

APPROVED BY
October 26, 2005
CITY COUNCIL

CITY COUNCIL MEETING
September 28, 2005

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on September 28, 2005 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilwoman Ward III Michele Weaver; Vice Mayor and Councilman Ward IV Bemis Smith 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; Major J.J. Lewis, Police Department; Matt McLachlan, Assistant Director Development Services; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Ecumenical invocation was led by Councilman Reverend Golden.

Flag salute was led by Vice Mayor Smith.

Mayor Poston welcomed back Councilman Gallo after his time off for medical leave.

Mayor Poston presented **Francisco Jesus Padilla Falcon**, an exchange student from Barcarrota, Spain a key to the city.

Mayor Poston introduced **Samantha Solie**, Lakewood Ranch High School exchange student to Barcarrota, Spain.

PROCLAMATIONS:

FIRE PREVENTION WEEK PROCLAMATION - OCTOBER 2 - 8, 2005

BRADENTON PHYSICAL THERAPY MONTH PROCLAMATION - OCTOBER 2005

PRESENTATIONS:

MANATEE COUNTY CHAMBER OF COMMERCE - DOWNTOWN BOAT DOCKS

Greg Brown, representing the Manatee County Chamber of Commerce Boat Dock Taskforce, gave a PowerPoint presentation proposing alternative access to downtown by providing boat docks for vessels. Dockage would allow greater public usage of the waterfront and access to Rossi Park, as well as making possible a future water taxi service between Bradenton and Palmetto.

Neil Spirtas, Manatee Chamber of Commerce; **Kerri Ward**, President of Bradenton Downtown Progress; **Cheryl Huntsinger**, President of Manatee County Chapter of Coastal Conservation Association of Florida; **Bill Theroux**, Executive Director of the DDA/CRA; **George Mendez**, Manatee County government Transit Planner; **Devon Harms**, Palmetto citizen; and **Bob Harrington**, Sarasota-Manatee MPO, stated they

were in favor of the proposal for boat docks, as they would come to the downtown area more often to attend the Old Main Street Market, public events, and to the restaurants and retail shops.

General discussion: Available multiple grants and the City of Stuart improvements by adding boat docks in the downtown area.

Further discussion: The location, types of docks, and guidelines encouraged for security, with an estimated cost of \$500,000 to accommodate 30-40 slips.

Mayor Poston stated that he liked the concept and believed it should be a joint venture with Manatee County, Bradenton and Palmetto as the water taxis would serve countywide.

Councilman Golden stated that this request was premature due to the construction occurring on the waterfront and asked if the Bradenton Riverfront Partners had committed to a location.

Greg Green stated that there had been ongoing discussion with the Bradenton Riverfront Partners.

General discussion: Commitment from all involved with the question as to whether now was the time for the city to commit to this project. To have more dialog with all those that would be involved with this project.

MOTION TO DIRECT the city staff to continue working on pursuing the land lease, design and permitting, grants and funding sources, to include Manatee County and perhaps the City of Palmetto, and to receive more information on a better location and types of docks was made by Councilwoman Barnebey/Councilwoman Weaver and carried 5-0 for approval.

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

CITIZEN COMMENTS:

Patrick Roff reminded everyone that the clean-up program Adopt-a-Shore would be held this weekend in the Wares Creek neighborhood.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Thanked everyone for all their support, thoughts, prayers, love, cards and calls while he was recuperating from his surgery.

Councilwoman Marianne Barnebey, Ward II: Reported that she would be participating in "Challenge Day" at Manatee High School on September 29, 2005.

Councilwoman Barnebey reported that at a recent Metropolitan Planning Organization (MPO) meeting, a plan had been submitted for roads and road funding up to the year 2030. She stated the plan was returned to the consultant as it was not feasible due to the cost and lack of funding. She stated that she would keep everyone informed as to a new plan.

Councilwoman Barnebey stated that there would be two workshops for citizens' input: October 5th at New College and October 6th in south Sarasota.

Councilwoman Barnebey introduced Jay Burnell, President of the Westfield neighborhood in her ward.

Jay Burnell gave a brief summary of how the Westfield neighborhood was formed.

REQUEST BY Mr. Bernell to change the name of the neighborhood currently known as the Westfield subdivision to "Olde Westfield" and to name the park under the water tower on 6th Avenue and 30th Street West "The Park at Olde Westfield".

MOTION TO APPROVE the request by Jay Burnell was made by Councilwoman Barnebey/Councilman Gallo and carried 5-0 for approval.

Councilwoman Weaver, Ward III: Nothing to report.

Vice Mayor Bemis Smith, Ward IV: Thanked the Bradenton Police Department for their support in seeking a solution with problem youth in his ward.

Councilman James Golden, Ward V: Reported that the Tampa Bay Regional Council was focusing on a workshop on October 28th in Tampa to find solutions for the workforce with obtainable and affordable housing.

Mayor Wayne Poston: Stated he was informed of an article which stated that the City of Bradenton had been voted as one of the best places in the country for youth to live.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

AX.05.0011 WARD 2 NEIGHBORHOOD 5.01 RS

Request of John E. Wickman and Michael Wyckoff, owners of Wickman & Wyckoff, P.A. for annexation of 0.213 acres located at 4909 Manatee Avenue W.

FIRST READING OF PROPOSED ORDINANCE 2797

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, 4909 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for October 26, 2005 was made by Councilwoman Barnebey/Councilman Gallo and carried 4-0 for approval. (Councilwoman Weaver was absent from the chamber.)

LU-05-0014 PROPOSED ORDINANCE 2788

SECOND PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO ADDITIONAL REQUIREMENTS FOR DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, PROVIDING FOR EXEMPTIONS, AMENDMENT OF EXISTING UCBD INTENT, CLARIFYING LANGUAGE; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened, those in favor; hearing none.

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

Matt McLachlan gave a brief overview of the ordinance which empowered the Architectural Review Board to delay or deny demolition based on established criteria of a building. He stated the ordinance amendments were to preserve the City's historic buildings and structures.

Questions were asked and answers provided on the amended changes.

MOTION TO APPROVE LU.05.0014, Ordinance 2788 was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-0 for approval. (Councilman Gallo was absent from the chamber.)

Mr. Callahan read the following three requests:

CP.05.0006 WARD 3 NEIGHBORHOOD 6.01 RS

Request of King Engineering & Associates, agent for Ware's Creek Development LLC, owners, for a Small Scale Comprehensive Plan Amendment changing the Future Land Use from City Residential-10 to Professional located at 1915 Manatee Avenue West. (Zoned R-1C).

SECOND READING OF PROPOSED ORDINANCE 2795

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 1915 MANATEE AVENUE WEST, BRADENTON, FLORIDA MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0006) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 10 TO PROFESSIONAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

LU.05.0010 WARD 3 NEIGHBORHOOD 6.01 RS

Request of King Engineering & Associates, agent for Ware's Creek Development LLC, owners for a Land Use Atlas Amendment to change the zoning designation from Professional and R-1C to PDP for the property located at 1915 Manatee Avenue West (Zoned R-1C).

SECOND READING OF PROPOSED ORDINANCE 2796

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM PROFESSIONAL AND RESIDENTIAL-1C TO PLANNED DEVELOPMENT PROJECT AND A PRELIMINARY PLANNED DEVELOPMENT PROJECT OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 1915 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

PR.05.0013 WARD 3 NEIGHBORHOOD 6.01 RS

PUBLIC HEARING

Request of King Engineering & Associates, agent for Ware's Creek Development LLC, owners for a Preliminary Planned Development Project approval for a professional office complex located at 1915 Manatee Avenue West. (Zoned R-1C).

The public hearing was opened, those in favor.

Lucienne Gauffillet, King Engineering Planning Department Manager, gave a brief summary of the Ware's Creek Professional Center and described the proposed site plan renderings.

Peg Bors, King Engineering Landscape Architect, addressed the enhanced landscape design of the development.

James Hypes, AIA for ASD in Tampa, displayed renderings of the overall proposed project and characteristics of the existing subject property.

General discussion: Traffic study analysis reporting a decrease in peak trips and overall site plan.

Patrick Roff, representing the Historic Wares Creek neighborhood, stated that the neighborhood supported this development as it was eliminating the existing blight caused by the current buildings and would cause less traffic due to the closure of the day care center.

Ruth Seewer, Development Review Manager gave a brief description of the properties surrounding the subject property.

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

Ruth Seewer gave the Department of Development Services staff report on the site and design plan and stated that the applicant had been very patient during the moratorium period. She stated that after the moratorium was lifted, the applicant had a historic analysis done which reported that none of the buildings currently on this site were of any historic value, and one building was in such poor condition that it would be cost prohibited for renovation.

She stated that the Department of Development Services staff recommended approval with four stipulations and the Planning Commission recommended approval with five stipulations.

She stated that the Department of Development Services staff concurred with the Planning Commission's **five (5) stipulations** were as followed:

1. Landscaping would be installed as per the plans submitted and identified as Exhibit F.
2. Trees proposed for preservation would be barricaded prior to commencement of any on-site improvements or alterations.
3. The perimeter fence and landscaping along 6th Avenue West would be installed prior to the commencement of any vertical construction.
4. Prior to any vertical construction the southernmost multi-family building would be demolished.
5. Egress from subject property onto Manatee Avenue would be eastbound only.

Questions were asked and answers given regarding the driveway.

MOTION TO APPROVE CP.05.0006, Ordinance 2795 as recommended by the Department of Development Services staff and Planning Commission was made by Councilwoman Weaver/Councilwoman Barnebey and carried 5-0 for approval.

MOTION TO APPROVE LU.05.0010, Ordinance 2796 as recommended by the Department of Development Services staff and Planning Commission was made by Councilwoman Weaver/Councilwoman Barnebey and carried 5-0 for approval.

MOTION TO APPROVE PR.05.0013 as recommended by the Department of Development Services staff and Planning Commission with five stipulations was made by Councilwoman Weaver/Councilwoman Barnebey and carried 5-0 for approval.

AX-04-0005 WARD 5 NEIGHBORHOOD 7.02/8.03

Request of King Engineering, agent for Mixon Fruit Farms, owner, for an annexation of 229.34 acres located at approximately 2605 26th Ave E. (Zoned County A1, RSF-4.5, PC-C)

SECOND READING OF PROPOSED ORDINANCE 2779 **PUBLIC HEARING**
AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 2605 26th Ave E AND LEGALLY DESCRIBED AS FOLLOWS:

*COMBINED LEGAL FOR ID's 13710.00009, 13784.00004, 13788.00005, 13810.0059, 13815.0000/6, 13816.00004, 13821.00004, 13831.00003, 13833.00009, 13835.00004, 13838.00057, 13842.10058, 13845.10051, 138400009, 13852.00009, 15467.00004, 15472.00004, 15474.10009, 13854.00005, 13625.00009, 15468.00002.
Total acreage 229.34.*

The public hearing was opened, those in favor.

Bill Merrill, Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., representing Mixon Fruit Farms gave a brief report on the process to annex 229.34+ acres. He stated there had been numerous studies done on utility impact analysis and public safety of the entire area.

Mr. Merrill stated that this request would have positive fiscal and economic benefits to the city.

General discussion included providing public services, utility requirements and public safety.

Discussion: To consider obtainable affordable housing in part of the development.

Ricinda Perry, of Lewis, Longman & Walker, representing the Southern Manatee Fire District, voiced the districts concern regarding which district would have the primary responsibilities for fire protection services in this area.

She asked that the city provide a resolution that would address this issue for any future development proposed in this annexation.

Chief Souders stated that he had discussed this issue at length with the Fire Chief and Chairman of the Board of the Southern Fire Manatee District. He stated that the City of Bradenton would take full responsibility for fire protection services but would probably ask for automatic aid.

Chief Souders explained that "automatic aid" meant that when the bell rang all nearby districts would respond immediately. He explained that "mutual aid" was when a Fire Chief placed a request for backup help from another district.

Chief Souders stated that should the Council decide to accept this annexation he would then request a resolution directing him to discuss and negotiate services with the Southern Manatee Fire District.

Ricinda Perry requested that the Southern Manatee Fire District be notified by a resolution to clarify who would assume responsibility for fire protection in this area.

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

Matt McLachlan summarized the Department of Development Services Evaluation and Report and staff recommendation with **three (3) stipulations** were as followed:

1. Future development of the subject property was subject to the requirements of the ACCORD including but not limited to impact fee equivalency as defined in the ACCORD, Section 4.B (5), or the latest, mutually approved definition between Manatee County and the City of Bradenton.

2. Future development of the subject property may require certain land use studies and analyses as part of any preliminary or final development approvals, as determined by the Department of Development Services Director, Planning Commission, or City Council.

3. Future development of the subject property may require significant private contributions toward service capacities as described herein, including detailed analysis or analyses regarding proportionate share and reservation of capacity for all public services, as determined by the city.

General discussion regarding the positive benefit of controlled development in this area, and the availability of public utility capacity.

Mr. Lisch asked if the developer was aware of the stipulations.

Mr. Merrill stated that the developer's representative, Mr. Lawson, was present in the audience and was in full agreement with the stipulations.

Councilman Gallo voiced his concern as to how this development would impact water capacity, sanitation, and the cost for vehicles and labor in the Police, Fire, and Public Works departments.

General discussion: The developer would build whether or not this development was in the city or county.

Councilwoman Barnebey voiced her concern for public safety as nine more officers would be needed to effectively cover this additional area. She stated that, due to the tight budget this year, the police chief was not able to hire the twenty-five extra officers currently needed to keep up with growth.

Mr. Merrell stated that the developer was open to incorporate affordable housing in the project and that this development would cover a mixture of housing market values. He stated that the developer was aware of the public safety and utility concerns and would offer a fair share contribution.

Councilwoman Weaver stated that the city needed affordable, obtainable workforce housing and she would be supporting the motion.

Vice Mayor Smith stated that the city needed responsible development and that this property would be developed in a way which would benefit the city and meet the needs of the citizens through its various housing options.

MOTION TO APPROVE AX.04.0005, Ordinance 2779 as recommended by the Department of Development Services staff with three stipulations was made by Councilman Golden/Councilwoman Weaver and carried 3-2 for approval with Councilman Gallo and Councilwoman Barnebey in opposition.

Councilman Gallo was excused from the meeting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

Second Renewal of Requested Operational and Voluntary Cooperation Agreement with the City of Sarasota Police Department

Mr. Callahan stated that the agreement would extend to December 31, 2008.

MOTION TO APPROVE the Second Renewal of Requested Operational and Voluntary Cooperation Agreement with the City of Sarasota Police Department was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

Larry Frey

CENTRAL COMMUNITY REDEVELOPMENT AGENCY 2005 - 2006 Operating Budget

Sherod Halliburton, Executive Director of the Central Community Redevelopment Agency, gave a brief overview of the 2005-2006 Operating Budget.

Questions were asked and answers given on line items in the budget.

MOTION TO APPROVE the Central Community Redevelopment Agency 2005-2006 Operating Budget was made by Vice Mayor Smith/Councilman Golden and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

John Cumming

RESOLUTION 05-59 OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING EXECUTION OF AN AGREEMENT FOR HIGHWAY MAINTENANCE WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT); PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE Resolution 05-59 was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

DEPARTMENT HEADS:

Carl Callahan: Advised the Council that the County had selected a new contractor for the Judicial Center Complex and a meeting would be necessary to discuss a plan for street closures.

REQUEST BY Carl Callahan for authorization to make minor changes under \$10,000 to the Judicial Center Parking Garage project.

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

Mr. Callahan gave a brief summary on the Purchase and Sale Agreement for the shuffleboard courts on 9th Avenue West to the Downtown Development Authority.

Mr. Callahan stated that the purchase price was also the appraised price of \$832,000.

Discussion: To bring the agreement back to Council at the next Council meeting.

Chief Souders: Announced a preliminary meeting regarding the Judicial Center on Friday, September 30, 2005 at 9:00 a.m. at the project site.

Carolyn Moore: Announced that open enrollment had been completed and most of the input into Eden was almost finished.

Major J.J. Lewis: Nothing to report.

John Cumming: Nothing to report.

Matt McLachlan: Announced that at the next Council meeting he would be bringing forth eight important major issues on the Evaluation and Appraisal Report.

Bill Lisch:

RESOLUTION 05-60 OF THE CITY OF BRADENTON, FLORIDA, DESIGNATING ALL DEPARTMENT HEADS AS ESTABLISHED BY CITY COUNCIL OF THE CITY OF BRADENTON AS SENIOR MANAGEMENT CLASS FOR STATE RETIREMENT PURPOSES; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE Resolution 05-60 was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

Staci Cross: Excused absence.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 10:15 p.m.

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