

**CITY COUNCIL MEETING
July 28, 2004**

**APPROVED BY
August 11, 2004
CITY COUNCIL**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on July 28, 2004 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey, Councilwoman Ward III Michele Weaver, Councilman Ward IV Bemis Smith.

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 and Staci Cross, Information Technology Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston and by **Grace Gurrarchari** – Mayor for the Day, a 5th grade student at St. Joseph School.

Ecumenical prayer was led by Reverend Joel Tillis, Grace Baptist Fellowship in Parrish, Florida.

Flag salute was led by Mayor Poston.

Mayor Poston introduced a Foreign Exchange Student **Luis Alberto** from Spain. He introduced **Emily Stewart** also a Foreign Exchange Student leaving tomorrow to stay with a family in Spain.

Vice-Mayor and Councilman Ward V James T. Golden was excused from the meeting as he was attending the Democratic National Convention in Boston, Massachusetts.

APPROVAL OF MINUTES:

Minutes for July 14, 2004.

No discussion followed.

Motion to approve the July 14, 2004 minutes was made by Councilman Smith/Councilwoman Weaver carried 4-0 for approval.

PRESENTATION:

JUDICIAL CENTER UPDATE

Rick Fawley, Fawley-Bryant Architects and **Don Sayre**, Florida Power & Light Government Representative gave a brief summary of the existing old power lines around the Judicial Center Parking Garage site with plans to replace the lines.

Discussion: Overhead or underground options for replacing the old power lines.

Rick Fawley **recommended** the placement of overhead lines due to the significant costs to place underground lines for only one block. The preference was to keep the budget in line and use the funds toward the parking garage façade.

Carl Callahan requested consideration from the Council as to how they would like to proceed with this issue.

ACTION: The Council agreed to proceed with the lower costs and replace the old power lines with new overhead lines.

SWEARING - IN NEW POLICE OFFICER

Officer David L. Hardy was given the oath of office by Mayor Poston.

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

CITIZEN COMMENTS:

Carol Stronstroff, Vice President of the Society for the Prevention of Cruelty to Patients, Inc. discussed the "Shaken Baby Syndrome" and the link with vaccinations.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Thanked those who worked hard to make the Block Party at Jessie P. Miller School a great success.

Vice-Mayor Michele Weaver, Ward III: Met with the 14th Street District businesses and stated that she was encouraged by the ideas from that meeting to clean up this area. She asked for a commitment from the Council to move forward to begin a strategic plan to clean up the 14th Street area.

John Cumming stated he had observed 20 sites around the 14th Street area to place trash cans which would be a start to clean up the area.

Discussion: To make the August 17th meeting a Public Mayor Program to discuss this issue.

Larry Frey stated the Request for Proposal (RFP) for the 14th Street Redevelopment Initiative Study would be going out for bid on July 29, 2004. He indicated that the report should be back prior to the next Council meeting.

Lieutenant Ed Kish gave a brief summary of the activities at the "National Night Out" to be held August 3, 2004 at 1525 Ballard Park Drive in Ward III.

Councilman Bemis Smith, Ward IV: Announced that "National Night Out" would be held in the Old Manatee Neighborhood section of Ward IV.

Councilman James Golden, Ward V: Excused from the meeting.

Mayor Poston: Asked if the Council was interested in not having any Council meetings for one month during the summer months.

ACTION: To keep the meeting dates the same with one meeting in November and one in December.

Mayor Poston informed the Council that he and Attorney Bill Lisch were drafting a letter to Manatee County Commissioner Jane VonHahmann requesting to expedite the Perico mediation along with a list of meeting dates.

Mayor Poston asked the Council if they had any objections with writing this letter.

Action: The Council had no objections.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

7a. FIRST READING OF ORDINANCE # 2762

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, A PORTION OF THE MANATEE RIVER AND SUBMERGED LANDS CONTIGUOUS THERETO, LOCATED DIRECTLY RIVERWARD OF THE RIVERDALE SUBDIVISION AND LEGALLY DESCRIBED.

Mr. Callahan read the legal description.

MOTION TO APPROVE the first reading and set the second reading and public hearing for August 25, 2004 was made by Councilman Smith/Councilwoman Weaver carried 4-0 for approval.

7b. AX-04-0001 WARD 1 SECOND READING OF ORDINANCE # 2761 AND PUBLIC HEARING

Request of Stewart Moon for Air Energy, Inc., owner for annexation of certain contiguous land located at 6204 Cortez Road West.

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 6204 CORTEZ ROAD WEST AND LEGALLY DESCRIBED.

Public hearing opened.

Mr. Callahan read the legal description and stated that this ordinance would be continued to the August 25, 2004 meeting.

MOTION TO CONTINUE the request of Ordinance 2761 to August 25, 2004 was made by Councilman Gallo/Councilwoman Barnebey carried 4-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

GRIEVANCE COMMITTEE RECOMMENDATION

Mr. Callahan stated that the case filed by **Jeff Burton** for reimbursement of \$609.76 for educational classes was denied by Larry Frey and heard by the Grievance Committee. He stated that the Grievance Committee recommendation of the final order was as followed:

That the City Council for the City of Bradenton uphold the decision of Larry Frey which was to deny reimbursement requested by Jeff Burton and had no further recommendations regarding the matter concerning said former employee.

Discussion: Criteria for education reimbursement is currently a policy listed in the Employee Handbook.

Discussion: To provide a time period for education reimbursement and that this issue was considered at the Grievance Committee meeting and would be added in the Employee's Handbook which is currently being reviewed by Attorney Debbie Brown.

MOTION TO APPROVE the recommendation by the Grievance Committee was made by Councilwoman Weaver/Councilman Gallo carried 4-0 for approval.

RESOLUTION 04-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE RULES AND REGULATIONS OF THE BRADENTON PERSONNEL MERIT SYSTEM; PROVIDING THAT FINDINGS AND RECOMMENDATIONS OF THE CITY GRIEVANCE COMMITTEE SHALL BE FINAL; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE Resolution 04-32 was made by Councilwoman Weaver/Councilman Gallo carried 4-0 for approval.

RESOLUTION 04-28

A RESOLUTION APPOINTING **LUCILE L. CAPO-MILLER** AND **PETER F. KEENAN** TO THE TREE BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

No discussion followed.

MOTION TO APPROVE Resolution 04-28 was made by Councilwoman Weaver/Councilman Gallo carried 4-0 for approval.

RESOLUTION 04-29

A RESOLUTION APPOINTING **MARY ANN SALIANI** TO THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

No discussion followed.

MOTION TO APPROVE Resolution 04-29 was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

RESOLUTION 04-30

A RESOLUTION APPOINTING **RICHARD A. COURY** TO THE CODE ENFORCEMENT BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

No discussion followed.

MOTION TO APPROVE Resolution 04-30 was made by Councilwoman Barnebey/Councilman Smith carried 4-0 for approval.

INTERNATIONAL ASSOCIATION OF FIREFIGHTER CONTRACT

Mr. Callahan gave a brief summary of the IAFF contract and distributed "Contract Highlights" listing details of the contract.

Mr. Callahan stated that the contract was ratified by the Collective Bargaining Group and **recommended approval** of the contract.

Mr. Callahan asked the Council to include in the motion making this contract retroactive only for the current employees.

MOTION TO APPROVE as recommended by Carl Callahan the International Association of Firefighter Contract to include making the contract retroactive only for current employees was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

SETTING THE TENTATIVE MILLAGE RATE

Mr. Callahan gave a brief outline of the Preliminary Proposed Budget Fiscal Year 2004 to 2005. He distributed two summaries listing the 2004 – 2005 Budget Considerations and the Impact: Millage Rate Increase.

He recommended the tentative millage rate of 4.70 which could go down but not up.

General discussions were held regarding increased police and fire wages and medical insurance costs. Funding for numerous projects and infrastructure improvements currently implemented.

Discussion: Funding for the Community Redevelopment Agencies and their benefits.

Councilman Smith reluctantly expressed his dissatisfaction with the proposed rate increase but due to the significant increase in costs toward medical insurance he would support the motion. He stated that he expected the new insurance renewal would help defer some of the costs this next fiscal year.

MOTION TO APPROVE to set the tentative millage rate to 4.75 was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

Larry Frey

RESOLUTION 04-31

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING EXECUTION OF A GENERAL DEPOSITORY AGREEMENT WITH BANK OF AMERICA, N.A. PURSUANT TO THE REQUIREMENTS OF THE U.S. DEPARTMENT OF HOUSING AN URBAN DEVELOPMENT; DESIGNATING THE MAYOR AS AUTHORIZED OFFICIAL TO EXECUTE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE Resolution 04-31 was made by Councilman Gallo/Councilman Smith carried 4-0 for approval.

Chief Radzilowski

FORFEITURE FUNDS

- 1) Patrol Bicycle Training Seminar cost \$2145.00.
- 2) Forensic Light Source cost \$17,000.00

No discussion followed.

MOTION TO APPROVE the expenditures of 1) Patrol Bicycle Training Seminar and 2) Forensic Light Source from the Forfeiture Funds was made by Councilwoman Barnebey/Councilwoman Weaver carried 4-0 for approval.

DEPARTMENT HEADS:

Carl Callahan: Stated that he would be bringing forth two issues that required ordinances for the Council to consider. The first ordinance addressed parking fines to set significant fines for those who park on the streets illegally and to encourage more parking in the City lots. The second ordinance addressed a per diem and mileage reimbursement utilizing personal cars for City business or travel.

Chief Souders: Stated that he would be presenting Engine 31-1991 Emergency One Quick/Attack Pumper surplus fire truck to the Manatee County School Board on August 2, 2004. He stated he was in the process to donate Engine 14 - 1981 Emergency One Pumper, the other surplus fire truck, to the Duette Fire Department.

Staci Cross: Stated that currently the City's emails were being rejected by AOL and that the Information Technology Department was working toward correcting this problem. She stated that the Utility Billing Module Training would be starting next week.

Chief Radzilowski: Stated that he would be attending a conference in Washington D.C. on "Exploited and Missing Children".

Chief Radzilowski stated that the Police Department had their Homeland Security Training in and around the Manatee River this morning which was free training from the Federal Government.

John Cumming: Stated that the Public Works Department was working on intersection enhancement at the Ballard School intersection on 9th Avenue West.

Larry Frey: Stated that the Planning Commission would not be meeting in September, 2004 but would have a special meeting to present the Central Community Redevelopment Agency (CCRA) Master Plan.

Mr. Frey commented that he was considering revising the Tree Board with ten members to increase their duties.

Discussion: Numerous vacant positions on the Planning Commission.

Bill Lisch: Requested approval to enter into a lease agreement with The Crogan Group also known as 3rd and 3rd, LLC in a special assessment process and to authorize Mayor Poston to execute all necessary documents.

No discussion followed.

MOTION TO APPROVE the request by Bill Lisch was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

Mr. Lisch reported that there was a tentative settlement in the William Edwards suit. He gave a **recommendation that the City contribute** \$30,000 toward the settlement with the insurance company to pay the balance.

No discussion followed.

MOTION TO APPROVE the recommendation by Bill Lisch was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

Mr. Lisch stated that there had been a legislation bill passed and commented that one clause in this bill was that the state attorney and possibly public defender could not prosecute city ordinances.

Mr. Lisch requested approval to enter into a contract with the State Attorney's office to prosecute municipal ordinances and hire a state attorney at \$50.00 an hour cap.

Discussion: Current cases pending and costs to the City.

MOTION TO APPROVE the request by Bill Lisch was made by Councilwoman Barnebey/Councilwoman Weaver carried 4-0 for approval.

Staci Cross stated that Rebecca Watson, a contractor in the Information Technology Department was leaving to move north and stated the Rebecca had been doing an excellent job redoing the City's website and would be missed by the department.

Carl Callahan asked the Council if they had any objections to allowing the Crogan Group to purchase property instead of leasing the property at the 3rd and 3rd development.

Action: Council had no objections.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 8:10 p.m.

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