

Palmetto City Council
February 17, 2003 6:00 PM

Elected Officials Present:

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

Staff and others present:

Attorney Alan Prather
Mary Jean Forrester, Interim City Clerk
Captain Clyde Hedrick
Mike Hickey, Public Works Director
Diane Ponder, Administrative Assistant

Mayor Bustle called the meeting to order at 6:00 pm announcing the meeting was to provide direction to the attorneys regarding litigation.

Attorney Prather informed Council he has been advised Ms. Bryant and Ms. Cornwell are voting members of the Fair Board and Mr. Williams is a non-voting member. The realization of this information generates issues of possible conflict between the parties involved in the Jean Sisk lawsuit regarding a fall injury that occurred at property owned by the fair grounds or by the city or by the county. The lawsuit has been filed against the Fair Board, City of Palmetto and Manatee County to determine responsibility.

Attorney Prather discussed obligation under the law as an elected official of the city vs. obligation to the Fair Board as a member. Attorney Prather stated there are substantial issues he and Mr. Hootman have to address. He stated it would be best to resolve the issues before entering into a shade meeting regarding the litigation.

Mr. Williams discussed a quorum of the Council being present because of his non-voting status on the Fair Board. Attorney Prather stated he is not prepared to advise two of the five Council Members that they, as a matter of law, are safe in not participating or voting when present in a litigation meeting, quoting Florida Statutes regarding voting when present.

Attorney Prather stated there is no detriment to the city to delay the litigation shade meeting. Mr. Hootman advised depositions are scheduled that may allow him to bring more information back to Council before the next shade meeting. It was consensus of Council to delay the litigation shade meeting.

Mayor Bustle recessed the meeting at 6:14 pm.

Mayor Bustle reconvened the meeting at 7:00 p.m.

Vice Mayor Bryant gave the invocation followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation declaring February 15 - 22, 2003 as FFA Week. The proclamation was accepted by a group of club members led by President Raul Ruelas.

Mayor Bustle read a proclamation declaring February 23 - March 23, 2003 as EPCRA Awareness Week.

1. AGENDA APPROVAL

Mayor Bustle requested the agenda be amended to add an action request to item #4, allowing Council to accept the selection committee's prioritization of the engineering firms or provide a new prioritization as determined by Council.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the February 17, 2003 agenda as amended.

2. CONSENT AGENDA

- A) Minutes: January 27, 2003 Council Meetings
- B) Attorney Billing: A. J. Jim Spalla, Litigation Services, \$2,362.07
- C) January Check Register
- D) January Financial Report
- E) Special Function Permit: Southeastern Guide Dogs 17th Annual Walkathon

Council requested a chart of accounts and/or a funds summary be provided with the check register.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Consent Agenda.

3. RESOLUTION NO. 03-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY TO ISSUE ITS PROMISSORY NOTE, SERIES 2003, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$500,000; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Ms. Cornwell moved and Mrs. Lancaster seconded to adopt Resolution No. 03-02.

CRA Executive Director Tanya Lukowiak reviewed Council authorizing the CRA to secure a \$500,000 line of credit with Bank of America on May 6, 2002. The loan is collateralized exclusively by TIF funds, is renewable every two years and contains a \$5,000 non-usage fee. Ms. Lukowiak stated the \$500,000 was budgeted via a budget resolution dated May 6, 2002. She also suggested the possibility of retaining the line of credit for future projects rather than paying it off.

Council passed the motion on the floor by a 5-0 vote.

4. CONSULTING ENGINEERING SERVICES PRESENTATIONS

After independently reviewing the ten proposals received in response to the city's bid for engineering services, the selection committee, comprised of Mayor Bustle, Mike Hickey, Tanya Lukowiak, Mary Jean Forrester, Jim Keranan and Allen Tusing, chose the firms of CH2M Hill, Zoller, Najjar, & Shroyer, LC and Jones Edmunds and Associates.

Each firm gave a ten minute presentation to Council, followed by a question and answer period. Zoller, Najjar & Shroyer, L.C. informed Council that if selected they would retain private sector clients Habitat for Humanity and Church on the Rock and if new private sector clients doing business in Palmetto are retained a conflict would be divulged so an independent engineer could review their work. Dan Zoller informed Council language to that effect could be made a part of any contract. During the presentations Council independently rated each firm.

Mayor Bustle recessed the meeting for ten minutes.

Mr. Williams informed Council his son had worked on the first phase of a project CH2M Hill was involved in at Port Manatee and it was possible he may be involved in the next phase of the project. He inquired if he should declare a conflict of interest and not vote on the presentations. Attorney Prather stated his opinion there would not be a conflict because his son was an employee of a firm awarded a contract. He advised Mr. Williams he could vote but Form 8B Memorandum of Voting Conflict should be completed for the record.

Mayor Bustle reviewed the selection committee's top three firms as ZNS, CH2M, and JEA. A copy of the committee's tally sheet is attached hereto and made a part of these minutes. Mayor Bustle asked Council to rank the companies as 1, 2 or 3. Mr. Williams and Mrs. Lancaster stated they would accept the selection committee's ranking.

In order to avoid confusion, Mayor Bustle polled each Council Member on their 1st, 2nd and 3rd place companies. The table below is a compilation of their votes.

	Grace	Williams	Cornwell	Bryant	Lancaster	TOTAL
CH2M	3	3	3	1	3	13
ZNS	1	1	1	3	1	7
JEA	2	2	2	2	2	10

Council's vote resulted in the following ranking of the firms:

- #1 Zoller, Najjar & Shroyer, L.C.
- #2 Jones, Edmunds & Associates
- #3 CH2M Hill

Mayor Bustle stated he would like to see Council approve a primary and alternate engineering firm, which allow the continuation of city business should there be a conflict of interest with the top firm.

MOTION: Ms. Cornwell moved and Mr. Grace seconded to authorize Mayor Bustle to enter into negotiations with the three companies and sign contracts with the top two firms.

Attorney Prather reviewed the manner in which negotiations should proceed. When contracts for the primary and alternate engineer have been secured they will be brought to Council for approval.

A vote was called for the motion on the floor. Motion carried 4-1. Ms. Bryant voted no.

5. AWARD OF BID - FIREWORKS DISPLAY

Council discussed the Taylor-Made Pyrotechnical Entertainment bid of \$20,000, an increase of \$5,000. Staff was instructed to contact the City of Bradenton and Manatee County, who in the past paid a third of the cost to produce the fireworks display, to secure their agreement to the increase.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 4-1 to award the 4th of July fireworks display bid to Taylor-Made Pyrotechnical Entertainment not to exceed \$20,000 contingent upon Manatee County and the City of Bradenton paying a pro-rata share of \$6,666.67.

6. RESOLUTION NO. 03-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR RATIFICATION AND CONFIRMATION OF THE CHARTER REVIEW COMMITTEE FOR THE CITY OF PALMETTO; PROVIDING FOR PURPOSE; PROVIDING FOR THE ESTABLISHMENT OF PROCEDURES AND DIRECTION; PROVIDING FOR SCHEDULE OF COMPLETION; PROVIDING FOR FINAL SUBMITTAL OF PROPOSED REVISED CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to adopt Resolution No. 03-03.

7. 1ST READING & APPROVE FOR ADVERTISING - ORDINANCE NO. 03-771

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, BY CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM RM-6 TO CHI (COMMERCIAL HEAVY/INDUSTRIAL); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0301/McClure Properties, LTD)

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 03-771 for advertising and schedule a public hearing March 3, 2003.

8. 1ST READING & APPROVE FOR ADVERTISING - ORDINANCE NO. 03-772

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, BY CHANGING THE ZONING OF THE PROPERTY DESCRIBED IN SECTION ONE OF THIS ORDINANCE FROM RM-6 TO GO (GENERAL OFFICE); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (Z0302/McClure Properties, LTD)

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve Ordinance No. 03-772 for advertising and schedule a public hearing March 3, 2003.

9. DISCUSSION - LETTER SUPPORTING CURRENT CRA FUNDING

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to authorize the Mayor to notify appropriate agencies of the city's support of the current funding mechanism for CRA's throughout the state.

10. DEPARTMENT HEAD'S COMMENTS

Captain Hedrick

The Citizen's Academy will hold its first meeting at the police department Thursday, February 20, 2003 at 6:00 pm.

Mrs. Forrester

The Supervisor of Elections' office will deliver three proposals for redistricting the city wards by the end of the week.

Mr. Hickey

Updated Council on the Estuary Park: the picnic tables and benches have been installed; the bathroom is installed and awaiting water hookup; planting continues. Mr. Hickey estimated restrooms would be available to the public within a month.

11. MAYOR'S REPORT

Advised Council a letter contract is being prepared to allow the city to retain Robert Schmidt as the city's temporary planner. Discussion ensued on the necessity of Mr. Schmidt carrying liability insurance with Attorney Prather stating the city would be part of any suit regardless of the insurance; the insurance just allows another source of payment. Mayor Bustle said he will request Mr. Schmidt be in-house a couple of times a week to meet with the public. Mr. Schmidt will also meet with the DRC and P&Z Board.

An interview has been scheduled for the city clerk position. City of Bradenton City Clerk Carl Callahan and Mrs. Forrester will be a part of the interview.

Informed Council he is moving forward in securing the three trees that will be planted in honor of Messrs. Ormond, Gilliard and McMillan.

12. COUNCIL MEMBER'S COMMENTS

Mrs. Lancaster

Reporting from the CRA meeting, Mrs. Lancaster commended CRA on working for the entire city. CRA is willing to supplement \$5,000 with the city's \$5,000 membership in EDC so the city can become a board member. Mayor Bustle will appoint the city's representative from the elected body. It was consensus of Council to accept the additional \$5,000 membership fee for the EDC from the CRA.

Updating from the Manatee Opportunity Council, Project Child Care has been authorized to pursue a name change.

Stated Council should always be made aware of plans for construction in residential areas. Mrs. Lancaster referenced the warehouse for Habitat for Humanity built on 3rd Avenue.

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Reported on a segment she heard on the news concerning Oakridge and the fact it was reported the project would not completely solve the problem. Mr. Hickey stated the project had been designed to handle a 25 year, 24 hour storm; regular rains should not cause flooding. Mr. Hickey also stated the completion date is anticipated to be February 26, 2003.

Ms. Bryant

Submitted a letter from the Palmetto Historical Commission regarding mitigation for the historical park, a copy of which is attached hereto and made a part of these minutes.

Calls have been received about loose dogs attacking pedestrians on 17th Street. Inquired about the process the police department follows if they receive a call. Ms. Bryant asked that other communities be contacted about how they handle this type of situation, i.e. a letter from the police department or a visit from an officer.

Ms. Cornwell

Inquired if a police officer has been stationed on 7th Street recording speeds between 14th and 20th avenues. Captain Hedrick stated 7th Street has been worked.

Ms. Cornwell discussed the difference between properties in and out of the UDZ. The ACCORD's definitions of the Urban Development Zone and the Joint Planning Overlay, as they relate particularly to the Preston property, were debated. Council also discussed some of the properties included on the UDZ were added to "square the city boundaries", and they may not fit UDZ perimeters. Ms. Cornwell maintained her belief the UDZ as approved by Council should be the one submitted; it has been the intention of the city to eventually annex the Preston property.

Attorney Prather stated the only difference between a UDZ property and any other property that could legally be annexed to the City of Palmetto is height, density & intensity. These issues are not on the table for the county regarding properties in the UDZ. The county can still challenge an annexation if it does not meet Florida Statutes. Attorney Prather discussed the city's ability to develop its criteria for building heights as long as the land use complies with the city's comprehensive plan. Attorney Prather stated the ACCORD date is what the city must adhere to.

It was consensus of Council to submit the UDZ as approved.

Responding to Ms. Cornwell's inquiry, Mayor Bustle reported he would be interviewing the only candidate he felt qualified for the city clerk position. He, Mary Jean Forrester and Carl Callahan, city clerk for the City of Bradenton, will conduct the interview.

Mr. Williams

Requested code enforcement look at the 3rd Street Drive area. He has received a call about multiple cars being parked in the area, some with no tags.

Reminded Mr. Hickey Council needed to be kept abreast of the drainage issue surrounding Church on the Rock. He requested a periodic update be provided. Mr. Hickey stated Zoller, Najjar & Shroyer, LC had volunteered to come back to Council to speak on the topic.

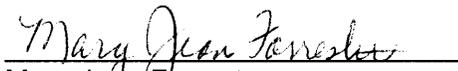
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Asked Attorney Prather when the ordinance prohibiting skateboarding on public property would be completed. Attorney Prather apologized, stating he was not aware of being told what Council was expecting the ordinance to contain. Council discussed the prohibition of skateboards, inline skates, mountain bikes, etc. being used on any public property.

Mr. Williams spoke of the captain receiving the chief's salary when he was named interim chief and performing both jobs. He inquired if Mrs. Forrester would be compensated for her tenure as interim city clerk. Mrs. Forrester stated the additional compensation was not necessary. Council suggested Mr. Williams develop a plan and bring it back for consideration.

Meeting adjourned at 10:30 pm.

Minutes approved: March 3, 2003



Mary Jean Forrester
Interim City Clerk

Patrick G. Bryant

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Palmetto, Florida 34221-4210

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October 10, 2002

City of Palmetto
516 8th Avenue West
Palmetto, FL 34221

Mr. Mayor and City Council Members:

Acting by request of the Board of Directors of the Palmetto Historical Commission, Inc., I recently asked the City Clerk about the City's disaster plan as it pertains to Heritage Park. She referred my inquiry to Ron Koper, City Risk Manager to discuss the matter. Late last week, I met with Mr. Koper to discuss the City's disaster plan in regards to Palmetto Heritage Park. In brief, my discussions with Mr. Koper and e-mails to the City Clerk revealed the City effectively has no disaster preparedness plan for Heritage Park. However, Mr. Koper discussed with me a grant request he recently put through for hurricane shutters for the Carnegie Library as part of the City's Local Mitigation Strategy (LMS).

This is an excellent step toward preserving the Park and its buildings in the event of a hurricane. However, this leaves the remaining buildings in the Park highly vulnerable to flood, wind and tree damage. I discussed with Mr. Koper the mutual benefit to the City and the Historical Commission of addressing the Park's needs as part of the City's overall disaster plan. He had indicated to me that a change to the disaster plan would need to come from the Mayor. Upon speaking with the Mayor he indicated that the City Clerk would need to address the issue. In order to expedite this matter and ensure a uniform response from the City of Palmetto, I would like to place this matter before both the City Council and the Mayor at this time.

Below are three action items that I would like to ask the City to consider as part of their disaster plan. I expect that these would significantly reduce the Park's vulnerability to significant damage in the event of a hurricane.

- Trees in the park should be trimmed and pruned to remove fronds and dead wood and allow wind flow. This should be checked at the opening of each hurricane season.
- Sandbagging of the elevator door and the basement level entry door of the Carnegie Library if flooding threat is apparent.

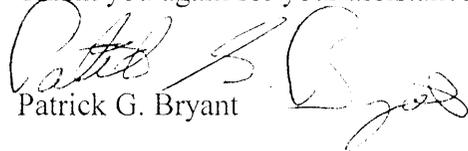
- Boarding up of windows for the Post Office, School House, Cottage House, Cypress House and Heritage Chapel if threat is apparent.

Also, the Park would need to be included as part of the City's damage assessments for post-storm recovery. Since the level of need would be a function of the severity of the storm and the extent of any damage, no specific action can be requested at this time, however a post-storm assessment of the Park's condition by Risk Management would be needed.

While it is understood that in a disaster Heritage Park would not represent a high priority issue for the City, the City owns the Park, and any disaster plan must include and address those areas for which the City is responsible.

I appreciate the City's consideration of these matters. I apologize for my absence this evening, however I would be happy to appear before the Council to discuss these issues and answer any questions at a later time.

Thank you again for your assistance.


Patrick G. Bryant

CITY OF PALMETTO

Request for Professional Services
Engineering

COMPANY NAME	LUKOWIAK	TUSING	HICKEY	FORRESTER	KERANEN	BUSTLE	2/12/03 TOTALS
Advanced Engineering & Design (4)	28	20	19	25	26	22	140
Ayres Associates (6)	27	23	18	28	23	17	136
CH2M Hill (Gee & Jenson) (2)	25	24	30	22	25	22	148
Hough Engineering, Inc. (9)	18	21	24	18	20	18	119
Jones Edmunds & Associates (3)	24	24	23	26	21	29	147
Keith and Schnars, P.A. (8)	25	19	23	18	22	14	121
King Engineering Associates (7)	25	22	23	28	22	15	135
TEI Engineers & Planners (5)	22	24	28	24	23	18	139
Universal Engineering Sciences (10)	25	9	12	15	18	12	91
Zoller, Najjar & Shroyer, L.C. (1)	28	25	24	28	20	29	154