

CITY COMMISSION WORKSHOP
December 21, 2009 – 4:30 PM

Elected Officials Present:

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

Elected Officials Absent:

Mary Lancaster, Commissioner

Staff and Other Present:

Mark Barnebey, City Attorney
Jim Freeman, City Clerk
Garry Lowe, Chief of Police
Tom McCollum, Interim City Planner
Karen Simpson, Deputy Clerk-Finance
Allen Tusing, Public Works Director
Diane Ponder, Deputy Clerk-Administration

Mayor Bryant called the meeting to order at 4:30 pm, followed by a moment of silence and Pledge of Allegiance.

1. PROPOSED SETTLEMENT AUTHORITY ORDINANCE

Proposed ordinance establishing the Mayor's settlement authority for certain claims made against the City; which has been amended following initial review on December 7, 2009.

In response to an inquiry from a Commissioner, Attorney Barnebey suggested the ordinance could be further amended to look at making settlement authority through the attorney after consultation with the mayor. Manatee County provides for the county attorney to settle claims up to \$20,000.

Commissioner Williams commented that the ordinance provides for no authority for the City Commission to review and settle any claims. He opined that the Commission is unable to direct the Mayor regarding settlements. He suggested the City Attorney should be responsible, which would allow the Commission to speak with the Mayor regarding settlements, and she could then direct the attorney. He suggested this type of settlement authority could prevent any political issues.

Commissioner Zirkelbach suggested the chief executive officer of the City should be making the decision regarding settlement of any claims, not a paid professional employed by the City.

Discussion ensued on granting the settlement authority to the City Clerk. Attorney Barnebey opined settlement could be effected by either means; a mayor, city attorney or a city clerk. Mayor Bryant stated she accepts Commission's choice. Mr. Freeman confirmed he is comfortable with settlement authority, provided there is definitive settlement criteria established in the ordinance.

It was consensus of Commission to change "mayor" to "city clerk". The ordinance will be brought to Commission after proper noticing.

2. 2010-2014 CAPITAL IMPROVEMENT PROGRAM

Mr. Tusing reviewed the CIP, revised after Commission comments during the November 16, 2009 presentation. He reported the program is funded with the exception of the 23rd St. realignment and the Little League complex projects. Mr. Freeman stated 23rd St. is ready to go to bid. If the project comes in less than anticipated, the unfunded amount will be a moot point.

Mr. Tusing stated a concern is funding the CIP next year. Discussion ensued on funding the program, with staff confirming they are researching all possible funding opportunities. Mrs. Simpson stated she would prefer a bank qualified loan vs. bonds for funding, if necessary.

WWTP repairs were discussed, with Mr. Tusing stating it may be possible to complete some projects from funds left in last year's and this year's CIP that have not been utilized. Discussion ensued on using CRA funds to repair lift stations outside the CRA boundaries. Lift Station 5 is located in the CRA and serves the majority of the CRA wastewater. Mr. Freeman stated funding is an issue, and staff will work to identify additional resources to fund improvements.

Mr. Tusing brought the Haben Blvd. roundabout project forward for discussion. He commented on the topic being briefly discussed at the last meeting. He presented a ZNS Work Assignment for creation of the design, permitting and construction services. He has been notified that March 1, 2009 is the new State deadlines for the 60% drawings.

Commissioners Williams and Zirkelbach discussed the conceptual design of the roadway. Mr. Tusing stated the site plan will be brought back to Commission before any decisions are made concerning the location of the road.

Ms. Varnadore entered the meeting at 5:09 pm.

Commissioners Williams, Zirkelbach and Cornwell agreed to move the ZNS Work Assignment to the 7:00 agenda for action.

Commissioner Varnadore opined telemetry meters should be removed from the CIP because it is funded from loan proceeds which may be needed for projects that must be completed; the project is a luxury. Mr. Tusing requested that the program be left on the CIP; staff will seek alternative funding other than loan proceeds. He opined that the pilot program with the three large meters can provide additional revenue to fund the program. Mr. Freeman stated the program has been reduced by \$80,000, and agreed with Mr. Tusing that there is a definite savings to the City from the program. Commissioner Varnadore stated that until the City knows how the program is funded she will not support the CIP.

Mr. Tusing stated that he would prefer the approval of the CIP be unanimous and suggested keeping the telemetry meter program as non-funded rather than remove it from the CIP. Mr. Freeman explained that staff is seeking approval to spread the program over several years. Mr. Tusing stated his confidence the pilot program for the large meters will provide the revenue necessary to fund the program. Mr. Tusing confirmed the program is also contained within the Water Department's operating budget.

A majority of the Commissioners approved moving the item forward to the 7:00 agenda for Commission action.

Mr. Freeman reviewed the City's accomplishments that have been finalized during 2009.

Mayor Bryant commented on the success of the luncheon for the volunteer boards and employees. She named the companies that contributed to the luncheon.

Meeting adjourned at 5:45 pm.

Minutes approved: January 4, 2010

James R. Freeman

James R. Freeman, City Clerk