

Palmetto City Council
December 15, 2003 7:00 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
J. E. Free, Jr., City Clerk
Captain Clyde Hedrick
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Diane Ponder, Administrative Assistant

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

Msgr. Joseph Ferraro, Holy Cross Catholic Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

1. APPROVAL OF AGENDA

The Fiber Optic Network was added to the agenda as item 1A and item #9 Cody & Associates Classification & Pay Study was deleted.

MOTION: Mr. Williams moved, Ms. Bryant seconded, and motion carried 5-0 to approve the December 15, 2003 agenda as amended.

1A. FIBER OPTIC NETWORK

Mayor Bustle informed the public City Council had received a presentation from IT Director Donald Burkhardt at the 4:00 council workshop regarding the installation of a fiber optic network. The city's current communications technology experiences down-time, which causes a cessation of communication between departments as well as a cessation of day-to-day administrative operations. Mr. Burkhardt requested that City Council place the fiber optic network project on the city's Capital Improvement Plan.

MOTION: Mr. Williams moved, Mrs. Lancaster seconded and motion carried 5-0 to accept the recommendation of IT Director Donald Burkhardt to include the fiber optic network on the city's Capital Improvement Plan, grant approval to talk to potential partnerships and search for grants and other possible revenue sources.

2. CONSENT AGENDA

- A) Minutes: December 1, 2003 City Council Workshop Minutes
December 1, 2003 City Council Minutes
- B) Dye, Deitrich, Prather, Petruff & St. Paul, P.L.
October 2003 billing - Professional Services - \$15,832.23; Litigation Services - \$1,676.28
November 2003 billing - Professional Services - \$20,231.91; Litigation Services - \$4,822.50
- C) November Check register
- D) Special function permits: Martin Luther King Day Parade
Vintage Wheels Car Show

Mr. Williams requested the special function permit for the Martin Luther King Day Parade be pulled for discussion.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve the Consent Agenda with removal of the special function permit for the Martin Luther King Day Parade.

The route of the parade was discussed. Council approved the route as the written description included on the FDOT Request for Temporary Closing/Special Use of State Road application.

MOTION: Ms. Bryant moved, Mr. Williams seconded and motion carried 5-0 to approve the special function permit for the Martin Luther King Day Parade.

3. EZDA APPOINTMENT

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve the Mayor's appointment of Mary Lancaster to the Enterprise Zone Development Agency as stipulated by Manatee County Ordinance 96-49.

4. PUBLIC HEARING - MANATEE SCHOOL OF THE ARTS CONDUIT FINANCING

Resolution No. 03-37 was read by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S INDUSTRIAL DEVELOPMENT REVENUE BOND, SERIES 2003 (MANATEE SCHOOL FOR THE ARTS PROJECT) IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$2,500,000 FOR THE PURPOSE OF PROVIDING FUNDS TO MAKE A LOAN TO RENAISSANCE ARTS AND EDUCATION, INC. D/B/A MANATEE SCHOOL FOR THE ARTS (THE "BORROWER") TO PROVIDE FUNDS TO FINANCE AN ADDITION TO AND CAPITAL EXPENDITURES WITH RESPECT TO AN EDUCATIONAL FACILITY OWNED AND OPERATED BY THE BORROWER AND TO PAY A PORTION OF THE COSTS OF ISSUING THE BOND; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT, A BOND PURCHASE AGREEMENT, A MORTGAGE, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT, AN ENVIRONMENTAL INDEMNITY AGREEMENT AND AN ASSIGNMENT OF LOAN AGREEMENT, MORTGAGE, PROMISSORY NOTE AND OTHER COLLATERAL; AWARDING THE SALE OF THE BOND BY A NEGOTIATED SALE; AUTHORIZING OFFICIALS OF THE CITY TO TAKE CERTAIN ACTION IN CONNECTION WITH THE ISSUANCE OF THE BOND; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF THE BOND; AND PROVIDING AN EFFECTIVE DATE.

Mayor Bustle opened the public hearing. Dave Crainor, Chairman of the Board of Directors of Manatee School for the Arts, informed Council a portion of the bond money could be used to pay a portion of the closing costs. He also stated current profit & loss statements are on file with the School Board, IRS and State agencies, with the statement showing the school "is in the black." There being no further public comment, Mayor Bustle closed the public hearing.

MOTION: Mr. Williams moved, Ms. Bryant seconded and motion carried 5-0 to adopt Resolution No. 03-37.

5. PUBLIC HEARING - ORDINANCE NO. 03-790

Ordinance No. 03-790 was read by title.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 4TH STREET WEST RIGHT-OF-WAY AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE AND AS GRAPHICALLY DEPICTED ON EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (V0303 – Manatee River Community Bank, 430 8th Ave. W.)

MOTION: Mrs. Lancaster moved, Ms. Bryant seconded and motion carried 5-0 to adopt Ordinance No. 03-790.

6. PUBLIC HEARING - WASTEWATER FACILITY PLAN - RESOLUTION NO. 03-38

Resolution No. 03-38 was read by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA ADOPTING THE 2003 CITY OF PALMETTO WASTEWATER FACILITY PLAN, ADOPTING THE CITY OF PALMETTO WASTEWATER FACILITY'S CAPITAL FINANCING PLAN, AUTHORIZING SUBMISSION OF THE PLAN TO FDEP, DESIGNATING THE MAYOR AS THE AUTHORIZED REPRESENTATIVE; AND PROVIDING AN EFFECTIVE DATE.

Staff announced the public hearing was continued from November 17, 2003.

Jim McLellan, Jones, Edmunds & Associates explained the WWFP is an evaluation of the city's existing wastewater and reuse system and assessment of the systems to meet the future needs of the city through 2020. The WWFP assesses each system component and assess its ability to meet the needs of the city. The plan also identifies areas that need to be addressed to upgrade the system, suggests and evaluates alternatives and establishes cost estimates for the alternatives. Priorities are then established for how to best upgrade the system to meet future needs.

The WWFP develops a plan that includes pipe relining. In all instances the relining of manholes and pipe was the most economical plan. The original plan prepared in 1999 included the relining of the 24" pipe on 26th Ave. The updated plan has removed the cost of that project, since it was completed in November 2003.

The other priority identified in the WWFP is the update of the city's reuse system, the Palmetto Area Reuse System. The city identified its long-term goal as the elimination of wastewater from Terra Ceia Bay. Alternatives include a deep well injection system, expansion or completion of the PARS distribution system and in conjunction storage through an ASR well. Mr. McCollugh discussed the estimated costs developed in 1999 vs. current figures. The total cost estimated in 1999 was \$9.16 million vs. current estimates of \$8.856 million.

The plan evaluated how to pay for the projects, and based on the fact it is all reuse a rate schedule for reuse was developed. The total loan amount to cover the recommended PARS expansion and ASR well is \$4.843 million. Through the SRF loan program the annual payment would be \$372,970, including a 15% coverage factor. A rate schedule was developed to fund the loan payment at \$19.30 per month for residential reuse customers. The plan identified a potential of 1,610 units, which in Council and staff's opinion is low. Before submitting the application to the State, the number of customers and monthly rate will be revised. There are currently 1200 connections with a potential of 4,600 units. Mr. Free stated the objective of the review of the plan in a public hearing is to meet criteria necessary to submit the plan to DCA for approval and demonstrate the ability of the city to fund the plan; the city has the ability to modify the plan as components are approved. Mr. Free also stated the plan has been available at City Hall for public review but no requests have been made to review the document.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 03-38.

7. BUDGET AMENDMENT - RESOLUTION NO. 03-39

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.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to adopt Resolution No. 03-39.

8. UTILITY INFRASTRUCTURE PROJECTS

Westra Construction currently has contracts with three governmental units for infrastructure projects. Mr. Lukowiak stated he has met with a company representative concerning the 5th, 6th and 7th Street infrastructure projects. He requested permission to enter into negotiations with Westra Construction.

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to authorize staff to negotiate a contract for the reconstruction of certain city streets, utilizing an existing governmental contract for construction projects as described in the attached point paper.

Mr. McLellan took the opportunity to update Council on the Jackson Park project. He advised the models being analyzed will not offer a long-term solution to the flooding in Jackson Park that a retention area will have to be part of the solution. Mr. Lukowiak informed Council that Public Works has identified a piece of property for a retention area and would like permission to speak with the owner. Council concurred with Mr. Lukowiak's request and further suggested he also look to the area around the Mosquito Control facility for a potential site. Mr. Lukowiak stated he will meet personally with representatives from Jackson Park to keep them abreast of the project.

9. EMPLOYEE HEALTH INSURANCE RENEWAL RATES

MOTION: Ms. Bryant moved, Ms. Cornwell seconded and motion carried 5-0 to approve Option 1 health insurance, approve the recommended participants' contribution, and authorize the Mayor to execute necessary agreements to continue the city's participation in the Manatee County Health Plan as amended.

10. MASTER LEASE PROGRAM EQUIPMENT LEASE SCHEDULE

Mr. Free advised Council that the Equipment Lease Schedule 2 should show two $\frac{3}{4}$ ton trucks being purchased rather than one truck. All the listed equipment is provided for in the FY04 Budget. With approval of the schedule, purchase orders can be issued. A subsequent resolution authorizing the lease/purchase and participation in the Master Lease Program will be brought to Council for approval.

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried 5-0 to approve Equipment Lease Schedule 2 attachment to the Master Lease Program.

11. CINTAS UNIFORM CONTRACT RENEWAL

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to renew the Cintas Uniform Rental Service Agreement, utilizing the Sarasota County contract, for a three-year term and authorize the Mayor to execute the Agreement.

12. 2004 HOLIDAY SCHEDULE

MOTION: Ms. Cornwell moved, Ms. Bryant seconded and motion carried 5-0 to approve the 2004 holiday schedule as presented, cancel the July 2004 City Council meetings, change the September 2004 City Council meeting to September 20 and September 27 and set the first meeting in January 2004 for a 4:00 workshop and 7:00 Council meeting.

The Mayor will bring a recommended schedule of Council meetings to the January 5, 2004, 7:00 p.m. meeting.

13. DEPARTMENT HEAD'S COMMENTS

Mr. Lukowiak

Invited Council Members to Public Works' Christmas Party on December 19, 2003.

Mr. Free

Announced the bank loan for city capital projects may be on the January 5, 2004, agenda.

Referencing the resolution adopted for the bond issue for Manatee School for the Arts, Mr. Free stated it is imperative the issue closes before the end of the year so as not to interfere with the city's ability to obtain bank qualified financing during calendar year 2004.

Captain Hedrick

The detectives have been successful in making multiple arrests in an auto theft ring and have recovered other stolen property.

Mr. Prather

Reminded Council it would be appropriate to authorize the City Clerk to advise the Supervisor of Elections of Council's decision to postpone the referendum for the charter.

14. MAYOR'S REPORT

By consensus vote, Mayor Bustle was authorized to proceed with his letter to Chairman Bruce concerning the city's ½ cent sales tax priority list.

Suggested Council needed to hold a workshop on what impact or equivalency fees will be implemented in the city.

Proposed giving each employee a \$25 gift certificate to one of the local supermarkets. Council will instead provide deserts to the department's Christmas parties.

15. COUNCIL MEMBER'S COMMENTS

Mr. Grace

No report.

Mr. Williams

The JPC met and approved the annexation of 324 acres into the city. Mr. Williams applauded Ms. McCann for a job well done.

Regarding the Zoning Code that governs the Development Review Committee, he commented on the fact the building official is not a member of the DRC, which sometimes causes problems in the building construction phase of a project. Mr. Williams proposed amending the Zoning Code Section 11.9 to include the building official as a member of the DRC. He also proposed amending Section 11.11 to cause the DRC to "take administrative action required by the

proposed application or prepare an appropriate staff report and recommendation to the P&Z Board or City Council". The amendment is to delete the word "or" and insert the word "and".

MOTION: Mr. Williams moved, Mr. Grace seconded and motion carried 5-0 to direct the city attorney to make changes to the Zoning Code, Section 11.9 and Section 11.11 as described.

Ms. Cornwell

Thanked Mr. Lukowiak for his notes on mobile home hurricane preparedness. She stated she is looking at security issues and how mobile home park residents can leave their homes safe for the summer. The police department is also putting together information.

Ms. Bryant

Council discussed the city's ordinance on graffiti. Per Chris Lukowiak, the sign at Sutton Park is being repaired and will be reinstalled when completed.

The Fair Queens will be placed on the agenda of the 2nd 7:00 meeting in January. Thanked the Mayor for attending Ag-Venture.

Ms. Cornwell also thanked the Mayor for judging the Science Fair at Lincoln Middle School.

Mrs. Lancaster

Advised Public Works 3rd Avenue off of 10th Street needs to be looked at for repairs. Chris Lukowiak informed Council Public Works is in the process of preparing a streets priority list.

Meeting adjourned at 9:05 p.m.

Minutes approved: January 5, 2004



J. E. Free, Jr.
City Clerk