

**CITY COUNCIL MEETING
January 26, 2005**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on January 26, 2005 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey, Councilman Ward IV Bemis Smith and Vice-Mayor and Councilman Ward V James T. Golden.

Councilwoman Ward III Michele Weaver was excused from the meeting.

City Officials: Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, John Cumming, Public Works Director, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, Larry Frey, Development Services Director, Staci Cross, Information Technology Director and Carolyn Moore, Human Resource Director.

Press: The Herald and Manatee Herald Tribune.

MAYOR FOR THE DAY Peyton Spencer from Bradenton Christian School

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Vice Mayor Golden.
Flag salute was led by Peyton Spencer, Mayor for the Day.

Chief Radzilowski sadly announced the passing of Deputy Chief Walter Watkins on January 24, 2005 and stated that visitation would be Friday, January 28, 2005 and Funeral Services on Saturday, January 29, 2005.

REQUESTED BY Chief Radzilowski to start a scholarship fund sponsored by the City of Bradenton, to send a young person to the police academy at an estimated cost of \$2,500 a year. The "Deputy Police Chief Walter Watkins Scholarship Fund" would be in honor of Deputy Chief Watkins for his twenty-two years of dedication and service to the Police Department and the City of Bradenton.

No discussion followed.

MOTION TO APPROVE the request by Chief Radzilowski was made by Councilwoman Barnebey/Councilman Smith and carried 4-0 for approval.

APPROVAL OF MINUTES:

APPROVAL OF THE JANUARY 12, 2005 MINUTES.

No discussion followed.

MOTION TO APPROVE the January 12, 2005 minutes was made by Councilman Gallo/Councilman Smith and carried 3-0 for approval. Councilwoman Barnebey was absent from the Chambers.

PRESENTATION:

FIRE BOARD TRUSTEE RECOGNITION

Tom Woods, Training Director for the Bradenton Fire Department and Fire Pension Administrator recognized **Jeff Ragan** and presented a service plaque in appreciation for his ten years of service to the Fire Pension Board. He stated that Jeff Ragan would be stepping down from this position but would continue as a member of the Code Enforcement Board.

Jeff Ragan thanked everyone for the recognition and stated he enjoyed serving on the Fire Pension Board.

SOUTH FLORIDA MUSEUM BISHOP PLANETARIUM BY MIKE CARTER

Mike Carter, President of the Board of Director for the South Florida Museum gave a brief report on the design and new construction of the planetarium with multi-purpose functions to open this summer.

He thanked the City of Bradenton for their generosity and support in providing water to the museum at no charge.

REQUESTED BY Mr. Carter for a \$100,000 contribution from the City of Bradenton to help to complete the facility.

No discussion followed.

MOTION TO APPROVE as requested by Mike Carter for \$100,000 was made by Councilman Gallo/Vice Mayor Golden and carried 4-0 for approval.

Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.

CITIZEN COMMENTS:

No one came forward.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Voiced his concern regarding a comment made by a Manatee County School Board member at a school board meeting stating that a bus turnaround had not been planned in the Mangrove Point development.

Councilman Gallo stated that the school board planners had addressed and approved a bus turnaround in the Mangrove Point development stage but that the school board member was not aware of this and had apologized later for making this comment.

RECOMMENDATION BY Councilman Gallo to nominate Councilman Bemis Smith as Vice Mayor for 2005.

No discussion followed.

MOTION TO APPROVE as requested by Councilman Gallo was made by Councilman Gallo/Vice Mayor Golden and carried 4-0 for approval.

Councilwoman Marianne Barnebey, Ward II: Asked Mr. Cumming for any additional information regarding the repairs of water pipes in her ward for the area located at 13th Avenue West and 30th Street West.

Mr. Cumming stated that he was currently studying the pipes to determine which pipes needed to be replaced. He stated that there was a lot of preparation (plans needed to be drafted and permits applied for) prior to actually replacing the pipes.

Councilwoman Barnebey was pleased to announce that a \$562,000 grant for the homeless through the City of Bradenton had been awarded to Manatee Glens and that the Manatee and Sarasota County area had been awarded a total of 1.1 million dollars.

Councilwoman Barnebey distributed “Floridians for Better Transportation” information that she received from a Metropolitan Planning Organization (MPO) meeting. She reported that this information was from the State of Florida giving various ways in which to raise revenue for transportation. She stated for more information go to the website www.bettertransportation.org.

Councilwoman Weaver, Ward III: Excused from the meeting.

Councilman Bemis Smith, Ward IV: Reported that he, with the help of Jeana Winterbottom, Grants and Assistance Manager, stated that a study was being conducted to address sidewalk concerns in the Community Development Block Grant (CDBG) areas and to determine what funding would be available for this project.

Vice Mayor Golden, Ward V: REQUESTED to authorize the Department of Development Services Director to proceed to develop a plan for the preservation of a home located at 614 11th Avenue West.

Vice Mayor Golden stated that the home could be used as the Central Community Redevelopment Agency (CCRA) office and that the Department of Corrections could be used for labor to renovate the historical home.

Discussion: Concerns for moving the boundaries of the CCRA and concerns for future cost for maintaining this home as a historical home.

MOTION TO APPROVE as requested by Vice Mayor Golden to authorize Larry Frey to develop a plan for the preservation of a home located at 614 11th Avenue West was made by Vice Mayor Golden/Councilwoman Barnebey and carried 4-0 for approval.

REQUESTED BY Vice Mayor Golden to authorize Bill Lisch, City Attorney to explore the possibility to obtain an easement along the right-of-way on a roadway for a house owned by Richard Thomas located at 904 4th Street East.

Discussion: To extend the easement on a public dead end alley.

MOTION TO APPROVE as requested by Vice Mayor Golden made by Vice Mayor Golden was made by Vice Mayor Golden/Councilman Gallo and carried 4-0 for approval.

Mayor Wayne Poston: Stated that at the Manatee County Fair the “Citizen of the Year” award was given to Paul Bartley.

Mayor Poston stated that Paul Bartley has been a good friend of his for along time and was a well known photographer throughout the State of Florida.

7. BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

a) AX-04-0004 WARD 4 NEIGHBORHOOD 20.03 LF

Request of Cedarwood Development, Inc, Agent for Southern Hospitality Associates, L.L.C., owner, for an annexation of 26 acres located at 5055 3rd Ave East (Zoned County A1)

FIRST READING OF ORDINANCE NO. 2774

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 5055 3rd Avenue East AND LEGALLY DESCRIBED:

MOTION TO APPROVE the first reading and set the second reading and public hearing for February 23, 2005 was made by Councilman Smith/Councilman Gallo and carried 4-0 for approval.

b) AX-05-0006 WARD 4 NEIGHBORHOOD 20.03 LF

Request of White Oak Development, Inc, Agent for Mark Heller, Rosa Heller., Walt Eppard, David McNabb and Florida Coast Development, owners for an annexation of 49.16 acres located at 101 48th St Ct NE (Zoned County A1)

FIRST READING OF ORDINANCE NO. 2775

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 101 48th STREET COURT NORTHEAST AND LEGALLY DESCRIBED:

Larry Frey stated that the department heads had preliminarily reviewed both annexations and that they would be reviewed by the Joint Planning Committee (JPC) on February 7, 2005.

Councilman Gallo asked if the developer would commit to placing a fire station on the property located at 101 48th Street Court Northeast.

Stephen Thompson, representing the developer stated that a parcel on the property (approximately two acres) had been committed for a fire station.

MOTION TO APPROVE the first reading and set the second reading and public hearing for February 23, 2005 was made by Councilman Smith/Councilman Gallo and carried 4-0 for approval.

c) SECOND READING OF PROPOSED ORDINANCE 2772 PUBLIC HEARING

AN ORDINANCE AMENDING SECTION 6-4, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, RELATING TO THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN CERTAIN PUBLIC AREAS BY PROHIBITING THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES WITHIN A ONE BLOCK AREA ON EITHER SIDE OF 14TH STREET WEST BEGINNING AT THE SOUTH RIGHT OF WAY LINE OF MANATEE AVENUE WEST AND EXTENDING SOUTH TO THE CITY LIMITS; PROVIDING FOR EXCEPTIONS; PROVIDING AN EFFECTIVE DATE.

Public hearing was continued as opened. Those in favor. No one came forward.

Those in opposition.

Noreen Roberts, 1925 Riverview Boulevard voiced her concern that the open container law would affect anyone holding a drink while simply crossing the street from neighbor to neighbor.

Discussion: That this ordinance was intended to stop those publicly intoxicated people who loiter on the streets and continuously drink.

Further discussion: With passing Ordinance 2772 it would only be enforced for the 14th Street district and would move the problem to another area in the city.

An agreement was made by Councilman Gallo, Councilwoman Barnebey, Councilman Smith and Vice Mayor Golden that they would support an ordinance prohibiting open container of alcohol beverages city wide.

Archie Waugh suggested a proposed ordinance that would narrow the state public intoxicated guidelines.

Public hearing closed.

Chief Radzilowski reported that statistically the majority of the problems on 14th Street related to the consumption of alcohol.

MOTION TO APPROVE Ordinance 2772 was made by Vice Mayor Golden/Councilman Gallo and carried 4-0 for approval.

REQUESTED BY Bill Lisch if the Council wanted him to address prohibiting open containers of alcohol city wide and draft an ordinance.

No discussion followed.

MOTION TO APPROVE as requested by Bill Lisch to draft a city wide ordinance was made by Vice Mayor Golden/Councilman Gallo and carried 4-0 for approval.

d) FS-04-01 WARD 4 NEIGHBORHOOD 7.02 RS

Request of Florida Coast Surveying, Agent for Manatee Property Investments, owner for final subdivision approval for plat recording for the replat of Tropical Shores, now known as "Hidden Lagoon Subdivision", a single family development consisting of 17 lots. (Zoned PDP w/R1C Standards)

Mr. Callahan stated that a letter had been received from Manatee Property Investments requesting continuance to the February 9, 2005 meeting.

8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

PBA CONTRACT FOR BRADENTON POLICE LIEUTENANTS

Mr. Callahan gave a brief report on the contract stating that this plan was consistent with the other police contract and listed two concerns:

1. Retroactive pay.
2. The duration of the contract.

He stated the duration of the contract would expire December 31, 2006 which was off cycle compared to the rank and file contract.

He recommended that the retro active pay go back to November 5, 2004.

RECOMMENDATION BY Carl Callahan, Carolyn Moore, Chief Radzilowski and Debbie Brown, Labor Attorney for negotiations, to approve the PBA Contract for Lieutenants as brought forth.

No discussion followed.

MOTION TO APPROVE as recommended by Carl Callahan, Carolyn Moore, Chief Radzilowski and Debbie Brown was made by Councilman Gallo/Councilwoman Barnebey and carried 4-0 for approval.

Carolyn Moore

SUBSTANCE ABUSE POLICY

Mrs. Moore stated that this revised policy was for City employees holding Commercial Drivers Licenses (CDL) and performing safety sensitive activities as defined by the Department of Transportation (DOT).

RECOMMENDATION BY Carolyn Moore per the DOT recommendation to revise the section to lower the test from 25% to 10% for alcohol and to leave in 50% for drug testing.

No discussion followed.

MOTION TO APPROVE as recommended by Carolyn Moore the Revised CDL Substance Abuse Policy was made by Councilwoman Barnebey/Councilwoman Barnebey and carried 4-0 for approval.

Lieutenant Darrell Akemon gave a brief report on the Bradenton Police which had been assigned the detail area at the 1500 Block of Pennsylvania Avenue in Washington, D.C for the Presidential Inaugural Parade held January 20, 2005.

DEPARTMENT HEADS:

Carl Callahan: Nothing to report.

Chief Souders: Stated he would be attending a conference in Daytona to participate in the ribbon cutting ceremonies for the new Florida Fire Chief's facility.

Staci Cross: Gave a brief report on the new phone system for the police department and stated that the system had been ordered and expected to be installed in February.

She reported that she had visited the Manatee County Public Safety system and stated that she was in the process to negotiate with the County as to whether the City should merge with the County system.

Chief Radzilowski: Stated he was working with Carolyn Moore to research past resolutions regarding traffic accidents caused by City employees. He stated he would like to update and improve the policy on this issue.

Chief Radzilowski stated he would be holding a meeting for the police officers wife's Thursday, January 27, 2005 in the Council Chambers.

John Cumming:

REQUESTED BY John Cumming, as an emergency sole source, to purchase a large turbine blade used to aerate at the sewage treatment plant at an estimated cost of \$120,000 to \$130,000.

Discussion: The current sludge hauling was costing the City three to four thousand dollars per week.

Mr. Callahan stated the purchase of this equipment would be paid from the 408 capital improvement account.

MOTION TO APPROVE as requested by John Cumming was made by Councilman Gallo/Councilman Smith and carried 4-0 for approval.

Larry Frey: Reported that the Tamiami Tomorrow Kick-off meeting was well attended by the public and encouraged everyone to log onto www.tamiamitomorrow.org for more information.

Bill Lisch: Nothing to report.

Carolyn Moore: Stated that the second employee orientation meeting for new employees would be held Thursday, February 3, 2005.

She reported that the first management training went extremely well with the next management meeting to be held January 28, 2005.

ADJOURNMENT:

There being no further business, Mayor Poston and Mayor for the Day Peyton Spencer adjourned the meeting at 8:00 p.m.

NOTE: This is not a verbatim record. An audio CD or video tape recording of the meeting is available upon request.