; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 07-01

13. APPROVAL: ROBERT J. GILL RETAINER LETTER

MOTION: Mrs. Lancaster moved and Mr. Williams seconded to approve and authorize the Mayor to execute the Accompanying Letter to retain the legal services of Robert J. Gill, Esquire, for the Jackson Park Drainage Project land acquisitions.

Discussion: Ms. Varnadore reiterated her concern with the City undertaking an eminent domain process on county property. Attorney Hall confirmed notification by publication and proper notice to know heirs will satisfy the City's responsibility in attempting to locate all heirs to the separate pieces of property.

Motion on the floor carried 4-1. Ms. Varnadore voted no.

14. DEPARTMENT HEADS' COMMENTS

Mr. Lukowiak

Informed Commission the Manatee River Fair Board has again requested that 13th Avenue be closed to parking on 13th Avenue for the duration of the fair. Mr. Williams also informed Commission five or six spaces will be reserved for the City.

Referring to the 7th Avenue one-way study that has been underway, DOT has agreed to construct and fund the median separator adjacent to the left turn lane, provided the City concurs

with the removal of approximately 500 feet of the bike lane. Commission authorized Mr. Lukowiak to advise DOT of the city's acceptance of the terms for construction.

15. MAYOR'S REPORT

Directed Commission's attention to the print of the Harlee Barn, which is the first in the City's historical art collection. He informed Commission Mrs. Stewart has framed a print of her grandmother Mrs. S. S. Lamb. Both Lamb portraits will be added to the collection.

January 30, 2007, the Chamber of Commerce is holding their annual meeting and membership appreciation banquet. He encouraged Commissioners that are able to attend the event.

Reminded Commission of the MLK Day Parade on Saturday.

Spoke of the conversation with a member of the North River Little League concerning the condition of the fields behind the Boys & Girls Club. There are obligations the county has made with the Boys & Girls Club and Little League, which are represented in agreements Attorney Hall is reviewing. Mr. Williams stated it appears as if the fields have now been replanted. Mayor Bustle stated the issue is what prompted his letter to the County Commission, comparing the maintenance of Blackstone and Lincoln Park to the way other parks in the county are being maintained. Mayor Bustle suggested holding a Special Commission Meeting and Press Conference; invite the county Commission, members of the Little League, press and public, so the City can display evidence to support his letter to the County Commission. The meeting was scheduled for January 16, 2007 at 5:00 pm.

16. COMMISSIONERS' COMMENTS

Mr. Ball

Informed Commission he will be a resident of Colonial Mobil Manor as of February 1, 2007. He suggested the City should begin to consider how to accommodate people being displaced because of the sale of mobile home parks to developers.

Ms. Varnadore

Inquired if there has been an update on Palmetto Elementary. Also inquired if there is going to be a response from the City to the two editorials and article in the Herald. Mr. Williams suggested the Bradenton Herald's editorial staff should learn the difference between a \$4 million loan and direct payment of \$1.6 million. Mr. Ball stated the editorial was essentially a reprint of the first editorial.

Ms. Cornwell

Updated Commission on some of the events planned by the Manatee River Fair Board. The Fair runs January 18 -28, 2007.

Mrs. Lancaster

Opined crime is rising in Palmetto; therefore, she is glad to know the city has hired additional police officers and looks forward to seeing them in her neighborhood.

Mr. Williams


Thanked the Chief for his department's action taken Saturday night.

In response to Mr. William's inquiry, Mr. Lukowiak stated the groundbreaking for the 7th Street signalization will be by the end of the month.

Requested the Mayor and Staff go through the Suspense Log before the next meeting.

Meeting adjourned at 8:55 pm.

Minutes approved: January 22, 2007


James R. Freeman
City Clerk