

**CITY COUNCIL MEETING
October 27, 2010**

**APPROVED BY
November 17, 2010
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 October 27, 2010 at 6:00 a.m.

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

City Officials: Carl Callahan, City Clerk and Treasurer/Chief of Staff; 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; and Staci Cross, Information Technology Director.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Pastor Bill Pierson, J.O.Y. Fellowship.
Pledge of Allegiance was led by Mayor Poston.
Carolyn Moore, Human Resources Director was excused from the meeting.

PROCLAMATIONS

Red Ribbon Week Proclamation – October 25-30, 2010
Farm City Week Proclamation – November 12-20, 2010

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

CITIZEN COMMENTS

David Stoller stated he had been assisting Frank, the hot dog vendor who was stationed at the corner of Manatee Avenue and 12th Street West on the Manatee Courthouse property so Frank could attend to his sick wife. He stated a Code Enforcement Officer told him he could no longer sell hot dogs on this corner. He requested permission from Council to continue helping Frank in the afternoon.

General discussion: Code Enforcement stated that Mr. Stoller was not assisting Frank, but was selling hot dogs as a business. Council had previously agreed that once Frank's business license expired, no vendors would be allowed to sell on this corner.

ACTION: The City Clerk and City Attorney would investigate the details regarding this situation and would contact Mr. Stoller.

CONSENT AGENDA

- a) Minutes of October 13, 2010.
- b) City Council Meeting schedule for calendar year 2011.
- c) MB.10.0048–Request for a one-year extension of time for the 24th Street East Professional Park located at 2335 Manatee Avenue East.
- d) Public Event – Request by South Florida Museum to block off parking spaces on 10th Street West for the annual Snooty Gala, Thursday, November 11, 2010.
- e) Red Light Amendment Agreement with ACS. /BL
- f) Resolution R(B)-11-01 Budget Adjustments CDBG-SHIP.
- g) Public Event - Winter Wonderland Festival, Saturday, December 11, 2010 on Old Main Street.

MOTION TO APPROVE THE CONSENT AGENDA items a–g was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

RV.10.0026 Ward 2 Neighborhood 5.01 RS

PUBLIC HEARING

Request of Mike Pendley, agent for the School Board of Manatee County, for a vacation of an unimproved right of way (Lalley Drive) located at approximately 3300 9th Avenue West.

RESOLUTION 10-59

A RESOLUTION PURSUANT TO SECTION 2.2.7, CITY OF BRADENTON LAND USE REGULATIONS, AUTHORIZIING RIGHT-OF-WAY VACATION OF AN UNIMPROVED PORTION OF LALLY DRIVE, AND LEGALLY DESCRIBED.

The public hearing was opened, anyone who wishes to speak in favor please come forward.

Alisa Cline, Manatee School Board Planning Specialist, along with **Scott Rudacille**, from the law firm of Kirk Pinkerton, representing the Manatee County School Board, gave an overview of a parcel 600' by 80' which had been discovered by a survey completed during the course of the construction of a new building to replace the Davis Building.

Anyone who wishes to speak in opposition please come forward. No one came forward the public hearing was closed.

Tim Polk gave the staff report of the Planning and Community Development staff which had reviewed the application and supporting document and found that the platted right-of-way served no purpose to the public and was unimproved with no utilities conveyed within the area proposed for vacation. He stated the staff and Planning Commission recommended approval based upon the General Standards and Regulations requirements.

Councilwoman Barnebey stated she would abstain from voting as her husband was in the same law firm of Kirk Pinkerton who represented the Manatee County School Board.

MOTION TO APPROVE RV.10.0026, Resolution 10-59 with the recommendations made by the Planning and Community Development staff and Planning Commission for approval was made by Councilman Gallo, seconded by Councilman Roff and passed 4-0 for approval. Councilwoman Barnebey abstained from voting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

Bid Award Recommendation for Solar Panel Project /SK

Jones Edmunds had recommended approval of an award to Eco Solar, Inc. with a total base bid of \$310,331.25 to construct the City Center Solar Power System Project. In addition, it was requested that the department be authorized to negotiate with the contractor to maximize the \$550,000 bid award. This project was to be built with grant monies obtained from the Department of Energy.

Discussion: There would be a savings of approximately \$700 a month in power bills.

MOTION TO APPROVE the Bid Award Recommendation to Eco Solar, Inc. for the Solar Power System Project for City Center was made by Councilwoman Barnebey, seconded by Councilman Gallo and passed 5-0 for approval.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilman Patrick Roff, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Nothing to report.

Vice Mayor and Councilman Harold Byrd, Jr., Ward V: Reported he would be attending the Bradenton Village Ribbon Cutting ceremony on the new 36-unit senior apartment building named for former board member Lawrence Major, a key player in receiving the Hope VI grant.

Mayor Wayne Poston: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Stated she would not be attending the Ribbon Cutting ceremony tomorrow as she would be flying to Miami for a Metropolitan Planning Organization (MPO) Statewide meeting.

Councilwoman Barnebey stated at the June 23, 2010 Council meeting, James Parrott had requested a 3-way stop sign to slow down speeding cars at 3rd Avenue and 26th Street West. She stated a traffic count had been done as well as a straw poll of the neighborhood residents.

Councilwoman Barnebey referred to a distributed memorandum dated October 26, 2010 from the Deputy City Clerk and Records Coordinator regarding the outcome of the straw poll. The poll indicated that there were 10 people in support and 8 people in opposition to the 3-way stop sign. Attached to the memo also was information submitted by Mr. Parrott indicating this area should be exempt from the traffic study findings as it was not a regular residential area, but was used as a cut-through with heavy speeding traffic and should not be limited to the normal residential guidelines.

Councilwoman Barnebey stated she had done some online research, regarding speeders in residential areas and had found the following information: The U.S. Department of Justice, "*Speeding in Residential Areas*" by Michael S. Scott; "*Controlling Speeds on Residential Streets*" by Richard F. Beaubien; and "*Responding to Citizens Concerns about Residential Speeding*" by Lynn Montel.

Councilwoman Barnebey referred to these articles, which indicated that a 3-way stop sign was not warranted as it may increase speeding and more noise when the vehicles take off by those who are irritated by having to stop.

Councilwoman Barnebey stated she recommended a double yellow line down the center of the street indicating a "No passing zone" and placing white lines on the outside of each lane as studies had shown that people do not speed as much with visual lines narrowing down each lane. She recommended painting in large letters "SLOW 25 M.P.H." on the road entering onto 26th Street from Riverview Boulevard, on the southbound lane towards Manatee Avenue, and on the northbound lane from Manatee Avenue toward the river. She suggested removing the school bus sign as school buses no longer pick up children at this site. She also recommended a period of strict enforcement by the traffic unit due to the large volume of cut-through traffic.

Councilwoman Barnebey stated if these recommendations did not work, then we would look at placing the 3-way stop sign.

Councilman Gallo and Councilman Roff indicated they would support Councilwoman Barnebey's recommendations.

Neil Johnson, 307 26th Street West spoke in favor of Councilwoman Barnebey's recommendations.

James Parrott, 221 26th Street West stated he thought Councilwoman Barnebey's recommendations were a good start, but that the residents do not have a safe way to cross the street. He stated that the majority had indicated they wanted to have a 3-way stop for the purpose of creating a safer crosswalk.

Councilman Smith stated there was a similar situation in his neighborhood, but if the city started placing stop signs for crosswalks wherever people wanted them, there would be stop signs everywhere in the city which would become impractical for moving traffic.

Discussion: The cost to place a crosswalk would be approximately \$4000 which was not in the budget. Possible future grants were anticipated through the MPO via the "Walkable Livable Community" grants program.

Turner Matthews, 2601 Riverview Boulevard, resident since 1969, stated Riverview Boulevard and 26th Street used to be a quiet neighborhood, but was now a thoroughfare, as the majority of the people in northwest area use Riverview Boulevard instead of Manatee Avenue. He voiced his opposition to the 3-way stop sign which was not a viable solution. He stated he had no problem crossing 26th Street at any given time and did not see this as an issue.

Councilwoman Barnebey reiterated the 6 recommendations as followed:

1. Direct staff to paint double yellow lines down the center of 26th Street.
2. Paint white stripes on the outside of each lane.
3. Correct placement of the stop sign and white lines on Riverview Boulevard and 26th Street West.
4. Remove the School Crossing sign.
5. Paint on the road surface of 26th Street in the southbound lane from Riverview Boulevard and in the northbound lane from Manatee Avenue "SLOW 25 M.P.H."
6. Correct the striping on 26th Street to allow for a left turn onto Manatee Avenue.

MOTION TO APPROVE the six recommendations by Councilwoman Barnebey was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Deputy Chief Lewis: Nothing to report.

Claude Tankersley: Gave a brief overview of problems and costs encountered with the Eastside Wastewater Transmission Pipe SRF Project which did not allow contingencies until the end of the project.

REQUEST BY CLAUDE TANKERSLEY for permission to authorize Stately Contractors to continue to work through quantities needed to complete the job.

Discussion: Changing the bid procedure to state that with a slow moving contractor it would lessen the chance to work on any future projects for the city.

MOTION TO APPROVE the request made by Claude Tankersley was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 5-0 for approval.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

Carolyn Moore: Excused from the meeting.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:48 p.m.

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