

**Palmetto City Council  
February 21, 2000 - 7:00 p.m.**

**Elected Officials Present:**

**Pat Whitesel, Mayor  
Tamara Cornwell, Vice Mayor  
Shirley Groover Bryant, Councilmember  
Donna Keefer, Councilmember  
Mary Lancaster, Councilmember  
Brian Williams, Councilmember**

**Staff and other present:**

**Alan Prather, Attorney  
Dave Meng, City Clerk  
Ken Bright, Police Chief  
Don Patterson, Interim Public Works Director/PSG  
Mary Jean Forrester, Deputy City Clerk  
Margaret Tusing, City Planner**

**Mayor Whitesel asked for a moment of silence in memory of Mr. Bill Purson.**

**Chief Bright gave the invocation followed by the pledge to the United States flag.**

**Mrs. Lancaster introduced Akila Washington who is a senior at Palmetto High School and in the top ten per cent of her class. Akila has been chosen as a page for the Florida senate and will be representing the City of Palmetto during the week of March 27, 2000.**

**Special Presentation: Mayor Whitesel presented a book from the City of Palmetto in memory of Leroy Andrew Lee. The book entitled "A Complete Collective Poems" was dedicated in "Memory of Leroy Andrew Lee" and presented to the family and will be placed in the Carnegie Library.**

**Special Presentation: Chief Bright presented a special award for Good Citizenship to Cory Silva in recognition of his outstanding assistance to the Palmetto Police Department in solving multiple bicycle theft cases.**

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**Special Presentation:** Mayor Whitesel proclaimed February 21, 2000 in honor of William Hauser for receiving the Prudential Spirit of Community Award. This award is presented to Mr. Hauser for his outstanding accomplishments as a volunteer in the community.

**1. RESOLUTION NO. 00-02:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA, VACATING TWO 20-FOOT ALLEYS IN BLOCK O, EAST PALMETTO SUBDIVISION, RETAINING A 20.00 FOOT PUBLIC UTILITY EASEMENT ON ONE OF THE ALLEYS, AND PROVIDING FOR AN EFFECTIVE DATE (V9901-Roger C. Morris)**

The public hearing was opened by Mayor Whitesel.

Mr. Roger Morris spoke to Council regarding his request. Mr. Williams discussed the utilities in the east-west alley and inquired about the setbacks and the north-south alley.

Mr. Ron Witt, the attorney representing, Pat Windham the owner of the property explained to Council that the owners objection applies to the north-south alley. Mr. Witt said that Mr. Windham does not have an objection to the east-west alley. Mr. Witt explained that Mr. Windham has owned the property for 25 years and has been utilizing the north-south alley for deliveries. Mr. Witt stated that Mr. Windham would be receptive to the idea of working out a perpetual easement agreement. Attorney Prather suggested that the public hearing be continued until the documents are prepared.

**MOTION:** Ms. Bryant moved, Mr. Williams seconded and motion carried unanimously to continue the public hearing for Resolution No. 00-02 until March 6, 2000.

The parties will draft the documents.

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**2. RESOLUTION NO. 00-03:**

**A RESOLUTION AMENDING RESOLUTION NO. 99-18, WHICH RESOLUTION ADOPTED THE BUDGET FOR FISCAL YEAR 1999-2000, AND PROVIDING FOR AN EFFECTIVE DATE.**

Ms. Cornwell asked that the City review what other organizations are doing to give us an idea of how we should handle festivals in the future.

Ms. Bryant will review the expenditures before the next meeting.

**MOTION:** Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to approve the Resolution No. 00-03 amending the budget for fiscal year 1999-2000.

**3. RESOLUTION NO. 00-03 WAS REMOVED FROM THE AGENDA AND WILL BE DISCUSSED AT A FUTURE MEETING.**

**4. RESOLUTION NO. 00-05:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMETTO, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE SUBMERGED LAND LEASE AND ENVIRONMENTAL PERMITS ISSUED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND/OR THE U. S. ARMY CORP OF ENGINEERS RELATING TO MARINA ACTIVITIES AT REGATTA POINT; PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Prather read into the record a letter from Ms. Petruff dated February 21, 2000.

**MOTION:** Ms. Cornwell moved, Ms. Bryant seconded and motion carried unanimously to adopt Resolution No. 00-05 and authorize the Mayor to execute the submerged land use.

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**5. C.D.L. CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING PROGRAM:**

Mr. Koper reviewed the C.D.L. Controlled Substances and Alcohol Use and Testing Program. This program allows the City to do random drug testing for employees who hold a commercial drivers license. This law was passed by the Federal Government in 1994.

**MOTION:** Ms. Cornwell moved, Mrs. Lancaster seconded and motion carried unanimously to approve the C.D.L. Controlled Substances and Alcohol Use and Testing Program.

**6. PRESENTATION FOR GENERAL ENGINEERING SERVICES FOR CITY ENGINEER:**

Presentations were made by the following firms:

KIMLEY-HORN AND ASSOCIATES, INC.  
SMITH & GILLESPIE ENGINEERS, INC.  
ZOLLER, NAJJAR & SHROYER, INC.

Each firm presented information about their company and discussed specific services their firm would provide. City Council asked each firm questions regarding their engineering services.

Mr. Prather stated that there is a court case on point that it is a violation of the Sunshine Law to suggest, request or imply that the firms not making the presentations be asked to leave the room. Mr. Prather notified each firm that they can be present for the presentations by other firms.

Mr. Prather stated that the Council may rank each firm for the purpose of beginning negotiations.

**6. PRESENTATION FOR GENERAL ENGINEERING SERVICES FOR CITY ENGINEER (continued):**

Mr. Patterson stated that all three presenters gave excellent presentations and all qualify for the RFP. Mr. Patterson said that the staff recommended the top ranked firm of Smith & Gillespie Engineers, Inc. Serving on this selection committee were Margaret Tusing, Russ Combs and Frank Baxter.

**7. RANKINGS OF COMPANIES FOR NEGOTIATIONS OF CONTRACT FOR GENERAL ENGINEERING SERVICES:**

Each Councilmember ranked the firm as follows:

Mr. Williams:      No. 1    ZOLLER, NAJJAR  
                             No. 2    SMITH & GILLESPIE  
                             No. 3    KIMLEY-HORN

Mrs. Keefer:        No. 1    SMITH & GILLESPIE  
                             No. 2    ZOLLER, NAJJAR  
                             No. 3    KIMLEY-HORN

Mrs. Lancaster:    No. 1    SMITH & GILLESPIE  
                             No. 2    KIMLEY-HORN  
                             No. 3    ZOLLER, NAJJAR

Ms. Cornwell:      No. 1    ZOLLER, NAJJAR  
                             No. 2    KIMLEY-HORN  
                             No. 3    SMITH & GILLESPIE

Ms. Bryant:        No. 1    ZOLLER, NAJJAR  
                             No. 2    KIMLEY-HORN  
                             No. 3    SMITH & GILLESPIE

**7. RANKINGS OF COMPANIES FOR NEGOTIATIONS OF CONTRACT FOR GENERAL ENGINEERING SERVICES FOR CITY ENGINEER (continued):**

The firms are listed as ranked by the City Council. Negotiations of a contract for general engineering services will begin with the No. 1 ranked firm, as follows:

- No. 1 ZOLLER, NAJJAR & SHROYER, INC.
- No. 2 SMITH & GILLESPIE ENGINEERS, INC.
- No. 3 KIMLEY-HORN AND ASSOCIATES, INC.

**8. DISCUSSION OF 8TH STREET DREDGING PROJECT:**

Mr. Prather stated that the primary concern of city staff is that there is no money available to address the dredging of the finger canals. The WCIND money, based on their attorney's interpretation, cannot be used for the finger canal.

Ms. Cornwell asked about the silk boxes and if they were in working order. Mr. Patterson stated that Duane Kinn reported that the silk boxes are in working order.

Mr. Charles Leonard, 902 26th Ave. West, spoke to Council about the history of the canals and the desire in the past to get grants to dredge the fingers.

Mayor Whitesel said the policy has changed and the WCIND will not allow the dredging to occur on the finger canals.

Mr. Combs said he has spoken to County Commissioner Joe McClash who serves on the WCIND Board. Mr. McClash said that the policy issue has been turned over to the board's attorney.

Mr. David Potter, 909 20th Avenue West, asked about grants for other areas of the City, including Jet Park Boat Ramp.

**8. DISCUSSION OF 8<sup>TH</sup> STREET DREDGING PROJECT (continued):**

Mr. Bob Gause suggested that the decision be tabled for two weeks to allow time to identify specific problems of the finger canals and how serious the problems are in this area. Mr. Gause stated that this might be the most cost effective solution.

Mr. Tony Toledo, 902 20th Avenue West, said that he supports the offer of going out on a boat to help identify the problems.

Mrs. Lancaster asked where the money would come from to do this project.

Ms. Betty Ann Price, 909 24th Avenue West, asked about the length of the permit and stated that she thinks the responsibility lies with the City. Ms. Price also asked how long it would take for the special assessment program.

Mr. Ray Aubrey, 903 21st Avenue West, said he believes that the work can be done in a year or two when money could be made available.

Council agreed that a group survey the area to help identify specific problems. The group will consist of Mr. David Potter, Mr. Bob Guase, Mr. Russ Combs and Mr. Brian Williams. A report from this group will be discussed on March 2 or March 6, 2000.

Ms. Cornwell asked that the maintenance schedule for the "clean out boxes" be reviewed by public works.

Mr. Prather will look into the special assessment program.

Mr. Gause reported on the initial grant request and the history of the various phases.

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**9. LINCOLN PARK AGREEMENT:**

Mr. Prather read a memo from Ms. Petruff on the status of the Lincoln Park agreement. Mr. Prather reviewed the changes made in the agreement and stated that after the agreement is approved by the City, the agreement will then be sent to the School Board for approval.

**MOTION:** Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve the Lincoln Park Agreement and authorize the Mayor to execute the agreement.

**10. BUDGET REPORT FOR JANUARY 2000 WAS PLACED ON THE AGENDA FOR MARCH 2, 2000.**

**11. CONSENT AGENDA: Approval of Minutes-January 31, February 3, 2000; Special Function Permit; Manatee County Crop Walk, Sunday, February 27, 2000; Fronteras Parade-May 7, 2000; Statement from Dye, Deitrich, Prather, Petruff & St. Paul, December 1999.**

**MOTION:** Ms. Bryant moved, Mrs. Keefer seconded and motion carried unanimously to approve the consent agenda with the exclusion of the Fronteras Parade.

The Fronteras Parade was moved to the March 2, 2000 agenda for discussion.

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**12. MAYOR'S REPORT:**

The discussion of Green Bridge, Tomato Festival and fees for City facilities was moved to the administrative meeting to be held March 2, 2000.

**Department Head Salaries:**

Mayor Whitesel recommended that both the Chief of Police and the City Clerk's salary be set at \$50,000 per year.

**MOTION:** Mr. Williams moved, Ms. Bryant seconded and motion carried unanimously to approve \$50,000 as the annual salary for all department heads.

**13. COUNCIL COMMENTS:**

**Ms. Bryant:**

Ms. Bryant reminded Council that the North River Little League will be held on Saturday. The Mayor's assistant will be asked to RSVP for each councilmember.

**Mrs. Keefer:**

Mrs. Keefer asked about the problems we had with Little League Baseball last year.

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**13. COUNCIL COMMENTS (continued):**

**Mrs. Lancaster:**

Mrs. Lancaster commented on the report from CRA. Ms. Karen Hartman will be asked to come to the administrative meeting on March 2, 2000.

Mr. Williams asked about the life insurance form that Council was requested to sign. Mrs. Keefer stated that this insurance gives insurance coverage during the time councilmembers are on city business.

**Mr. Williams:**

Mr. Williams recommended that a fence be placed along certain areas around the retention pond on 10<sup>th</sup> Street West near the Police Station. Mayor Whitesel requested that this item be discussed at a future time since she has requested the landscape architect to come up with a design for this area. This will be placed on the agenda for March 2, 2000.

**Ms. Cornwell:**

Ms. Cornwell stated that she does not think anyone should drive the vehicle r that was used by the Public Works Director until a policy has been established.

Mayor Whitsel responded to the questions of the use of the car, drug testing, and the reference to her being a part-time Mayor.

**Mayor Whitesel:**

Mayor Whitesel asked Councilmembers to help with various boards and asked Mrs. Keefer to serve on the Tourist Development Board.

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**13. COUNCIL COMMENTS (continued):**

Council agreed to discuss a policy for the use of City vehicles on March 2, 2000.

The meeting ended at 11:20 p.m.

Approved: March 6, 2000

  
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City Clerk

*Audio tapes of the meeting are on file in the city clerk's office.*