

**CITY OF PALMETTO
CITY COMMISSION MEETING
September 27, 2010
7:00 PM**

Elected Officials Present:

Shirley Groover Bryant, Mayor
Tamara Cornwell, Vice Mayor, Commissioner-at-Large 2
Alan Zirkelbach, Commissioner-at-Large 1
Mary Lancaster, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2
Brian Williams, Commissioner, Ward 3

Staff Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Allen Tusing, Public Works director
Rick Wells, Chief of Police
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:03 p.m. followed by An Invocation and the Pledge of Allegiance.

Swearing-in of all persons intending to address City Commission.

Public Comment (non-agenda items): None

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve the September 27, 2010 7:00 PM Agenda.

Mayor Bryant introduced Jason Harper, participant in the Leadership Manatee program.

2. CITY COMMISSION CONSENT AGENDA

- A) Minutes: September 13, 2010 Workshop and Commission
- B) Manatee River Fair Association License Agreement for Exhibitors & Concessionaires
- C) Kirk Pinkerton Legal Billing
- D) Special Function Permit: PHS Homecoming Parade
1st Baptist Church Fall Festival
- E) Noise Exception Permit: 2nd Bi-Annual Palmetto Blues Fest

A typographical error was noted in the Workshop and Commission minutes. The Commission minutes were corrected to reflect that on item #5, Commission Cornwell abstained from the vote, not Commissioner Varnadore.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded to approve the September 27, 2010 Consent Agenda, with amendments as stated.

Commissioner Varnadore removed the Noise Exception Permit. She requested that there be a caveat to the permit that the music level will be reduced if calls are received after 10:00 pm. Mr. Williams also stated it would be beneficial if the music speakers face north.

Commissioner Zirkelbach amended his motion to include the caveat. Commissioner Williams seconded and the motion on the floor carried 5-0.

3. PUBLIC HEARING – TENTATIVE MILLAGE RATE AND TENTATIVE FISCAL YEAR 2011 BUDGET

Mayor Bryant opened the public hearing to discuss the final millage rate and final FY 2011 budget.

- The Fiscal Year 2011 operating millage is 4.6662 mills, which is less than the rolled back rate of 5.3916 mills by 8.82%.
- Overall ad valorem revenues have declined as a result of decreases in property values throughout the City.
- The proposed final budget for the General Fund is \$9,500,523 and the City-wide budget including CRA is \$26,450,785.

Mayor Bryant invited public comment. After none, Mayor Bryant closed the public hearing.

A) RESOLUTION NO. 2010-28 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF PALMETTO FOR FISCAL YEAR 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Zirkelbach moved, Commissioner Varnadore seconded and motion carried 5-0 to adopt Resolution No. 2010-28.

B) RESOLUTION NO. 2010-29 (read in its entirety)

A RESOLUTION OF THE CITY OF PALMETTO OF MANATEE COUNTY, FLORIDA, ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2011; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 2010-29.

4. LAND CONTRACTS RELATED TO THE BALL FIELDS AND 23RD STREET REALIGNMENT

Special Counsel Michael Hankin informed Commission that since the last meeting, the issue of reimbursement to Manatee Fruit Company for construction of 10th Avenue has been resolved. The agreement has been amended to reflect that the City will be obligated to reimburse Manatee Fruit Company for the construction of 10th Avenue to the extent they are not eligible for transportation impact fee credits and to the extent the funds are allocated and available in the City's budget. Amending language has also been added requiring that Manatee County maintain the ball fields at the same level as all other fields in the county.

Mr. Hankin briefly described the responsibilities of each party involved in the agreements:

Manatee Fruit Company:	Provide the land for the projects
Manatee County:	Maintain the ball fields, subject to budget available
City of Palmetto:	Construction of the 23 rd St. realignment and vacation of existing 23 rd St., surveys, appraisals, title work, impact fee credits, Comp Plan amendments, attorney fees

Attorney Barnebey informed Commission the School Board approved both agreements during their meeting this evening.

Attorney Barnebey stated that the approval or disapproval of the agreements, as written today, will not violate the resolution that was adopted several years ago. The project as it exists today is much broader than was anticipated.

MOTION: Commissioner Cornwell moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Dedication Agreement Between Manatee Fruit Company, Inc. and City of Palmetto.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement Regarding the Transfer of Lands and Construction and Operation of Park Facilities Among Manatee Fruit Company, Inc., Manatee County, the City of Palmetto, and the School Board of Manatee County.

Manatee County will consider the agreement on October 7, 2010.

5. APPOINTMENT: POLICE PENSION BOARD OF TRUSTEES

City Commission appointment to the Police Officers' Pension Plan Board of Trustees and ratification of the Board of Trustees' election of the 5th Trustee.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to ratify the election of Michael J. Fuller as the 5th Trustee of the Police Officers' Pension Plan Board of Trustees, for a term ending January, 2012.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to appoint Larry Denyes as a Trustee of the Police Officers' Pension Plan Board of Trustees, for a term ending January, 2012.

6. CONTRACT APPROVAL: COVERALL CLEANING CONCEPTS (J. Freeman) (TAB 9)

Approval of the final one-year renewal of the City Hall and Public Works Department contract for janitorial services, with prices remaining the same as last year. Mr. Freeman stated that the correct contract with the change to item #7 regarding automatic renewal has been received.

MOTION: Commissioner Zirkelbach moved, Commissioner Cornwell seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Coverall North America, Inc. d/b/a Coverall Health-Based Cleaning System contracts for City Hall in an amount not to exceed \$6,780 and for Public Works in an amount not to exceed \$7,860, each for a term ending November 1, 2011.

Discussion: The correct version will be executed and placed in City files.

7. CONTRACT APPROVAL: LEX'S AUTOMOTIVE & 4 WHEEL DRIVE REPAIR, INC.

Approval of a one-year contract for the maintenance and repair services for the Police Department fleet. Chief Wells informed Commission that Lex's Automotive was the only responder to the request for quotes; listing their prices at the same level as last year.

MOTION: Commissioner Zirkelbach moved, Commissioner Williams seconded and motion carried 5-0 to approve and authorize the Mayor to execute the Agreement for Automobile Maintenance and Repair Services with Lex's Automotive & 4 Wheel Drive Repair, Inc. for a period ending September 30, 2011 in an amount not to exceed \$45,000.

8. APPROVAL: ONE TIME PAYMENT IN LIEU OF SALARY INCREASE

A proposed one time payment to eligible employees in lieu of salary increase. Mrs. Simpson stated that the total cost of the payment would increase by \$18,000. The initial understanding regarding the proper way to reflect the payment on employees' W2's was incorrect, necessitating the increase in the total cost. Projected surplus will still support the additional expense.

MOTION: Commissioner Williams moved, Commissioner Zirkelbach seconded and motion carried 5-0 to approve a one-time payment in lieu of a salary increase to eligible employees as of

September 30, 2010 in the net amount of \$1,000 for full time employees, \$500 for part time employees and \$100 for crossing guards, not to exceed \$153,828 and to be funded by projected surpluses in Fiscal Year 2010.

9. RESOLUTION NO. 2010-27

Budget amendment from the CRA transferring \$1,527,765 for the Ward I Phase II project. A \$750,000 CDBG Grant will contribute to the funding of the project. Mr. Freeman confirmed that the \$750,000 grant will be used solely for the project.

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 Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to adopt Resolution No. 2010-27.

10. RESOLUTION NO. 2010-30

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA OPPOSING THE PROPOSAL BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO ENACT NEW NUMERIC NUTRIENT WATER QUALITY STANDARDS TO BE APPLICABLE FOR ALL LAKES, STREAMS AND OTHER FLOWING CLASS III WATERS LOCATED IN AND ADJACENT TO THE STATE OF FLORIDA AS AN AMENDMENT TO 40 CFR PART 131.43 AND THE CLEAN WATER ACT, SECTION 303(c); PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to adopt Resolution No. 2010-30.

11. CDBG CONTACT AWARD-WARD I PHASE II

Mr. Freeman stated that \$60,000 of the \$750,000 grant is administrative fees; therefore, Resolution No. 2010-27 needs to be corrected to show the amount of the transfer as \$1,587,765.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to reconsider Resolution No. 2010-27.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to Adopt Resolution No. 2010-27, changing the number in sections 1, 2 and 3 from \$1,527,765 to \$1,587,765.

Mr. Freeman discussed the DCA award letter and the next steps the City must undertake before the project can begin. Mrs. Simpson acknowledged that a single audit will have to be performed for FY2010, and she is negotiating the fee with the City's auditor.

MOTION: Commissioner Cornwell moved, Commissioner Williams seconded and motion carried 5-0 to accept, approve and authorize the Mayor to sign the 2009 Small Cities Community Development contract 11DB-L4-08-51-02 in the amount of \$750,000.

12. POLICE DEPARTMENT COMPUTER AIDED DISPATCH (CAD) UPGRADE

Mr. Freeman outlined the reasons why staff is recommending that the proposal from USA Software be considered a sole source purchase, including the fact that USA Software was the only vendor found that can provide the technology upgrade to existing equipment. The upgrade will be funded by a Byrne Justice Grant of \$116,000. Remaining grant funds will be used to purchase any additional hardware for the system. Mr. Freeman confirmed that the maintenance fee will be inclusive of the entire system once the upgrade has been completed.

MOTION: Commissioner Zirkelbach moved, Commissioner Lancaster seconded and motion carried 5-0 to approve and accept the sole source proposal from USA software in the amount of \$100,003.45 to purchase the CAD system upgrades and authorize the Mayor to sign the applicable documents, as required.

Commissioner Zirkelbach departed the meeting.

13. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE (A. Tusing)

Mr. Tusing commented on the approval of the contracts for the project. They will now be submitted to the County Commission for approval.

Debra Gestner discussed the next steps in the CDBG and Road Trust Fund grant applications for the project.

14. DEPARTMENT HEADS' COMMENTS

Mr. Woodard reported on the Haben Blvd. roundabout. It is hoped the bid will go out in the near future.

Mr. Freeman

Thanked Commission for the one time payment.

The \$250,000 EECBG Grant contract will come before Commission on October 4, 2010.

Reported receipt of notification of approval on the \$250,000 Florida Clean Air Energy Grant. The Florida Climate Commission was scheduled to approve the staff recommendation today.

Staff is working to publish a request for quote for administrative services for both grants. Glenn Clover, the grants writer, has moved and advised he will not be able to participate in the request.

Chief Wells

Commend Officer Chad Oyler for his an arrest in the 12th St. Dr. W homicide. Discussing the mapping that is being used by the department and the movement of personnel to areas identified by the mapping, he reported an arrest in the vehicle break-ins that have been occurring in the Palmetto Mobile Home Park. The Commission asked that Chief Well express their appreciation to his department.

Attorney Barnebey

Discussed the topics on which his department is working. Mayor Bryant commended all the attorneys involved in the 23rd Street and ball field projects.

15. MAYOR'S REPORT

Reported SWFWMD has given final approval on the Splash Park.

Thanked Veolia for the water supply.

Staff is updating the Hurricane Emergency Plan for City. Mr. Koper will bring Mr. Marble to a meeting to talk about Commission's role in the event of emergency

16. COMMISSIONERS' COMMENTS

Mrs. Lancaster

Reported on the Children's Summit.

Reported that school buses are going through Palmetto Trailer Park.

She reported on an issue that has been brought forward regarding her residency. She reported she has delivered papers regarding the topic to the City Attorney. She stated that if the paperwork delivered to

City Hall has been distributed to Commission, she did not receive a copy. She stated she is a legal resident of the City.

Attorney Barnebey stated he had not planned to bring the item forward. As requested by the Mayor, he will look at the documents. One line in the mortgage stated the primary residence of the mortgage holder would be in Duval County; the property is in Gadsen County. Mayor Bryant stated the documents were not copied to City Commission, she requested Attorney Barnebey look into the issue to see if there was any obligation on the City's part.

Ms. Cornwell

Applauded everyone involved in budget this year. She stated being proactive in grant applications and watching expenses enabled the one time payment for the employees.

Thanked Commissioner Lancaster for attending the Children's Summit.

Ms. Varnadore

Offered congratulations to the Police Department for a job well done.

Commented on the construction at McDonalds, referring to site's non-conforming sign. Mr. Tusing stated his understanding of the project is that it will not replace 51% of the existing structure; therefore, the signage can remain as non-conforming. McDonalds is not doing the entire project proposed several years ago, they are only removing the playground and front façade.

Requested that the letter the Commission made a motion to send to the County Commission regarding constructions costs related to the ball fields be executed.

Mr. Williams

Commended staff for their joint efforts on the budget.

Opined that the Police Department's success goes along with departmental coordination. It is apparent everyone is working together.

The one time payment to employees is very necessary in light of the fact no raises have been given in the last three years.

Debra Gestner requested that Commissioners contact her with any questions regarding the tax credit program. She anticipates the draft application to get the City approved for the program will be brought back to the next workshop.

Meeting adjourned at 8:50 p.m.

Minutes approved: October 18, 2010

James R. Freeman

James R. Freeman
City Clerk