

Palmetto City Commission
March 5, 2007 7:00 p.m.

Elected Officials Present:

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

Staff and Others Present:

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

Mayor Bustle called the meeting to order at 7:02 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

Persons planning to address Commission were sworn-in.

There was no public comment.

1. AGENDA APPROVAL

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the March 5, 2007 7:00 pm agenda.

2. CONSENT AGENDA

- A) Attorney Billing through February 28, 2007
- B) Special Function Permits: Kids Fishing Tournament
Regatta Pointe Marina 2007 Boat Show

Item B was withdrawn from the Consent Agenda for discussion.

MOTION: Mr. Ball moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the March 5, 2007 Consent Agenda, with the removal of item B.

Discussion: Commission inquired what expenses the City would realize in conjunction with the Regatta Pointe Marina 2007 Boat Show; how traffic would be mitigated on Riverside Drive, noticing to the affected businesses and property owners on Riverside Drive, and recreational boat parking. Staff was instructed to bring the application back to the March 19, 2007 meeting and request the applicant's attendance for discussion purposes.

3. APPROVAL: SANCTUARY COVE UTILITY AGREEMENT

Mr. Lukowiak informed Commission that upon approval of the Sanctuary Cove Utility Agreement, the developer of Sanctuary Cove commits \$750,000 to the upgrade of the east side sewer system. The original agreement for \$250,000 was for a force main only; the developer's commitment has increased because of the increased scope including water and reclaimed water.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Amended and Restated Utility Agreement between the City and Sanctuary Residential Partners, LLC.

Discussion: Mr. Lukowiak confirmed the developers of Sanctuary Cove have submitted a plan to FDOT for the signalization at US 301 and Canal Road. Early indications from FDOT are that the plan will be approved. The City will not bear any expenses in the signalization, but the developer has stated he will seek a credit from the traffic impact fees upon completion of the project.

Commission reviewed the potential business customers along US 301 that may connect to the new utilities expansion. Mr. Lukowiak confirmed sewer is not available beyond Wal-Mart and reclaimed water will not be provided in the industrial park.

Attorney Hall confirmed the \$750,000 will be due regardless of the status of the proposed CDD application. She also explained the reasons for the credit in the new agreement - the developer's additional installation of facilities that will ease the burden that would have been placed on the City. Mr. Lukowiak stated the impact fee credit for the signalization and the dredging for public slips has not been determined. A separate procedure is in place for the determination and award of the credits.

Attorney Hall further confirmed the developer must obtain the City's permission to assign the obligation to a different entity. The City is also bound to award the impact fee credit if the developer meets the criteria as set forth in Sec. 7-67 of the City's code.

Motion on the floor carried 5-0.

4. APPROVAL: WESTRA CONSTRUCTION, INC.

Mr. Lukowiak explained the proposed funding for the Westra Construction, Inc. contract for construction of the US 301 utility expansion.

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Westra Construction, Inc. contract for construction of the US 301 utility expansion, based on the unit prices competitively bid and awarded to Sarasota County and the City of Clearwater, in an amount not to exceed \$2,500,000 for City projects #04-396 and #06-534.

5. APPROVAL: SUPERIOR ASPHALT, INC. CONTRACT

Mr. Lukowiak explained he is seeking approval of an amendment of an additional \$131,000 to the existing Superior Asphalt, Inc. contract. If approved, street resurfacing will commence on 8th, 9th, 12th Streets and adjoining avenues, 15th Street by the Alvarez restaurant, and the Public Works Yard. Mr. Lukowiak explained the funding for the amendment. He also discussed other funds that were reallocated in the CIP to accomplish completion of the PW break room project. Commission requested that Mr. Lukowiak furnish them a revised copy of the CIP.

Commission discussed the backflow program and the fact the program is State mandated. Mr. Freeman will investigate the specific charge for backflow devices.

Ms. Cornwell suggested that before resurfacing begins on the streets, the camera truck should be utilized to ensure there has been no utility failure.

MOTION: Mr. Williams moved, Ms. Varnadore seconded and motion carried 4-1 to approve and authorize the Mayor to execute the Superior Asphalt, Inc. Amendment to Agreement for Operations and Maintenance Services in an

**amount not to exceed \$276,387 for City projects #07-545 and #93-156.
Ms. Cornwell voted no.**

6. RESOLUTION NO. 07-11

Establish budget for the Image One contract approved February 5, 2007.

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. Varnadore moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 07-11.

7. FIRST READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-918

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA; PROVIDING FOR FINDINGS OF FACT; EXTENDING THE TIME WITHIN WHICH A SPECIFIC GENERAL DEVELOPMENT PLAN MUST BE SUBMITTED; AND PROVIDING FOR AN EFFECTIVE DATE (CP0501/Z0501 Manatee Fruit Company/Pullen Tract; PID numbers 24140.0000/6, 24145.0010/9, 24145.1000/4 and 24145.2000/3).

MOTION: Mr. Williams moved, Mr. Ball seconded and motion carried 5-0 to approve Ordinance No. 07-918 for advertising and schedule a public hearing March 19, 2007.

8. FIRST READING & ADVERTISING APPROVAL: ORDINANCE NO. 07-919

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, ESTABLISHING AND MEMORIALIZING PROCEDURES FOR USE OF CITY CEMETERIES; PROVIDING FOR AMENDMENT TO CHAPTER 9, CITY OF PALMETTO CODE OF ORDINANCES, PERTAINING TO USE OF CITY CEMETERIES; PROVIDING FOR ESTABLISHMENT OF PROCEDURES; PROVIDING FOR CREATION OF CEMETERY FEE SCHEDULE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Mr. Ball moved, Ms. Cornwell seconded and motion carried 5-0 to approve Ordinance 07-919 for advertising and schedule a public hearing March 19, 2007.

9. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Confirmed the April 2 and April 16, 2007 Commission meeting dates.

Confirmed the March 12, 2007 5:00 pm to 6:15 pm Commission workshop meeting. The agenda will be comprised of a school concurrency report and one additional draft ordinance, time permitting.

Mr. Lukowiak

The 7th Street signalization construction began this date.

Attorney Hall

The Olympia Theater hearing has concluded. A decision will probably take about one month.

10. MAYOR'S REPORT

Ann Marshall reported a presentation by Alice Myers prepared in 1996 shows a Mr. Stokes constructed the building housing the Olympia Theater in 1907 or 1911. Mr. Stokes named the building the Olympia Theater.

11. COMMISSIONERS' COMMENTS

Ms. Cornwell

Restated Commissioners wishing to have items placed on an agenda can bring the topic up during comments and the item will be placed on the next agenda. E-mails will also be acceptable. She referred to a copy of an email she sent to Mr. Freeman, Mayor Bustle and Attorney Hall concerning the issue of the pay raise. She stated she has brought the item up because she is not comfortable polling Commission on budget related issues involving salary levels, because the City has a step process in place. She discussed the inability of Commissioners knowing how the other Commissioners felt when the topic was not discussed in an open forum. Mrs. Lancaster stated she still objected to the way the issue was handled. Mr. Williams stated he did not want polling to become the way business is done and there should be no polling on issues involving raises. Mr. Freeman referred to Commission Policy 04-05, stating he believed he was following policy. Ms. Cornwell stated that she did not want the Commission to be polled or addressed by phone on any topic affecting the budget. Mr. Ball stated that if the standing policy is not sufficient to allow flexibility for department heads to do their jobs, the policy should be changed; if an issue is not within a department head's authority, a poll should not occur. Ms. Varnadore stated that if the item did not need Commission approval it should not have been done in an open forum. Mr. Freeman stated he will research the topic further and bring back a procedure so a policy can be developed.

Mr. Ball

Suggested a time certain end of 10 pm for Commission meetings, and if necessary, by a super majority vote, the meeting time can be extended. Commission discussed the topic, with no consensus. Mr. Ball asked that the Mayor and staff attempt to limit the number of agenda items where there will be back-to-back meetings or when an item may be delayed until the next regularly scheduled meeting.

Mrs. Lancaster

Discussed the amount of time spent on personnel during budget meetings. She recalled that staff had been directed that pay increases before anniversary dates were not to be brought to Commission for consideration because of the step process in place.

Chief Lowe reported 11th Street Drive is still working well.

Reported chickens are crossing the street from county jurisdiction into the City's jurisdiction.

Mr. Williams

Requested a memo be sent to City employees that smoking is not allow in vehicles. As there is no policy in effect, there was no consensus of the topic.

Reported he had spoken with the Mayor concerning the location of the Veterans' Memorial to Sutton Park. Requested a new drawing depicting the Memorial located at the front of Sutton Park at the bandstand.

Stated Commission should consider looking at options to bring development into the City. Suggested the Mayor and staff look at how impact fees are collected and/or credits are given.

Suggested the Police Department should respond more quickly to requests from Public Works for traffic/construction issues.

Asked the definition of consensus. Commission discussed the topic and affirmed silence is approval; one objection opens a topic for discussion.

Referring to the cemetery fence issue, Commission discussed the need to ensure that public requests are accepted by Commission and responded to in writing.

Ms. Varnadore

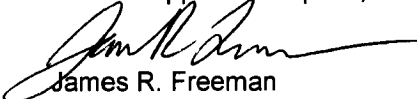
Ms. Varnadore stated her opinion Commission should decide if the fence and the entrances as posted should remain. Mr. Lukowiak stated City Engineer Dick Clark could look at the sight triangle issue and submit an opinion. He also stated that in a normal fence permit review, site triangle, right-of-way and setbacks are reviewed for compliance. Mayor Bustle opined the City should obtain an engineer's opinion, but Ms. Varnadore stated she did not want to spend \$1,500 for an opinion, the fence and entrances should be left as they are. Mayor Bustle suggested a motion to that effect was necessary.

MOTION: Ms. Varnadore moved, Mrs. Lancaster seconded and motion carried 5-0 to leave the fence and keep entrance only on 14th Avenue.

Mr. Lukowiak confirmed the dock ordinance is ready for Commission distribution. He also stated Renaissance Planning Group is preparing a draft of the traffic study.

Meeting adjourned at 11:00 pm.

Minutes approved: April 2, 2007


James R. Freeman
City Clerk