

**CITY COUNCIL MEETING
August 25, 2004**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on August 25, 2004 at 6:00 p.m.

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

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 and Staci Cross, Information Technology Director

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Reverend Herb McMillian, First Church of the Nazarene.
Flag salute was led by Mayor Poston.

APPROVAL OF MINUTES:

APPROVAL OF THE AUGUST 11, 2004 MINUTES.

No discussion followed.

MOTION TO APPROVE the August 11, 2004 minutes was made by Councilman Gallo/Councilwoman Weaver carried 5-0 for approval.

PROCLAMATION:

LITERACY AWARENESS MONTH PROCLAMATION – September, 2004

Proclamation accepted by Judith Hennard, Executive Director of the Literacy Council of Manatee County.

PAYROLL WEEK PROCLAMATION - September 6-12, 2004. No one was present to accept the proclamation.

PRESENTATION:

WAYFINDING SIGNS SYSTEMS - REQUEST FOR APPROVAL

Bill Theroux by an earlier presentation on the Wayfinding Signs System prior to the Council meeting requested approval to enter into an agreement with Wayfinding Signs to do a study to evaluate signage in the downtown and surrounding areas of the City.

Councilman Gallo asked what the cost of the study would be.

Mr. Theroux stated it would be approximately \$45,000.

MOTION TO APPROVE the support of the Downtown Development Agency to move forward with a study to evaluate signage in the downtown area and other areas as necessary throughout the community and to bring back the findings of the study to the Council was made by Councilman Smith/ Vice Mayor Golden carried 4-1 with Councilman Gallo in opposition.

**BRADENTON POLICE DEPARTMENT
MEDAL OF VALOR AWARD - OFFICER WAYNE E. MARTIN**

Mayor Poston presented the Medal of Valor Award to Officer Wayne E. Martin and Major Lewis read the narrative that lead to his award.

**JONES, EDMUNDS & ASSOCIATES, INC.
TENTH AVENUE DRAINAGE SYSTEM IMPROVEMENTS**

Harold Bridges, Jones, Edmunds & Associates, Inc. and **Jim McClellan**, Project Manager for the Tenth Avenue Drainage Project gave a brief PowerPoint presentation and distributed handouts giving, in detail, the evaluations and findings to improve the Tenth Avenue East drainage system.

Jones, Edmunds & Associates, Inc. recommended the following six improvements to the existing drainage system:

1. The 15th Street East and 14th Street East storm sewer systems should be separated. This would require the construction of an entirely new storm sewer on 15th Street East from the Manatee River to the roadside ditch in the area of 10th Avenue East, with pipe diameters ranging from 30 inches to 48 inches.
2. The existing 20-inch segments of pipe on the 14th Street East storm sewer system near 2nd Avenue East should be replaced with new 24-inch pipes.
3. The Woodwinds Apartments pond should be retro-fitted to include a new outlet control structure.
4. A new detention pond should be constructed along the northern edge of the Woodwinds Apartments property. Initial calculations estimate a pond size of 0.95 acre at the top of the berm.
5. A new detention pond should be constructed in the field area south of 10th Avenue East. Initial calculations estimate a pond size of 1.56 acres at the top of berm. The parcel size is 2.2 acres.
6. It was further recommended that every effort be made to identify one or more additional sites where a pond could be constructed that would provide storage capacity for the 14th Street East storm sewer system. The search should focus on areas north of 7th Avenue East and preferably north of Manatee Avenue. This was because a pond located in this general area would be able to detain flows from a significant portion of the 14th Street East system's drainage area, thus providing the greatest potential impact on reducing flood stages north of 4th Avenue East.

It was also recommended that the City of Bradenton should schedule a pre-application meeting with Southwest Florida Water Management District – SWFWMD to discuss the

proposed project and to define the agency's requirements for permitting of the construction project.

General discussion on cost design, permitting and construction of the proposed recommendation at a cost of \$1,143,400.

Jerry West stated that he had talked to property owners who owned land that would need to be purchased for retention ponds.

MOTION TO APPROVE the Tenth Avenue Drainage Project as presented by Jones, Edmunds and Associates, Inc. and to provide them with engineering services for the project as set forth in a letter dated August 11, 2004 was made by Vice Mayor Golden/Councilman Gallo carried 5-0 for approval.

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

CITIZEN COMMENTS:

Dale Schmitz, representing the Palma Sola Alliance asked why the excess sand on the island was not placed on the Palma Sola Causeway.

Councilman Gallo stated that the person doing the dredging on the island was required to obtain permits from the state or federal government. And that these permits would require the removed sand be taken to the county landfill. He stated that to obtain a different permit would include testing the sand to see if it could be placed close to water and that the process was under a strict time frame.

Councilman Gallo stated that John Ormando could be contacted regarding any alternative plan for the sand.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Thanked all of the Department Heads and their staff for the professional job done with the preparation for Hurricane Charley. Councilman Gallo praised Karen Whindon, Manatee County Director of Public Safety, for an outstanding job in the way she handled the threat and preparation for the hurricane.

Councilman Gallo thanked Bev Rhodes, Deputy City Clerk, for organizing a food and surplus drive for Hurricane Charley disaster relief victims in Arcadia and the surrounding areas of Nocatee and Ft. Ogden. He stated Bev was currently receiving items from the community for the Duette area which was also affected by the hurricane.

Councilwoman Marianne Barnebey, Ward II: Councilwoman Barnebey reminded everyone that the Canes Cross Country Run would take place this Labor Day, Monday, September 6, 2004.

Councilwoman Barnebey invited everyone to review the "City Plans" which were hung in the hallway outside the Council Chambers, as they were designed by 6th graders at St. Stephen's School.

Councilwoman Weaver, Ward III: Councilwoman Weaver stated that the next 14th Street Revitalization meeting would be held on Tuesday, September 21, 2004 at 5:30 p.m. at the Family Emergency Treatment Center at 1404 14th Street West.

Councilman Bemis Smith, Ward IV: Reported that the downtown Farmer's Market season would begin on September 18, 2004 on Old Main Street.

Vice Mayor Golden, Ward V: Presented a service award from the Manatee County Commissioners to Councilwoman Barnebey for her outstanding volunteer work with the Tourist Development Council.

Mayor Poston: Reported that he and Fire Chief Souders had gone to New Orleans to accept the National Accreditation Award making the City of Bradenton Fire Department the ninth fire department in the state to be accredited.

Mayor Poston congratulated Chief Souders for being designated as the National Chief of Fire Officer.

Mayor Poston thanked all the Department Heads and their staff for an outstanding job in preparing and briefing the citizens prior to Hurricane Charley's arrival.

Mayor Poston thanked our city employees for their hard work in helping our southern neighbors who were hit hard by Hurricane Charley.

Mayor Poston gave a special thanks to Assistant Fire Chief Keller for his outstanding direction in leading the Emergency Operations Center (EOC) in preparations before Hurricane Charley and his leadership in Charlotte County after the hurricane.

Chief Souders reported on the hurricane evacuation plans and how smoothly everything went. From the Bradenton Police Department doing an outstanding job with directing traffic in the downtown area, to the orderly directions given from the city, county and island city's evacuating the residents off the island and surrounding inland areas.

Chief Souders reported on activities of the Mutual Aid Services in the deployment of staff to Charlotte County six hours after the hurricane made land contact.

Chief Souders commended Assistant Chief Keller for his outstanding job before and after the hurricane.

Mayor Poston stated that he and Council members had attended an outstanding educational seminar this year at the Florida League of Cities conference.

REQUEST FOR APPROVAL by Mayor Poston to make the Human Resource Department a separate department and not under the City Clerk's office.

No discussion followed.

MOTION FOR APPROVAL to make the Human Resource Department an individual department making it the 7th City department was made by Councilman Gallo/Councilwoman Weaver carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

7a. AX-04-0001 WARD 1 PROPOSED ORDINANCE 2761 PUBLIC HEARING
Request of Stewart Moon for Air Energy, Inc., owner for annexation of certain
contiguous land located at 6204 Cortez Road West.

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN
LAND CONTIGUOUS THERETO, LOCATED AT 6204 CORTEZ ROAD WEST AND
LEGALLY DESCRIBED.

Public hearing opened. Those in favor: Hearing none.

Those in opposition: Hearing none. Public hearing closed.

Mr. Frey read the following report from Seth Kohn, Environmental Engineer who recommended denial of the request.

1. Excessive groundwater contaminants present.
2. State program funding exhaustion.
3. No state oversight to guarantee near term contamination remediation.
4. No local mechanism to guarantee contamination remediation.
5. Land development could prove detrimental without prior contamination remediation.

In conclusion Mr. Frey stated that a second memo dated June 15, 2004 was provided which added support for denial.

Mr. Frey stated that the Department of Development Services staff recommended denial of the request for the following reasons:

1. Annexation may be inconsistent with the Comprehensive Plan.
2. There was no existing guarantee that the contamination attributable to the site would be completely resolved within an acceptable timeframe.
3. Annexation of the subject property at this time may not be in the best interest of the City.

MOTION TO DENY the request as recommended by Seth Kohn and the Department of Development Services staff was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 to deny the request.

7b. A-03-09 PROPOSED ORDINANCE 2762 PUBLIC HEARING
AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, A PORTION
OF THE MANATEE RIVER AND SUBMERGED LANDS CONTIGUOUS THERETO,
LOCATED DIRECTLY RIVERWARD OF THE RIVERDALE SUBDIVISION AND LEGALLY
DESCRIBED.

REQUEST BY applicant Stephen Thompson, in a letter dated August 23, 2004, to
continue Ordinance #2762 for 30 days due to Hurricane Charley's approaching so
that the notice could be properly posted as required.

Public hearing opened.

MOTION TO CONTINUE the proposed ordinance 2762 to September 22, 2004 was made by Councilman Smith/Councilman Gallo carried 5-0 to continue.

**7c. PROPOSED ORDINANCE 2763 PUBLIC HEARING
*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING THE PALMA SOLA TRACE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.***

REQUEST BY applicant to continue Ordinance 2763.

Public hearing opened.

MOTION TO CONTINUE Ordinance 2763 to September 22, 2004 was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 to continue.

**7d. LU-04-0002 WARD 4 NEIGHBORHOOD 7.02A RS PUBLIC HEARING
PROPOSED ORDINANCE 2764
Request of Bob Breeden, agent for Fred Munn, owner, for approval of a Zoning Atlas Amendment to change the designation from Single Family Residential (R-1C) to Planned Development Project (PDP) or other appropriate zone on the property located at 1550 27th Street East. (Zoned R-1B)**

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM R-1B (SINGLE FAMILY) TO PDP (PLANNED DEVELOPMENT PROJECT) FOR THE PROPERTY LOCATED AT 1550 27TH STREET EAST AND LEGALLY DESCRIBED.

**7e. PR-04-0006 WARD 4 NEIGHBORHOOD 7.02A RS PUBLIC HEARING
Request of Bob Breeden, agent for Fred Munn, owner, for preliminary approval for a 48 unit residential Planned Development Project on the property located at 1550 27th Street East. (Zoned R-1B)**

Public hearing opened.

MOTION TO CONTINUE LU-04-0002, Ordinance 2764 and PR 04-0006 to September 8, 2004 was made by Councilman Smith/Councilwoman Weaver carried 4-0 to continue. Vice Mayor Golden was absent from the Chamber.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

CENTRAL COMMUNITY REDEVELOPMENT AGENCY (CCRA) MASTER PLAN

Stephen Thompson, Chairman of the CCRA, gave a brief background and history of the Master Plan which provided a strong direction for the community. He stated to implement the plan would require amending the Comprehensive Plan and Zoning Districts with many recommendations to improve the parks and streets, which also required Council approval.

Bob Grey, Chairman and CEO of Strategic Planning Group gave a brief report with a PowerPoint presentation explaining the process of the Master Plan which defined a series of strategies and tasks to implement the plan and listed the community assets.

Questions were asked and answers were provided.

REQUEST BY Stephen Thompson for the Council to endorse the approval process prior to the CCRA moving forward with the Master Plan.

Bill Theroux, Executive Director of the Downtown Development Agency (DDA) stated that the DDA had always voiced an interest in working with the CCRA in a collaborative effort to partner on projects. He stated that the DDA assigned the plan to a Long Range Planning Committee and that the plan would be included in the Capital Projects for 2005.

MOTION TO SUPPORT the direction in which the CCRA was moving forward and to encourage the CCRA to come back to Council with a specific opportunity for the Council to work with the CCRA to move toward completion and implementation of the Master Plan was made by Councilman Smith and seconded by Councilman Golden carried 4-0 for approval. Councilwoman Barnebey was absent from the chamber.

Ted Jenkins, Chairman of the Bradenton Front Porch Council, thanked the Council for their vote to work with the CCRA and said that he was looking forward to work on the plan.

Larry Frey

URBAN DEVELOPMENT ZONES (UDZ) MAP

Mr. Frey gave a brief description of the map with various changes and stated that the Joint Planning Committee recommended approval with the following changes:

1. Eliminate the Braden River Islands (8) from being a UDZ.
2. Include the subdivisions as UDZs to 30th Avenue West between 25th Street West and 1st Street.
3. Reconsider the Mixon lands (7) to be excluded as UDZs.
4. Eliminate the large parcels east of 48th Street Court East between the McClure and Aurora properties from being UDZs.
5. Change the colors on the map.

Mr. Frey stated that the Department of Development Services staff recommended #1 which eliminated (8) on the map, agreed to #2 and not agree to #3 & #4.

MOTION TO APPROVE the UDZ map changes as recommended by the Department of Development Services staff was made by Councilman Gallo/Vice Mayor Golden carried 5-0 for approval.

Councilman Gallo gave a report from the Joint Planning Committee (JPC) meeting which reviewed "Mangrove Point" also known as the "McClure Property". He noted the concern for a land use decision informally known as the "Jacksonville Precedence" (houses that were permitted to be built too close to a right of way, the city would then be responsible for purchasing any future right of ways, or to pay for the cost of berms and/or tall walls).

Discussion: Concerns for widening I-75 at a future time and the widening of the access road from State Road 64 into the McClure property and how this development could affect the schools in the area.

Councilman Gallo stated that Manatee County had objections with the height, construction and design of the buildings and ruining the scenic vista of the river.

14TH STREET REDEVELOPMENT INITIATIVE – RESULTS OF RFP

Larry Frey gave a brief report on RFP results and stated that six consultants had shown interest, but only two submissions had been received, listing, Wade Trim and Associates and Strategic Planning Group.

Mr. Frey stated there were no recommendations at this time as the Department of Development Services staff was still reviewing and negotiating the bids.

Mr. Frey stated that he wanted to see a detailed and more of a final plan.

Discussion: Having a good plan that could lead to action soon.

Carl Callahan

REQUEST BY Councilwoman Barnebey on behalf of the American Patriotism Celebration, to hold their annual Patriotism Celebration and Parade on November 11, 2004 from 12 noon to 3:00 p.m.

Discussion: Parade route times.

MOTION TO APPROVE the request was made by Vice Mayor Golden/Councilman Smith carried 5-0 for approval.

BUSINESS BY APPOINTMENT

REQUEST BY the Art Center of Manatee (formerly Art League of Manatee) to erect a public sculpture to add to the new look of the Art Center located at 209 9th Street West.

Anna D’Aste, Village of the Arts, answered questions regarding the sculpture.

Discussion: The sculpture and placement location would be on leased property and not city property.

Larry Frey requested a site plan as to the placement of the sculpture on the property and stated that he would waive the permit.

NO ACTION WAS TAKEN.

DEPARTMENT HEADS:

Carl Callahan: Nothing to report.

Chief Souders: Announced that he would be attending in September, a U.S. Department of Justice, Bureau of Alcohol, Tobacco and Firearms Explosives Fire Research Laboratory Partnership Meeting in the Washington, D.C. area.

Staci Cross: Reported that the roll out of payroll was now complete. She stated that all departments were now online for payroll and purchasing with the utility billing to be completed in November.

Chief Radzilowski: Stated that the police department had started a street operation on 14th Street.

He stated that through Mutual Aid twelve officers were sent to Kissimmee after the hurricane.

John Cumming: Reported the Public Works Department placed trash cans along 14th Street in strategic locations at the request of the citizen's initiative.

Mr. Cumming stated that there had been five crews sent to the hurricane disaster areas in Hardee County.

Larry Frey: Stated that Congressman Davis was currently visiting the Community Development office.

Mr. Frey reported that he would be signing a letter of City support for Manatee Glens for the Able Trust Funding Grant.

Bill Lisch: Reminded everyone of the St. Joe's/ Arvida mediation on Friday, August 27, 2004 at 2:00 p.m.

Mayor Poston stated that he sent a letter to the Manatee County Board of Commissioners asking if they would dismiss the law suit. No acknowledgement from the County to date.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 9:30 p.m.

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