

JANUARY 24, 2006
REGULAR CITY COMMISSION MEETING

The City Commission of Dade City, Florida, met in the City Hall Annex Commission Chambers on this 24th day of January, 2006 at 5:35 P.M. The following members were present: Mayor P.H. Brock, Commissioners W.L. Dennis, Eunice Penix, and Steve Van Gorden. Commissioner Scott Black was absent. City staff members present included City Manager Harold R. Sample, City Clerk/Finance Director James D. Class, City Attorney Karla Owens, Police Chief P. A. Thompson, Safety Services Director J. P. Wubbena, Administrative Services Director Laura Beagles, Deputy City Clerk Martha Alexander, and Executive Assistant Chris Chandler.

The meeting was called to order by Mayor P.H. Brock, and invocation was given by City Clerk James Class, followed by the Pledge of Allegiance to The Flag.

The Commission recessed at 5:37 P.M. for the Community Redevelopment Agency and City Planning Board meetings and reconvened at 7:10 P.M.

The minutes of the regular City Commission meeting of December 13, 2005 were approved as individually read. The minutes of the City Planning Board and the regular City Commission meetings of January 10, 2006 were distributed.

PUBLIC HEARINGS

As this was the time and place for the advertised public hearing on the Final Adoption of Ordinance No. 2005-0903 relating to the proposed PUD Zoning of the Reedy/Suwannee Lakeside Property, and passed on to the City Commission from the Planning Board, the ordinance was read by title only by the Deputy City Clerk, as follows:

Ordinance No. 2005-0903

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING THE DADE CITY ZONING ORDINANCE TO CHANGE THE ZONING ON LAND HEREINAFTER DESCRIBED FROM COUNTY ZONING CATEGORY A-R (AGRICULTURE RESIDENTIAL) TO CITY ZONING CATEGORY PD-H1 (PLANNED UNIT DEVELOPMENT) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (SUWANNEE LAKESIDE).

With no one wishing to be heard, Commissioner Dennis moved to adopt Ordinance No. 2005-0903 with conditions and comments noted during the Planning Board meeting. The motion was seconded by Commissioner Penix, and on a vote was passed unanimously. Those voting "AYE" were Commissioners Brock, Dennis, Penix, and Van Gorden, with no votes "NAY". Ordinance No. 2005-0903 was declared duly passed and adopted on final reading. (See Ordinance No. 2005-0903 in its entirety in the ordinance file in the City Clerk's office.)

As this was the time and place for the advertised public hearing on the Final Adoption of Ordinance No. 2005-0904 of the Morningside, LLC and Clinton Properties, LLC for proposed PUD Zoning, the ordinance was read by title only by the Deputy City Clerk, as follows:

Ordinance No. 2005-0904

AN ORDINANCE OF THE CITY OF DADE CITY, FLORIDA AMENDING THE DADE CITY ZONING ORDINANCE TO CHANGE THE ZONING ON LAND HEREINAFTER DESCRIBED FROM COUNTY ZONING CATEGORY AC (AGRICULTURAL) TO CITY ZONING CATEGORY PD-H1 (PLANNED UNIT DEVELOPMENT) IN ACCORDANCE WITH THE PROVISIONS OF SECTION 166.041, FLORIDA STATUTES; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (HIGHLAND LAKES).

Karla Owens, City Attorney, appeared and stated that she has no comments to add. Mr. Stuart Rogers addressed the Commission and stated they will work with City staff on the conditions in the ordinance. Mr. Dante Fergari and Mr. Mike Lawson addressed the Commission separately and requested an amendment to condition number 11, subsection K referring to the front elevation of the garage not protruding beyond the front elevation on any homes built on 40 foot lots. They also would like to be allowed to have garages protrude no more than 8 feet beyond the roof line of the house structure. A drawing presented by Mr. Fergari of the bike path and nature trail was accepted into the record.

With no one else wishing to be heard, Commissioner Van Gorden moved to amend condition number 11, subsection K of the ordinance to allow no more than twenty-five percent of the 50 foot and 55 foot width lots may contain garages which protrude no more than 8 feet beyond the roof line of the house structure and to remove the sentence referring to the protrusion of the 40 foot lots. The motion was seconded by Commissioner Dennis, and on a vote was passed with Commissioners Dennis, Penix and Van Gorden voting "AYE" and Mayor Brock voting "NAY." A motion was made by Commissioner Dennis to adopt Ordinance No. 2005-0904 as amended. The motion was seconded by Commissioner Penix, and on a vote was passed unanimously. Those voting "AYE" were Commissioners Brock, Dennis, Penix, and Van Gorden, with no votes "NAY". Ordinance No. 2005-0904 was declared duly passed and adopted as amended on final reading. (See Ordinance No. 2005-0904 in its entirety in the ordinance file in the City Clerk's office.

CONSENT AGENDA

1. School Resource Officer Agreement Renewal (FY'05-'06) - District School Board of Pasco County
(On recommendation of staff, Commissioner Dennis moved the approval of the annual School Resource Officer agreement with the District School Board of Pasco County, as part of the consent agenda, the motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously.)
2. Waiver of permit fees and transfer contribution for payment of water and sewer developer impact fees – East Pasco Habitat for Humanity.
(On recommendation of staff, Commissioner Dennis moved the approval of the waiver of building permit fees and contribution of funds for payment of water & sewer impact fees for Habitat for Humanity, as part of the consent agenda, the motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously.)

REGULAR AGENDA

Introduction of Proposed Ordinances:

The following memorandum dated January 10, 2006 was noted:

To: Honorable Mayor and Members of the City Commission

From: Karla S. Owens, City Attorney/Community Development Director
Subject: Planning Board
(Entire memorandum can be found in the City Clerk's file)

The following proposed ordinance was introduced by the City Attorney and read by title only by the Deputy City Clerk, as follows:

Ordinance No. 2006-0911

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING CHAPTER 70, SECTION 70-31 TO INCREASE THE MEMBERSHIP OF THE PLANNING BOARD; PROVIDING FOR TERMS OF APPOINTMENT; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Draft ordinance to be distributed.)

Karla Owens, City Attorney, appeared and reviewed the proposed ordinance which amends Section 70-31 of the Dade City Code of Ordinances to increase the membership of planning board to seven regular members. After discussion, Commissioner Dennis moved to accept staff recommendation to introduce this ordinance and to authorize publication for public hearing, the motion was seconded by Commissioner Van Gorden, and on a vote the motion passed. Commissioner Penix was absent while this item was discussed therefore she did not vote. (See Ordinance No. 2006-0911 in its entirety in the ordinance file.)

The following memorandum dated January 6, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Karla S. Owens, City Attorney/Community Development Director
Subject: Code Enforcement Prosecution
(Entire memorandum can be found in the City Clerk's file)

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA AMENDING CHAPTER 2, SECTIONS 2-231 AND 2-232 TO ALLOW FOR ADDITIONAL METHODS OF PROSECUTION OF CODE ENFORCEMENT VIOLATIONS; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Karla Owens, City Attorney, appeared and reviewed the proposed ordinance which amends Chapter 2, Sections 2-231 and 2-232 of the Dade City Code of Ordinances to allow for additional methods of prosecution of code enforcement violations. After discussion, Commissioner Dennis moved to accept staff recommendation to introduce this ordinance and to authorize publication for public hearing, the motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously. (See Ordinance in its entirety in the ordinance file.)

OLD BUSINESS

The prosecution of City Ordinance violations in County Court was discussed and after further discussion a motion was made by Commissioner Dennis to appoint and authorize City Attorney Karla Owens and Kenneth Compton as the attorneys who may appear on behalf of the City for prosecution of code enforcement violations in county court. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously.

The following memorandum dated January 19, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Joseph Wubbena, Safety Services Director
Subject: Hazardous Mitigation Grant Program – update Mrs. Craig Property
(Entire memorandum can be found in the City Clerk’s file)

Safety Services Director J. P. Wubbena addressed the Commission and presented an update on the grant for Mrs. Craig’s property and is recommending approval of the acquisition grant application to allow for the buy out of the property and demolition of the structure. A motion was made by Commissioner Van Gorden to accept staff recommendation. The motion was seconded by Commissioner Dennis, and on a vote passed unanimously.

The 7th Street/US 301 Right-of-Way Maintenance transfer was discussed. City Manager Harold Sample is requesting direction by the Commission for a proposed Public Hearing. After further discussion a motion was made by Commissioner Dennis to move ahead with a Resolution to transfer the maintenance and set a Public Hearing. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously.

The request from Ginny Brown-Waite for federal funding projects was discussed. It was consensus that no projects be submitted at this time.

The appointment to the Citizens Advisory Committee (CAC) of the Pasco County MPO was tabled to the next Commission meeting.

Resolution No. 2006-0893 was read by title only by the Deputy City Clerk as follows:

Resolution No. 2006-0893
 At the request of the City Manager

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC; AUTHORIZING A LEASE OF POLICE VEHICLES AND EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE.

City Manager Harold Sample addressed the Commission and reviewed Resolution No. 2006-0893 for execution and delivery of a master lease/purchase agreement with Banc of America Leasing & Capital, LLC for lease of Police vehicles and equipment. After further discussion a motion was made by Commissioner Van Gorden to approve Resolution No. 2006-0893 for the financing for police vehicles and equipment. The motion was seconded by Commissioner Dennis, and on a vote the motion passed unanimously.

NEW BUSINESS

Resolution No. 2006-0894 was read by title only by the Deputy City Clerk as follows:

Resolution No. 2006-0894
 At the request of the City Manager

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DADE CITY, FLORIDA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA LEASING & CAPITAL, LLC; AUTHORIZING A LEASE OF POLICE DISPATCH CONSOLE EQUIPMENT THEREUNDER; AUTHORIZING THE EXECUTION OF SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO COMPLETE THE TRANSACTIONS CONTEMPLATED HEREBY; AND PROVIDING AN EFFECTIVE DATE

The following memorandum dated January 18, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Harold R. Sample, City Manager
Subject: Award of Financing – Florida League of Cities Master Lease/Purchase Program, Banc of America – Police Dispatch Consoles

City Manager Harold Sample addressed the Commission and reviewed Resolution No. 2006-0894 for execution and delivery of a master lease/purchase agreement with Banc of America Leasing & Capital, LLC for lease of Police Dispatch Console equipment. After further discussion a motion was made by Commissioner Van Gorden to approve Resolution No. 2006-0894 for the financing for the Police Dispatch Console equipment. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously.

Item numbers I.1 & I.2 under New Business relating to the Interlocal Agreements with Pasco County Board of County Commissioners for Tommytown Utilities Infrastructure Improvements and Water & Sewer Service Area were continued to the February 14, 2006 meeting at the request of the City Manager.

The following memorandum dated January 24, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Harold R. Sample, City Manager
Subject: Request for State Road Closure for Pasco County Fair Parade – February 20, 2006

The request for State Road Closure for the Pasco County Fair Parade was added as an emergency item. After further discussion, a motion was made by Commissioner Van Gorden to approve the request to close 7th Street from Martin Luther King Blvd. to Florida Avenue and Florida Avenue from 7th Street ending at Pasco Elementary School for the Pasco County Fair Parade. The motion was seconded by Commissioner Penix, and on a vote the motion passed unanimously.

Commissioner Van Gorden requested that a town hall meeting be held to discuss improvements to Pyracantha Park. Mayor Brock requested that a planning session be scheduled after the April 11th municipal elections.

The following memorandum dated January 17, 2006 was noted:

To: Honorable Mayor and Members of the City Commission
From: Jim Class, City Clerk/Finance Director
Subject: Appointments to Police and Fire Pension Boards

City Clerk Jim Class addressed the Commission and is requesting the reappointment of John Chandler and

Terry Smith to the police pension board and Mike Carr and Camille Hernandez to the fire pension board. After further discussion, a motion was made by Commissioner Dennis to approve the appointments to the Police and Fire Pension Boards as recommended by Mr. Class. The motion was seconded by Commissioner Van Gorden, and on a vote the motion passed unanimously.

City Clerk Jim Class presented the proclamation for the upcoming general election to be held on April 11, 2006 for election of two City Commissioners. The offices to be filled are for City Commissioners for Groups 1 and 2 and the qualifying period begins at noon on February 14, 2006, and shall end at noon on February 21, 2006. The polling places will be Precinct 1 at the First Baptist Church and Precinct 68 at the First United Methodist Church and the polls will be open from 7:00 a.m. until 7:00 p.m.

Commissioner Dennis stated that he will be running for re-election.

There being no further business before the Commission, on motion the meeting adjourned at 8:23 P.M.

MAYOR

ATTEST:

CLERK