

Palmetto City Commission  
July 21, 2008 7:00 PM

Elected Officials Present:

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

Elected Officials Absent:

Eric Ball, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk  
Michele Hall, City Attorney  
Chief Garry Lowe  
Chris Lukowiak, Public Works Director  
Tanya Lukowiak, CRA Executive Director  
Bob Schmitt, Planning Supervisor/Zoning Administrator  
Karen Simpson, Deputy Clerk-Finance  
Diane Ponder, Deputy Clerk-Administration  
Frank Woodward, Deputy Director Property Management & Engineering

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

Persons planning to address Commission were sworn in.

PUBLIC COMMENT:

Julia Durrance, representing a group from the Palmetto Woman's Club, read a statement concerning the recent decision to discontinue the lawn maintenance that the City has provided the organization since 1930. The statement also highlighted the organization's civic services provided to the community. Commission discussed the topic and concurred that because of the length of time the service has been provided it should be continued. Commission directed staff to prepare an agreement for execution between the Palmetto Woman's Club and the City, formalizing the City's continued lawn maintenance.

Mary Jo Kimbrough spoke to Commission concerning the continued noise problems associated with Club Nitrous, now known as the Brickhouse Restaurant. Chief Lowe explained how the police department responded to complaints. Mrs. Lancaster confirmed that she had visited Mrs. Kimbrough's home after receiving a complaint and the effect the noise had inside the home. Code Enforcement will be asked to meet with Chief Lowe and the owner of the establishment to evaluate the situation.

Bruce Varnadore commented on the Kimbrough subject, suggesting an unmarked police car visiting the establishment around 9:00 pm and directing that the music be turned off when the problem begins could be a solution to the noise problem.

1. AGENDA APPROVAL

**MOTION:** Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve the July 21, 2008 7:00 agenda.

## 2. CONSENT AGENDA

- A) Minutes: June 16, 23 and 24, 2008
- B) Minutes: March 1, 20204 correction
- C) June Check Register
- D) Special Function Permit: Walk for Life  
Village of the Palms Neighborhood Completion Celebration

Ms. Cornwell withdrew item B.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve items A, C and D of the Consent Agenda.**

Mrs. Ponder explained that the March 1, 2004 minutes were being corrected to include the public hearing for Ordinance No. 04-792 that inadvertently omitted from the originally approved minutes.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to approve item B of the Consent Agenda.**

## 3. APPROVAL: WARD I PHASE II INFRASTRUCTURE IMPROVEMENTS

Mr. Lukowiak recapped the previous approvals for the engineering of the Ward I Phase II project. Discussion ensued on the Giffels-Webster Work Assignment #4 and the fact the work assignment included tasks to completion of the project when a construction date has not yet been approved. Staff assured Commission that only the tasks pertaining to the engineering design would be permitted at this time, those tasks would be the only financial responsibility to the City and the design as drawn would still be an accurate rendering when construction begins. Discussion also occurred on how this particular firm had been selected to provide the engineering design.

**MOTION: Mrs. Lancaster moved, Ms. Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute the Giffels-Webster Engineers, Inc. Work Assignment No. 4 for Ward I Phase II in an amount not to exceed \$400,000, COP Project #05-436.**

Discussion ensued on the Work Assignment's listed cost of \$395,685 rather than the \$400,000 contained in the agenda material.

**Mrs. Lancaster and Ms. Cornwell agreed to amend the motion to change the motion to limit the project funds to \$395,865.**

## 4. APPROVAL: GRANT ACCEPTANCE

Mrs. Lukowiak informed the Commission this is a non-matching Florida Recreation Development Assistance Program (FRDAP) grant for the resurfacing of the fishing pier at Riverside Park West.

**MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to accept and authorize the Mayor to execute the Florida Department of Environmental Protection, Florida Recreation Development Assistance Program Agreement A9140 in an amount not to exceed \$33,903.**

## 5. APPROVAL: TOWING SERVICES AGREEMENT

Chief Lowe informed Commission Norm's Towing was the sole vendor to submit a bid for the Towing Services RFP. Commission discussed the agreement and amended it to reflect that

Norm's Towing was the only vendor to respond to the RFP and to require Commission approval on any renewals of the contract.

**MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to approve and authorize the Mayor to execute the Agreement for Towing Services with Norm's Towing.**

Discussion: Commission discussed the contract and amended it to require Commission approval on any contract renewals.

**Ms. Cornwell and Mrs. Lancaster agreed to amend the motion to include the additional approval requirement for renewals of the contract. Motion on the floor carried 4-0.**

#### 6. APPROVAL: US 301 FUTURE UTILITY EXPANSION

Mr. Lukowiak informed Commission this project has previously been presented for review and approval. There are two components to the this project: 1) engineering for Leg 4, the last leg of the US 301 utility expansion, and change orders that have been done during the project – specifically the Winn Dixie easement reviewed and approved by Commission and other changes resulting in a savings in the project overall, and 2) construction of the Leg 4 utility expansion. He requested that the overall project be approved, but specifically asked that the engineering portion of the project be approved.

Mr. Lukowiak explained that the engineering is a work assignment because ZNS is one of the eight engineering firms City Commission approved as the result of an RFP. The contract with Westra is a piggy back contract; however, plans are being formulated now for a cafeteria style RFP for construction firms.

**MOTION: Mrs. Lancaster moved to approve and authorize the Mayor to execute the ZNS Engineering, LC Change Order #2 in an amount not to exceed \$149,788; and the Westra Construction Corp. contract in an amount not to exceed \$275,000, based on the unit prices competitively bid and awarded to Sarasota County Bahia Vista, Central Hillsborough County, City of Clearwater Beachwalk, SR 25 (US 27), Sarasota County Area C, Pinellas North County reclaimed Water Transmission and the North County Reclaimed Water Phase 2A contracts, COP Job #04-396. Motion died for lack of a second.**

Mayor Bustle suggested a motion to authorize the engineering portion of the project; Mr. Lukowiak stated that before the construction portion of the project can be put out to bid, complete engineering plans must be completed.

Mr. Lukowiak described the properties Leg 4 encompasses and the fact one property (Space Box) intends to hook up to the utilities. He explained the construction project is \$273,000 and Space Box has committed to a development agreement to the project; the City will actually expend approximately \$115,000 plus engineering on the project. Mr. Schmitt confirmed Space Box is in the process of submitting construction plans.

Mr. Lukowiak discussed the ramifications to the bid process because of the project having been on the CIP for over a year; bids will come in under the quoted price from Westra and there will be at least \$200,000 in change orders. Mr. Woodard also confirmed that the existing bid from Westra is based on 2004 prices. Mr. Lukowiak also informed Commission that Manatee County personnel has related that they have been instructed from Mr. Hunzinger to seek piggy back

contracts rather than going to bid. Mr. Lukowiak stated a project from the 2009 CIP would be put out to bid.

Mr. Lukowiak was instructed to bring additional information on the engineering portion of the project for Commission review.

**7. APPROVAL: POLICE DEPARTMENT PROPERTY ENVIRONMENTAL MONITORING 2008**  
Approval of engineering services by Jones, Edmunds & Associates, Inc. (JEA) to continue the Natural Attenuation Monitoring for the Palmetto Police Department property, to include sampling of groundwater wells and reports to Florida Department of Environmental Protection.

**MOTION: Ms. Varnadore moved, Ms. Cornwell seconded and motion carried 4-0 to authorize the Mayor to execute the Jones Edmunds & Associates, Inc. Work Assignment #8 in an amount not to exceed \$12,000, COP Job #04-400.**

Attorney Hall will speak with JEA to see if it can be ascertained how long the monitoring must continue.

#### **8. DEPARTMENT HEADS' COMMENTS**

**Mr. Schmitt**

July 23, is the workshop involving P&Z, CRA and Commission regarding signs.

**Mr. Lukowiak**

No report.

**Mr. Freeman**

Reminder that the July 22 budget workshop is 5:00 – 7:00 pm.

The proposed 4.6662 tentative millage rate will be a topic on the July 28 agenda. Commission asked that he also provide data on a proposed millage rate .25 higher than the proposed 4.6662 rate. Mr. Freeman also discussed the potential to hold the public hearings for adoption of the tentative and final millage rate and budgets on September 8 and September 22.

A special function permit for the Brewers and Waiters event was approved for July 19. Because of weather the event was cancelled. The applicant is requesting a new date of September 6, which was approved by Commission.

Additional information on the cell phone audit will be available by the end of the week.

**Chief Lowe**

No report.

**Attorney Hall**

Attorney Wendy Smith has quoted a flat fee of \$1,000 to review the Personnel Policy. After reviewing certain portions of the policy relating to background checks, Attorney Smith has estimated she could "slim" the policy. Commission concurred.

Informed Commission that in the course of representing the P&Z Board, that board has requested information on copyright issues and potential liability to the City by requiring that plans be provided in an electronic version. Tentatively, Attorney Hall and Mr. Schmitt will hold a meeting

with interested architects and engineers regarding what they are willing to provide the City in a format that can be integrated with our system.

Reviewed the attorney expenses she pays for. Commission asked that they be provided in a memo.

Briefly reviewed the procedural aspects of the two conflict assessment meetings with representatives of Palms of Terra Ceia CDD. Attorney Hall offered to speak individually with each Commissioner regarding the topic. She stated that at this time an additional conflict assessment meeting has not been called for by the CDD.

#### 9. MAYOR'S REPORT

No report.

#### 10. COMMISSIONERS' COMMENTS

##### Mrs. Lancaster

At Mrs. Lancaster's request, Mr. Lukowiak explained the reasons for slowing the reclaim water installation, i.e. carry over on the CIP and the lack of availability extending from one month to approximately three months out of the year. Mrs. Lancaster opined that every citizen has a right to reclaimed water and it is not fair to delay the installation because of the unavailability issue; if new users only have the benefit of a one-time use per month, it is better than them having to pay for the use of potable water to irrigate their lawns.

Referring to the Kimbrough issue, she opined that only because there is only one complaint, that does not make that complaint any less valid.

##### Ms. Varnadore

Stated she is very disappointed that developments can develop irrigation wells when there are areas in the community that don't have reuse and they are not allowed to have wells.

Mr. Lukowiak confirmed he has received no word on the Jackson Park Interlocal Agreement. Mayor Bustle spoke of his efforts to resolve the issue.

The joint meeting with the School Board regarding Palmetto Elementary will be on the July 28 agenda.

Inquired the status of the Tomato Festival, as the Palmetto Historical Commission is making plans for their participation. Mrs. Lukowiak confirmed the flyer Ms. Varnadore obtained through the Palmetto Historical Commission is the same flyer that was available at the fair. Nothing more than preliminary plans have been made. The event will be discussed during the budget.

##### Mr. Williams

Inquired if the candidates will be provided agendas and budgets as have been done in the past. Commission agreed to continue the practice and instructed staff to reach out to the qualifying candidates to determine if a hard copy should be provided.

Requested that issuance dates for the permits for the wells at Sanctuary Cove and the Hammocks be obtained and provided to Commission.

Referred to the comments Mrs. Lukowiak made regarding her cell phone that took place after the last budget meeting. Mrs. Lukowiak informed Commission she asked the chairman of the CRA Board to do an audit on her phone and Commission will be receiving a letter concerning those results. She stated she had said she was not part of the budget; she had been instructed by her

board to obtain a phone for less than \$100 per month, and if she exceed the allowed minutes she would be expected to reimburse the City.

Ms. Cornwell

Referring to protecting the waters from business having severe impacts, she stated her desire to move forward with that process. Mr. Lukowiak stated that with the tomato plant and in the industrial park, Manatee County Department of Health will review the proposed use for chemicals; if stated chemicals are not provided at the wastewater treatment plant, the businesses will have to provide a rinse. Mr. Lukowiak will research available language concerning industrial waste for the development of an ordinance.

Suggested Commission consider reviewing the 4:00 meeting time for workshops because of the hardship it creates for working commissioners. Mr. Williams suggested splitting the meetings so every Monday would accommodate either a workshop (5:00 – 7:00 pm) or regular meeting (beginning at 7:00 pm). Mrs. Lancaster stated she did not want to have to meet every Monday of the month. Ms. Varnadore stated she would have to consider the suggestion.

Meeting adjourned at 9:40 pm.

Minutes approved: August 4, 2008



James R. Freeman  
City Clerk