

CITY COMMISSION MEETING
February 28, 2011
7:00 PM

Elected Officials Present:

Shirley Groover Bryant, Mayor
Alan Zirkelbach, Vice Mayor, Commissioner-at-Large 1
Tamara Cornwell, Commissioner-at-Large 2
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 7:02 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

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

Public Comment:

1. CITY COMMISSION AGENDA APPROVAL

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to approve the February 28, 2011 7:00 PM Agenda.

2. CONSENT AGENDA APPROVAL

A) CITY CLERK'S OFFICE

1. Minutes; February 7, 2011
The 7:00 minutes were corrected to record that the Commission granted approval for the Mayor to also accept the VOCA grant, if awarded.
2. Special litigation billings:
 - a. Kirk Pinkerton
 - b. Bryant Miller Olive-Police Union
3. Special Function Permit:
 - a. St. Pete Bicycle Club Spring Classic
 - b. Palmetto B&B Wedding for March 6
 - c. Palmetto B&B Wedding for April 17
4. Physio Control Contract Renewal:
Service support for Automatic External Defibrillators

B) PUBLIC WORKS

1. Lombardo, Foley & Kolarik, Inc. Work Assignment #6
Ward I Phase II engineering construction phase services for project, COP Job #05-436

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve the February 28, 2011 Consent Agenda, with the corrections to the minutes as stated and the removal of item 2B for discussion.

Item 2B: Mr. Tusing confirmed there is no additional cost associated with terminating the work assignment [with the prior firm]. The construction services are exactly the planned amount; the only outside cost factor could be \$1,000 associated with writing letters for the grant.

MOTION: Commissioner Cornwell moved, Commissioner Lancaster seconded and motion carried 5-0 to approve item 2B of the February 28, 2011 Consent Agenda.

3. PUBLIC HEARING: ORDINANCE NO. 2011-01

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING PROVISIONS RELATED TO THE PROCEDURES OF THE PLANNING & ZONING BOARD; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 5-0 to adopt Ordinance No. 2011-01.

4. PUBLIC HEARING: ORDINANCE NO. 2011-02

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING SECTION 4-2 OF THE PALMETTO CODE OF ORDINANCES TO AMEND THE LOCATIONS WHERE THE SALE OF ALCOHOLIC BEVERAGES IS PROHIBITED WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. Mayor Bryant closed the public hearing after no public comment.

MOTION: Commissioner Lancaster moved and Commissioner Zirkelbach seconded to adopt Ordinance No. 2011-02.

Discussion: Staff confirmed the Morning Breeze is the only restaurant that will be affected by this ordinance. A total review of the rest of the areas in the City where the sale of alcoholic beverages occurs will be addressed.

Motion on the floor carried 5-0.

5. PUBLIC HEARING: ORDINANCE NO. 2011-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE; IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO; PROVIDING FOR MONTHLY PAYMENTS TO THE CITY OF PALMETTO; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing.

Attorney Barnebey stated non-substantial clerical issues have been corrected in the ordinance. The only additional change to the ordinance is the last paragraph of Section 6, adding verbiage relating to renewable energy systems, based on the workshop meeting discussion. Attorney Barnebey read into the record a letter received from FPL representative Rae Dowling, which is attached hereto and made a part of these minutes.

Attorney Barnebey estimated that the renewable energy agreement could be ready for Commission consideration within 60 days. Staff was instructed to schedule it for a workshop.

Mayor Bryant closed the public hearing.

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to adopt Ordinance No. 2011-03.

Mayor Bryant relinquished the gavel to Vice Mayor Zirkelbach. She and Mr. Freeman departed the meeting to execute the Ordinance No. 2011-03.

6. FIRST READING: ORDINANCE NO. 2011-04

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING APPROXIMATELY 1.043 ACRES OF REAL PROPERTY INTO THE CITY OF PALMETTO GENERALLY LOCATED AT 735 15TH AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR AMENDMENT OF CITY BOUNDARIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), AN #2011-01)

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2011-04 for a public hearing March 7, 2011.

7. FIRST READING: ORDINANCE NO. 2011-05

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE CITY OF PALMETTO COMPREHENSIVE PLAN; ADOPTING AN AMENDMENT TO THE FUTURE LAND USE MAP FOR AN AREA OF APPROXIMATELY 1.043 ACRES GENERALLY LOCATED AT 735 15TH STREET EAST; REDESIGNATING CERTAIN LANDS FROM COUNTY RES-6 (RESIDENTIAL 6 UNITS PER ACRE) TO CITY PC (PLANNED COMMUNITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), PA #2011-01)

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to schedule Ordinance No. 2011-05 for a public hearing March 7, 2011.

8. FIRST READING: ORDINANCE NO. 2011-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING AND AMENDING THE ZONING TO THE PLANNED DEVELOPMENT MIXED USE (PD-MU) ZONING DISTRICT FOR APPROXIMATELY 21.58 ACRES OF PROPERTY GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15TH AVENUE DRIVE EAST, PALMETTO; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), approximately 21.58 acres Z#2011-01)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-06 for a public hearing March 7, 2011.

9. FIRST READING: ORDINANCE NO. 2011-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; AMENDING ORDINANCE NO.09-986 TO APPROVE AN AMENDED GENERAL DEVELOPMENT PLAN FOR A MIDDLE AND HIGH SCHOOL WITH A MAXIMUM OF 1650 STUDENT STATIONS AND AN EDUCATION RELATED GO-KART FACILITY FOR THE PROPERTIES GENERALLY LOCATED AT 600, 700 AND 822 HABEN BOULEVARD AND 735 15TH AVENUE DRIVE EAST, PALMETTO, AND LOCATED IN THE PD-MU (PLANNED DEVELOPMENT – MIXED-USE) ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Applicant: Renaissance Arts and Education, Inc./dba Manatee School for the Arts (MSA), approximately 21.58 acres GDP2011-01)

MOTION: Commissioner Lancaster moved, Commissioner Williams seconded and motion carried 5-0 to schedule Ordinance No. 2011-07 for a public hearing March 7, 2011.

10. RESOLUTION NO. 2011-08

Resolution to adopt the 2011 CIP budget.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2010-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Cornwell moved and Commissioner Lancaster seconded to adopt Resolution No. 2010-08*.

***Minutes corrected September 10, 2012 to reflect the adoption of Resolution No. 2011-08.**

Mr. Tusing confirmed that \$3,261,818 is the total amount funded through City funds, loan funds, impact fees and grants, and \$5,407,046 remains unfunded. Commissioner Varnadore asked for clarification that the loan funds [being used for projects] would come back to Commission for approval. Mr. Tusing confirmed his understanding that only the loan funds being used for public buildings would be brought to Commission for approval. Finance Director, Karen Simpson, recommended using the loan funds for the ADA Sidewalks vs. removing funds from the General or Road & Bridge Fund.

Mayor Bryant and Mr. Freeman returned to the meeting.

Mr. Freeman stated that if the ADA Sidewalks is not funded by loan funds (\$25,000), the amount remains unallocated and could be used for a project next year or used for a different project this year. Mrs. Simpson stated that either spending the loan funds now or next year, or using fund balance to fund the ADA Sidewalks is acceptable, pursuant to Budget Policy.

Staff read the corrected title of Resolution No. 2011-08, as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, ADOPTING THE 2011-2015 CAPITAL IMPROVEMENT PROGRAM AND ADOPTING THE CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Freeman confirmed that as long as the approved projects are funded within the CIP budget, and projects do not exceed the approved amount, they will not come back to Commission. Mr. Tusing stated he has no objection to bringing everything back to Commission. Commissioner Varnadore stated she wanted to know how the loan funds are spent and requested updates on the projects and their funding. Mayor Bryant stated that grant funding is always sought for City projects.

Motion on the floor passed 4-1. Commissioner Varnadore voted no.

11. RESOLUTION NO. 2011-07

Resolution to establish budget for the Florida Energy and Climate Commission Grant funds.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2010-29, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2010-2011, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Lancaster moved, Commissioner Cornwell seconded and motion carried 5-0 to adopt Resolution No. 2011-07.

Mayor Bryant adjourned the City Commission meeting to open the Joint CRA Board and CRA Advisory Board Meeting.

Mayor Bryant reopened the City Commission meeting at 9:15.

12. RESOLUTION NO. 2011-09

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, TO PLACE A SIX MONTH SUSPENSION ON THE PROCESSING AND ISSUANCE OF NOISE EXCEPTION PERMITS TO EVALUATE THE IMPACT OF POSSIBLE LONG TERM ELIMINATION OR ANY MODIFICATION OF THE REQUIREMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Varnadore moved, Commissioner Zirkelbach seconded and motion carried 5-0 to adopt Resolution No. 2011-09.

13. 23rd STREET REALIGNMENT UPDATE/BASEBALL FIELD UPDATE

Discussion ensued on the impact of the Market Study that a centralized location will most likely be target for a new Y. Attorney Barnebey has questioned the grants writer about the results of the study and what the potential impact may be on the grant. Attorney Barnebey confirmed that the release has not yet been received from Manatee Fruit. Mayor Bryant stated that an update will be made during the March 7, 2011 Commission meeting, after a meeting with all the involved parties that is scheduled for Wednesday. A video of a Fox News report was shown, followed by a brief discussion of its contents.

14. ASR WELL UPDATE

Mr. Tusing referred to the presentation of the ASR well during the workshop meeting, where it was consensus of Commission to move forward with the well and work with SWFWMD on renewing the cooperative agreement. Mr. Tusing discussed the cost of the well vs. an aboveground tank, opining the well is the most economical program. Commissioner Varnadore commented on her questions regarding loan funds during the workshop meeting, stating this is an example of where loans funds will be needed in the future.

MOTION: Commissioner Williams moved, Commissioner Cornwell seconded and motion carried 5-0 to continue pursuit of the ASR program with the Southwest Florida Water Management District that had previously been approved.

Mr. Tusing advised Commission that a purchase order for the project has been issued, and a work assignment with PBS&J approved. After information is received from SWFWMD he will begin work on the project.

15. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Commented on the short week for agenda preparation. Mayor Bryant informed Commission the agenda for the March 7, 2011 meeting will be published Thursday. The workshop meeting will be an overview of Sunshine workshop. The City's other boards will be invited to attend the workshop

Chief Wells

Reviewed the noise complaint statistics requested by Commissioner Williams.

Attorney Barnebey

No report.

16. MAYOR'S REPORT

Thanked Ray Daiuto, Veolia Water, for identifying additional cost savings and for attending the department head meetings.

Displayed signs removed from the road for the new business that was approved. A meeting is scheduled tomorrow with the property owner.

Visited with Morning Breeze last week regarding the process for the ordinance that was adopted this evening.

17. COMMISSIONERS' COMMENTS

No comments.

Meeting adjourned at 9:30 p.m.

Minutes approved: March 21, 2011

James R. Freeman

James R. Freeman, City Clerk

Minutes corrected: September 10, 2012

The February 28, 2011 minutes were corrected to reflect the adoption of Resolution No. 2011-08.