

**PALMETTO CITY COMMISSION
NOVEMBER 16, 2009 - 7:00 PM**

Elected Officials Present:

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

Staff and Others Present:

Mark Barnebey, City Attorney
Jeff Burton, Interim CRA Administrator
James Freeman, City Clerk
Garry Lowe, Chief of Police
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administrator

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

Open letter to the residents and businesses of Palmetto regarding the purchase of the CBI property was read into the record by Mayor Bryant.

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

MOTION: Commissioner Cornwell moved and Commissioner Lancaster seconded to approve the November 16, 2009 7:00 PM Agenda.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tambra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: November 5, 2009
- B) October Check Register
- C) 2010 Holiday Schedule (correct scrivener's error)
- D) Letter opposing offshore oil and gas drilling
- E) Special Function Permit: MLK Parade
- F) Special Litigation: Greene, Hamrick, Perry, Quinlan & Schermer, PA

Items D and F were removed for consideration.

MOTION: Commissioner Cornwell moved and Commissioner Lancaster seconded to approve the November 16, 2009 Consent Agenda.

Vote: Motion made by Commissioner Cornwell and seconded by Commissioner Lancaster. Carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tambra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

Item D: County Commissioner Carol Whitmore stated Manatee County Board of County Commissioners and all four Island communities have signed the letter of opposition to offshore drilling. Manatee County is following Sarasota County's lead to send the letter to the legislation. Discussion ensued on information provided by Dr. Fishkind, hired by the lobbyist supporting the drilling. Manatee County and Sarasota can only stipulate no drilling in State waters (8 miles offshore).

MOTION: Commissioner Cornwell moved and Commissioner Lancaster seconded to approve Item D of the November 16, 2009 Consent Agenda.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

Item F: Commissioner Lancaster questioned the billing date. Attorney Barnebey confirmed the invoice was held until he was certain there were no conflicts with the billing.

MOTION: Commissioner Zirkelbach moved and Commissioner Cornwell seconded to approve Item F of the November 16, 2009 Consent Agenda.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

Minutes corrected December 7, 2009 to reflect that Ms. Varnadore was absent for the vote approving the billing from Greene, Hamrick, Perry, Quinlan & Schermer, PA.

3. PUBLIC HEARING: ORDINANCE NO. 09-1001

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 29, ARTICLE VII, SECTION 29-207 OF THE CITY CODE OF ORDINANCES, PERTAINING TO THE CITY STORMWATER MANAGEMENT SYSTEM; PROVIDING CLARIFICATION OF FEE AND RESPONSIBILITY FOR STORMWATER MANAGEMENT SERVICE AND RELATED CHANGES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Open public hearing. No public comment.

Attorney Barnebey informed Commission there are other areas that will need further clarification. He opined the areas can be incorporated into this draft rather than bringing forward a new ordinance. A continuation to 12/7 was requested.

MOTION: Commissioner Cornwell moved and Commissioner Zirkelbach seconded to continue the public hearing for Ordinance No. 09-1001 to 7:00 on December 7, 2009, or as soon thereafter as the topic may be heard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

4. IT CONTRACT SERVICES APPROVAL

In accordance with the purchasing policy, staff is seeking approval to continue IT services with the current vendor, BI/IT Consulting. The firm has passed all the background checks and is in the process of becoming FDLE certified for Police Department services. The City began outsourcing the IT services in 2009; the proposed contract is for FY 2010 and is contained in the budget.

MOTION: Commissioner Williams moved and Commissioner Zirkelbach seconded to approve and authorize the Mayor to execute the BI/IT Consulting IT Services contract for FY 2010, in an amount not to exceed \$40,000.

Discussion: \$40,000 contained in the budget. Contract based on 400 hours; if necessary any additional funds will be brought to Commission for approval. Mr. Freeman confirmed there will not be a dedicated IT specialist to the Police Department if the contract, as presented, is approved.

Todd Williams, BI/IT, confirmed travel time is not billable, nor have meetings held with staff in the past been billed.

Chief Lowe stated he does not oppose the proposal, but would like a dedicated IT specialist for his department. He did acknowledge his satisfaction with the job performed by the consultant.

Mr. Freeman stated the contract and the following Managed Care contract is still a savings over what the City has experienced in the past. He discussed the IT specialists that had been on City payroll, which amounted to approximately \$145,000.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

5. IT MANAGED SERVICES APPROVAL

In accordance with the purchasing policy, staff is seeking approval to expand the IT managed care services to include as many PCs as possible within budget constraints with the current vendor, BI/IT Consulting.

Managed Care has been running on the City servers to proactively manage the City computers off-site. An agent resides on PC's that manages activities of the computer. This contract will put the managed care on a PC level.

Todd Williams confirmed full image backup of all servers is included in the contract. Systems will be maintained under the contract. Data on the workstations is being backed-up.

An inventory count of PC's has been completed; 60 in PD including the Coban hard-mounted vehicle computers; 24 units in City Hall; Public Works inventory is not completed. It is estimated 100 PC's will be covered under the contract.

Attorney Barnebey stated the IT contracts are separate items and could be given to two different companies.

MOTION: Commissioner Williams moved and Commissioner Lancaster seconded to approve and authorize the Mayor to execute the BI/IT Consulting Managed Care contract for FY 2010, in an amount not to exceed \$24,000.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tandra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

6. 1st READ & ADVERTISING APPROVAL: ORDINANCE 09-1002

AN ORDINANCE OF THE CITY OF PALMETTO AMENDING CHAPTER 22, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING SECTION 22-82, MEMBERSHIP; AMENDING SECTION 22-84, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Ordinance amends Pension Plan to allow the investment manager to seek alternative investments up to a maximum 10% of total funds in the portfolio.

The ordinance also contains language to allow a one-time opportunity to individuals who have opted out of the pension plan to opt back into the pension, provided the transaction remains financially neutral to the Plan.

Attorney Barnebey suggested a change to the ordinance drafted by the pension attorney, to limit investments subject to Florida Statutes Sec. 215.47. He stated the proposed amendment is sufficient to address Commission's fiduciary responsibility.

Commissioner Cornwell requested that staff confirm why the School Board has limited the buy in term. Mr. Tusing confirmed the City's plan limits what prior service can be purchased by an employee.

MOTION: Commissioner Lancaster moved and Commissioner Zirkelbach seconded to approve Ordinance No. 09-1002 for advertising and schedule a public hearing December 7, 2009.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Tamara Cornwell, Commissioner, Mary Lancaster, Commissioner, Brian Williams, Commissioner, Tambra Varnadore, Commissioner, Alan Zirkelbach, Commissioner.

7. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Preparing bid documents for the project. 30-60% drawings for ball fields will be received this week.

8. DEPARTMENT HEADS' COMMENTS

Attorney Barnebey

Working on items for the December 7, 2009 workshop agenda.

Mr. Tusing

10th Street bids expected December 2, 2009. Have coordinated with the school's contractor so that the City and school improvements will coincide on 10th Street.

Mr. Freeman

None

Chief Lowe

None

9. MAYOR'S REPORT

Attended Habitat for Humanity event Saturday.

Attended Veteran's Day ceremony and visited VFW & American Legion.

Have discussed the get together for City employees and volunteer board members with the department heads, and is proposing the Woman's Club of Palmetto as the location. Commission concurred that she should proceed with planning the event.

10. COMMISSIONERS' COMMENTS

Commissioner Lancaster

Referred to demolition projects. Attorney Barnebey stated title work has been received and that projects will be re-noticed to comply with Statutes.

Commissioner Cornwell

Attended the Fair Board meeting; the new building will be erected in time for the fair. The City was praised for cooperation in the construction process.

Reviewed the dates of the December Commission meetings.

Thanked Chief Lowe for the showing of police vehicles in communities.

Commissioner Zirkelbach

Glad to see improvements at the fair; disappointed the project didn't involve local contractors.

Inquired why the CBI issue didn't include the same stipulations as the storefront grant. Mayor Bryant stated the same stipulations are included; they just weren't included in her letter. Referring to comments regarding the amount paid, there is more to the story of what was paid for the property than what was printed.

Ron Witt stated the charter review is almost completed.

Heard from the landlord from one of the stores in town who suggested that a compromise on alcohol sales modeled like Sarasota could be considered, and asked if the item could be placed on a workshop. Ms. Varnadore stated she is not interested in discussing the ordinance again. Mr. Williams stated he is not opposed to reviewing the ordinance, based on comments from the businesses regarding the state of the economy. Mrs. Lancaster stated the City is losing the revenue; alcohol is being used on Sunday but being purchased in the county. Commissioner Cornwell suggested a survey could be done during the fair to garner public comments regarding the topic. The item will be placed on a workshop agenda for discussion on how to proceed.

Commissioner Williams

Attended the Veteran's Day celebrations and VFW.

1700 4th Street has problems; utilities are not in renter's name.

In the 2000 block of 4th Street, mangroves have been removed and the area has been filled with rickrack. Mr. Tusing and Mr. Freeman were directed to look into the situation.

Mr. Tusing will get information on the new house being constructed.

Commented on 56 tickets issues during law enforcement sting event.

Discussed the contractor for the fair; thought trying to keep local.

Commissioner Varnadore

None

11. PUBLIC COMMENTS FOR CITY COMMISSION

None

12. ADJOURNMENT

Meeting adjourned at 8:27 pm.

Minutes approved: **Corrected and approved December 7, 2009**

Correction: Item F of the Consent Agenda to reflect that Ms. Varnadore was absent when the vote was taken approving the litigation billing.

Palmetto City Commission
November 16, 2009
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James R. Freeman

James R. Freeman
City Clerk