

APPROVED BY
February 14, 2007
CITY COUNCIL

**SPECIAL
CITY COUNCIL MEETING
February 1, 2007**

The City of Bradenton City Council met in a special session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on February 1, 2007 at 8:30 a.m.

Present: Vice Mayor and Councilman Ward I, Gene Gallo; Councilwoman Ward II, Marianne Barnebey; Councilman Ward III, Patrick Roff; Councilman Ward IV, Bemis Smith; Councilman Ward V, James Golden.

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

Press: Bradenton Herald, Sarasota Herald-Tribune

The meeting was called to order by Mayor Poston.

Invocation was led by Councilman Golden.

Attorney Lisch gave a brief synopsis of the actions taken by City Council during the January 24, 2007, City Council meeting in regard to the Riviera Southshore development project Special Master's Settlement Agreement. He apologized to Council for being unable to be in attendance at that meeting.

Attorney Lisch further stated that the purpose of today's meeting would be to discuss the ramifications of the City Council's vote to rescind their January 10th approval of the settlement agreement.

Questions were asked and answers were given by Attorney Lisch regarding civil rights, due process, and contract violations; the Bert Harris Act; liability issues; and breach of contract.

Vice Mayor Gallo stated that he fully respected Attorney Lisch's knowledge of municipal law, having served with him on City Council for over fifteen years. Mr. Gallo reiterated his thoughts from the January 24 meeting during which he stated that City Council would have a final look at the Riviera project after it had been through the Architectural Review Board and the city's Planning Commission processes, and at that time Council would be able to deal with any issues that may be of concern to the community insofar as the city's Comprehensive Plan and Land Use Rules and Regulations were concerned. Councilman Gallo concluded by stating: "In summary I can say that had I been here four weeks ago I would not have approved the settlement agreement. But it was approved, and I will abide by its terms and act in good faith in the administration of its terms." He moved to rescind the decision Council made on January 24 to rescind the Riviera settlement agreement.

Councilman Smith concurred with Vice Mayor Gallo and seconded the motion based on information Mr. Lisch had provided after the meeting of January 24. He stated that it was never anyone's intention to create any civil rights violations.

Attorney Lisch assured Council that code violations in the neighborhood will be actively pursued by the city's Code Enforcement department.

Councilwoman Barnebey reminded the audience that this project, like all others approved by Council, is market driven and may or may not be built in the near future.

MOTION TO RESCIND the Riviera Southshore motion from January 24, 2007, was made by Vice Mayor/Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

There being no further business, Mayor Poston adjourned the meeting at 9:03 a.m.

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