

**CITY COUNCIL MEETING
October 13, 2004**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on October 13, 2004 at 8:30 a.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, Staci Cross, Information Technology Director, and Carolyn Moore, Human Resource Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Invocation was led by Reverend Bill Grossman, Transition Church and Support Group.
Flag salute was led by Councilman Smith.

APPROVAL OF MINUTES:

Approval of Minutes for September 22, 2004 and September 23, 2004.

No discussion followed.

MOTION TO APPROVE the September 22, 2004 and September 23 2004 was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval.

PRESENTATION:

PUBLIC WORKS EMPLOYEE OF THE MONTH

John Ormando introduced:

Employee of the Month – **Roy Ham**, Engineering Department

Supervisor of the Quarter – **Arlan Cummings**, Engineering Department

DEPARTMENT OF DEVELOPMENT SERVICES STAFF

Larry Frey introduced his new staff in the Department of Development Services:

Volker Reese, Code Enforcement Supervisor, **Darin Cushing**, Plans Examiner & Customer Service Supervisor, **Cheryl Landers**, Code Enforcement Officer, **Skip Mahoney**, Rehabilitation Compliance Officer, **Mary Werley**, Grants & Assistance, **Dianna Loudermilk**, Customer Service, **Barbara Hogan**, Customer Service, and **Matt McLachlan**, Assistant Director.

BRADENTON FIRE DEPARTMENT NEW OFFICERS

Deputy Chief Edwards introduced the following new officers:

Battalion Chief Dan Harris, Captain Glenn Hudson, Lieutenant Dana Tindall and EMT Ron Beach.

MANATEE COUNTY TRANSIT – 41 CORRIDOR BUS SERVICE

Ralph Heseler, Manatee County Area Transit (MCAT) Manager, gave a brief PowerPoint presentation for the expansion of various routes from Manatee County to Sarasota County.

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

CITIZEN COMMENTS:

Carol Stronstorff, Patients Rights Advocate, voiced her concern for the mercury dangers contained in flu vaccination.

She commented that the website www.marcola.com reported on the various amendments which were on the election ballot in November.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Complimented John Cumming and the Public Works Department for their excellent job in cleaning up the debris after several hurricanes.

Councilwoman Marianne Barnebey, Ward II: Announced that October was Breast Cancer Awareness Month.

Councilwoman Barnebey stated that the Westfield neighborhood would be meeting on Tuesday, October 19, 2004.

Councilwoman Barnebey invited everyone to the “Safe Kids Night” on October 31, 2004 Halloween night at the Bradenton Auditorium presented by Crimestoppers.

Councilwoman Weaver, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Stated that he had been meeting with the Department of Development Services staff to establish a policy for boarding up houses that were in violation of Code Enforcement.

Councilman Smith stated that the owner of the property located at 217 22nd Street Court Northeast which had been approved by Council on July 14, 2004 for demolition had agreed to the Council’s decision to demolish the structure.

Vice Mayor Golden, Ward V: Reported that the Florida Department of Transportation (FDOT) had agreed to upgrade the First Street enhancement project excluding the medians.

Vice Mayor Golden stated that he attended a 2004 Ethics Conference and stated that there was an online course available to public officials.

Mayor Poston: Nothing to report.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

SECOND READING OF ORDINANCE 2765

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 2-186 RELATING TO REIMBURSEMENT RATES FOR TRAVELERS CONVERTING SAME TO RESOLUTION; PROVIDING FOR NEW ALLOWANCES; PROVIDING AN EFFECTIVE DATE.

Public hearing opened: those in favor, hearing none.

Bill Lisch stated that this ordinance would allow future changes to come forth to Council by resolution.

Those in opposition: hearing none, public hearing closed.

MOTION TO APPROVE Ordinance 2765 was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval.

RESOLUTION 04-39

A RESOLUTION BY THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, ESTABLISHING REIMBURSEMENT RATES AND METHODS OF CALCULATION OF EXPENSE REIMBURSEMENT FOR TRAVELERS ACTING ON CITY BUSINESS; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan recommended approval of Resolution 04-39.

MOTION TO APPROVE Resolution 04-39 as recommended by Mr. Callahan was made by Councilman Gallo/Councilwoman Weaver carried 5-0 for approval.

SECOND READING OF PROPOSED ORDINANCE 2766

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING SECTION 50-39 (a) and (e) OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, RELATING TO PENALTIES FOR OVERTIME PARKING VIOLATIONS AND PARKING IN FIRE ZONES, HANDICAP ZONES AND ALL OTHER; PROVIDING FOR A LATE FEE; PROVIDING AN EFFECTIVE DATE.

Public hearing opened: those in favor, hearing none.

Mr. Callahan gave a brief explanation of the parking problems on the downtown streets referring to repeat offenders continually receiving parking tickets. He recommended approval of Ordinance 2766.

Discussion: Amending the current effective date. Final decision was to amend the ordinance to make the effective date December 1, 2004.

Those in opposition: hearing none, public hearing closed.

MOTION TO APPROVE Ordinance 2766 with an amendment to make the ordinance effective December 1, 2004 as recommended by Mr. Callahan was made by Councilman Gallo/Councilman Smith carried 5-0 for approval.

SF-04-0001 WARD 4 NEIGHBORHOOD 20.03 JB

Request of Tom Brown, Real Estate Investments, LLC, Zoller, Najjar, & Shroyer for Subdivision Final Application, 64 Center Professional, 5101 SR 64 East, Bradenton, Florida.

Mayor Poston requested anyone speaking on this issue to come forward. No one came forward.

Larry Frey gave a brief synopsis of the request and stated that the Department of Development Services staff recommended approval.

MOTION TO APPROVE the SF 04-0001 request as recommended by the Department of Development Services staff was made by Councilman Smith/Councilwoman Barnebey carried 5-0 for approval.

PR-04-0007 WARD 4 NEIGHBORHOOD 20.03 LF **PUBLIC HEARING**

Request of Betsy Benac, Agent for McClure Properties, LTD, owner, for preliminary approval of a Planned Development Project to include 1135 units. The project consist of single family detached home sites; 41 two-story quad-plex condominium building units; mid-rise units (five-stories over one story of parking); tower units (11 and 12 stories over two stories of parking) and 24 Casitas (small single family units) as well as a range of common recreational amenities on the property located at 101 48th Street Court North East. (Zoned PDP)

Public hearing opened: Those in favor.

Stephen Thompson, attorney for the applicant, stated that significant changes had been made on the project which addressed the concerns made by the Department of Development Services staff and citizens. He stated that a ninety minute PowerPoint presentation of the project with renderings would be shown and narrated by various specialists throughout the presentation.

Résumés were submitted for each specialist speaking in favor of the project.

Rob King, Vice President and Senior Project Manager of WCI Builder, gave a brief overview featuring many quality projects built by WCI. He stated that WCI received an award of "Best Builder in 2004" from the National Association of Home Builders.

Betsy Benac, Professional Planner with WilsonMiller, gave an overall review of the site plan and stated that the project was compatible and consistent with the City of Bradenton's Land Use Regulations and Comprehensive Plan.

Robert Hall, Architect with Curtis, Gaines, Hall and Jones in Tampa gave a brief description of the design showing towers and mid-rise buildings with green spaces. He stated the project was compatible with the Manatee County design standards.

Joe Grimail, Traffic Consultant with Grimail and Crawford, Inc., gave a brief review of the traffic methodology that was used for the traffic study in the surrounding area affected by this development. He stated that he was in agreement with the Department of Development Services staff report.

Robert Frey, Certified Planner with HNTB Architects, Engineers and Planners, and the City's Third Party Consultant gave a brief report on the traffic concerns regarding vested trips and level of service on State Road 64 and surrounding roadways. In conclusion, he

stated that the applicant had addressed all issues regarding the traffic plan which was found to be acceptable.

Questions were asked and answers given on the traffic plan in conjunction with Interstate 75.

Dana West, Biologist and Wetland Specialist with the firm of Biological Research Association gave a brief report on the past negative agricultural impact in contrast to the significant environmental benefit that this development would have on the property.

Hank Fishkind, President and Economist for Fishkind and Associates, provided an overview of the positive economics and increased fiscal impact that this development would bring to the community.

Stephen Thompson reiterated that the applicant was in full agreement with the stipulations listed in the Department of Development Services staff report. He stated there were a few legal issues that needed to be addressed which included a dedication site for a water tower and site for a fire station on 48th Street Court East.

Lengthy discussion: The Planning Commission's recommendation for denial with concerns regarding: 1) Inappropriate building height and location of the towers and mid-rises; 2) Location and elevation of the entrance under the interstate; 3) Inappropriately high density, although development was allowed up to six units per acre; and 4) Inadequacy of ingress/egress associated with 48th Street Court East.

Stephen Thompson stated that there had been a significant reduction in the building height from 14 to 10 stories. He stated that he had worked with the Florida Department of Transportation (FDOT) regarding any concerns for the roadway under the interstate. He stated that the applicant had reduced the density of the project by eliminating some of the single family units and that the need for an emergency access had been met.

Meeting recessed for lunch (12:06 p.m.)

Meeting called to order (1:40 p.m.)

Those in favor continued.

Myles Gee, representing some of the Inlet's neighborhood, voiced his approval of the development and stated that the concerns from the surrounding neighborhood regarding noise and traffic concerns had been addressed by WCI.

Calvin Williams, small business owner, **Dan Molay**, small business owner, and **Aimie Montez** voiced their approval of the development due to the increase in revenue which the project would bring to the city and surrounding businesses.

Tom Brown, Tom Brown Real Estate Realtor, voiced his approval of the development because of the quality projects done by WCI which would enhance the area.

Dan McClure, owner of the property, commended WCI for their quality presentation which could only be outdone by their quality in developments.

Those in opposition.

Arlene Flisik, City resident and **Lois Congdon** spoke against the project due to the detrimental impact on the land, hurricane evacuation, height of the buildings and traffic concerns.

Joe McClash, Manatee County Commissioner, (on behalf of Manatee County) voiced his opposition of the development and stated that the County recommended stipulations regarding building height and boat docks. He stated that there were issues regarding the annexation and the road access. He commented that the property under Interstate 75 was owned by the state with Manatee County's jurisdiction and that this parcel was not part of the McClure property.

Bill Lisch stated that generally the developers would have to get permission from Florida Department of Transportation (FDOT) to work on their right-of-way. He would investigate this issue further.

Carol Clark, Manatee County Planning Director, addressed the County's standard on access roads with developments. She discussed the issue regarding boat docks, noise pollution and building heights. She stated the County's Land Use Regulation provided several criteria to be used to evaluate the project which included compatibility, external impact on surrounding development, waterway vistas, entrance ways, and the overall project design.

Lengthy discussion: This project being the first site that travelers would see as they enter into Manatee County with regards to building heights, boat docks and the river vista.

Larry Mau, Manatee County Director of Transportation, voiced his concern on the 48th Street Court road access, berm heights, retaining walls as a noise barrier, and various right-of-ways.

Mr. Mau distributed handouts listing 12 stipulations requested by the Manatee County Transportation Department. (See stipulation #9 of the Department of Development Services staff report.)

Lengthy discussion: The 48th Street Court access road into the development.

Those who spoke in opposition representing a group were as followed:

William Queenan, representing the Inlet's group; **Jim Kaiser**, representing the Riverdale Action Group; **Joan Perry**, representing Manasota 88; and **Mary Sheppard**, representing Manasota Sierra Club, voiced their opposition regarding public safety with emergency evacuation, incompatibility, perception of a high rise development to travelers on Interstate 75, negative environmental impact, decrease of water quality, location on a coastal high hazard flood zone, diverse density of the project and lack of significant access into the development.

Individuals who spoke in opposition are as followed:

Walter Stewart, requested to change the proposed fire station and water tower location; **Isabel Wetz**, increased traffic danger on 48th Street Court East; **Stephanie Nolan**, voiced her beliefs that the project was in violation of the City's Comprehensive Plan; **Bill Haag**, reiterated the Manatee County concerns regarding hurricane evacuation and public safety; **Julie Castaneda**, voiced her concern regarding the impact on the school system; **Ray Militello**, concerns for archeological aspects and habitants of the property; **Mary Tyrrell**, representing the Inlet's community, concerns for traffic congestion on

48th Street Court East; **Gabriele Boecker**, concerns for compatibility with the high rise design of the buildings; **Jay Gafton**, moral responsibility and mismanagement of growth; **David Howard**, concerns for high traffic volume and lack of compliance with the City's Comprehensive Plan; **Marilyn Stasica**, concerns that coastal development would be devastating; and **Beverly Morrow**, concerns for incompatibility and the negative impact on the Manatee River.

Stephen Thompson, in rebuttal, reiterated many of the concerns which had already been addressed during the presentation.

Mr. Thompson stated that any requests for boat docks would have to come back to Council for approval at a future date.

Mr. Thompson stated that the County's concern stated by Mr. McClash's concerns were unwarranted as the Florida Department of Transportation (FDOT) had made certain legal provisions with Mr. McClure regarding the access under the interstate at the time Interstate 75 was built.

Mr. Thompson stated that, as in all developments, there would be many issues which would have to be addressed with various agencies such as the Florida Department of Transportation (FDOT), Department of Environmental Protection (DEP), Southwest Florida Water District (SWFWD) and other local agencies for permitting.

Mr. Thompson stated that the County required two means of access with the City requiring only one access into a development.

In conclusion Mr. Thompson stated that WCI Builders had met both the City and County requirements and that Larry Frey had addressed and incorporated the concerns with fourteen (14) stipulations in the Department of Development Services staff recommendation report.

Robert Hall, Architect with Curtis, Gaines, Hall and Jones in Tampa, and **Millard Yoder**, Professional Engineer with Wilson-Miller, addressed the concerns regarding the state hurricane and flood requirements. **Betsy Benac** addressed the archeological concerns regarding the project and stated that the project was consistent with the state requirements. **Dana West** addressed the water quality and environmental concerns.

Public hearing closed.

Larry Frey stated that many changes had been done since the Planning Commission denied the project.

Mr. Frey gave a brief overview of the Department of Development Services staff report which **recommended approval with the following fourteen (14) stipulations** with the additional stipulation underlined and added at the end of stipulation nine (9).

1. A historical/archaeological resource recovery and mitigation plan must be completed prior to final Planned Development Project (PDP) approval associated with existing onsite resources. All new historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and with the City of Bradenton prior to resuming disturbance activities.
2. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code were observed frequenting the site for nesting or breeding

- purposes, appropriate mitigation and/or protection measures would be taken with immediate notification provided to the DDS.
3. The wetland mitigation plan must be approved by the DDS prior to final PDP approval.
 4. All wetlands, wetlands buffers (30 feet requirement), lands below the 2-foot contour, and 2-foot contour line buffers (35 feet requirement) shall be designated with a conservation easement, and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed as part of this approval would require review and approval by the DDS Director. The conservation easement shall also include expanded and enhanced buffer areas, as determined by the DDS on Sheets 4-8 and 16-20 of the proposed site plan.
 5. Mangrove and Live Oak tree preservation shall be provided to the fullest extent possible. All existing Mangrove and Live Oak areas proposed for removal shall require approval by the DDS Director. All 16" and larger Live Oak trees proposed for removal in the proposed site plan must be individually identified, with removal requiring approval by the DDS Director for a determination of preservation versus mitigation. The existing Live Oak row along the south boundary of Phase 1, and the existing Mangroves along the Project's east boundary shall be preserved and so indicated on the proposed site plan. Future exceptions to this Stipulation may require a PDP amendment.
 6. The developer would dedicate a certain amount of land to the City of Bradenton for construction of a **municipal services facility** as determined by the City. Construction of such a facility shall be the responsibility of the City. The developer will also dedicate two additional acres of land for the construction of a **fire protection facility**. The location of the two acres shall be mutually agreeable between the developer and the City prior to development permitting.
 7. Sanitary sewer and potable water must be provided to the site at the expense of the developer. These systems shall require and approval by the City Public Works Department prior to building construction, outright dedication of the applicable infrastructure to the City, or access through appropriate access easement as determined by the City.
 8. Adequate infrastructure will be completed, or sufficiently completed prior to the commencement of any phase, as determined and approved by the DDS and DPW.
 9. Roadway improvements would be constructed concurrently with the impacts of each phase to ensure that the Level of Service (LOS) does not fall below acceptable standards. Such roadway improvements shall include those improvements indicated above, under STAFF EVALUATION/Traffic/Third Party Review and Recommendations. Notwithstanding the receipt of the above review and recommendations, the applicant must improve all of 48th Street Court East from the Project entrance to State Road 64 East, as determined by the Public Works Department. The Public Works Director shall determine that the applicant was making reasonable efforts in the design and permitting of 48th Street Court East improvements. Should the applicant be delayed in permitting or construction on the improvements for reasons beyond their control, a Performance Bond for the construction and completion of 48th Street Court East, as approved by the City's Public Works Director, shall be required. In addition, the applicant and the City would consider the transportation stipulations submitted by Manatee County, and may require additional improvements as determined by the City's Third Party Consultant.
 10. Conversion of the Banked Parking shall require administrative approval by the DDS Director.
 11. The architectural design and features of the proposed buildings shall be adhered to as approved by the City Council. While reasonable administrative

- modifications may be allowed, other changes determined by the City not to be reflective of the City Council approved design shall require a PDP Amendment.
12. The Final PDP must address all stipulations and other Staff/DRC recommendations/concerns included in this report.
 13. The applicant or developer shall submit to the DDS an Impact Fee Credit application pertaining to Public Safety (Fire and Police), Parks, and Water and Sewer impact fee requirements prior to development permitting. As part of the Impact Fee Credit application, the applicant or developer shall provide assurance of required improvements through submittal of a performance bond, irrevocable letter of credit, or escrow agreement. The appropriate impact fee credits and methodologies for credit, and the type of assurance shall require approval by the DDS Director according to City Ordinances 2680 and 2681.
 14. Any deviation from the approved requirements as determined by the DDS, may require a PDP amendment.

Councilman Smith voiced his support for the PR-04-007 request and stated that when the question arises as to growth, as public officials, the Council can only address growth, and can not ignore growth, but could approve quality projects.

Councilman Smith stated that this was a high quality project and that he would rather see a few high towers with green space than wide spans of single rooftops that go on for miles.

Councilman Gallo stated he would support this project as he would rather see this high quality development with a few towers with green space throughout instead of numerous single family home rooftops spread out in an urban development setting.

Vice Mayor Golden stated he would support this project and voiced his concerns regarding the threats about Charter government.

Councilwoman Weaver stated that she supported this project because of the variety of housing options it would provide in the City. She stated that this project would bring a high quality of living for citizens in this part of the City.

Councilwoman Barnebey voiced her concern that several issues had not been met to her satisfaction regarding traffic congestion, noise, flood plains and compatibility. She stated that she believed that the vast majority of the citizens did not want to see ten story high rise buildings throughout the community.

MOTION TO APPROVE the request of PR-04-0007 for McClure Properties, LTD as recommended by the Department of Development Services staff with fourteen (14) stipulations and an additional stipulation to #9 was made by Councilman Smith/Councilwoman Weaver carried 4-1 for approval with Councilwoman Barnebey in opposition.

SP-04-0001 WARD 4 NEIGHBORHOOD 20.03 LF PUBLIC HEARING

Request of Betsy Benac, Agent for McClure Properties, LTD, owner, for preliminary subdivision approval for "Mangrove Point" to be located at 101 48th Street Court North East. (Zoned PDP)

Public hearing opened. Those in favor: hearing none.

Those in opposition: hearing none, public hearing closed.

Larry Frey stated that this request was for the subdivision with the Mangrove Point project to bring back at a later date to the Council for a final subdivision plan. He stated the Department of Development Services staff recommended approval.

MOTION TO APPROVE the request of SP 04-0001 was made by Councilman Smith/Councilwoman Weaver carried 4-1 for approval with Councilwoman Barnebey in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

2005 PROPOSED CITY COUNCIL MEETING SCHEDULE

A decision was made to choose December 14, 2005 instead of December 21, 2005 for the one Council meeting in December, 2005.

MOTION TO APPROVE the 2005 Proposed City Council Meeting Schedule with the December 14, 2005 meeting was made by Councilman Gallo/Vice Mayor Golden carried 5-0 for approval.

Mr. Callahan recommended moving the November 17, 2004 meeting time from 6:00 P.M. to 8:30 A.M due to many items coming forth from the Department of Development Services on that day.

MOTION TO APPROVE as recommended by Mr. Callahan to move the time from 6:00 P.M. to 8:30 A.M. on November 17, 2004 was made by Councilman Gallo/Vice Mayor Golden carried 5-0 for approval.

2005 PROPOSED HOLIDAYS SCHEDULE

MOTION TO APPROVE the 2005 Proposed Holiday Schedule was made by Councilwoman Weaver/Councilman Smith carried 5-0 for approval.

REQUEST BY THE Hernando DeSoto Historical Society to hold their 2005 De Soto Celebration beginning with the Seafood Fest on Barcarrota Boulevard and Old Main Street from Friday, April 1st to Sunday, April 3rd, 2005, the Boat Regatta on Palma Sola Causeway, Saturday, April 16, 2005 and the Grand Parade with a 5K Run before the parade on Saturday, April 30, 2005.

Discussion: Request to consider these events separately.

Councilwoman Barnebey requested that a **stipulation** be made to have the DeSoto Society work out a plan with the Farmer's Market on April 2, 2005.

Rob Bell, representative from the DeSoto Historical Society stated he would work with the Farmer's Market.

Charlie Price, Twin Dolphin Harbor Master, voiced his concern regarding the new parking ordinance just adopted and requested special passes for the marina residence parking.

Mr. Price requested that a Bradenton Police Officer be present during the parade to direct traffic for patrons at the Twin Dolphin Restaurant and Marina residents.

Discussion: The congestion downtown at the end of the parade.

Chief Radzilowski stated that he would meet with the DeSoto Celebration officials and with Mr. Price to make sure a plan would accommodate all those affected by the parade.

Mayor Poston requested copies of the live aboard marina residence contracts from Mr. Price.

MOTION TO APPROVE the Seafood Festival with one stipulation was made by Councilwoman Barnebey/Councilwoman Weaver carried 4-1 for approval. Vice Mayor Golden in opposition.

MOTION TO APPROVE the Palma Sola Boat Regatta and the DeSoto Parade with 5K Run was made by Councilwoman Barnebey/Councilwoman Weaver carried 5-0 for approval.

Discussion: Time to shut down Manatee Avenue for the parade and 5K Run.

Chief Radzilowski stated he would make sure Major Lewis discussed this issue with the DeSoto Celebration officials.

Larry Frey

RESOLUTION 04-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING ADOPTION OF THE LOCAL MITIGATION STRATEGY.

Larry Frey gave a brief explanation of the resolution and recommended approval.

MOTION TO APPROVE Resolution 04-44 as recommended by Larry Frey was made by Councilman Smith/Councilwoman Weaver carried 5-0 for approval.

RESOLUTION NO. 04-34

PUBLIC HEARING

A RESOLUTION ACCEPTING 2004 ENVIRONMENTAL ASSESSMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; FINDING OF EXEMPT AND EXCLUDED ACTIVITIES; FINDINGS OF NO SIGNIFICANT IMPACT; APPROVING AN EFFECTIVE DATE.

Larry Frey gave a brief explanation of the resolution and recommended approval.

Public hearing opened: Those in favor, hearing none. Those in opposition: hearing none, public hearing closed.

MOTION TO APPROVE Resolution 04-34 as recommended by Larry Frey was made by Vice Mayor Golden/Councilwoman Weaver carried 3-0 for approval. (Councilman Smith and Councilman Gallo absent from the Chambers.)

NOTICE OF AVAILABILITY

Section 8 Housing Agency Program Five year Annual PHA (Public Housing Agency)

Mr. Callahan read the following Public Notice as advertised:

Notice is hereby given that the City of Bradenton, Division of Grants & Assistance Section 8 Housing Agency Program has developed its Five year Annual PHA (Public Housing Agency) Plan for fiscal year beginning October 1, 2004. The proposed Agency Plan will be available for public review at the following location during regular business hours:

- The City of Bradenton Section 8 Housing Office located at 912 7th Ave. East Bradenton, Florida 34208
- Bradenton City Hall City Clerk's location at 101 12th Street West Bradenton, Florida 34205
- Manatee County Library located at 1301 Barcarrota Boulevard Bradenton, Florida 34205

A final Public Hearing to consider oral and written comments on the Agency Plan will be held by the Mayor and City Council acting as the Section 8 Housing Agency Board on Wednesday, November 17, 2004 at 6:00 p.m. in the City Council Chambers at City Hall located at 101 Old Main Street Bradenton, Florida 34205. In addition, the City Council will adopt appropriate resolutions associated with the plan and will authorize filing with the Department of Housing & Urban Development by November 22, 2004. Any public comments will become part of the plan and mailed to HUD.

Mr. Callahan stated that the notice would be revised and again noticed showing the time change for the public hearing on November 17, 2004 to 8:30 a.m.

NO ACTION WAS TAKEN.

14TH STREET REVITALIZATION UPDATE

Larry Frey gave a brief report on the 14th Street Revitalization also known as the Tamiami Trail Revitalization Strategy. He distributed handouts of "Exhibit "A" Scope of Services for the City of Bradenton Tamiami Trail Corridor Revitalization Strategy. He thanked Matt McLachlan for his hard work in helping to prepare this plan.

RESOLUTION 04-45

A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA, SUPPORTING MAKING APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THROUGH ITS FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM TO FUND THE CONSTRUCTION OF PLAYGROUND AND PICNIC AMENITIES AT GLAZIER GATES PARK.

RESOLUTION 04-46

A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA, TO DIRECT THE DEPARTMENT OF DEVELOPMENT SERVICES STAFF TO INITIATE THE AMENDMENT OF THE CAPITAL IMPROVEMENT ELEMENT OF THE CITY OF BRADENTON COMPREHENSIVE PLAN TO PROVIDE FOR THE DEVELOPMENT OF THE PROPOSED GLAZIER GATES PARK IMPROVEMENT PROJECT UPON NOTICE OF SUCCESSFUL

APPLICATION OF GRANT FUNDS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION THROUGH ITS FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM.

Matt McLachlan gave a brief report on both resolutions which supported the grant application on the Glazier Gates Park improvement project.

MOTION TO APPROVE Resolution 04-45 and Resolution 04-46 was made by Vice Mayor Golden/Councilman Gallo carried 5-0 for approval.

RESOLUTION 04-47

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA, APPROVING GRANT OF SUB-SURFACE EASEMENT TO MANATEE COUNTY, FLORIDA, FOR THE MANATEE COUNTY JUDICIAL CENTER; PROVIDING AN EFFECTIVE DATE.

John Cumming gave a brief report on the sub-surface easement needed to allow construction in the easement for the Judicial Center.

MOTION TO APPROVE Resolution 04-47 with the sub-surface easement was made by Councilwoman Barnebey/Vice Mayor Golden 5-0 for approval.

DEPARTMENT HEADS:

Carl Callahan: Announced to the Department Heads that Requisitions and Purchasing Orders would be posted poned on Friday, October 15, 2004 in order to finalize the fiscal year 2003-2004.

Mr. Callahan stated that five proposals for the Judicial Center Parking Garage had been received, with three chosen by the Judicial Center Committee. They were as followed:

W.G. Mills, NDC Construction, and Turner Construction.

Mr. Callahan stated that a special meeting would be set in the near future for the Council to review each of the three proposals.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Chief Radzilowski: Reported that the authorized strength of the Bradenton Police Force was now one hundred and twenty (120) officers.

Chief Radzilowski stated the Washington D.C. Police Department had requested police security aid from the Bradenton Police Department at the fifty-fifth Inauguration, Parade, and Ball for the President of the United States on January 20, 2005. He stated the City would be reimbursed by the Washington D.C. Police Department.

John Cumming: Reported that the permanent City welcome sign by Evers Reservoir would be erected in January, 2005.

Mr. Cumming advised the Council that a resident living near Evers Reservoir would be forth coming for a request to build an observation deck out into the City's reservoir. Mr. Cumming stated that he would not recommend this request as it would set precedent for others to build docks.

Discussion: This issue may go before the Manatee County Board of Commissioners.

Mayor Poston requested that Mr. Cumming contact Dan Gray, Manatee County Utilities Operation Director to discuss the concerns the City had for permitting such a request.

Larry Frey: Announced that there would be no Planning Commission meeting in November.

Bill Lisch: Reported that there would be a transfer of property to the 14th Street Community Redevelopment Agency (CRA). Mr. Lisch stated that there may be a conflict of interest as he represented the City Council as City Attorney and that he was on the 14th Street CRA Board.

Mr. Lisch asked the Council to authorize the Mayor to sign a waiver for any possible conflict.

MOTION TO APPROVE to authorize Mayor Poston to give Bill Lisch a waiver was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval.

Carolyn Moore: Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 6:50 p.m.

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