

Palmetto City Council
May 3, 2004 4:00 p.m.

Elected Officials Present:

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

Elected Officials Absent:

Brian Williams, Council Member

Staff and Others Present:

Attorney Michele Hall
Chief Garry Lowe
Chris Lukowiak, Public Works Director
Jessica McCann, Planner
Deanna Roberts, Administrative Assistant

Mayor Bustle called the meeting to order at 4:05 p.m.

Mayor Bustle asked for a moment of silence for the victims of the war in Iraq, and their families, followed by the Pledge of Allegiance to the United States Flag.

Mayor Bustle read a proclamation proclaiming May 9-May 15, 2004 as Police Week. The proclamation was accepted by Chief Garry Lowe and several officers from the Palmetto Police Department. Chief Lowe thanked Mayor and Council and asked that the police be kept in their prayers, as anything can occur in the line of duty.

Mayor Bustle also read a proclamation proclaiming May as Civility Month.

1. APPROVAL OF WORKSHOP AGENDA

MOTION: Ms. Bryant moved, Mrs. Lancaster seconded and motion carried unanimously to approve the May 3, 2004, 4:00 p.m. agenda.

2. OVERVIEW OF POTENTIAL JAZZ CLUB

Mr. Robert Atkins, Executive Director of Saxes in Sarasota, gave an overview of his proposed Saxes Too, a jazz club to be located at the TK O'Shea's location at the Regatta Pointe Marina. Given the past history of restaurants at that location, he prefers to market it as a jazz club, although food will be served. He envisions anchoring a boat there to be used as a theatre and water taxis to bring people to the site from various locations in the Sarasota-Bradenton area. He sees parking as a problem and asked the city's future plans regarding a solution. Mayor Bustle said the city is working with the Community Redevelopment Agency (CRA) to get a parking garage in the next couple of years.

Mr. Atkins said he would like to meet with city staff to discuss parking and traffic concerns. He was also concerned about the lease at the marina and how it would affect his operation as the two leases are set to expire in 2007 and 2032. He would like to meet with the city attorney and

zoning to discuss his \$8 million investment. Mayor Bustle said the city is working with the Florida Department of Environmental Protection to resolve the issues regarding the lease at the marina and is interested in continuing Mr. VanDerNoord's lease there.

Ms. Bryant asked attorney Michelle Hall if the proposed use would be allowed. Ms. Hall said use is not limited to restaurants. The City is now engaged in negotiations with the state for a modified lease at the marina and that lease might determine what the restaurant could be used for.

Mayor Bustle and Council suggested to Mr. Atkins that he meet with the CRA and city staff to get answers to his questions. The CRA may be able to help with tax abatement, as well as offer input from a waterfront development group it is hiring to help with some of the concerns he expressed. Public Works Director Chris Lukowiak offered to meet with Mr. Atkins to answer his concerns.

Mayor Bustle proposed moving agenda item #5 up, and with Council's consent the Zoller, Najjar & Shroyer contract amendment and extension was considered next.

3. DISCUSSION – ZOLLER, NAJJAR & SHROYER, L.C. CONTRACT AMENDMENT AND EXTENSION (Chris Lukowiak)

Mr. Lukowiak asked Mr. Najjar and Construction Dynamics Group (CDG) to do a PowerPoint presentation about project management for the city's CIP program and to discuss extension of the city's contract with Zoller, Najjar and Shroyer, L.C. (ZNS).

Len Najjar, Vice President of ZNS, said the city's CIP program, with its many projects involving a lot of money and different time frames, would be well served by bringing in a construction management company to manage the projects. ZNS has worked with CDG on a number of projects with Manatee County. He asked them to come to Palmetto and give an overview of their services and show how they could help the City.

Richard Donoghue, Associate and Office Manager of CDG, gave an overview of the company's history, credentials, awards and project references. A copy of the PowerPoint presentation and a booklet of the proposed scope of services will be kept as an official attachment to these minutes. CDG's program and construction management is a systematic approach to managing all the assets and resources a city has; a standardized system which is their specialty. They provide master scheduling, cost savings, quality control and a punch list; make sure the job gets done on time and on budget. They bring proven local success.

Their proposed services would cost the City of Palmetto approximately \$457,000 the first twelve months. They are available to start immediately.

Mayor Bustle asked if they would interface with the city's building official. The answer was yes. The Mayor asked if they were a consultant to ZNS. Mr. Donoghue said they are a subcontractor to ZNS, but their first priority would be to represent the City of Palmetto, if hired. The Mayor said it would take a lot of expertise to manage the many planned projects.

Mr. Lukowiak said approximately thirteen projects are slated in the near future and he hopes to avoid any repeat of the problems that occurred at Oakridge.

Mrs. Lancaster said there were inspectors for the Oakridge project and there were problems. Mr. Lukowiak said the wrong materials were used. Mr. Donoghue said his company could make

sure that the materials in the design were being used and inspectors specializing in each phase would sign off on the work.

Michele Hall said the company would be an asset to the city with its vast number of projects and would share responsibility with the city in the event of any mistakes.

Ms. Bryant said she would be counting on them to prevent mistakes that would have to be corrected along the way.

Ms. Cornwell asked if they would be fiscally responsible. Mr. Donoghue said it would depend on the circumstance; documented liquidated damages may be recoverable.

Ms. Cornwell asked if they would keep records of anything unexpected found under the ground and anything they put in the ground. He said they will document so the city will have a record of what's underground. In the past, underground events have cost the city a lot of money. Ms. Cornwell wanted clarification on what their services, costing \$457,000, could provide that staff hasn't done in the past.

Mr. Lukowiak said he's only asking for approval to negotiate with CDG and may be able to get a lower price and also negotiate the number of projects. There may be some things the city can do without CDG.

Ms. Bryant commented that she holds ZNS in the highest esteem, but was concerned about the revision to the contract that allowed them to do other work in the city. She was not happy with that and said when it goes out to bid again it bears looking at. It is troubling to her. She told ZNS, however, that she does appreciate all their efforts for the city.

The Mayor suggested moving this item forward to the 7:00 p.m. meeting.

Council took a five minute break.

When the meeting resumed, Mayor Bustle proposed changing the agenda so that the alcohol ordinance was next for discussion. Council agreed.

4. DISCUSSION-MODIFICATION OF CITY'S ALCOHOL ORDINANCE

Mayor Bustle proposed amending the city's ordinance to permit the sale of alcohol on Sunday by restricted private clubs. The "Smokin Martini Bar" is currently prohibited from selling alcohol on Sunday because it is not a restaurant (more than 51% of gross sales from food and non-alcoholic beverages). But, because it has more than 10% of gross sales from food and non-alcoholic beverages state law prohibits smoking.

Discussion ensued. Ms. Bryant thought the action would be "arbitrary" to alter the ordinance for one establishment. Attorney Michele Hall said on the contrary, it would open the door for more "private clubs" to open. The current proposal would apply to any club that meets the definition of a private club.

Ms. Cornwell stated they knew going in that they would not be able to sell alcohol on Sunday. Mayor Bustle said they knew they couldn't sell alcohol, but the state constitutional amendment changed their status regarding smoking. They were going to be part of Jonathan's restaurant so they could sell alcohol, but the amendment changed so that the bar can't sell alcohol and have smoking on Sunday.

Ms. Bryant said she recognizes the dilemma, but is afraid to open the ordinance up for further changes.

Mrs. Lancaster said the problem is not the city's fault and is reluctant to make a change for one company. Mayor Bustle said there could be others that would meet the criteria.

Ms. Cornwell said others would find inventive ways to allow alcohol in various places if Council voted for the change.

Ms. Bryant said the more the issue was discussed the more complicated it became, and all Council Members expressed concern about the possible ramifications.

The Mayor said he wanted Council to help if it could to support the developments in the city. They have spent millions on this business and he wants to see them succeed.

Ms. Bryant wanted more time to think about it. Mrs. Lancaster said she is supportive of the business, but the ordinance is not just for this business but for the whole City of Palmetto.

Ms. Bryant asked that it be brought back to Council at the next workshop.

Ms. Bryant brought up the Hazel Smith bequest and asked if a plaque in her memory could be installed at the cemetery. She asked that it brought to the next workshop with input from Geoff Seger.

Michele Hall brought up a memo delivered into Council Chambers by Mary Jean Forrester during the meeting. The memo is attached to the minutes. The Assistant Supervisor of Elections informed the city that the August ballot is crowded, and there is only room for three questions and the length of those questions would be limited. Ms. Hall recommended breaking out the questions and grouping them into discrete items.

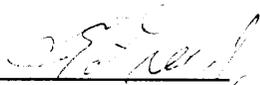
Discussion ensued as to whether there should be just one question, yes or no, to accept the proposed changes. Ms. Bryant stated that there shouldn't be a conflict with adopting the majority of the proposed changes by the Charter Review Committee.

Ms. Hall informed Council the city is on a tight schedule as Mr. Groff must draft the ballot language, then meet with the Charter Review Committee and come to Council with the first draft at the May 17th workshop. June 7 would be the first reading and June 21 the second reading. The final form is due to the Supervisor of Elections by July 1, 2004.

The discussion regarding the proposed Minimum Standards Ordinance was postponed to a future workshop.

The meeting was adjourned at 6:13 p.m.

Minutes approved: June 7, 2004



J.E. Free, Jr.
- City Clerk