

**CITY COUNCIL MEETING
December 13, 2006**

**APPROVED BY
January 10, 2007
CITY COUNCIL**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on December 13, 2006 at 8:30 a.m.

Present: Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

City Officials:; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Michael Radzilowski, Police Chief; Chuck Edwards, Deputy Fire Chief; Tim Polk, Department of Planning and Community Development Director; and Carolyn Moore, Human Resources Director.

Press: The Herald and the Bradenton Observer

The meeting was called to order by Vice Mayor/Councilman Gallo.
Ecumenical invocation was led by Councilman Golden, Chaplain for the City.
Pledge of Allegiance was led by Vice Mayor/Councilman Gallo.

Mayor Wayne Poston, Fire Chief Mark Souders, and Staci Cross, Information Technology Director were excused from the meeting.

PROCLAMATIONS

Tamiami Trail Scenic Highway Day – December 13, 2006

PRESENTATIONS

United Way Donation from City Employees

Carolyn Moore introduced the members who had served on the United Way Employee Committee for this year: **Susan Kahl, Ricardo Ramos, John Ormando, Doug Dobbs, Cheryl Myers, Lesa Ramos, Mary Werley, and Rebecca Pilsbury.**

Doug Dobbs who sold \$3,400 in raffle tickets and **Anthony Moore** winner of the first prize, a 1999 Ford Extended Cab Truck presented to Vice Mayor/Councilman Gallo a check in the amount of \$7,000 collected for United Way.

BRADENTON POLICE DEPARTMENT

Swearing In of New Officers

Vice Mayor/Councilman Gallo gave the oath of office to **Officer Frank Coleman, Officer Leonel Marines and Officer Bradly Reese.**

Promotion to Sergeant

Vice Mayor/Councilman Gallo gave the oath of office to **Sergeant John Negron.**

FDOT - CORTEZ ROAD ACCESS MANAGEMENT PROJECT ID# 415567-1

Doug Reed, PBS & J, General Engineering Consultants for the Florida Department of Transportation (FDOT), gave a brief overview of the proposed changes to improve traffic safety and traffic flow, reduce vehicle accidents, reduce pedestrian and bicycle accidents, and reduce the number of conflict points on Cortez Road west of 57th Street West to west of 28th Street West.

Mr. Reed stated that the construction cost for this project was funded in the FDOT 2007-2008 work program. He stated a public workshop would be scheduled in January, 2007 to provide more information.

Mr. Reed requested the Council to endorse the project as planned.

The Council voiced their concerns about the proposed U-turns and conflict points. The general consensus was that U-turns do not help traffic flow, but instead create more traffic problems.

No action was taken, but the council requested Mr. Reed alleviate their concerns.

Mr. Reed stated that at the recent meeting of the Manatee County Commissioners, the project as planned had been unanimously opposed.

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

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Congratulated Chief Radzilowski on an article in today's paper regarding the public relations gesture performed by some of the officers in assisting an elderly lady across the street.

Councilwoman Marianne Barnebey, Ward II: Reported that this year's Winter Wonderland Family Event was again a huge success with an estimated 8,000 in attendance.

Councilman Patrick Roff, Ward III: Reported that the "No camping ordinance" has had a very positive impact on the downtown area. He stated that crime was down and there was a noticeable difference in the number of vagrants in the Ballard Park area.

Councilman Roff voiced his concern that there were now problems at the 17th Street Park and asked everyone to keep an eye on this area and to report any suspicious activities to the police.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: As Fire Commissioner reported that approximately 80-90 fire calls and 350-375 emergency calls had been received during the month of November. He further reported that the department had assisted with several community services events such as Winter Wonderland, the Jingle Bell Run for Arthritis, the Lighted Boat Parade, and G.T. Bray Park's "Night before Christmas celebration. In addition, they would be sponsoring a Christmas party on December 14, 2006 for the Community Haven for Adults and Children with Disabilities.

Councilman Golden thanked those who had attended the official dedication of the installment of landscaping on Martin Luther King Boulevard from 1st Street to 9th Street East.

Councilman Golden stated that he had been elected as Secretary/Treasurer of the Tampa Bay Regional Planning Council for the upcoming year.

Mayor Wayne Poston: Excused from the meeting.

CONSENT AGENDA

Approval of Minutes of November 15, 2006

Employee 2007 Safety Manual

MB.06.0009 WARD 3 NEIGHBORHOOD 1.01 RS

Request of WilsonMiller, Inc., agent for Old City Hall Associates, LLLP, owner, for a one-year PDP extension of time for property located at 500 15th Street West. (Zoned C-1/UCBD)

MB.06.0010 WARD 3 NEIGHBORHOOD 6.01 RS

Request of King Engineering Associates, LLC, agent for Wares Creek Development, LLC, owner, for a one year PDP extension of time for property located at 1915 Manatee Avenue West. (Zoned PDP)

MB.06.0011 WARD 1 NEIGHBORHOOD 12.04A RS

Request of Paradise Pointe, LLC, owner, for a one year PDP extension of time for property located at 12300 and 12320 Manatee Avenue West. (Zoned PDP)

REQUEST FOR APPROVAL by Arlan Cummings, Engineering Department Manager to install a security fence at the Lift Station Shop located at 8th Avenue Drive West.

Resolution 06-68

A Resolution appointing **Deborah Coupland-Porter** to the **Tree Board** for the City of Bradenton, Florida and defining her term.

Resolution 06-69

A Resolution reappointing **Harry Bakker** to the Downtown Development Authority Board for the City of Bradenton, Florida and defining his term.

Resolution 06-70

A Resolution appointing **Gregory Green** to the Downtown Development Authority Board for the City of Bradenton, Florida and defining his term.

MOTION TO APPROVE the Consent Agenda consisting of the November 15, 2006 City Council Minutes, the 2007 Employee Safety Manual, MB.06.0009, MB.06.0010, MB.06.0011, installation of a security fence at a Lift Station, Resolution 06-68, Resolution 06-69 and Resolution 06-70 was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

REQUESTED APPROVAL by Carolyn Moore for the 2007-2008 International Association of Firefighters (IAFF) Local 2546 contract.

Deputy Chief Edwards and firefighters Doug Huffman and, Rocko Salvatory thanked those who worked so hard to make this contract work.

MOTION TO APPROVE the IAFF contract Local 2546 for the period of October 1, 2006 through September 30, 2008 was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2854

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, CREATING PROPORTIONATE FAIR-SHARE MITIGATION OF DEVELOPMENT IMPACTS ON TRANSPORTATION CORRIDORS OF THE CITY OF BRADENTON; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2854 on January 10, 2007 was made by Councilman Smith/Councilman Roff and carried 5-0 for approval.

CP.06.0016

Request of City of Bradenton for a Large Scale Comprehensive Plan Amendment for text changes to the Coastal Management Conservation Element, Recreation and Open Space Element, and Historic Preservation Element.

SECOND READING OF PROPOSED ORDINANCE NO. 2851 PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.06.0016) PERTAINING TO TEXT CHANGES TO THE COASTAL MANAGEMENT CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT AND HISTORIC PRESERVATION ELEMENT, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Public hearing was opened, those in favor.

Tim Polk gave a brief report that this issue had previously come before Council July 13, 2005 as Resolution 05-35. The process was to forward the resolution to the Department of Community Affairs (DCA) for approval and then come back to Council to adopt this ordinance.

Mr. Polk referred to a letter dated December 12, 2006 generated by the Manatee County Board of Commissioners from a meeting yesterday which listed some concerns regarding the language in the city's policy. He stated that the Planning and Community Development staff agreed with the language changes and approval of the bound agreement with Manatee County with the DCA approval as submitted.

Ruth Seewer, Development Review Manager, referred to the Coastal High Hazard Area Map as attachment "A" in the ordinance and gave a brief overview of the Comprehensive Plan Text Amendments which reduced the densities in the Coastal High Hazard Areas to six (6) units. She stated that litigation directed Perico Island, and other policies directed the Braden River islands both to three (3) units per acre.

Those in opposition.

Mary Sheppard voiced her concern as to the intent of the words used in the ordinance.

Barbara Hines, representing Manasota 88 submitted a letter dated December 8, 2006 stating that adequate research and data had not been used to form these amendments.

General discussion that the letter from Manatee County addressed Manasota 88 concerns.

Arlene Flisik, Vice-President and Conservationist for the Manatee County Audubon Society voiced her concern with the Perico Island language and cautioned the council to be careful as to what the city did now because it cannot be undone in the future.

Bill Lisch referred to the Manatee County letter and reiterated that the Comprehensive Plan stated that Perico Island was already designated as three (3) units per acre and that all other areas remained six (6) units or "whichever is less."

Ruth Seewer stated that the text amendments were done from a request made by Manatee County. She read from the summary overview which had been prepared by Matt McLachlan, the previous Planning and Community Development Assistant Director, from the staff evaluation dated December 5, 2006, stating "Manatee County retained Glatting Jackson in March, 2006, to prepare a text amendment package for the City of Bradenton Comprehensive Plan that would support a Florida Community Trust (FCT) grant application."

The public hearing was closed.

Tim Polk stated that the Planning and Community Development staff recommended approval of the amendments as reviewed and approved by the Department of Community Affairs.

MOTION TO APPROVE Ordinance 2851, CP.06.0016 with the recommendation made by the Planning and Community Development staff was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.

SECOND READING OF PROPOSED ORDINANCE 2852/RS PUBLIC HEARING
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS VILLAGES OF GLEN CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Public hearing was opened, those in favor.

Tracy Robin, attorney with the Tampa firm of Straley Robin & Williams, representing Metro Development Group, LLC. Mr. Robin gave a summary of the petition to establish the Villages at Glen Creek Community Development District (CDD). He stated this area consisted of approximately 229.34 acres. He stated that the purpose of the CDD was to serve property owners and residents as independent units of local special purpose government. He stated that the owners and residents would then operate independently of city government in the provision of certain services but would not have powers of a city government.

Mr. Robin stated that this CDD served a governmental and public purpose by financing, providing, and managing certain basic infrastructure systems, facilities, and services as allowed by Florida law and only the owners within the district were assessed through the district for these improvements within its boundaries.

Those in opposition: hearing none, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval based on the consistency of Section 190 of the Florida Statute.

MOTION TO APPROVE Ordinance 2852 with the recommendation made by the Planning and Community Development staff was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

SECOND HEARING OF PROPOSED ORDINANCE 2853/ CC **PUBLIC HEARING**
AN ORDINANCE AMENDING CHAPTER 66, ARTICLE IV, OCCUPATIONAL LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY RENAMING OCCUPATIONAL LICENSE AND OCCUPATIONAL TAX TO LOCAL BUSINESS TAX IN COMPLIANCE WITH CHAPTER 2006-152 OF THE LAWS OF FLORIDA; PROVIDING FOR RECEIPTS AND DOCUMENTS EVIDENCING PAYMENT AND COMPLIANCE TO BEAR THE NAME "LOCAL BUSINESS TAX RECEIPT"; PROVIDING AN EFFECTIVE DATE.

Public hearing was opened, those in favor.

Mr. Callahan gave a brief over view of the ordinance and recommended approval of the administrative change to change the name of the "Occupation License Department" to the "Local Business Tax Department".

Those in opposition: hearing none, the public hearing was closed.

MOTION TO APPROVE the Ordinance 2853 with the recommendation made by Carl Callahan was made by Councilwoman Barnebey/Councilman Roff and carried 4-0 for approval. (Councilman Golden was absent from voting.)

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SA.06.0007 WARD 1 NEIGHBORHOOD 11.03 RS **PUBLIC HEARING**
Request of Stephen W. Thompson, Esquire, agent for WDC/HLP Cortez, LLC, owner, for renovations and additional access at Cortez Commons Shopping Center located at 5502 Cortez Road West. (Zoned C-3)

Public hearing was opened, those in favor.

Stephen Thompson, agent, gave a brief summary of the Cortez Commons Shopping Center which had been built approximately 20 years ago and requested a special use permit to remodel the center to include aesthetic improvements of the structures, landscaping upgrades, parking improvements and a new access onto 43rd Avenue West.

Jay Brown, landscape architect, gave a brief PowerPoint presentation displaying the landscape improvements of the existing structure and the proposed plans for improvements of the center.

- 1) The site plan to demolish part of an existing building structure to create an access to connect to 43rd Avenue West. No trucks would be allowed at this entrance. A block wall would be built between the rear of the center and the Cannon's resident located on 43rd Avenue West.
- 2) The truck movement plan would only allow truck traffic from 59th Street West in the back of the center.
- 3) The landscape plan would include an array of trees and bushes with low maintenance requirements.

Kevin Payne, Project Manager, continued with the PowerPoint presentation of the architectural interest improvements proposed for the project.

John Melendez, CPH Engineers Transportation Division Manager displayed renderings summarizing the transportation issues of the proposed project.

He submitted a letter dated December 13, 2006 outlining the proposed FDOT Cortez Road project (see today's presentation at the beginning of the meeting) and the preliminary traffic signal timing impact at the intersection of Cape Vista Drive & Cortez Road.

Chester Oszkandy, NAI/MLG Management, Brookfield, Wisconsin partnership of the center, gave a brief overview of the proposed project which had been created following input obtained from the tenants of the center and patrons that shop there.

Stephen Thompson submitted a proposed stipulation to take the place of stipulation #3.

Speaking in favor of the project were tenants of Cortez Commons: **Michelle Cline**, owner of Fantastic Sam's, **Joe Martin**, General Manager of Kelly's Café, and **Terry Seagers**, owner of HMP Medical. They stated that many customers had complained about the problems of access and egress points to and from the center and that this new access would make it easier for the patrons.

Speaking in favor of the project were patrons of Cortez Commons: **Nick Galle**, **Bruce Galle**, and **Pam Johnson**. Each stated that they were excited that the developer was willing to make the investment to improve the aesthetic appearance of an existing shopping center. They voiced their concern that older shopping centers that showed disrepair with vacant store fronts drew unwanted people and vagrants. They stated that the current traffic flow made it almost impossible to get out of the center.

Speaking in opposition of the project were **Trevor McKee**, President of Cape Vista Homeowners Association, and **John Hassley**, Cape Vista resident. Each voiced their concern that this access would create a "cut-through" for people wanting to avoid the traffic lights on 51st and 59th Streets, would cause speeders and more traffic on 43rd Avenue West.

Discussion that the Cape Vista subdivision was not in the city limits and that 43rd Avenue was a county road. Suggestions were made regarding possible speed tables, curbs, or installation of signs, or medians at 43rd Avenue and Cape Vista Drive.

General discussion that areas of traffic congestion were everywhere in the county and city and that there was a common problem of people finding short cuts through residential areas.

Ruth Seewer, Development Review Manager, stated that the county had no objections to opening up the access into the center. She stated that 43rd Avenue was 60 feet wide, which was larger than the standard road for local residential streets. She stated that the whole south side of 43rd Avenue was the back of commercial buildings.

Speaking in opposition were **Susan Doerr**, 5216 43rd Avenue West, **Chris Peters**, Cape Vista resident, **Joy Cannon**, 4212 Cape Vista Drive, and **Keith Marker**, Cape Vista resident. Each voiced their opposition to the request and gave various suggestions such as buying the Cannon property and placing extra traffic lights at various key intersections and eliminating the traffic light at Cape Vista Drive. They stated that Cape Vista Drive and 43rd Avenue intersection has always been a problem and will get worse with continued growth. They felt that allowing this access into the center would take precedence for other developers to do the same. That the access would cause more traffic and endanger pedestrians in the residential neighborhood.

Archie Waugh suggested that since 43rd Avenue was wider than a standard street; a sidewalk could be installed which would possibly slow down traffic.

Sue Doerr stated that only the Cannons were opposed to placing a sidewalk in front of their house, but everyone else on 43rd Avenue would be in favor of a sidewalk.

Petitions were submitted citing 49 signatures of those in favor and 57 signatures of those in opposition of the request.

In rebuttal, Stephen Thompson stated that the entry and exit would be of great assistance for emergency services. He stated that the tenants in the center came to the owners stating that their patrons were complaining about the problems entering and exiting the shopping center, and they were losing business because of it.

He stated that the county indicated a lot of traffic accidents had occurred at this intersection and the issue was really a safety concern. He stated that the county did not know why 43rd Avenue did not go into the shopping center when it was built as there were a lot of commercial businesses on 43rd Avenue.

He stated that the Manatee County Bike and Pedestrian Committee would be meeting on December 18, 2006 to discuss sidewalks on 43rd Avenue West.

John Melendez, CPH Engineers, in rebuttal stated that the meeting on December 18, 2006 was initiated by the county for the "Sidewalks to School" program and, if feasible or warranted, would be fully funded by the county. He stated that the suggestion of placing extra traffic lights one block away from an existing traffic light would not be allowed by FDOT as 59th Street and Cortez Road were hurricane evacuation routes.

Mr. Melendez discussed the cut-through traffic concerns and displayed a rendering of a study indicating low traffic volumes at 43rd Street and Cape Vista.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval based on three criteria's which had been met.

1. A letter from Manatee County in support of opening 43rd Avenue West.
2. Traffic analysis showing that the plan would not be detrimental to the overall circulation of the Cape Vista subdivision.
3. A plan for buffering the single resident (Cannon's property).

Mr. Polk stated that the Planning Commission recommended approval based on staff's recommendation with the following **three stipulations**:

1. To make contact with FDOT prior to the City Council Hearing to obtain a more firm answer about the median opening (at the main entrance).
2. An analysis of the timing of the signal at Cape Vista and Cortez and fix the timing if warranted and approved by FDOT.
3. ~~To work with Mrs. Cannon regarding the buffering of her property.~~ This stipulation was amended by the proposed stipulation submitted by Mr. Thompson as follows:

The owner of Cortez Commons agrees to install a six (6) foot high wall along the eastern property line north to the retention pond. The wall would be constructed of concrete block with stucco on the residents' side of the wall. The color of the wall would be a soft white. In addition, the owner would construct a wall in front of the Cannon home. This block/stucco wall would be six (6) feet high (or lower if desired) approximately fifteen (15) feet in length but not to exceed twenty (20) feet. Actual distance would be determined by the Cannons. The owner would seek permission from Manatee County to install the wall in the existing right-of-way in front of the Cannon home. If a right-of-way use permit was not granted, the Cannons would have the option of having the wall installed on their property or to request landscaping in lieu of the wall.

The owner of Cortez Commons agreed to install a six (6) foot high wall along the eastern property line south of the proposed road opening. This block/stucco wall would be approximately thirty (30) feet in length.

Councilman Smith stated that he would support the motion as the danger of having the traffic access into a residential neighborhood outweighs the current traffic problems with the access onto Cortez Road.

Councilman Roff stated that he would support the motion because the first thing he hears at every neighborhood meeting was the abundant traffic problems throughout the city and county. He voiced his concern that a dead commercial center was not only an economic concern and an eyesore, but also a collective place for abandoned cars and vagrancy.

Councilman Roff stated that a wide road invited speeders and encouraged the residents to approve installation of a sidewalk on 43rd Avenue.

MOTION TO APPROVE SA.06.0007 Cortez Commons Shopping Center request as recommended by the Planning and Community Development staff and Planning Commission with three stipulations with amended stipulation #3 was made by Councilman Roff/Councilman Smith and carried 5-0 for approval.

Lunch break at 12:50 p.m.

Reconvened at 2:30 p.m.

SU.06.0031 WARD 1 NEIGHBORHOOD 4.05/4.06 RS PUBLIC HEARING

Request of Laura Belflower of Verizon Wireless, agent, for OCHI LLC, owner, for approval of a Special Use to install a 140-foot monopole communications tower and associated equipment on a portion of commercial property located at 5202 Cortez Road West. (Zoned C-3)

Public hearing was opened.

Laura Belflower representing Verizon Wireless gave a brief summary of the site to install a 140-foot monopole tower on a portion of an existing commercial property.

She stated that the primary target in the beginning of this project was the Manatee County water tank located at the south end of 59th Street West on Cortez Road. She stated that after several years attempting to negotiate the tower on the water tank she was informed that Manatee County had passed a resolution stating that wireless carriers could not be located on any county water tanks.

She displayed photographs of existing monopole towers, stating that the monopole tower was a single slim pole which did not require guide wires and was the least obtrusive design for the height of the tower. She stated the tower required low maintenance with little traffic impact.

General discussion referred to the Manatee County letter dated December 12, 2006 stating that "County regulations required greater setbacks when cellular towers were located adjacent to residential zoning or uses. Please consider the compatibility issues and the impacts of the proposed tower on the adjacent residences."

Laura Belflower stated that Verizon had looked at many other sites in this general area but there were no other options that could accommodate a 140-foot tower.

Mark Bahn, Verizon Senior RF Engineer, gave a brief overview of the e911 routing system that would be accessible through this system and how other carriers could also utilize this tower.

Those in opposition.

Sue Doerr, 5216 43rd Avenue West stated that she lived directly across from the proposed site and voiced her concern as to the aesthetics of having a 140-foot tower facing her front yard. She gave several suggestions as to other placement sites for the tower.

Laura Belfower stated that all of the site suggestions had been considered, but for various reasons, those sites could not be used.

General discussion: Landscaping suggestions and irrigation could be installed to keep it maintained.

Bill Lisch stated that because of the state telecommunication laws that regulate locations of towers, and as shown by Verizon that there were no other locations to install the tower, the city had no other choice but to approve this request.

Councilwoman Barnebey summarized for clarification, that Manatee County had a prime location at the 59th Street water tank for this tower and possibly other locations. But because of new county regulations the county could not approve the placement of this tower. She stated that the city received a letter from the Manatee County Commissioners requesting the city to use county regulations and not the city regulations. She stated that if the Council did not approve this request then the city could be sued by Verizon.

Mr. Lisch stated that this summarization was correct.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with two stipulations and the Planning Commission recommendation with the following **three (3) stipulations**:

1. The approval was for a monopole design only. Should the proposed design change, a Special Use amendment would be required.
2. Landscaping would be installed around the north, east and west side of the tower area. Landscaping materials would include a continuous hedge a minimum of two feet tall, under story shrubs a minimum of 4 feet tall, and trees no less than 30 feet on center, planted at a minimum height of 10 feet with the exception of the west side.

Amendment to stipulation #2: To include a flowering hedge such as a bougainvillea and to install an irrigation system.

3. Approval was based on approval by SWFWMD or other applicable agency.

General discussion: Using the proposed tower as a co-location tower.

Ruth Seewer stated that the city would require a co-location study before any other telecommunication companies requested placement of towers.

Councilwoman Barnebey and Councilman Smith voiced their frustration that the county had placed the city in an awkward situation and that there was no other choice but to approve this request.

Councilman Smith commented that the city allowed co-telecommunication systems on water tanks to eliminate the abundant towers sprouting up all over the place.

Councilman Roff voiced his concern that this approval would affect county residents and was torn about having to make this decision.

MOTION TO APPROVE the request from Verizon to place a tower at 43rd Avenue West with the recommendations made by the Planning and Community Development staff and Planning Commission to include three stipulations with amendment to stipulation #2 was made by Councilman Golden/Councilwoman Barnebey and carried 3-2 with Vice Mayor/Councilman Gallo and Councilman Roff in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

REQUEST BY Betsy North on behalf of the St. Stephens Episcopal School to hold the 5K Falcon Family Fitness Fun Run on Saturday, February 24, 2007 from 8:00 a.m. to 9:00 a.m. on 1st Avenue West from 37th Street West going east one mile.

No discussion followed.

MOTION TO APPROVE the request by Saint Stephens Episcopal School was made by Councilwoman Barnebey/Councilman Golden and carried 5-0 for approval.

John Cumming

**Bid Recommendation
14th Street West Lighting Improvements
JEA project #07109-222-01**

Mr. Cumming stated that the 14th Street Lighting Improvement project would be through FDOT and financed by a LAP grant from the federal government.

Claude Tankersley, representing Jones, Edmunds and Associates (JEA) stated that the bid opening had been held December 5, 2006. He gave a brief summary of the proposed improvements consisting of thirty-five (35) new period street lamps and sidewalk upgrades on 14th Street.

Based on its overall experience record and lowest responsible bid of \$277,446.00 Mr. Tankersley recommended **Riley Electric Co., Inc.** as the best choice for the City of Bradenton. He stated the unsuccessful bidder had been Florida Safety Contractors, Inc.

MOTION TO APPROVE the 14th Street Lighting Improvements as recommended by Claude Tankersly was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

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**Update of 14<sup>th</sup> Street West and 15<sup>th</sup> Street West two-way configuration**

John Ormando stated that following much discussion with FDOT, they offered to design a two-way configuration, of 14<sup>th</sup> and 15<sup>th</sup> Street West, a savings of approximately \$15,000 bringing the total estimated cost for making the change over around \$42,000.

John Cumming stated that funds were available to complete this project. He stated that some remaining problems regarding the 15<sup>th</sup> Street still needing to be worked out.

Councilwoman Barnebey voiced her approval about making these two streets two-way due to the many accidents that had occurred because people don't realize that they were on one-way streets. She asked that the two churches on those streets be contacted to get their input regarding the proposed change.

**Tim Polk**

**RESOLUTION NO. 06 - 67**

A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA, SUPPORTING MAKING APPLICATION REQUESTING FUNDING FOR THE CREATION OF A TRADITIONAL NEIGHBORHOOD HISTORIC PATTERN BOOK TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES.

Tim Polk requested approval of Resolution 06-67 which would begin the process to apply for a state grant to create a pattern book.

Councilman Smith explained that a pattern book was an architectural suggestion in keeping with individual neighborhoods, as not all neighborhoods had the same design.

Councilman Smith stated that there would be books listing descriptions of specific features that would fit in with the pattern of any neighborhood cited for development.

**MOTION TO APPROVE the Resolution 06-67 was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.**

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NOTICE OF PUBLIC HEARING AND AVAILABILITY

2005-06 Consolidated Annual Performance Evaluation Report (CAPER)

Lesa Ramos read the following notice:

NOTICE IS HEREBY GIVEN that the City of Bradenton has prepared its Consolidated Annual Performance Evaluation Report (CAPER) report for the Community Development Block Grant Program for fiscal year October 1, 2005 and ending September 30, 2006.

A public community outreach will be held on December 19, 2006 at 6:00 p.m. at the Bradenton Housing Authority, 1403 6th St. W. Bradenton, FL 34205 to consider oral and written comments on the Community Development Block Grant Program Consolidated Annual Performance Evaluation Report (CAPER).

Commencing December 6, 2006 through December 21, 2006, the CAPER will be available for public inspection during regular business hours at the following locations:

1. City Clerk's Office located in City Hall at 101 Old Main Street, Bradenton, FL
2. Planning & Community Development Office located at 101 Old Main Street, FL
3. Manatee County Library located at 1301 Barcarrota Boulevard, Bradenton, FL

The report will be filed with U.S. Department of Housing and Urban Development no later than December 31, 2006. Any public comments will become a part of the report and mailed to HUD. Written comments to the CAPER may be submitted to the Community Development Office located at Bradenton City Hall, 101 12th St. W., Bradenton, FL 34205 prior to or in lieu of attending the public comment forum and should be received no later than December 21, 2006. Please contact Timothy Polk or Lesa Ramos at (941) 932-9400 should you have questions or need additional information.

DEPARTMENT HEADS

Carl Callahan: Stated on behalf of Mayor Poston a **REQUEST TO CONTRIBUTE \$100,000 over the next two years to use as a match for a grant to promote the Senior Center on 9th Street West.**

No discussion followed.

MOTION TO APPROVE THE REQUEST was made by Councilman Golden/Vice Mayor/Councilman Gallo and carried 5-0 for approval.

Mr. Callahan stated that a special meeting may be needed to ratify the lease agreement with the Pittsburgh Pirates as the deadline to submit the lease was December 29, 2006.

Deputy Fire Chief Edwards: Thanked the Council for their condolences in the passing of Lieutenant Rick Brenner and announced that the celebration of his life would be on Monday, December 18, 2006 at the Bradenton Auditorium.

He invited everyone to attend the December 14, 2006 Christmas Party, for the Community Haven for Adults and Children with Disabilities. He stated that each year the fire department looked forward to supplying lunch and purchasing gifts for the adults and children. He stated the event would be highlighted by a personal appearance from Santa Clause.

Carolyn Moore: Thanked the city employees for their generosity again this year and providing 100 foster care children with gifts for Christmas.

Staci Cross: Excused absence.

Chief Radzilowski: Announced a 10.3 percent decrease in crime for the year. He thanked the city communities for their partnership with the police department in fighting crime as it was really making a difference in the communities.

John Cumming: Reported that notices had been sent out to homeowners announcing the new recycling pickup on Wednesday starting in January, 2007.

Tim Polk: Stated that the county recently voted to raise the county impact fees and that he would be making arrangements for the County Planning Director to come before Council to give an impact fee update.

REQUEST BY TIM POLK TO EXPLORE the city's impact fee and transportation fee structure.

Mr. Callahan stated that the county's impact fee structure had substantially increased this past year. He recommended approval to study the city's impact fees which could be totally different than the county's.

Councilman Smith stated that in order to have any workforce housing in the city a study was necessary to accurately determine what the city's impact fee schedule should be, and not base it on the county's high impact fee schedule.

MOTION TO APPROVE the Planning and Community Development request to explore the city's impact fee and transportation fee structure was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.

Bill Lisch: Nothing to report.

ADJOURNMENT

There being no further business, Vice Mayor/Councilman Gallo adjourned the meeting at 3:50 p.m.

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