

**CITY COUNCIL MEETING
JANUARY 13, 2010**

APPROVED BY
January 27, 2010
CITY COUNCIL

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on January 13, 2010.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Vice Mayor and Councilman Ward IV Bemis Smith and Councilman Ward V Harold E. Byrd, Jr.

City Officials: Carl Callahan, City Clerk and Treasurer; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; J.J. Lewis, Deputy Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: The Herald and The Bradenton Times.

The meeting was called to order by Mayor Poston.

Ecumenical invocation was led by Pastor Dale Schlafer, President of the Center for World Awakening & Renewal.

Pledge of Allegiance was led by Mayor Poston.

PROCLAMATION

Florida Arbor Day – January 15, 2010

Mary Runnells, City of Bradenton Tree & Land Preservation Board, accepted the proclamation and invited everyone to attend the Arbor Day celebration at 1:00 p.m. on Friday, January 15, 2010, at Norma Lloyd Park.

Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS

Citing grave safety concerns for their children, the residents of **6916 Heritage Lane**, came forward to request help from Council. There have been five vehicle accidents in front of their home since April 2008. Several of the incidents involved drunken drivers and the last accident resulted with a car crashing into their home, which could have killed them and/or their children.

The Safety Committee had recommended making the intersection a 3-way stop with a yellow flashing light. Councilman Gallo also wanted to see some type of bollards placed in the right of way in an area which would stop vehicles prior to reaching the home.

Discussion: Emergency vehicle egress and the need to have moveable bollards. Councilman Gallo asked the Public Works Department to work with him to come up with a good solution to correct the unsafe condition.

CONSENT AGENDA

- a) Minutes of December 9, 2009, Special Meetings of December 30, 2009; January 5, 2010, and January 6, 2010.
- b) PAETEC and NEW EDGE Contracts – new voice and data providers.
- c) SPRINGCM Contract – new document management provider.
- d) Microsoft Enterprise Agreement Contract – software licensing.

- e) Recreational Trails Program Award for Norma Lloyd Park.
- f) Resolution 10-02 – Reappointing Deborah Coupland-Porter, Abraham Epstein, and Mary Runnells to the Tree & Land Preservation Board.
- g) Resolution 10-03 – Reappointing the Grievance Board. (Should have been “reestablishing”)
- h) Public Event – Downtown Bradenton Pirates’ Pep Rally on Old Main – Thursday, Feb. 25, 2010
- i) Public Event – Celebrate Freedom Musical Concert, Sunday, July 4, 2010, Rossi Park amphitheater.

MOTION TO APPROVE THE CONSENT AGENDA was made by Councilman Smith, seconded by Vice Mayor Byrd, and approved 5-0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF ORDINANCE NO. 2910 TW

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 5, CON-TRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 18, REPEAL OR TERMINATION OF SYSTEM; AMENDING SECTION 19, DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY; AMENDING SECTION 21, FORFEITURE OF PENSION; AMENDING SECTION 25, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 27, PRIOR FIRE SERVICE; AMENDING SECTION 29, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for the January 27, 2010 City Council meeting of proposed Ordinance No. 2910 was made by Vice Mayor Byrd, seconded by Councilman Roff, and passed 5-0 for approval.

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**FIRST READING OF ORDINANCE NO. 2911 RS**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN EAR BASED AMENDMENTS, ADOPTED NOVEMBER 18, 2009, PROVIDING FOR TEXT AMENDMENTS RE-ESTABLISHING THE LEVEL OF SERVICE STANDARDS FOR ROADWAYS IN THE TRANSPORTATION AND CAPITAL IMPROVEMENTS ELEMENTS, PROVIDING FOR CONSISTANCY WITH THE STATE COMPREHENSIVE PLAN; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

The public hearing was opened to those in favor; none came forward. Those in opposition were invited; none came forward. The public hearing was closed.

**MOTION TO APPROVE the first reading and set the second reading for the January 27, 2010 City Council meeting of proposed Ordinance No. 2911 was made by Councilman Smith, seconded by Vice Mayor Byrd, and approved 5-0.**

**FIRST READING OF ORDINANCE NO. 2912**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THAT ORDINANCE TITLE "THE CITY OF BRADENTON TRAFFIC LIGHT SAFETY ACT" AS SET FORTH IN CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, INCREASING TIME FOR NOTICES AND TIME FOR APPEALS FROM TWENTY-ONE TO THIRTY-ONE DAYS; PROVIDING FOR A SPECIAL MASTER TO HEAR APPEALS IN LIEU OF CODE ENFORCEMENT BOARD; PROVIDING FOR TRANSFER OF NOTICE OF INFRACTIONS FROM OWNER TO DRIVER OF MOTOR VEHICLE; PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading for the January 27, 2010 City Council meeting of proposed Ordinance No. 2912 was made by Councilwoman Barnebey, seconded by Councilman Roff, and approved 5-0.**

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RESOLUTION 10-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, PROHIBITING RIGHT TURNS ON RED LIGHT FOR SOUTH BOUND TRAFFIC ON 10TH STREET WEST AT MANATEE AVENUE WEST (STATE ROAD 64); PROVIDING AN EFFECTIVE DATE.

Discussion: Right turn on red was currently allowed on 9th Street which makes it very dangerous for both pedestrians and vehicular traffic. Concerns about making it less desirable to park in the Judicial Center parking garage and making the situation worse on 9th Street.

Request by Councilman Gallo to see statistics about accidents at the intersection to base decisions after review this information. Ideas which had been discussed will be taken back to the Safety Committee for further review.

MOTION TO APPROVE proposed Resolution 10-04 was made by Councilman Roff, but died for lack of a 2nd.

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**COMPREHENSIVE PLAN AMENDMENT APPLICATION**

**PUBLIC NOTICE**

PRESENTATION made by Claude Tankersley, Public Works Director, requesting permission to allow use of reclaimed water in the Manatee County watershed which was currently allowed in every other county in Florida. He addressed concerns about danger of introducing reclaimed water into the water system and referenced studies which confirm through 40 years of study, that there was no negative impact to health or environment. High standards of water treatment processes were outlined which actually improve water quality of reclaimed water vs. un-treated water. Use of reclaimed water would tap into a currently wasted resource, offset other sources of irrigation such as well water and potable water, and prevent salt-water intrusion into the aquifer.

Discussion: Improvements in water testing and treatment over the past 20-30 years; concern about competition in selling the reclaimed water; cost feasibility; and threat of future state involvement in prohibiting discharge into the Manatee River and preference of taking proactive actions. Concerns about need to have a contract in place regarding selling of reclaimed water.

**Dave Moore**, Executive Director of Southwest Florida Water Management District, Brooksville, and chairman of The Water Re-Use Foundation, addressed the council to confirm the need for and safety of reclaimed water. He explained that cooperative funding programs would be in place to fund a major transmission line from Bradenton to Lakewood Ranch.

Mr. Moore greatly encouraged the harnessing of this resource as the best way to prevent deterioration of our waters and to prepare for the new nutrient standards that would be forthcoming from the EPA and Washington DC. He felt that requesting removal of the prohibition to use reclaimed water would be the next logical step in pursuing options and to allow for the necessary time to negotiate pricing for the reclaimed water.

**Calib Grimes**, Grimes and Goebel law firm, gave an overview of the application process needed to remove the prohibition: Cycle 1 of 2010 would go before the Planning Commission in February and the County Commission in March which would then result in the transmittal of the amendment. The amendment would then go to the Department of Community Affairs before being returned for the adoption hearing, most likely in early summer. He reminded council to take into further consideration that Amendment 4 was also coming before the voters in November which may result in a drastic change in procedures to make changes to the comprehensive plan.

**Mark Simpson**, 3702 67<sup>th</sup> Street West, citing 27 years of experience and training in chemistry & biology, came forward by invitation of the Mayor, to voice his opposition to allow the introduction of reclaimed water into the watershed as he felt impurities and pharmaceuticals would be introduced into the water supply and result in increased algae blooms.

Discussion: Details of how city and county managed the water system; legislation which will be coming from state; setting rates for water sale to Lakewood Ranch.

**MOTION TO APPROVE the request that Manatee County move forward with the application process to remove the restriction against the use of reclaimed water in the Manatee County watershed was made by Councilman Smith, seconded by Councilman Roff, and passed 3-2 for approval with Councilman Gallo and Vice Mayor Byrd in opposition.**

#### NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan – No new business.

#### COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Reiterated that he would like to work with Public Works to do something to increase safety at the intersection at 71<sup>st</sup> Street and 29<sup>th</sup> Avenue as previously brought forth by the homeowners of **6916 Heritage Lane**.

**Councilwoman Marianne Barnebey, Ward II:** Wanted to thank the Friends of the Central Library for all of the tremendous donations they have provided in labor and quality of life. Also reminded that the biannual book sale will be held March 17-20 and book donations are being sought. Councilwoman Barnebey also reminded everyone of the Martin Luther King, Jr. parade to be held in Palmetto on Saturday, January 16<sup>th</sup>.

**Councilman Patrick Roff, Ward III:** Reported that a major document had just been signed and was one of the last details to be completed prior to the start of the Wares Creek project. The Army Corp of Engineers was preparing to seek bids and would allow 60 days for bidders to submit bids; another 60 days would then be taken to make a selection and award the bid.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Vice Mayor Harold Byrd, Jr., Ward V:** Reminded everyone of the Arbor Day celebration at Norma Lloyd Park, the various Martin Luther King, Jr. observations, and the opening of the Manatee County Fair.

Vice Mayor Byrd asked Council to move forward to hold joint meetings with the Community Redevelopment Agency (CRA) boards as had been agreed to last year. He referenced a decision that had been made by a board which had made a difference in longevity pay for an employee.

**Mayor Wayne Poston:** Reported that he had asked Bill Lisch to draft a resolution in opposition to Amendment 4.

## DEPARTMENT HEADS

### Carl Callahan:

Mr. Callahan requested approval to make a budget adjustment which would have no financial impact on the budget but was just a reduction of a revenue line item and a contingency line item.

**MOTION TO APPROVE the budget adjustment was made by Councilman Gallo, seconded by Councilman Smith, and approved 5-0.**

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Deputy Chief Lewis:** Was happy to report that the city had experienced a 5% reduction in crime since 2008 and a 32% reduction in the last six years.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Reported that the department was working with the IT Department in regard to electronic plans submissions. A presentation would be forthcoming in the coming weeks to show what would be available on the web page.

**Bill Lisch:** The vacant property formerly owned by the Shopping Guide which goes from 6<sup>th</sup> Avenue East to 8<sup>th</sup> Avenue East on the south side of Hwy 41 was being used as a cut-through to avoid waiting at the light at the intersection. The owner would like to request permission from council to install a temporary fence to prevent the inevitable accidents which the situation poses.

Discussion: Types of fencing and need for aesthetic appeal in this central location.

**MOTION TO REQUEST staff to work with the property owner to come up with an aesthetically pleasing yet safety conscious barrier to keep people from driving on property was made by Councilwoman Barnebey, seconded by Vice Mayor Byrd, and approved 5-0.**

**Carolyn Moore:** Nothing to report.

## ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:49 a.m.

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