

Palmetto City Commission
October 19, 2009 7:00 p.m.

Elected Officials Present:

Brian Williams, Vice Mayor
Tamara Cornwell, Commissioner
Alan Zirkelbach, Commissioner

Elected Officials Absent:

Shirley Groover Bryant, Mayor
Mary Lancaster, Commissioner
Tambra Varnadore, Commissioner

Staff Present:

Jim Freeman, City Clerk
Allen Tusing, Public Works Director
Mark Barnebey, City Attorney
Rex Hannaford, Captain
Deanna Roberts, Administrative Assistant

Vice Mayor Williams called the meeting to order at 7:02 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons wishing to address City Commission were sworn in.

A proclamation was presented to Barbra Mabee, Partnership Specialist, U.S. Census Bureau, proclaiming that the City of Palmetto is committed to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2010.

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-0 to approve the October 19, 2009, 7:00 p.m. agenda.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: September 21, 28; October 5, 2009
- B) September Check Register
- C) Kirk Pinkerton Special Litigation
- D) Special Function Permit: Palmetto Historic Commission
A Toast to the Tomato
Christmas in the Park
- E) Verizon In-Building Cell Phone Antenna Agreement

Commissioner Cornwell asked to remove item E from the Consent Agenda.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 3-0 to approve items 2A, B, C and D on the Consent Agenda.

Discussion 2E: Mr. Freeman clarified that this is not a tower but small antennas placed in the buildings at Public Works and the Police Department to improve regular cell phone service. This is an in-building booster signal to increase signal strength and will only increase service in those two locations.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 3-0 to approve item 2E.

3. PUBLIC HEARING: ORDINANCE NO. 09-998 (J. Freeman)

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING CHAPTER 22, PERSONNEL, ARTICLE V, POLICE OFFICERS' RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-171, DEFINITIONS; AMENDING SECTION 22-174, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 22-175, CONTRIBUTIONS; AMENDING SECTION 22-176, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 22-178, DISABILITY BENEFITS; AMENDING SECTION 22-180, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 22-185, MAXIMUM PENSION; AMENDING SECTION 22-186, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 22-187, MISCELLANEOUS PROVISIONS; AMENDING SECTION 22-188, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 22-189, EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; AMENDING SECTION 22-191, FORFEITURE OF PENSION; AMENDING SECTION 22-194, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS, ELIMINATION OF MANDATORY DISTRIBUTIONS; AMENDING SECTION 22-195, PRIOR POLICE SERVICE; AMENDING SECTION 22-198, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Williams reopened the public hearing continued from September 14, 2009.

Steve Palmquist, Actuary with Gabriel, Roeder, Smith & Company, joined the meeting via telephone to discuss the ordinance with Commission.

Mr. Freeman informed Commission that most of the changes in the ordinance are housekeeping items; changes to comply with the IRS code and to be consistent with Florida Statutes. Also, a change was made to the DROP period.

Mr. Williams asked if any of the changes would cost the City. Mr. Palmquist answered that there would be no cost to the City or the pension fund.

Commissioner Cornwell said she had trouble finding some of the referenced letters in the document. An example was on page 13, third paragraph, first line, a reference to subsection e. She could not locate subsection e. Vice Mayor Williams asked that the ordinance be reviewed for correct paragraph numbering and lettering.

Commissioner Zirkelbach asked how the City can keep the contributions to the plan more level and less volatile when times are bad. How can the City contribute the same amount in years when we're doing well? Mr. Palmquist replied that in the seven years prior to this year, the costs have been pretty steady. This year, poor investment returns created a 10% increased cost to the City, but he knows no way to predict the fluctuations in the market. He said some plans have a minimum contribution rate which helps mitigate bad years.

Mr. Freeman asked what other options are out there for cities. Mr. Palmquist said that some cities are looking at a lower tier of benefits for new hires, reducing benefits to members currently in the plan for the future, putting in defined contribution plans, or going to the Florida Retirement System.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-0 to adopt Ordinance No. 09-998.

4. PUBLIC HEARING: ORDINANCE NO. 09-997 (J. Freeman-Carried forward from 4:00 workshop)
AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PERTAINING TO THE AMENDMENT OF THE PROVISIONS RELATING TO THE REQUIREMENTS FOR AND ISSUANCE OF SPECIAL FUNCTION PERMITS; UPDATING CODE LANGUAGE FOR INTERNAL CONSISTENCY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Williams opened the public hearing. Mr. Barnebey went over the changes recommended in the 4:30 p.m. meeting:

Sec. 19-173 A. Delete "take place on city" and replace that with "involve the sole use of all or part of city owned" before property.

Sec. 19-173 D. In the sentence that begins "Events or activities on," delete on, and replace with "which involve the sole use of all or part of" (city owned property).

Sec. 19-179. In the first sentence, delete the phrase "Unless waived or reduced by the City Commission because of the minimal risk of liability for the City," and begin with "A policy of general liability"...
Vice Mayor Williams closed the public hearing.

MOTION: **Commissioner Zirkelbach moved, Commissioner Cornwell seconded, and motion carried 3-0 to adopt Ordinance No. 09-997 with the amendments stated by the attorney.**

5. RESOLUTION NO. 09-46 (J. Freeman)

FY 2010 Budget amendment to carry forward the outstanding purchase orders from FY 2009.

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 3-0 to adopt Resolution No. 09-46.**

6. CONTRACT RENEWAL: COVERALL CLEANING CONCEPTS (J. Freeman)

Annual renewal of City Hall and Public Works janitorial services contract.

MOTION: **Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 3-0 to approve and authorize the Mayor to execute the Coverall Cleaning Concepts contract for City Hall in an annual amount not to exceed \$6,770 and Public Works in an annual amount not to exceed \$7,860, each contract for a term ending October 31, 2010.**

7. RESOLUTION NO. 09-47 (J. Freeman)

FY 2010 Budget amendment to establish budget for receipt of donated funds and the associated expense account to purchase replacement K-9 unit.

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 3-0 to adopt Resolution No. 09-47.**

MOTION: **Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 3-0 to retire and declare K-9 Canto as surplus property, and authorize his sale to Officer Liester for \$1.00.**

MOTION: **Commissioner Cornwell moved, Commissioner Zirkelbach seconded, and motion carried 3-0 to accept the donation of one replacement K-9 unit.**

8. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mr. Tusing reported that he should be receiving 30 percent engineering drawings by the end of the week. He and Mayor Bryant have a meeting with Rep. Bill Galvano on October 22, 2009, searching for additional state funding for the entire project. The County has declared its intent to stand behind the project and help secure funding.

9. DEPARTMENT HEADS' COMMENTS

Captain Hannaford

The Chief's Administrative Assistant Antoinette Kilgore will be out of the office for the next six weeks on FMLA leave.

Chief Lowe is on vacation this week.

The police department is working on getting a selective enforcement unit together for the holiday season.

Jim Freeman

Hopes to have the CIP before Commission at the first meeting in November.

Allen Tusing

He is moving forward with the 23rd Street Project and intends to meet deadlines.

On July 20, 2009, he received approval for Work Assignment #5 for Lombardo and Foley for engineering for Riverside Drive. Work Assignment #4 for the intersection of Riverside and 8th Avenue was overlooked. Lombardo and Foley are ready to submit 90 percent drawings and the City needs to pay them. Commission needs to authorize the Mayor to approve Work Assignment #4 for \$56,000. Following discussion, Attorney Barnebey remarked this should be approved by the CRA and then it would go to Commission to authorize the Mayor to execute Work Assignment #4. Mr. Zirkelbach asked that this be added to the October 26, 2009, agenda. Both CRA and Commission will have to be noticed as meeting on October 26.

Mark Barnebey

No comment.

10. MAYOR'S REPORT

None

11. COMMISSIONERS' COMMENTS

Commissioner Zirkelbach

Asked Mr. Tusing to show the third set of drawings for the 23rd Street Project at the next meeting and present the new schedule of projected dates for the project now that federal funds will not be used. He would like this added to the agenda.

Asked the status of the 7th Street extension. He asked for a map and the preferred route. Mr. Tusing said he thinks the road will go straight across by the Civic Center through the County parking lot.

He asked the attorney to discuss in a future meeting whether the new laptops should be allowed on city property.

Commissioner Cornwell

The meeting at the Palmetto Historical Commission was cancelled on Saturday due to lack of a quorum.

Thanked the Victims Advocate due to a letter of commendation for her sent in by a citizen.

Commissioner Williams

He informed Mr. Tusing that The Cottages sign on 5th Street and 7th Avenue has graffiti. The sign needs to be taken down.

The rental building for the Little League has a leak in it. He asked Mr. Tusing to take care of that.

The meeting was adjourned at 8:03 p.m.

Minutes approved: November 2, 2009


James R. Freeman, City Clerk