

**CITY COMMISSION MEETING
APRIL 2, 2012
7:00 PM**

Commission Members Present

Shirley Groover Bryant, Mayor
Brian Williams, Vice Mayor, Commissioner, Ward 3
Tamara Cornwell, Commissioner-at-Large 1
Charles Smith, Commissioner, Ward 1
Tambra Varnadore, Commissioner, Ward 2

Commission Members Absent

Alan Zirkelbach, Commissioner-at-Large 2

Staff Present

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Rex Hannaford, Deputy Chief of Police
Lorraine Lyn, City Planner
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a Moment of Silence and the Pledge of Allegiance.

PRESENTATION: Elena Cassella, Director of Development and Fundraising
Foundation for Dreams and Dream Oaks Camp

Thanked the City for support during its recent event, specifically recognizing Geoff Seger and his crew.

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

Non-agenda Item Public Comment:

Phyllis Lang, 515 11th St. Dr. W., commented on the fact she has not been reimbursed for the use of her property to store equipment. Attorney Barnebey requested that she speak briefly with him and then they could set up a meeting with Mr. Tusing.

1. CITY COMMISSION AGENDA APPROVAL

Mayor Bryant requested that item #3 and item #2B2 be removed from the agenda, and that the Consent Agenda date be correctly amended to April 2, 2012.

MOTION: Ms. Cornwell moved, Mr. Williams seconded and motion carried 4-0 to approve the April 2, 2012 Agenda, as amended.

2. CONSENT AGENDA APPROVAL

A. CITY CLERK'S OFFICE

1. Minutes: March 19, 2012
2. Assistant City Clerk job description approval
3. Special Function Permits: Cinco de Mayo May 5, 2012 event
4. Approval to retain the Blalock Walters firm as City Attorney under the same terms as the prior agreement with Kirk Pinkerton; terminate the agreement with Kirk Pinkerton as City Attorney, effective immediately, but allow the City Attorney, on an as needed basis, to retain the services of Kirk Pinkerton, as appropriate.
5. License and Right of Entry Agreement with School Board of Manatee County regarding the old FFA Building at 705 and 715 10th Ave. W.
6. Traffic Control Agreement with Laguna Condominium Association, Inc.
7. Resolution 2012-09 mid-year budget reallocation

B. POLICE DEPARTMENT

1. Surplus Police Vehicle Auction: Declare the following police vehicles as surplus:
1991 Nissan Pick-up, Asset #12573 1998 Ford Expedition-Asset #16672
2001 Ford Crown Victoria-Asset #16979 2004 Dodge Intrepid-Asset #17307
2005 Chevrolet Impala-Asset #17413 2005 Chevrolet Impala-Asset #17414
and authorize their consignment to Tampa Machinery Auction for auction; proceeds to continue the new graphics restriping of the patrol fleet and supplement the fuel budget.
2. Approval of a \$4,000 contribution to UNIDOS Future Leaders Academy Program
3. Florida Traffic Safety Information System grant application authorization
4. Edward Byrne Memorial JAC Allocation Grant application approval; authorization for the Mayor to accept and execute grant award documents totaling \$15,807, subject to legal review and approval.

C. PUBLIC WORKS

1. Fairway Estates final plat approval

Items 2A2, 2A4, 2A5, 2A6, 2A7, 2B3, and 2C1 were removed for discussion.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded and motion carried 4-0 to approve Consent Agenda items #A1 and 3, and B1 and 4.

A2 Assistant City Clerk job description

Mr. Freeman explained this is only the new job description. He confirmed other employment requirements are included in the application and he will check to see if they are included in the job posting.

A4 Approval to retain the Blalock Walters firm as City Attorney under the same terms

Attorney Barnebey confirmed the contract will continue until the reappointment date after the next election.

A5 License and Right of Entry Agreement with School Board of Manatee County

Attorney Barnebey confirmed both the property and building will be conveyed to the City.

A6 Traffic Control Agreement with Laguna Condominium Association, Inc

Attorney Barnebey confirmed the Agreement will allow the Police Department to treat the streets like any other road in the City. The City sets the speed limits in the City and the Police Department will determine when and if speed monitoring will be performed.

A7 Resolution 2012-09 mid-year budget reallocation

Mr. Freeman addressed Commissioner's questions regarding the mid-year reallocations of revenues and expenses estimated during the budget process. Mr. Tusing explained the adjustments for the Ward 1 Phase II and Haben Blvd. Roundabout projects.

2B3 Florida Traffic Safety Information System grant application authorization

Deputy Chief Hannaford explained the grant will purchase ticket writing equipment that prints everything at the violation site. If the awarded, the grant will be come back to Commission for acceptance and approval.

2C1- Fairway Estates final plat approval

Attorney Brant informed Commission there is an additional stormwater easement on the golf course abutting the property that must be finalized. He suggested that the motion should be: City Commission shall approve the proposed final plat for Fairway Estates subject to the inclusion of a stormwater easement to accommodate runoff from the site, in a form acceptable to the City Attorney

MOTION: Commissioner Cornwell moved, Commissioner Varnadore seconded and motion carried 4-0 to approve the April 2, 2012 Consent Agenda items #2A2, 2A4, 2A5, 2A6, 2A7, 2B3, 2B4

and 2C1, with the motion as stated by Mr. Barnebey, and with the Consent Agenda correctly dated April 2, 2012.

Discussion: Mr. Tusing stated the preliminary plat for the subdivision was approved, construction began with infrastructure improvements, and then the downturn of economy occurred. The final plat approval will allow the sale of the lots. The subdivision has been constructed.

Motion on the floor carried 4-0

3. PUBLIC HEARING: ORDINANCE 2011-33

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING CODE OF ORDINANCES, ZONING CODE, TO PROVIDE STANDARDS FOR FARM LABOR CAMPS AS A CONDITIONAL USE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bryant explained this item was pulled from the agenda so staff can incorporate comments gleaned during meetings with property owners. A new ordinance will be brought forward at a later date. One issue raised during the meetings is whether this ordinance should be applicable to other types of housing.

MOTION: Commissioner Varnadore moved, Commissioner Williams seconded to terminate proposed Ordinance No. 2011-33.

Discussion ensued on whether Commission could take action on an item that was pulled from the agenda. If the Commission does nothing, the ordinance will die on the floor. If Commission wishes, a motion can be made later in the meeting to not re-advertise the ordinance.

Commissioner Varnadore withdrew her motion and Commissioner Williams withdrew his second.

4. PUBLIC HEARING: ORDINANCE NO. 2012-02

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 22-81, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

Mayor Bryant opened the public hearing. After no public comment, Mayor Bryant closed the public hearing.

MOTION: Commissioner Varnadore moved, Commission Williams seconded and motion carried 4-0 to adopt Ordinance No. 2012-02.

5. 1ST READ: ORDINANCE NO. 2012-03

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; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION: Commissioner Williams moved, Commissioner Smith seconded and motion carried 4-0 to schedule a public hearing for Ordinance No. 2012-03 for May 7, 2012.

Mayor Bryant recessed the City Commission meeting at 8:00 p.m. to open the CRA Board meeting.

Mayor Bryant reconvened the City Commission meeting at 9:35 p.m.

6. AWARD OF PROPOSAL FOR THE SUTTON PARK RENOVATION PROJECT

MOTION: Commissioner Smith moved, Commissioner Cornwell seconded and motion carried 4-0 to approve the Recommendation of Award of Proposal for the Sutton Park renovation project to Stellar Development; approve and authorize the Mayor to execute a Construction Agreement with Stellar Development as recommended by staff and with the revisions read by the City Attorney, in an amount not to exceed \$735,346, and with Mike Belle as the site superintendent.

7. RESOLUTION NO. 2012-10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 2011-31, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2011-2012, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Commissioner Williams moved, Commissioner Smith seconded and motion carried 4-0 to adopt Resolution No. 2012-10.

8. JANUARY AND FEBRUARY CHECK REGISTER (Informational only)

9. BASEBALL FIELD UPDATE

Mayor Bryant reported there has been no request from Manatee County to reschedule the cancelled meeting. It was suggested the topic be brought up at the Council of Governments meeting.

10. ASR WELL UPDATE

Reported his meeting with the new Southwest Florida Water Management District went well and some concerns were resolved during their discussion with Mr. D'Auito.

Reported Veolia Water is returning \$69,276.44 from the maintenance account, which Mr. Tusing requested be put back in the Wastewater Treatment Plan CIP account. Commission concurred.

11. DEPARTMENT HEADS' COMMENTS

Mr. Freeman

Referring to Mr. Burton's request for a proposal to appraise the City Hall parking lot, he said there are a few things to consider. He requested that Mr. Burton copy him on the email he sent out to Commission.

Attorney Barnebey

He suggested Commission could now make a motion regarding Ordinance No. 2011-33.

MOTION: Commissioner Williams moved, Commissioner Smith seconded and motion carried 4-0 to not re-advertise Ordinance No. 2011-33.

He will be bringing forward a recommendation for the Veolia contract renewal for an additional two year extension.

Thanked Commission for revisions to City Attorney contract.

Reported the phase 2 environment study on the Shell station property should be completed by the April 20, 2012 contract date, and information should be available at the next meeting.

12. MAYOR'S REPORT

Reported that with some assistance from the special assistant to Congressman Buchanan, she is now communicating with a representative of Manatee Memorial Hospital regarding her concerns about the lack of emergency health care north of the river.

Reported she has asked the County Commission to look at the intersection at Church Road by Holy Cross because of safety issues. She brought the topic forward at the monthly MPO meeting.

Mr. Smith invited participation at the peace rally on Saturday, April 7, 2012, from 2 – 4 p.m. The Stop the Killing March will begin on 2nd Ave. CRA will fund hot dogs and hamburgers at the event.

13. COMMISSIONERS' COMMENTS

Ms. Cornwell

Commented on the Splash Park and the crowds using Lincoln Park this weekend.

Mr. Williams

The Palmetto Rotary's booths at the July 4th meeting will be placed on the next agenda.

Mr. Barnebey stated the sign ordinance will be placed on the next workshop agenda. He would also like approve the noticing at the 7:00 meeting. He asked that Commissioners contact him with any questions regarding the changes reflected in draft.

Meeting adjourned at 9:45 p.m.

Minutes approved: April 16, 2012

James R. Freeman

James R. Freeman
City Clerk