

Palmetto City Commission
June 15, 2009 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tamara Cornwell, Commissioner
Tambra Varnadore, Commissioner
Alan Zirkelbach, Commissioner

Elected Officials Absent:

Brian Williams, Vice Mayor
Mary Lancaster, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
James R. Freeman, City Clerk
Chief Garry Lowe
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm. Rev. McArthur Sellars, New Life Baptist Church of Palmetto, gave the invocation followed by the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission or the CRA Board.

Mayor Bryant acknowledged County Commissioners Carol Whitmore and John Chappie.

1. CITY COMMISSION AGENDA

Mayor Bryant requested that Special Function Permit for the PHS Class Reunion and Noise Exception Permit for the Solorio baptism party be added as items E and F to the Consent Agenda and the 30% engineering for FDOT design build bid for the 23rd Street realignment topic be added as item 3A to the agenda.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 3-0 to approve the June 15, 2009 7:00 pm agenda with the additions.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: June 1, 2009
- B) May Check Register
- C) Special Function Permit: Rio Wedding
- D) Special Function Permit: VBS Family Fun Night
- E) Special Function Permit: PHS Class Reunion
- F) Noise Exception Permit: Solorio Baptism Party

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to approve the Consent Agenda with the additions of the PHS Class Reunion and Solorio baptism party.

Discussion: Commissioner Varnadore questioned the ending time of 12:00 am for the baptism party. After discussion of the topic, Commissioner Cornwell amended the motion to approve the Solorio baptism party to end at 11:00, and after 10:00 pm conditioned upon the lack of complaint. Commissioner Zirkelbach approved the amendment to the motion.

Motion on the floor carried 3-0.

3. RESOLUTION NO. 09-27

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN THE REALIGNMENT OF 23RD STREET WEST FROM BUSINESS 41 TO 14TH AVENUE WEST.

The realignment of 23rd Street is necessary to properly locate the Little League ball fields on property being donated by Manatee Fruit Company, which is a component of the relocation of the new Palmetto Elementary school. Realignment of and infrastructure improvements of 23rd Street will ultimately be funded by the award of \$800,000 in stimulus money. FDOT has agreed to fund the project via execution of a LAP Agreement. Mr. Tusing stated he did not foresee any issues in receiving the reimbursement from FDOT after the City completed the work.

MOTION: Commissioner Varnadore moved, Commission Cornwell seconded and motion carried 3-0 to adopt Resolution No. 09-27.

3A. 30% ENGINEERING FOR FDOT DESIGN BUILD BID FOR 23RD STREET REALIGNMENT

The City has worked with Manatee Fruit to identify a site the organization will donate for the construction of new Little League ball fields as part of the Palmetto Elementary relocation. FDOT has mandated that 30% engineered drawings be provided to all interested bidders for the 23rd Street realignment project.

Mr. Tusing requested that City Commission award the 30% design build drawing component of the 23rd Street realignment project to Heidt and Associates as a sole source contractor. This component must be completed before the project's construction bid can be issued. He based his request on the firm's knowledge of the project, because of the many hours of engineering services the firm has provided the City at the property owner's expense. The firm's knowledge of the project and already gathered data will greatly expedite the issuance of the bid and, therefore, the construction process.

MOTION: Commissioner Zirkelbach moved and Commission Cornwell seconded, for discussion, to approve the recommendation of Heidt and Associates for \$104,200.

Discussion: Commissioner Cornwell and Commissioner Varnadore voiced concerns regarding the fact the contract is not going out to bid. Mr. Tusing discussed the fact price is not bid with engineering projects, qualifications and services are sought. Mr. Tusing again discussed the knowledge and gathered information the recommended firm has of the project. Attorney Barnebey opined that if Commission approves the contract based on the time lines of the school relocation issue, it could be considered a sole source; otherwise, it would not fit that particular criterion. Attorney Barnebey opined that based on Mr. Tusing's comments, the City has a defensible position if the award of the contract as a sole source is challenged. Commissioner Varnadore voiced displeasure with having to approve the topic as presented without any contact with the City's approved engineers and any idea of what other engineering firms could charge. Commissioner Cornwell agreed in concept with Commissioner Varnadore's comment. Mr. Woodard confirmed he has spoken with several of the City's approved engineering firms concerning the topic, all of whom preferred the opportunity to bid on the construction portion of the project. Commissioner Zirkelbach stated he felt the price from Heidt and Associates is fair, given the scope of the project.

Motion on the floor carried 3-0.

4. RESOLUTION NO. 09-28

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT TO PROVIDE FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION'S PARTICIPATION IN THE RESURFACING OF 10TH STREET WEST FROM 8TH AVENUE WEST TO 14TH AVENUE WEST.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 3-0 to adopt Resolution No. 09-28.

5. PENSION PLAN STUDY

Mr. Freeman informed Commission that after speaking with the pension attorney and actuary for both boards, the decision to make pension plan amendments rests with the Commission and the boards then are responsible for implementing the amendments. The actuary has proposed a list of options for Commission to consider for both boards at a study cost of \$12,000, which must be the responsibility of the City. He cautioned Commission that the Police Officers' Pension Plan benefits are subject to restrictions from Chapter 185.

Commission discussed when the plans were last updated as the result of a study that was performed by an actuary. Mr. Tusing stated he does not recall the Commission ever having requested a study to reduce benefits to a Plan. Mr. Freeman was asked to determine what actuarial services are normally part of a contract. Karen Simpson, Finance Director, explained that the study will determine the cost associated with any option that is chosen to reduce the cost of the Plan. Mr. Freeman was also asked to determine when the last study was performed for the Plans. Chief Lowe stated the last study was performed in 1995-1996.

Mr. Freeman stated he will load the budget with the assumptions discussed at the last meeting. He will also inquire when any potential savings from decisions made by Commission will become effective. The topic will be brought back to the July 20, 2009 workshop meeting.

Mayor Bryant recessed the City Commission meeting to open the CRA Board meeting at 7:55 pm.

Mayor Bryant reconvened the City Commission meeting at 8:30 pm.

6. DEPARTMENT HEAD'S COMMENTS

Mr. Tusing

Reported he attended a recent Little League meeting. One representative from the organization has been designated to communicate with the City. Reported the organization was going to contact Chanel 13 to voice their opinion that the report was not as favorable as it should have been. He reiterated the City has made no commitment for a fall and spring season on the new fields.

Mr. Freeman

Mayor Bryant was elected as the voting delegate for the Florida League of Cities conference. Mayor Bryant also discussed the department heads and attorney attending the entire conference, given budget constraints. She discussed the training the department heads receive from their respective educational areas. Attorney Barnebey opined there are areas that may be helpful and areas of the Municipal Attorney Association conference he would like to attend. Final determination of attendance will depend on the conference schedule once posted.

Informed Commission there is an issue with the generator at City Hall. Initial quotes off the state contract put replacement cost at approximately \$20,000 installed. He is still looking at possible grant funds for the replacement.

Hopefully the budget will be distributed to Commission July 1. Distributed a proposed budget schedule through the end of July. He requested Commission respond with any comments concerning the dates.

Chief Lowe

The Third Citizens Academy Class graduated fifteen participants. The next class is scheduled in September.

The SEU Task Force has started. He requested he be contacted with any comments or areas of concern.

Palmetto PD was chosen as a recipient of a \$275,000 grant for upgrading the dispatch area.

Attorney Barnebey

Reported the Palmetto Elementary closings are still on schedule for Thursday.

7. MAYOR'S REPORT

The Business Advisory Group will meet Thursday beginning at 5:00 pm. The Police Department will make a presentation on performing a safety assessment for local businesses, and Manatee County EOC will speak on emergency evacuation and the re-entry process.

Mr. Freeman stated five spare cell phones have been ordered, which can be made available in the event of an emergency. He stated data phones will cost \$45 per month; phones are free. Funds have been placed in the budget for voice services.

8. COMMISSIONERS' COMMENTS

Ms. Cornwell

No report.

Mr. Zirkelbach

No report.

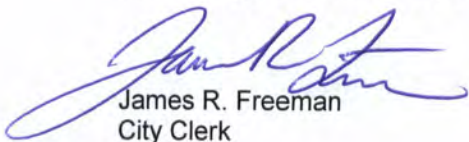
Ms. Varnadore

Requested that Commission be notified of when articles concerning the City are going to be in the paper or on TV, as well as supplying articles staff may see in the papers.

Reported she had attended St. Andrews AME Church, which celebrated its 114th anniversary; the church was organized in 1895.

Meeting adjourned at 9:00 pm.

Minutes approved: July 20, 2009


James R. Freeman
City Clerk