

**CITY COMMISSION WORKSHOP MEETING
JANUARY 24, 2011
4:30 PM**

Elected Officials Present:

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

Elected Officials Absent:

Shirley Groover Bryant, Mayor Absent

Staff and Others Present:

Allen Tusing, Public Works Director
Jim Freeman, City Clerk
Chief Rick Wells
Mark Barnebey, City Attorney
Deanna Roberts, Administrative Assistant

Vice Mayor Zirkelbach opened the meeting at 4:32 P.M.

1. PRESENTATION GOVERNMENT FINANCE OFFICERS ASSOCIATION (FGFOA) CERTIFICATE OF ACHIEVEMENT FOR THE FYE2009 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Vice Mayor Zirkelbach presented the Certificate of Achievement for Excellence in Financial Reporting to Finance Director Karen Simpson. The award was presented to the City by the Government Finance Officers Association. This is the fifth year in a row that Finance has received this award. Finance Director Karen Simpson introduced her staff and complimented them on their hard work. Mrs. Simpson thanked Commission for their support.

2. PROPOSED FPL FRANCHISE AGREEMENT RENEWAL

Mr. Freeman briefed Commission on the FPL franchise agreement. The agreement with FPL will expire on March 3, 2011. FPL has proposed another thirty-year agreement. The City currently receives about \$742,000 in franchise fees. Under the proposed agreement the revenue will be about \$870,000. Without an agreement, FPL would provide services, but the City would not collect the fees.

City Attorney Mark Barnebey informed Commission that the plan is to have this on the next agenda for first reading and then to adopt the agreement at the following meeting. He commented that other jurisdictions receive a higher percentage in fees.

Mr. Freeman interjected that the City of Sarasota entered into a separate agreement with FPL in addition to the franchise agreement relative to renewable energy. He suggested Commission may want to consider the same.

Mr. Barnebey, speaking for Mayor Bryant who was absent, said her desire was for the City's agreement to mirror the one FPL has with the City of Sarasota. .

Commissioner Williams concurred with Mr. Freeman regarding renewable energy options. Representatives of FPL appeared before Commission to discuss the agreement. Present at the meeting were: Rae Dowling, Area Manager/External Affairs, Patrick Bryan, Senior Attorney, and Don Sayre, Governmental Accounts Manager.

Ms. Dowling informed Commission that the franchise agreement is up for renewal, and over the past five years the franchise has been worth \$3.5 million to the City. She explained that this is a non-exclusive agreement, and in return for the fee, the City agrees not to go into the electric business. FPL pays the City monthly. The current fee is 5% and the proposed agreement would take it to 5.9%. FPL projects it would bring the City \$164,000 more per year. The calculations in the new agreement are different and the result is more money for the City. In the past, ad valorem taxes were a part of the calculation. The fee remitted equaled 5% of the revenue inclusive of property taxes. The new calculation excludes ad valorem taxes from being a part of the calculation.

Ms. Dowling said the City's request for a 6% fee will be submitted to FPL corporate offices. She said that FPL has the lowest rates in the State and one of the lowest in the southeast. She said on a typical bill, the customer should expect to pay about \$1.47 more per bill at the 5.9% fee.

Commissioner Varnadore requested that the reference in the ordinance to City Council be changed to City Commission. Regarding her question about the reference to a previous ordinance on page 5, Mr. Barnebey said that will be removed. He has also recommended that the language on page 9, Section 11, regarding outstanding claims should be removed. Mr. Bryan said FPL has modified that language so that it reads, "All claims that are not asserted, in writing, within one year after the effective date of the new franchise, are barred." The City must put FPL on notice within one year, and the claim is good for five years per the statute of limitations.

Commissioner Varnadore requested additional language that might address innovations that might come in the future for renewable energy. Mr. Bryan reiterated that the agreement is non-exclusive. In the future, the City could go to another provider if retail competition opened up in this area. This applies only to City facilities. And, nothing prevents the City from installing renewable energy sources at City facilities.

3. PROPOSED PROCEDURES FOR CITY COMMISSION MEETINGS

Mr. Barnebey presented some procedures for the City Commission meetings. He said the City has been operating under Roberts Rules of Order which is not really written for government use. Changes made to the Charter in November are reflected in the proposed document.

A change, not addressed in Roberts Rules, occurs at the top of page 2 in Section C: In the absence of a quorum of the City Commission, if only one member should be present, that member may:

1. take measures to obtain a quorum;
2. fix the time to which to adjourn, take a recess, or reschedule a meeting; and
3. continue a meeting or a public hearing on any scheduled matter to a time and date certain.

Mr. Barnebey explained that this would typically happen at a regular meeting where there is a public hearing scheduled. This would avoid the notice process and the cost involved. Mrs. Cornwell said this has not happened in all her years on the Commission.

In Section D, Mrs. Varnadore asked to add "with Commission approval" under Appointments of Members to Other Boards. Also change "such appointees **shall** report items of interest to City Commission" to **may**.

Part III. Meetings

Section A. Regular meetings may be changed, postponed, or cancelled by a majority vote of the City Commission members present.

Subparagraph a. Citizen Comments: It was decided to allow three (3) minutes for citizen comments.

The discussion will continue in subsequent workshops.

4. DISCUSSION: USE OF CITY PARKS FOR TEMPORARY BALL FIELDS

Discussion of waiving the fees for Sutton Park as a practice field for the Little League T-ball teams.

Mr. Tusing informed Commission that the Little League has asked the City to waive the fees at Sutton Park so that they may use them for T-ball. They are also requesting use of the fields on 14th Avenue. The City does not charge for the use of those fields. Public Works will do some maintenance to get the fields ready.

There was a consensus by Commission to waive the fees for a limited period of time; perhaps six months or a year. Commission asked to have a schedule of dates the Little League will use the fields. On other days, the fields will be made available to the public.

Commissioner Varnadore asked for an informal written agreement. Commissioner Williams asked for a waiver of liability.

The storage facility the City has made available to the Little League has a roof leak. Mr. Tusing said that Public Works will seal the leak. Mr. Tusing told Commissioner Cornwell that the Little League has use of the building until ball fields become available. She was concerned with the City's liability if the building is unsafe.

CRA Director Jeff Burton explained that the agreement gave each party a 90 day opt out. It was a simple agreement. CRA is looking into redeveloping the area and the Birkholz building is not part of the plan. Mr. Barnebey will take a look at the agreement to check the City's liability. Commissioner Cornwell said she was under the impression it was a storage facility for equipment, and now they are using the building for meetings. Mr. Barnebey commented that if the building is unsafe, the City may have to ask them to leave.

5. ADJOURNMENT

Vice Mayor Zirkelbach adjourned the meeting at 5:58 p.m.

Minutes approved: February 7, 2011

James R. Freeman

James R. Freeman, City Clerk