



**CITY COUNCIL MEETING
June 12, 2002**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on June 12, 2002 at 8:30 a.m.

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

Also Present: Carl Callahan, City Clerk and Treasurer
John Cumming, Public Works Director
William Lisch, City Attorney
Mark Souders, Fire Chief
Al Hogle, Police Chief
Larry Frey, Assistant Planning Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Prayer was led by Reverend Ron Gaudio, Manatee Memorial Hospital Chaplin.

Flag salute was led by Councilman Gallo.

MINUTES:

Minutes for April 24, 2002, May 8, 2002 and May 22, 2002.

No discussion followed.

Motion to approve the April 24, 2002, May 8, 2002 and May 22, 2002 minutes was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

PROCLAMATION:

Mr. Callahan read the following:

CODE ENFORCEMENT OFFICERS' APPRECIATION MONTH

Mr. Frey introduced the Code Enforcement Staff consisting of Inspector John Kelly, responsible for the east side of the City, Inspector James Thomas, responsible for the center of the City, Coordinator Laura McDonald, responsible for scheduling the activities of the inspectors, Inspector Victor Perez, responsible for the west side and part of the east side of the City, Inspector Patrick Harpel, responsible for commercial properties and Inspector Walter Williams, responsible for the rental properties in the city. He commended each of the staff members for their diligent work and outstanding job they were doing for the citizens and the City of Bradenton.

Mr. Cumming presented plaques to the “*Employee of the Month*” Mark Slentz, in the Electrical Department, to the “*Team of the Quarter*” the Survey Crew, Ken Moore, Tony Brondoni and Bruce Sherwood and to the “*Supervisor of the Quarter*” Don Payne, in the Sanitation Department in recognition for their hard work.

Mr. Callahan read the following:

NATIONAL SMALL CITIES DAY

Mr. Callahan read the proclamation which encouraged Federal and State governments along with all organizations, businesses, and citizens to recognize and work together on this day June 14, 2002 and throughout the year to build quality communities in small cities to better the lives of all citizens.

PRESENTATION:

**Certificate of Commendation
By Chief Souders**

Chief Souders requested Battalion Chief Chuck Edwards and Fire Marshall Dave Dobrzykowski to come forward to give the presentation. They presented a certificate of commendation to Deputy Brian Hall, Manatee County Sheriff Officer who assisted in saving lives at a structure fire.

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

PUBLIC COMMENTS:

Trudy Williams, 322 14th Street East reported on a recent Old Manatee Neighborhood Association meeting and distributed information where the committee requested certain improvements in their surrounding neighborhood. She invited Mayor Poston and the Council members to an Ice Cream Social, Thursday, June 13, 2002.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Councilman Gallo presented a “Bass for Bucks” award to Ron Allen, NDC Construction who generously contributed to a fundraiser for the Manatee Children Services.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey announced that tickets were on sale for the Gold Star Club “Caribbean Night” to be held July 20, 2002. She stated the money raised at the event would go toward supporting reward monies for catching criminals.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver commented that on May 31, 2002 the City of Bradenton had the honor of hosting Governor Jeb Bush at the “*Growth Management Bill Signing*” which took place at the Bradenton Village development site.

She thanked Mayor Poston for the opportunity to participate in this historical event.

Councilman Bemis Smith, Ward IV:

Councilman Smith recognized the promotions at the Fire Department to Ken Campbell, Eric Grande, Dan Harris and Brian Knuckles.

Councilman James Golden, Ward V:

Nothing to report.

Mayor Poston:

Mayor Poston stated that he and his Assistant Kelly Beyerlein had the opportunity to attend the "Women in Government in Manatee" luncheon.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

**P\PDP-02-09 WARD-3 NEIGHBORHOOD 6.01 PUBLIC HEARING
Request of Marla Hough, as agent for Geraldine Pasquarella, Executive Director of Manatee County Nursery Schools, for preliminary Planned Development Project for a Day Care Center to be located at 923 26th Street West (Zoned PDP).**

Mayor Poston opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

Marla Hough, Hough Engineering Inc., agent for the applicant gave a detailed report and displayed renderings of the proposed additional Planned Development Project to the existing Day Care Center.

Discussion: Location of the entrance and exit to the project.

Discussion: Agreements made at the Planning Commission meeting with comments regarding the Planning Staff recommendation.

(Tape 1, side 2)

Discussion: Right-in, right-out lanes. Posting on 9th Avenue West "No left turn signs".

Geraldine Pasquarella, Executive Director of Manatee County Nursery Schools explained the school hours and bus schedules entering and exiting the center.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Mayor Poston closed the public hearing.

Larry Frey stated that the Planning Commission recommended approval of the request with the following **stipulations**:

1. Close all entrances and exits off 26th Street West.
2. The entrance on 10th Avenue would be brought up to Fire, Police and Planning Department standards.

3. The second floor of the existing structure was for storage only.
4. The proposed building would not be a pre-engineered metal building and would compliment the residential architecture of the existing structure.
5. Prior to the City Council meeting, a revised landscape plan would be submitted depicting the actual layout of the proposed facility.

Larry Frey stated that the Planning Staff recommended approval with the following **stipulations**:

1. Prior to the City Council meeting, the applicant would demonstrate that the traffic concurrency was met and that the level of service standards would be maintained.
2. Prior to the City Council meeting, a revised landscape plan would be submitted depicting the actual layout of the proposed facility.
3. The existing access drives would be widened to 24 feet.
4. The existing parking lot on the south side of the property would be widened to meet minimum code.

Motion to table the request was made by Councilman Gallo and died for a lack of second.

Councilman Gallo requested an **additional stipulation**: Adding right-in, right-out lanes only, no left turn in unless the turn lane was extended with the cost paid by the applicant and to place a device to prohibit a left turn out.

Motion to approve the request with the Planning Commission and the Planning Staff recommendation with the additional stipulation concerning left turn restrictions was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Mr. Callahan read the following:

**A\PDP-02-10 WARD-5 NEIGHBORHOOD 1.03\1.04 PUBLIC HEARING
Request of Michael S. Drapala of Zoller, Najjar and Shroyer, as agent for New Singletary Limited Partnership and the Bradenton Housing Authority, for an amendment to a preliminary Planned Development Project for residential housing to be located at 401 13th Avenue West (Zoned R-3A\R-1D).**

Mayor Poston opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

William DeSue, Executive Director of the Bradenton Housing Authority gave a brief overview of the (PDP) preliminary planned development project. He introduced Rick Fawley, of Fawley Bryant Architects and Mike Drapala, of Zoller Najjar & Shroyer.

Rick Fawley stated that there were three items that were proposed which consisted of a thirty-unit facility for a senior housing project, relocation of the community center in the middle of the project and the existence of a maintenance facility in the southern section of the project.

(Tape 1, side 2)

Mike Drapala requested revisions to the three areas with limitations regarding parking with a detailed description for the senior housing project.

Discussion: Concerns with not enough parking for the senior housing project.

Councilman Golden had concerns regarding the community center location and the legal action to secure the Singletary property.

Discussion: Crucial timing for receiving approximately \$11,000,000 tax credit.

(Tape 2, Side 1)

Ron Allen, NDC Construction, Construction Manager for the development discussed the parking plans for the senior housing project.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward.

Trudy Williams stated as a community volunteer working with the elderly she had concerns for additional parking spaces needed for the senior housing facility.

Mayor Poston closed the public hearing.

Larry Frey stated that the Planning Commission recommended approval of the request with one **stipulation**: The developer work with Public Works to provide a location for a sanitation dumpster. Mr. Frey stated that the Planning Staff supported the recommendation.

Motion to approve the request for only the Senior Citizen Project with the Planning Commission stipulation with a stipulation regarding the location of the Community Center to be determined with final approval of the location by the City Council at a later date was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

The Hernando De Soto Historical Society in conjunction with the Twin Dolphin Restaurant is requesting to hold the De Soto Fishing Tournament on Old Main Street and Barcarrota Blvd July 19th and 21st.

Rob Bell, representative for the Historical Society stated that plans to hold the event on Old Main Street and Barcarrota Boulevard had changed to holding the event on the Twin Dolphin property only.

Discussion: Concerns for noise and when the music should end.

Further discussion: That the event would be held on private property (Twin Dolphin) and that no approval had to be given.

No action was taken.

Mr. Callahan read the following:

Manatee Religious Services is requesting to hold a 5K run and 1 mile walk on August 3, 2002 starting downtown Bradenton.

Manatee High School is requesting their Labor Day Canes Cross Country Classic 5 K run at G.T. Bray Park on Monday, September 2, 2002 with a street closure request.

No discussion followed.

Motion to approve the two public event requests was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Mr. Callahan read the following:

3RD Avenue Extension FPL Relocation Agreement

John Cumming referred to a memorandum sent June 4, 2002 regarding the primary cost to relocate overhead services underground, to relocate underground service where a storm water retention pond had to be built and relocate the overhead lines where the new roadway would be placed at a total estimated cost of \$160,000. He requested approval of the relocations.

Bill Lisch stated that the contract provided that the City of Bradenton would not be responsible for any negligence of Florida Power and Light.

Discussion: The existing FPL station needed to be upgraded.

Motion to approve the request was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

(Tape 2, Side 1)

Mr. Callahan read the following:

Information Technology Presentation

Staci Nelms, Information Technology Director gave a technology update of the last six months regarding the current status for the City to where the City needed to be. She stated currently the department had been working on connectivity of all primary sites (City Hall, Police, Fire, Public Works, Purchasing, Community Development and Section 8). She stated there had been a large focus for training on Outlook, emailing software, to the infrastructure of upgrading software and hardware and strategy to create a plan to advance technology in all areas of the city.

She gave a detail of the future needs for the City regarding the continuance of training on other areas, to replace the ten year old Enterprise Systems which were not meeting the City's current needs with the high costs for purchasing a new systems. She commented that the City currently had no control of the website and in order to provide the needs of the citizens we must have control of the website. She stated that the City's biggest need was security to improve the City's internal and external network. She explained what the risks were without having the needed security.

She requested the purchase of: **1.** A Firewall to provide security from external attacks and access to select network components without risking network security. **2.** A WebSense to restrict access to the Internet by filtering web addresses. **3.** E-Manage to detect viruses and provide filtering to E-mail and **4.** (IDS) Intrusion Detection System to detect attempted intrusions and provide specific audit trails for internal and external offenses.

She requested approval with the cost for hardware, software, services and training to be approximately \$45,000.

Carl Callahan stated that it was critical to have this security and recommended approval of the request with funds in the General Fund.

Discussion: On-going future needs of the City to keep the City on the edge of technology with costs associated with technology growth.

Motion to approve the request was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Mr. Callahan read the following:

Burgess Chambers – Investment Review

Burgess Chambers distributed the First Quarter, 2002 report of the Investment Performance Evaluation. He gave a brief analysis of the two Investment Managers Loomis Sayles, Chicago, Illinois and Richmond Capital, Richmond, Virginia explaining each of the diversified portfolios. He explained the current bond market with comparison of each Investment Manager. He stated that the overall yield was about 6%.

Mr. Callahan stated that the next report would be given by the Investment Managers on their own investment performance.

No action was needed.

Chief Souders

Controlled Burn at 612 24th Street East

Chief Souders requested on behalf of the owner Mary Bolan to burn a building located at 612 24th Street East as a controlled burn with training.

No discussion followed.

Motion to approve the request was made by Councilman Smith, seconded by Councilman Gallo and carried 4-0 for approval. (Vice Mayor Weaver was absent from the Chambers)

Chief Souders asked Larry Frey if there were any possibility to waiving School Impact Fees if the burn was done before the 1st of July.

Larry Frey replied “no” that the decision would be a School Board decision.

(Tape 3, Side 1)

Larry Frey

Impact Fee Revisions

Mr. Frey advised that there was a minor revision in the Impact Fees which would make things more consistent with the process of collecting the fees. This would also make the city's fees more consistent with Manatee County and School Board fees being paid prior to the first final inspection. He further stated that collecting the fees prior to the CO was problematic because additions, at times were not paid. Mr. Frey stated the revision would also make the fees consistent with the City's water and sewer fees which were collected prior to the first final.

Discussion: Previous meetings and conversations regarding when the fees should be collected.

John Cumming

Budget Transfer Request

Mr. Cumming stated that a memorandum dated June 4, 2002 addressed to Vice Mayor Weaver had been distributed with a request to purchase traffic signs, traffic control and marking supplies. He stated that the Florida Department of Transportation had placed stringent requirements on County and Municipal governments regarding "work zone" maintenance and protection of traffic safeguards relative to crews working within state right-of-ways.

No discussion followed.

Motion to approve the request was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 5-0 for approval.

DEPARTMENT HEADS:

Carl Callahan

Mr. Callahan stated that the Front Porch Council had requested that the City of Bradenton, City Clerk's Department act as a "Fiscal Agent" for accounting of their funds.

Councilman Golden stated there was an allocation 5% fee that the City Clerk could charge for this service.

Motion to approve the request with a 5% service fee was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Chief Souders

Nothing to report.

Chief Hogle

Chief Hogle noted that there were two traffic trailers located in different sections of the City warning people of their speed which should help to slow traffic.

(Councilwoman Barnebey absent from Chambers.)

John Cumming

Mr. Cumming commented that Public Works was still waiting on the Federal Emergency Management Agency (FEMA) reimbursement of \$300,000 or greater from last years storm.

Mr. Cumming stated that the street paving program which has been done piece by piece should be finished in July, 2002.

Mr. Cumming stated that a public hearing had been scheduled for July 25, 2002 at 10:00 a.m. in the Council Chambers on the Aquifer Storage & Recover (ASR) Well Program. He noted that this was required by the Department of Environmental Protection.

Mr. Cumming stated that the Capetown Village drainage ditch plans were completed and had been submitted to Southwest Florida Management Water District for their permit review.

Mr. Cumming stated that the Wares Creek Public Up-date Meeting had been set for Monday, June 24, 2002 at 6:00 p.m. in the Council Chambers.

Larry Frey

Mr. Frey stated that Jerry West had requested him to tour the Miami Beach, West Palm Beach and Vero Beach Community Redevelopment Agency Districts with the Community Redevelopment Agency Board.

Bill Lisch

Nothing to report.

Councilman Golden asked if this was the right time of year to revise the Human Resource Policy Manual.

Mr. Callahan stated that the Policy Book was currently being revised.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 12:01 p.m.

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