

Palmetto City Council
March 1, 2004 7:00 PM

Elected Officials Present:

Larry Bustle, Mayor
Tamara Cornwell, Vice Mayor
Shirley Bryant, Council Member
Mary Lancaster, Council Member
Brian Williams, Council Member

Staff and others present:

Attorney Michele Hall
J. E. Free, Jr., City Clerk
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 7:00 p.m.

Pastor Ted Francis, Terra Ceia Baptist Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle presented Charlie Grace with a plaque of recognition for his service to the city as a Council Member. Public Works Director Christ Lukowiak also presented Mr. Grace a plaque for his service as the Council Liaison to the Public Works Department.

1. APPROVAL OF AGENDA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the March 1, 2004, 7:00 agenda as amended with the addition of the Palmetto Mobile Home Park Project, FDEP Compliance Evaluation Inspection of the Wastewater Treatment Facility and Special Election items and deletion of item #15, On-Call Policy,

2. CONSENT AGENDA

- A) Minutes: February 16, 2004 Workshop and Council Meeting
- B) Dye, Deitrich, Prather, Petruff & St. Paul billing through January 31, 2004
Professional Services - \$26,087.43; Litigation - \$1,138.96
- C) Special Function Permit: Kids' Fishing Tournament
Spring Classic
Cinco de Mayo

MOTION: Ms. Bryant moved to approve the Consent Agenda, removing the Cinco de Mayo Special Function Permit for discussion. Ms. Cornwell seconded.

Mr. Williams requested the removal of the Spring Classic Special Function Permit for discussion.

Ms. Bryant amended her motion to also include the removal of the Spring Classic Special Function Permit for discussion. Motion to approve the Consent Agenda carried 4-0.

Referring to the Spring Classic, Mr. Williams questioned the number of police officers requested when one was to be located in another jurisdiction. Chief Lowe explained the Palmetto Police Department will hire an officer from another jurisdiction to provide the needed protection.

Regarding the time of the Cinco de Mayo event, Mrs. Alvarez explained the event's start of 10:00 am was to allow for proper set up; serving starts at 2:00 pm; music begins at 5:00 pm and ends at 10:00 pm.; clean up will be until 11:00 pm. Letters allowing for parking privileges have been secured from Gold Bank, Northside Auto Parts, P&T Filters. The area will be cleaned up after the event. Four police officers will be present, one of which will be located at the Encore to prevent illegal parking. Staff was instructed to advise Palmetto Mobile Home Park the hours of the event and that music will be provided from 5:00 pm to 10:00 pm.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to approve the Cinco de Mayo and Spring Classic Special Function Permits.

3. PUBLIC HEARING - ORDINANCE NO. 04-792
Ordinance No. 04-792 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; ANNEXING CERTAIN REAL PROPERTY INTO THE CITY OF PALMETTO FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (AN0303-R.D. Hammocks, LLC., PID #1015726009 approximately 1.17 acres)

Mayor Bustle opened the public hearing. With no public comment, Mayor Bustle closed the public hearing.

MOTION: ***Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 04-792.***

4. PUBLIC HEARING - ORDINANCE NO. 04-793
Ordinance No. 04-793 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO THE CITY OF PALMETTO COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP FROM RES-3 (RESIDENTIAL-THREE UNITS PER ACRE/COUNTY) TO PD (PLANNED DEVELOPMENT/CITY) BY INCORPORATING THE LAND LEGALLY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (PA0302 - R. D. Hammocks, LLC., PID #1015726009, approximately 1.17 acres)

Mayor Bustle opened the public hearing. With no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 4-793.

5. PUBLIC HEARING - ORDINANCE NO. 04-794
Ordinance No. 04-794 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, TO CHANGE THE ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE FROM RSF-4.5 (RESIDENTIAL SINGLE FAMILY-4.5 UNITS PER ACRE) TO PD-MU (PLANNED DEVELOPMENT-MULTI USE/CITY); PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0307 - R. D. Hammocks, LLC., PID #1015726009, approximately 1.17 acres)

MOTION: Ms. Bryant moved to adopt Ordinance No. 04-794. Ms. Cornwell seconded for discussion.

Mrs. McCann informed Council the land was believed to be in the city limits as part of the original DRI for the Hammocks. The action is to correct prior surveying; no additional units are proposed; all prior calculations still apply; the approved plat will not change.

The motion on the floor to adopt Ordinance No. 04-794 carried 4-0.

6. PUBLIC HEARING - ORDINANCE NO. 04-796

Ordinance No. 04-796 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING ORDINANCE NO. 665 AND RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR RIVIERA DUNES, A DEVELOPMENT OF REGIONAL IMPACT, DRI #236; PROVIDING FOR DEVELOPMENT RIGHTS, CONDITIONS AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. With no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Ordinance No. 4-796.

7. PUBLIC HEARING - ORDINANCE NO. 04-797

Ordinance No. 04-797 was read by title.

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; REPEALING CHAPTER 15, GARBAGE, REFUSE AND TRASH, OF THE CITY CODE OF ORDINANCES IN ITS ENTIRETY; AMENDING THE CITY CODE OF ORDINANCES BY ADDING CHAPTER 15, SOLID WASTE; PROVIDING DEFINITIONS; PROVIDING REQUIREMENTS RELATING TO THE COLLECTION OF SOLID WASTE FROM RESIDENTIAL AND COMMERCIAL PROPERTIES; PROVIDING A SCHEDULE OF FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. With no public comment, Mayor Bustle closed the public hearing.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 4-0 to adopt Ordinance No. 4-797.

8. RESOLUTION NO. 04-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, DECLARING CERTAIN PROPERTY OWNED BY THE CITY OF PALMETTO TO BE SURPLUS AND AUTHORIZING ITS SALE OR DISPOSAL.

Auction of Public Works vehicles and equipment used in commercial solid waste collection.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-0 to adopt Resolution No. 04-11.

9. RESOLUTION NO. 04-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING RESOLUTION NO. 03-22, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 2003-2004, AND PROVIDING FOR AN EFFECTIVE DATE.

Increase in the fencing cost of observation decks at the Estuary Park

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to adopt Resolution No. 04-14.

10. RESOLUTION NO. 04-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE OF THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,300,000 TO PROVIDE FUNDS TO REFINANCE THE CITY'S CAPITAL IMPROVEMENT REVENUE BOND, SERIES 1998, AND TO FINANCE IMPROVEMENTS TO THE CITY'S WATER, WASTEWATER, WASTEWATER REUSE AND STORMWATER SYSTEMS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE, A LOAN AGREEMENT AND **AN AMENDMENT TO AN ISDA MASTER AGREEMENT**; AND PROVIDING AN EFFECTIVE DATE.

Mr. Free corrected Resolution No. 04-09, deleting "An Amendment To" from the title as shown above.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 40- to adopt Resolution No. 04-09.

11A. REQUEST FOR APPROVAL OF THE EQUITAS SEWER SERVICES CONTRACT, LLC.

Video and cleaning services for: 1) Riverside Dr. from 11th Ave. to 13th Ave.; 2) 12th St. from 14th Ave. to 17th Ave. W.; 3) 10th St. from 18th Ave. to 20th Ave.

Mr. Lukowiak also included in the video and cleaning services the Palmetto Mobile Home Park project.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 4-0 to approve and authorize the Mayor to execute a contract with Equitas Sewer Services, LLC in an amount not to exceed \$11,500.

11B. PALMETTO MOBILE HOME PARK PROJECT

Mr. Lukowiak advised Council that after a sewer blockage complaint, a site inspection found that it is possible the retention pond at Palmetto Mobile Home Park is infiltrating into the sewer main. Staff's recommendation to video and clean the pipe at a cost of \$3,402 was approved with item #11. Staff further requested that Council approve a contract with Insituform Technologies to reline the sewer main. It is the opinion of staff that as the pipe is cleaned, the process may compromise the integrity of the pipe; relining vs. replacing the sewer main is less costly and less disruptive. If the contract is in place, relining of the pipe can immediately be accomplished.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-0 to approve the Palmetto Mobile Home Park project at a cost not to exceed \$47,000.

11C. FDEP COMPLIANCE EVALUATION INSPECTION OF THE WASTEWATER TREATMENT FACILITY

Mr. Lukowiak informed Council the Florida Department of Environmental Protection inspected the wastewater treatment facility January 20, 2004, which resulted in written notification of items the city has to address before the deadline of March 13, 2004. Mr. Lukowiak reported he has spoken

with Mr. Patterson, the manager of the facility, and Harold Bridges of JEA, who prepared the application of the facility's permit and who has worked with Mr. Patterson on similar issues. Mr. Lukowiak recommended approving JEA to complete the tasks associated in the notification to meet the deadline. Mr. Lukowiak also stated there is a possibility the \$1,500 cost may be negotiated to a lower amount.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-0 to authorize the project as requested by Public Works for the FDEP and the wastewater treatment plant, not to exceed \$1,500, and to assign a city project number.

Mr. Free informed Council he will bring back a budget resolution for funding of the Palmetto Mobile Home Park project. It was Mr. Free's opinion Public Works' engineering account can fund the FDEP compliance evaluation report.

12. REQUEST FOR APPROVAL OF THE WESTRA CONSTRUCTION CORPORATION CONTRACT

Seventh Street capital improvement project consisting of all sewer, water, and reuse lines repair and/or installation and street resurfacing from 14th Ave. to the river.

Mr. Lukowiak informed Council the city would be "piggy backing" off of three of Westra Construction's existing governmental contracts. Funding for this project will be covered from existing fund balances and the Bank of America loan.

Staff was instructed to take action to inform the public of when construction will begin. Mr. Lukowiak confirmed "as built" will be provided upon completion.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 4-0 to approve and authorize the Mayor to execute a "piggy back" contract as outlined with Westra Construction Corporation for 7th Street in an amount not to exceed \$1,152,411, with all future projects subject to Council's prior review and approval.

13. POLICE PROPERTY ENVIRONMENTAL ASSESSMENT

Mr. Lukowiak advised Council the Florida Department of Environmental Protection requires action be completed in the environmental assessment of the Police Department property not later than April 23, 2004. Mr. Greg Frecht of JEA explained this item is a continuation of the contamination assessment resulting from contamination created by an in ground tank containing leaded gasoline that was never registered or licensed. Mr. Frecht discussed his knowledge of the assessments that have been completed by JEA and what remains to be done. Mr. Lukowiak informed Council that once this assessment is completed the city will better know if future budgeting of funds will be necessary in the mediation phase.

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 4-0 to authorize JEA to perform assessment tasks at the Police Department property at a cost not to exceed \$20,000.

Mr. Lukowiak also discussed the plum of contamination that has been identified under the building on the site and requested that Council approve the acquisition of a cost estimate from JEA to perform indoor air quality tests. Mr. Frecht stated the test would take 24 hours with the cost associated with laboratory testing because of the petroleum issue. Council concurred to getting a cost estimate for the testing.

14. JACKSON PARK SURVEY

Mr. Lukowiak recommended Council approve Leo Mills & Associates conducting the survey of areas of Jackson Park to prove the retention areas will work to alleviate flooding. The survey will

identify the boundaries of parcels of the proposed ponds, as well as provide topographical and tree information.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 4-0 to retain Leo Mills & Associates for an amount not to exceed \$8,200 to perform survey services in Jackson Park.

15. CITY HALL PHONE SYSTEM LEASE

Mr. Free explained the lease with Inter-Tel is for 60 months and can be extended for three years at on-half the cost of the lease. This digital system would replace City Hall's current analog system and allow staff to utilize an auto attendant. The new digital system would allow all three city departments to be linked when the fiber optic system is installed. Several Council Members opposed the auto attendant feature, stating the public should be able to speak with a person. Mr. Free advised Council it will be necessary to budget for a receptionist in the next budget in order to accommodate an increasing number of calls. It was suggested all the city departments should be placed on the same system, but Public Works and the Police Department are currently on a newer digital system that does not need to be replaced.

MOTION: Mr. Williams moved, Ms. Bryant seconded to approve and authorize the Mayor to execute a lease with Inter-Tel for an Axxess Total Solution Package Phone System for a 60 month term not to exceed \$588.51 per month, provided city employees answer the incoming calls. Ms. Cornwell and Mrs. Lancaster voted no. Mayor Bustle broke the tie with an affirmative vote. Motion passed 3-2.

16. AWARD OF CONTRACT - WATER SEWER & REUSE RATE STUDY

MOTION: Mr. Williams moved, Ms. Bryant seconded to award the Water, Sewer & Reuse Rate Study contract to Burton & Associates in an amount not to exceed \$30,236.

Mr. Free requested the motion be amended to "award the Water, Sewer & Reuse Rate Study to Burton & Associates, authorize staff to negotiate a contract and the Mayor to execute same, in an amount not to exceed \$30,236."

MOTION: Mr. Williams amended his motion. Ms. Bryant amended her second. Motion carried 4-0.

17. RESOLUTION NO. 04-12

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING THE ENACTMENT OF LEGISLATION WHICH PERMITS THE RECONSIDERATION OF THE CLASS SIZE CONSTITUTIONAL AMENDMENT; WHICH LEGISLATION WOULD LIMIT CLASS SIZE REDUCTIONS TO GRADES K-3.

Mayor Bustle informed Council items #17 and #18 are recommended by Florida League of Cities' legislative positions on the constitutional amendment approved by Florida voters. Council discussed the reasoning behind the two resolutions and the pros and cons of both.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded to adopt Resolution No. 04-12. Ms. Cornwell and Mr. Williams voted no. Mayor Bustle broke the tie with an affirmative vote. Motion passed 3-2.

19. RESOLUTION NO. 04-13

A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, SUPPORTING LEGISLATION REPEALING THE REQUIREMENT FOR EIGHTEEN CREDIT HOURS FOR GRADUATION FROM A FLORIDA HIGH SCHOOL.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded to adopt Resolution No. 04-13. Ms. Cornwell and Mr. Williams voted no. Mayor Bustle broke the tie with an affirmative vote. Motion passed 3-2.

20. 1ST READING & ADVERTISING APPROVAL - ORDINANCE NO. 04-799.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AMENDING IN ITS ENTIRETY CHAPTER 19, ARTICLE IV, OF THE CITY CODE OF ORDINANCES AND PROVIDING INSTEAD PROVISIONS REGULATING SOLICITATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 4-0 to adopt Ordinance No. 04-799 for advertising and schedule a public hearing for March 15, 2004

20B. AT LARGE COUNCIL SEAT SPECIAL ELECTION

MOTION: Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried 3-1 to have a special election on May 18, 2004, as recommended by Supervisor of Elections Robert (Bob Sweat, to elect an At Large Seat 1 Council Member. Mr. Williams voted no.

21. DEPARTMENT HEADS' COMMENTS

Mr. Free and Mr. Lukowiak had no report.

Chief Lowe

The Police Department will be participating in a mock accreditation April 14 through April 16. The final accreditation is scheduled for July 14, 15 and 16.

22. MAYOR'S REPORT

Mayor Bustle informed Council Ms. Roberts has been working on the Volunteer Appreciation Dinner. If every volunteer and a spouse attend, the city will host approximately 139 people. Prices have been obtained from the Bradenton Yacht Club, 1st Street Café and the Palmetto Woman's Club, who will prepare the meal and waive the building's rental fee. It was consensus of Council to proceed with the Palmetto Woman's Club.

23. COUNCIL MEMBERS' COMMENTS

Referring to the On-Call Policy withdrawn from the agenda, Mr. Williams recommended paying the employees on-call the proposed 5.25 hours per weekend until the On-Call Policy is adopted.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-0 to authorize Public Works to compensate on-call employees 5.25 hours for the weekend.

Mr. Williams requested a Saturday meeting to review and discuss the Charter. Council discussed possible dates, choosing April 3, 2004 at 10:00 am for the Council meeting and also April 3, 2004, for the Volunteer Appreciation Dinner. In addition to the identified items dealing with the Charter referendum, Council discussed adding the vacancy issue and Mayor recall procedures for review at the meeting.

Mr. Williams stated he hopes long-term Public Works employees are sharing their knowledge of the city's infrastructure in updating city maps and during input into the GIS system.

Ms. Bryant

Ms. Bryant requested that copies of the CIP Plan be available for the town hall meeting at Terra Ceia. Ms. Bryant stated Council had only 15 minutes for the sales tax issue and she wanted to ensure Mr. Lukowiak spoke to the reuse issue.

Ms. Cornwell

Ms. Cornwell requested that staff confirm with Mrs. Alvarez the she would be paying for security at the Cinco de Mayo event.

Ms. Cornwell inquired the status of the Impact Fee Equivalency Ordinance. The ordinance is in the hands of the attorney.

Ms. Cornwell discussed the fact that when she asked about the insurance rates she was told there would be a decrease and now Council is being informed there will be an increase. Mr. Free explained the increase is not necessarily a funding requirement; it is the exposure the city has. As an example Mr. Free explained the city pays \$990,000 a year for insurance for 140 employees. Of that amount, \$290,000 is spent to buy insurance within the insurance package for medical services and prescriptions, and then the city pays the actual cost of claims to a maximum of \$25,000 per employee or an aggregate maximum of \$700,000. Historically the city has not exceeded the maximum aggregate so the maximum exposure is \$90,000. There is currently a \$575,000 insurance reserve balance to cover this exposure. Mr. Free stated the city is not required to hold insurance fund reserves. Mr. Free further explained the rate quote provided the city was based on a low number of employees. Should the city pay out \$700,000 in claims, the \$575,000 will be reduced by the maximum exposure the city has of \$96,000. (Mr. Free supplied the correct amounts under discussion.)

Ms. Cornwell inquired if the City Hall phone system had been budgeted. Mr. Free advised Council the current year's budget would cover \$2,000 by transfer of funds that were carried over for consultants and audits that will not be needed.

Ms. Cornwell referred to adopted Resolutions No. 04-13 and 04-13 and inquired if the vote is reversed if the funds the counties contributed would be returned to the counties. Mayor Bustle stated he would acquire an answer regarding the question.

Ms. Cornwell stressed how important it is that city representatives go to the mobile home park and explain the circumstances surrounding the upcoming project. She also suggested that if the trailer over the pipeline has to be removed, the city should consider securing the spot.

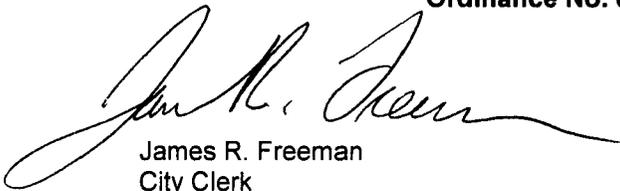
Mrs. Lancaster

Mrs. Lancaster commended Mr. Lukowiak for action taken with the Palmetto Mobile Home Park. Mr. Lukowiak stated the credit should go to Mr. Duane Kinn, as he found the problem.

Meeting adjourned at 9:25 pm.

Minutes approved: March 15, 2004

Minutes approved July 21, 2008 to include the public hearing for Ordinance No. 04-792.



James R. Freeman
City Clerk