

**CITY COUNCIL MEETING
April 8, 2009**

APPROVED BY
April 22, 2009
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 April 8, 2009 at 8:30 a.m.

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

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

Press: The Herald.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led Pastor David Smiley, Providence Presbyterian Church.
Pledge of Allegiance was led by Mayor Poston.
Councilwoman Ward II Marianne Barnebey was excused from the meeting.

PROCLAMATIONS

FAIR HOUSING MONTH – APRIL, 2009

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

CITIZEN COMMENTS - No one came forward.

CONSENT AGENDA

- a) City Council Minutes of March 25, 2009.
- b) MB.09.0037 - Request for a one-year extension of time and reservation of capacity for Riviera Southshores.
- c) PE- Community Outreach - Quartet & Skits Saturday, July 4th at the Rossi Park Amphitheater.
- d) PE- Old Main Street Merchants - July 4th Celebration on Old Main Street.
- e) PE- Walk and Wagathon – Saturday, November 21st on the Riverwalk.
- f) Resolution 09-29 – Appointment of Larry Denyes to the Code Enforcement Board.

MOTION TO REMOVE (Item b) for discussion and APPROVE the remaining (Items a, and c through f) on THE CONSENT AGENDA was made by Councilman Gallo, seconded by Vice Mayor and Councilman Smith and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

Vice Mayor and Councilman Smith requested that all future extensions with on-going requests after a one-year extension come back to council for another approval and not be placed in the Consent Agenda.

Leigh Fletcher, 401 East Jackson Street, Tampa, Florida attorney representing Wells Fargo stated that in January, 2009 the foreclosure process had been completed. She stated that ATC Realty Sixteen, Inc., a California Corporation which was a subsidiary company owned by Wells Fargo was holding the property. She stated ATC was currently repositioning the properties given the economic times and that Wells Fargo would continue to maintain the properties.

Bill Lisch stated the stipulation to use should be the same stipulation approved on April 23, 2008 for the first one-year extension as follows:

Wells Fargo agrees to post a \$30,000 irrevocable Letter of Credit to make sure the area was maintained, if the extension was granted. If the property was not maintained then the city, after notice to the bank that the property was not being maintained, could contract with someone, or use the city's own employees at overtime rates, to do the maintenance and draw on the letter of credit. The developer has hired a maintenance company to take care of this matter – but not counting on that contract remaining in effect, the \$30,000 was assigned to insure that maintenance of the property was done.

MOTION TO APPROVE CONSENT AGENDA (Item b) MB.09.0037 Riviera Southshore with the same stipulation as previously approved for a one-year extension of time was made by Councilman Roff, seconded by Councilman Byrd and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SECOND READING OF PROPOSED ORDINANCE 2905 PUBLIC HEARING

AN ORDINANCE AMENDING ARTICLE VII, SECTION 70-205, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY ELIMINATING THE NECESSITY OF GIVING A WRITTEN WARNING FOR VIOLATION OF A WATER SHORTAGE ORDER WHEN REQUIRED BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD); PROVIDING AN EFFECTIVE DATE.

The public hearing was opened; anyone wishing to speak in favor please come forward, no one came forward.

Claude Tankersley stated that this ordinance was created after receiving an executive order from SWFWMD, as this area was currently experiencing a three-year drought placing the city in a Phase III modified water restriction mode.

Anyone wishing to speak in opposition please come forward, no one came forward the public hearing was closed.

MOTION TO APPROVE ORDINANCE 2905 was made by Councilman Roff, seconded by Councilman Byrd and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

SU.09.0060 WARD 4 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Kimberli Cotton-Deleonardis, agent for Special Use approval for a preschool and daycare center on the property located at 126 6th Street NE. (zoned C1-A).

The public hearing was opened; anyone wishing to speak in favor please come forward.

Kimberli Cotton-Deleonardis stated she and three of her family members were requesting approval of a preschool and daycare center.

Anyone wishing to speak in opposition please come forward, no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with six stipulations as follows:

1. This approval constitutes a temporary use for two years. Any extension must be brought before the Planning Commission and City Council for a Special Use Amendment.
2. This approval did not constitute permission for any overnight occupancy.
3. The proposed circular driveway would be extended 16 additional feet to the south.
4. The proposed parking areas would be 9x20, and the handicap space would be 12x20 with a 5-foot landing.

5. Landscaping material would be planted around the vehicular use areas.
6. Security lighting would be installed as recommended by the City of Bradenton Crime Prevention Division.

PLANNING COMMISSION RECOMMENDATION (March 18, 2009): APPROVAL with the following six stipulations:

1. This approval constitutes a temporary use for two years. Any extension must be brought before the Planning Commission and City Council for a Special Use Amendment.
2. This approval did not constitute permission for any overnight occupancy.
3. All staff parking would be off-site.
4. The proposed parking areas would be 9x20 and the handicap space would be 12x20 with a 5-foot landing.
5. Landscaping material would be planted around the vehicular use areas.
6. Security lighting would be installed as recommended by the City of Bradenton Crime Prevention Division.

Discussion: Receipt of a letter regarding parking concerns which had been addressed.

MOTION TO APPROVE SU.09.0060 was made by Vice Mayor and Councilman Smith, seconded by Councilman Byrd and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

SA.09.0013 WARD 3 NEIGHBORHOOD 1.01 RS

PUBLIC HEARING

Request of First Baptist Church of Bradenton, owner and David Windham, agent for Special Use Amendment approval for a church park on the property located at 1306 Manatee Avenue West. (zoned C1/UCBD).

The public hearing was opened; anyone wishing to speak in favor please come forward, no one came forward.

Anyone wishing to speak in opposition please come forward, no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with three stipulations as follows:

1. The dumpster location was subject to approval of the Public Works Department.
2. The applicant would provide an easement to the city of Bradenton for access to the utilities within the vacated right-of-way. Legal description subject to approval of the Public Works Department.
3. The gate on 13th Street would be relocated to the interior of the property.

PLANNING COMMISSION RECOMMENDATION (March 18, 2009): APPROVAL with the following three stipulations:

1. The dumpster location was subject to approval of the Public Works Department.
2. The applicant would provide an easement to the city of Bradenton for access to the utilities within the vacated right-of-way. Legal description subject to approval of the Public Works Department.
3. The gate on 13th Street would be re-evaluated by the DRC.

Discussion: Current use for a church park with long term goal for an administration building.

MOTION TO APPROVE SA.09.0013 with the Planning Commission recommendation for three stipulations was made by Vice Mayor and Councilman Smith, seconded by

Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

MA.09.0023 WARD 5 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Tropicana Manufacturing Co., 1001 13th Avenue East, owner and Alan Prather, Esquire, agent for an amendment to an existing PDP for an additional storm water retention pond to be located at 1001 9th Avenue East. (zoned I/C1-A/CIS).

The public hearing was opened; anyone wishing to speak in favor please come forward.

Alan Prather displayed renderings and gave an overview of the recently purchased acreage and the need to construct an extension to the existing retention pond.

Anyone wishing to speak in opposition please come forward, no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with one stipulation as follows:

STAFF RECOMMENDATION: APPROVAL based on the Findings of Fact and Analysis of the proposed Planned Development Project Amendment, and pursuant to the General Standards and Regulations requirements of Section 404 with the following stipulation:

- Landscaping would be installed in accordance with the landscape plan submitted with this application and identified as page L-1 in City of Bradenton Exhibit F.

PLANNING COMMISSION RECOMMENDATION (March 18, 2009): APPROVAL with the following stipulation:

- Landscaping would be installed in accordance with the landscape plan submitted with this application and identified as page L-1 in City of Bradenton Exhibit F.

MOTION TO APPROVE MA.09.0023 was made by Councilman Byrd, seconded by Vice Mayor and Councilman Smith and carried 4-0 for approval. Councilwoman Barnebey excused from the meeting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

REQUEST by Carmel Capital, LLC., Jon Anthony DeLuzio President, for a temporary Road Closure- 11th Avenue East, between 20th Street East and 19th Street Court East.

Receipt of a letter request to demolish a house and rebuild with a modular home constructed off-site.

MOTION TO APPROVE the temporary road closure request was made by Councilman Gallo, seconded by Vice Mayor and Councilman Smith and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Excused from the meeting.

Councilman Patrick Roff, Ward III: Announced that the Keep Manatee Beautiful group would be meeting on Saturday, April 18th at the Bradenton Women’s Club to organize a cleanup of the Wares Creek area.

Vice Mayor and Councilman Bemis Smith, Ward IV: Attended the Keep Manatee Beautiful cleanup at DeSoto National Park, one of eleven national parks in the state.

Councilman Harold Byrd, Jr., Ward V: Nothing to report.

Mayor Wayne Poston: Stated that the Manatee County Commissioners had approved the request to transfer jurisdiction of an easement north of the Manatee Memorial Hospital to finish the Riverwalk around the hospital.

Mayor Poston stated the County Commissioners had also endorsed and supported the Realize Bradenton Study.

Mayor Poston stated that Councilman Roff, Vice Mayor and Councilman Smith and he had attended the National Watercolor Show at the Arts Center of Manatee with Bradenton being one of five cities in the nation to hold this show.

DEPARTMENT HEADS

Carl Callahan:

REQUEST BY Carl Callahan to move forward with the Transportation Study and authorize Mayor Poston to execute an agreement with Whit Blanton.

Discussion: Whenever possible, hire local businesses to help the local economy.

MOTION TO APPROVE the request by Carl Callahan to authorize Mayor Poston to execute an agreement with Whit Blanton was made by Councilman Gallo, seconded by Councilman Roff and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

REQUEST BY Carl Callahan to move forward to seek two grants:

- 1. COPS Hiring Recovery Program.**
- 2. Edward Burne Grant for \$177,000 for School Resource Officers.**

Discussion: Limited time to apply for the grants.

MOTION TO APPROVE THE REQUEST made by Carl Callahan to seek two grants was made by Councilman Byrd, seconded by Vice Mayor and Councilman Smith and carried 4-0 for approval. Councilwoman Barnebey was excused from the meeting.

Chief Souders: Nothing to report.

Staci Cross: Stated the company which was now handling the city’s email, “Elephant Outlook” was located in Winter Haven.

She stated the city continues to look at different ways to cut cost, specifically in processing and printing, and that this past week the employee pay stubs had been delivered via email.

She stated the Information Technology Department was researching ways to use Laserfiche to handle purchasing requirements in each department instead of sending paper via paper mail.

She thanked Tim McCann, Bev Chapin and Esther Mattick working together to make it possible to now place the agenda packets on-line, which lessens staff time and eliminates paper, resulting in a cost savings to the city as well as also making the agenda available to the citizens. The department heads

would no longer receive paper agenda packets and can now access the agenda and related documents via the city's website.

Carolyn Moore: Announced May 30th as "Bradenton Night with the Tampa Bay Rays" and \$10 tickets were now on sale through Tim McCann, Public Information Officer.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Stated Whit Blanton's company had branched out making the company a local business.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

ADJOURNMENT

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

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