

Palmetto City Commission
January 8, 2007 4:00 p.m.

Elected Officials Present:

Larry Bustle, Mayor
Mary Lancaster, Vice Mayor
Eric Ball, Commissioner
Tamara Cornwell, Commissioner
Tambra Varnadore, Commissioner
Brian Williams, Commissioner

Staff and Others Present:

James R. Freeman, City Clerk
Chris Lukowiak, Public Works Director
Chief Garry Lowe
Tanya Lukowiak, CRA Executive Director
Michele Hall, Attorney
Diane Ponder, Deputy Clerk-Administration

Mayor Bustle called the meeting to order at 4:00 pm, followed by a moment of silence for overseas military personnel and the Pledge of Allegiance.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Mr. Ball moved, Mr. Williams seconded and motion carried 5-0 to approve the January 8, 2007 4:00 pm agenda.

2. JACKSON PARK LAND ACQUISITION – EMINENT DOMAIN

Mr. Lukowiak briefly reviewed the project the City has been working for the past several years. There are six parcels of land needed to construct the retention pond in the area to relieve the neighborhood's flooding. Contact has been made with some property owners who are willing to sell the property to the City, but all the heirs of parcels that are involved in estates are difficult to locate. Staff has determined the best way to secure clear title to all the property needed to construct the retention pond for public use is to recommend an eminent domain taking and to contract with Robert J. Gill of Ruden, McClosky, Smith, Schuster & Russell to assist the City with the land acquisition for the Jackson Park Stormwater Project.

Mr. Gill explained that with fragmented ownership in estates and disagreement among the heirs of the fractional interest of ownership there may not be insurable title to the properties. In eminent domain proceedings the burden of proof falls to the claimant making a claim in the estate. When the City places a deposit with the court, the City becomes owner of the property and the entitlement of ownership continues through the court.

Mr. Gill opined there is no question of public use in this taking, so the recent eminent domain legislation regarding development would not apply in this case. He further stated statute allows the City to take property outside its municipal boundaries if the taking is for a public purpose the City needs to accomplish.

Staff confirmed there is correspondence with Manatee County discussing sharing the cost of this project, but the county has not agreed in writing to assist the City. Mayor Bustle stated that in the interest of protecting the citizens, the City should proceed with the project regardless of the county's participation.

Ms. Varnadore voiced her concern with the eminent domain taking because the property is located in the unincorporated area of Manatee County. Mr. Gill informed Commission that

Manatee County will be a defendant in the suit, so they will have to make a claim against the property or solve the problem. If the county does not respond the City will own the property. The City can then annex the property, if deemed to be contiguous, into the City limits.

Commission concurred with moving the item forward to the 7:00 agenda.

3. DISCUSSION: RESOLUTION NO. 06-42

Mr. Freeman explained that Resolution No. 06-42 identifies the reductions in the 2007 budget staff recommends to support the Stormwater Fund budget. Proposed reductions are Stormwater O & M of \$131,000 and subsidies of \$78,000 from Road & Bridge; \$279,000 from General Fund; and \$154,000 from Enterprise Funds. Commission discussed the proposed reductions. As a result of Mr. Williams' inquiry, Chief Lowe explained why two police vehicles were not deleted, even though two police officer positions were deleted.

Commission concurred with moving the item forward to the 7:00 agenda.

Mr. Lukowiak requested permission to move to item #5, as he was waiting for additional information. Commission concurred.

4. DISCUSSION: LIMITATION OF USE – REGATTA POINTE

Tanya Lukowiak explained that as a result of data received from the Planning Department and conversation of Commission, the intention of Resolution No. 07-01 is to maintain the view corridors and the public use and access at Regatta Pointe. The proposed resolution declares a limitation of use of city-owned or city-controller property west of Riverside Drive between 8th Avenue and 11th Avenue.

Discussion ensued on the information contained in the point paper relating to views. Attorney Hall stated the resolution as drafted did not address protecting views. Mrs. Lukowiak reaffirmed that any plans for development must be brought to Commission for approval. Attorney Hall confirmed the resolution is not a land use regulation; it is an expression of how the City's intends to permit use of city-owned land.

Commission concurred with moving the item forward to the 7:00 agenda.

5. DISCUSSION: REVISED 2007 CAPITAL IMPROVEMENT PLAN

Mayor Bustle informed Commission the Capital Improvement Plan has been restructured to extend the plan to 10 years and to reduce the annual expenditure to approximately \$5 million.

Mr. Lukowiak informed Commission the Plan has been restructured and projects for 2007 amount to \$3,395,407. He stated the funds for street resurfacing, sidewalk replacement and PARS, totaling \$492,000 has been encumbered for Ward 1; no additional work will be performed for those particular projects if the CIP is adopted as presented. Mr. Lukowiak reviewed the balance of the 2007 projects, as follows:

ADA Compliance	\$87,000 of \$137,000 encumbered
I&I	\$87,000 (approximately) of 237,000 encumbered
WWTP Upgrades	\$250,000 (must review figures associated with the generator)
Historic Park	\$50,000 (same amount budgeted each year)
Jackson Park	\$200,000 (land acquisition cost; possibly legal and engineering expense)
301 Utility Expansion	\$620,000 (25% will be assumed by the developer; impact will also contribute to the expense, but not fund the entire project given the slowdown in development)
17th St. Utility	\$16,000 (encumbered)

City Facility Security	\$2,000 (encumbered)
City Center	\$10,000 (item may be raised by \$70,000 depending on next agenda topic)
PW Break Room	\$30,000
Tree Pruning	\$25,000 (as needed item; CRA may assist)
Backflow Prevention	\$100,000
Dredging	\$100,000 (engineering for Jet Park & Tropic Isles; WCIND grant may be available for the actual dredging; will reduce by \$20,000 if next agenda item moves forward)
10th Street Drainage	\$600,000
Canal Rd. Utility	\$200,000 (at 60% plans, breaking ground in January; purpose of annexation discussion with developers; Industrial Park pressure testing inadequate)
ASR	\$78,000
Telemetry Program	\$125,000 (approximately – Is not listed on the CIP as a 2007 project.)

Mr. Freeman informed Commission the total for all the projects listed in the Capital Improvement Program amounts to \$50,965,271 through 2011. The 2007 projects amounting to \$3,395,407 will be funded from the remaining loan funds that have not yet been expended for the projects. \$47,120,407 remains to be funded over the next four years. Staff continues to determine if the amount is feasible. He requested Commission consider that there will be future funding requirements associated with projects approved and begun in 2007; initial projections amount of \$23,000,000 over the next four years.

Discussion ensued on the projects that are on-going vs. one-time and possible funding sources. Mayor Bustle stated the information Commission needs to be advised of where the funding will be drawn from to pay for the projects. Mrs. Simpson explained the 2004 loan funds of approximately \$145,000, including interest, has been allocated to the 2007 projects; the 2005 loan funds, including interest, amounted to approximately \$3.2 million, plus impact fees has also been allocated to the 2007 projects. Mrs. Simpson further stated that during 2007, additional funding sources will be sought for projects that extend beyond 2007.

Mayor Bustle informed staff that funding sources must be identified for 2007 projects that have projected out-year expenses before the project can be approved by Commission. Mrs. Simpson stated that without increased user fees and impact fee revenue, the funding source would have to be debt, and additional debt service would have to be taken from fund balance. She further clarified that the only 2007 projects the City could move forward on are the ones with a signed contract and encumbered funds. Mr. Lukowiak stated that the City is already paying debt on the \$3 million; the identified 2007 projects can be started and completed without additional debt.

Mayor Bustle suggested it is fair to request that Commission continue every project that is under contract. Mr. Freeman recommended Commission allow staff to bring the 2007 projects under contract, with the total projected costs, to a subsequent meeting for approval. In the interim, staff can determine the total for the recurring programs and new program projects with funding requirements beyond 2007, and identify their funding sources. The topic will be brought back to Commission on the January 22, 2007 agenda.

6. DISCUSSION: CITY CENTER ANALYSIS

Mr. Lukowiak informed Commission that Giffels-Webster Engineers, Inc. performed a visual structural evaluation of the Gold Dome Building and found no structural defects. The next phase in the City Center project is to perform a study of the building to determine if it is feasible to modify the building to satisfy requirements to serve as a City Center. Mr. Lukowiak stated Fawley

Bryant is prepared to complete the study at a cost not to exceed \$70,000. Mr. Lukowiak stated the study will come from the \$3.3 million in the CIP.

Commission concurred with moving the item to the 7:00 agenda.

Meeting adjourned at 6:15 pm.

Minutes approved: January 22, 2007

A handwritten signature in black ink, appearing to read "James R. Freeman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James R. Freeman
City Clerk