

Palmetto City Commission
October 5, 2009 7:00 p.m.

Elected Officials Present:

Shirley Bryant, Mayor
Tamara Cornwell, Commissioner
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Vice Mayor
Alan Zirkelbach, Commissioner

Staff Present:

Mark P. Barnebey, City Attorney
Jeff Burton, CRA Interim Administrator
James R. Freeman, City Clerk
Chief Garry Lowe
Tom McCollum, Interim City Planner
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 pm. A moment of silence was observed, followed by the Pledge of Allegiance

PROCLAMATION: Habitat for Humanity Day October 5, 2009
 Diane Shelly, Board Member
 Catherine Ferrer, Fundraising Programs Manager

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

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant suggested amending the agenda with the removal of item 2D from the Consent Agenda for further discussion and the addition of the Palmetto High School Homecoming Parade Special Function Permit.

MOTION: Commissioner Varnadore moved and Commissioner Zirkelbach seconded to approve the October 5, 2009 7:00 pm agenda.

Discussion: Commissioner Williams requested that item #7, New Job Description and Posting Approval for the CRA position be removed from the agenda and placed on a workshop agenda for discussion of the topic, as there is no City budget for the position. Mr. Burton discussed like positions that are funded by the CRA but perform work City-wide. There are plans to meet with the department heads to discuss the known funding discrepancies, and requested that the position be approved with the caveat that the accountability on all the positions will be brought back to Commission. Commissioners Cornwell and Lancaster discussed their reasons for supporting the request. Commissioners Varnadore and Zirkelbach preferred leaving the items on the agenda for discussion. Mr. Burton requested that the item be removed.

Motion on the floor failed 3-2. Commissioners Cornwell, Lancaster and Williams voted no.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 3-2 to approve the agenda with the removal of item 2D from the Consent Agenda for discussion, the addition of the Palmetto High School Special Function and the removal of item #7 to a future workshop. Commissioners Varnadore and Zirkelbach voted no.

Mayor Bryant requested that Mr. Burton remain for the CRA meeting so an amendment to the Storefront Grant Program can be discussed.

2. CITY COMMISSION CONSENT AGENDA

- A) Special Function Permit: First Baptist Church Fall Festival
- B) Family Resources-Manatee Interagency Agreement
- C) BIS Digital minutes software purchase (brought forward from Workshop meeting)
- D) Estuary Park Grant-Kimley Horn engineering project (brought forward from Workshop meeting)

MOTION: Commissioner Zirkelbach moved and Commission Cornwell seconded and motion carried 5-0 to approve the October 5, 2009 Consent Agenda, with the deletion of item 2D for discussion, addition of Palmetto High School Homecoming Parade Special Function Permit, and removal of item 2A for discussion.

Item 2A

Commissioner Williams commented on the date of submittal of the Special Function Permit being less than the required 30 days prior to event, and suggested that in the future Commission should be notified of applications that have been submitted within the 30 day requirement. There was no Commission discussion regarding the suggestion.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the First Baptist Church Fall Festival Special Function Permit.

Item 2D

Mr. Tusing informed Commission the Estuary Park Grant is a FRDAP Grant, which is under a strict completion timetable. It has been determined that the previously submitted plan that has been approved by FRDAP for the realignment of 7th Street on the site will not work because of the wetlands and jurisdictional boundaries. He requested the Commission approve Task 1 of the grant, which encompasses development of the conceptual site plan modification, and meetings with the agencies regarding the plan. He proposed that Kimley-Horn Engineering complete Task 1 in an amount of approximately \$4,965. He assured Commission that the modified conceptual plan will be brought to them for approval before it is submitted to any agencies. Plans for the balance of the project will be brought to Commission at a later date.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the conceptual design, Task #1 portion of the Estuary Park, Kimley Horn engineering project.

3. RESOLUTION NO. 09-42

Mr. Freeman commented on the previous Commission action approving the \$104,000 engineering fees in the CIP for this project. This budget amendment resolution will now establish the budget so expenses expended to date on the 23rd Street realignment project can be paid.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 08-32, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2008-2009, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to adopt Resolution No. 09-42.

Discussion: Mr. Tusing described the work that has been completed to date and stated the \$104,000 will be fully expended by the time the project is ready to be bid in November. Discussion ensued on the lack of written commitment for funding by Manatee County and the School Board for this project. Mayor Bryant stated the topic will be heard by the County Commission on October 6, 2009, and there should be a clear indication of the agencies intent after the meeting.

Mr. Tusing informed Commission that the federal stimulus dollars that were going to fund the project may be in danger. The realignment of 23rd Street to the north moves the road closer to the mobile home park, and the federal agencies are not willing to proceed with the project as planned unless the intersection is moved back to its present location; if one complaint is received during construction, he has been advised that the funds will be pulled and the City will have to reimburse the funds. He is now working to try to replace the federal funds with state funds and has received confirmation that the stimulus funds may be moved back to the original Haben Blvd. project. Mr. Tusing stated he is setting meetings with the state legislatures to discuss the topic. Mr. Tusing confirmed that the only reason the road is being realigned is to accommodate the ball fields.

Motion on the floor carried 5-0.

4. RESOLUTION NO. 09-44

FY 2010 budget amendment to record acceptance of the Palmetto Mobile Technology Improvement Project grant funds.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 09-44.

5. EDWARD BYRN MEMORIAL JUSTICE ASSISTANCE GRANT

Acceptance of the FY09 Edward Byrne Memorial Justice Assistance Grant Program and FY2010 budget amendment to record the grant funds.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and authorize the Mayor to accept the FY09 Edward Byrne Memorial Justice Assistance Grant in the amount of \$28,253.

RESOLUTION NO. 09-45

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 09-38, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2009-2010, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to adopt Resolution No. 09-45.

6. ZNS ENGINEERING CONTRACT EXTENSION

Staff requests approval of a six month extension to the ZNS Engineering contract expiring October 15, 2009 and approval of the proposed fixed Planning Services fee. An RFP for engineering services is being developed for the bid process.

MOTION: Commissioner Williams moved, Commissioner Lancaster seconded and motion carried 5-0 to extend the ZNS Engineering Contract until April 15, 2010 at the current scope and level of service, and to approve and authorize the Mayor to execute the Amendment of Contract for Planning Services setting the General Planning Services at a fixed monthly rate fee of \$4,150, and have Tom McCollum as the General Planner.

7. NEW JOB DESCRIPTION AND POSTING APPROVAL (J. Burton)

Revised job description pursuant to comments from the September 28, 2009 Commission review. Item removed from the agenda.

8. PROPOSED STOP SIGNS

The Police Department seeks authorization to have a traffic study performed for the placement of new stop signs on the northbound and southbound lanes at the intersection of 9th Ave. W. and 15th St. W.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to authorize a traffic study for the placement of stop signs at 9th Ave. W. and 15th St. W.

9. LEX'S AUTOMOTIVE CONTRACT RENEWAL (Chief Lowe)

Chief Lowe requested approval of the annual renewal of the Police Department's fleet maintenance contract at the same level of service and price as the 2008 contract. Mr. Freeman confirmed the line item in the budget is \$65,000. Chief Lowe confirmed that last year the contract was for \$55,000.

MOTION: Commissioner Zirkelbach moved and Commissioner Williams moved to approve the renewal of the Agreement for Automobile Maintenance and Repair Services with Lex's Automotive and 4-Wheel Drive Repair, Inc. for a term ending September 30, 2010, pursuant to terms and conditions of the contract effective October 1, 2008, not to exceed \$65,000.

Discussion: Mr. Tusing stated some in-house services can be provided. Tanya Lex estimated that expenses paid to date are in the \$32,000 to \$38,000 range, but the budget amount also includes a contract for tires through Goodyear and accident repair. Mr. Freeman suggested setting a not to exceed an amount of \$45,000 and if additional funds are needed the item will come back to Commission for approval.

Commissioners Zirkelbach and Williams modified their motion to reflect a not to exceed amount of \$45,000. Motion carried 5-0.

Mayor Bryant adjourned the meeting at 8:35 pm to open the CRA meeting.

Mayor Bryant reconvened the meeting at 8:50 pm.

10. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)
Discussed under item #3.

11. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Referring to the technical grant approved this evening for the Police Department, Mr. Freeman informed Commission he is in conversation with Manatee County to see if the City can leverage their dispatch and I-mobile software to determine if there is the ability to enhance the efficiency of the City's system.

The CIP will be placed on a future agenda.

Reported the mini-notebook computer on display will be utilized for Commission.

Attorney Barnebey

Confirmed the City owns the dirt being excavated from Hidden Park retention area for the school expansion project, and it does have monetary value. Mr. Tusing confirmed the City also owns the dirt on 23rd Street.

Commissioner Cornwell departed the meeting at 9:00 pm.

12. MAYOR'S REPORT

Commented on the technology approved that will improve the agenda and minutes process and the Commission's mini-notebooks.

The funds were raised for the K-9 unit.

Stated that the department heads and staff have accomplished a lot, in spite of the workload.

13. COMMISSIONERS' COMMENTS

Ms. Varnadore

Complimented the staff on the jobs being done, and stated her comments are not meant to be taken by the staff on a personal level.

Mr. Williams

Echoed Ms. Varnadore's comments regarding staff's performance.

Discussed his opinion that when a sworn officer's position is not funded in the budget, it should be removed.

Chief Lowe discussed why the department was purchasing extra stingers.

Mr. Zirkelbach

Referring to Ms. Cornwell's comments regarding the conceptual approval process and his personal appearance before Commission as an applicant for conceptual approval and then expending funds only to be denied, he stated the process is something that needs discussion; it can be a difficult process and can be discouraging to developers.

Referring to the alcohol ordinance and Mr. Freeman's comment regarding the date when the item would be placed on the agenda only to have it appear on an earlier date, he suggested that for the public, comments regarding agenda item schedules should be considered. Commission explained why the item appeared earlier than anticipated.

Referred to the editorial on the City's speed zones in the City. He suggested it may be better to develop a uniform speed zone and appropriate signage for 8th Avenue and the side streets. Chief Lowe stated he will speak with FDOT regarding the issue.

Complimented the mini-notebooks.

Mrs. Lancaster


Agreed to fill the vacancy on the MCAA, formerly the MOC until a replacement is appointed. Stated that correspondence must be sent or the City will lose the position. Mayor Bryant stated it is her intent that a permanent appointment will be submitted for approval when the CRA position under discussion is approved and filled.

14. PUBLIC COMMENTS FOR CITY COMMISSION

None

Meeting adjourned at 9:20 pm.

Minutes approved:


James R. Freeman
City Clerk