

**CITY COUNCIL MEETING
September 26, 2007**

**APPROVED BY
October 10, 2007
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 September 26, 2007 at 6:00 p.m.

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

City Officials: Carl Callahan, City Clerk and 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; 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 by Vice Mayor and Councilman Gallo.
Pledge of Allegiance was led by Mayor Poston.
Councilman Ward V James T. Golden was excused from the meeting.

PROCLAMATIONS

**NATIONAL ESTUARIES DAY PROCLAMATION – September 29, 2007
LIGHTS ON AFTERSCHOOL! DAY PROCLAMATION – October 18, 2007**

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

CITIZEN COMMENTS

Bob Egolf, Chairman of the Tree and Land Preservation Board, presented a Landscaping Award for Public Open Spaces to Mayor Poston for the City's participation implementing the Urban Forestry Master Plan for the maintenance of the Manatee Avenue East and West medians.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Voiced his concern that the developer at the old Village Green Golf Course was not properly maintaining the property. He asked if the city could take over and charge the developer or place a lien on the property. He asked Code Enforcement to meet with Bill Lisch to review possible actions and stated upon completion of their review, he would bring this issue back to Council for consideration.

Councilwoman Marianne Barnebey, Ward II: Stated she served as the Honorary Chairwoman for the Manatee Literacy Council "Read-a-thon" and announced an awards ceremony on Thursday, October 4, 2007 at 7:00 p.m. at the Bradenton Central Library. She thanked Carolyn Moore for becoming a board member.

Councilwoman Barnebey announced that due to tax funding cuts by the State Legislature there would be reductions in library hours for all branches.

Councilwoman Barnebey sent her condolences to the Burton family on the passing of Mrs. Burton.

Councilman Patrick Roff, Ward III: Stated that he had the privilege of sitting in for Councilwoman Barnebey on the Sarasota Bay Estuary Board. He thanked her for her participation as this was a worthy board which was doing wonderful deeds in Sarasota Bay and Tampa Bay.

Councilman Roff thanked Chief Radzilowski for the excellent work on Tuesday's methamphetamine bust.

Councilman Bemis Smith, Ward IV: Stated he served on the local Manasota League of the Florida League of Cities and that they were working on developing legislative priorities in conjunction with the state league. He asked Council if they had any issues or concerns to bring back to the league.

Councilman Smith stated he was frustrated over the lengthy Evaluation and Appraisal Report (EAR) process and with the historic preservation process as many historic buildings were being demolished.

Councilman Smith stated he was even more frustrated as the Sunshine Law would not allow discussion with his colleagues on important issues such as historic preservation.

Councilman Smith proposed a once a month meeting to discuss important issues at length. He would inquire about what it would take to accomplish this.

Bill Lisch stated that a workshop could be formed with the understanding that no action could be voted on, and that the workshop may possibly need to be noticed and recorded, otherwise, a new ordinance would have to be adopted to change the city charter.

Councilwoman Barnebey asked that an agenda be created for the workshop to include the topics for discussion.

General discussion: Starting with a one-hour time limitation.

Mr. Callahan stated he would gather information to bring back to Council about what needed to be done to conduct monthly workshops.

MOTION FOR COUNCIL TO MEET FOR A MONTHLY WORKSHOP AND to include Department Heads was made by Councilman Smith, seconded by Councilwoman Barnebey and carried 4-0 for approval. (Councilman Golden was absent from voting.)

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

Mayor Wayne Poston: Announced that Councilman Golden was giving the Invocation at the House of Representatives in Washington, D.C. tomorrow morning.

Mayor Poston stated that Chief Radzilowski was keeping everyone updated on the "Red Light Camera" issue and stated that the city had not taken any position on this issue.

Councilwoman Barnebey stated that she was serving on the Legislative Position Committee with the Metropolitan Planning Organization (MPO) and that they could be coming before Council in the future to ask for support on the "Red Light Camera" issue.

Mayor Poston stated that he served on the Tampa Bay Area Regional Transportation Authority and that Governor Crist had recently appointed former Buccaneer player, Sheldon Quarles, as the chairman. Mayor Poston stated that the board had so far only discussed by-laws. Mayor Poston stated he had hopes to discuss transportation issues at next month's meeting.

CONSENT AGENDA

Approval of Minutes of September 6, 2007.

Approval of Minutes of September 12, 2007.

Approval of Minutes of September 18, 2007.

Request for Extension of Time for Golf Village, 1201 27th Street East.

Budget Adjustments for 2006-07 budget year-end.

MOTION TO APPROVE the Consent Agenda consisting of the September 6th, September 12th and September 18th minutes, a request for Extension of Time for Golf Village and Budget Adjustments was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 4-0 for approval. (Councilman Golden was absent from voting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF ORDINANCE 2877 / CP.07.0021

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 3904 CORTEZ ROAD WEST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.07.0021) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY ROR (Retail Office Residential) TO CITY COMMERCIAL PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FIRST READING OF ORDINANCE 2878 / LU.07.0039

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY GC (General Commercial), RDD (Residential Duplex District) TO CITY C-3 FOR PROPERTY LOCATED AT 3904 CORTEZ ROAD WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading of 2877, CP.07.0021 and set the second reading and public hearing for October 10, 2007 was made by Councilwoman Barnebey, seconded by Councilman Roff and carried 4-0 for approval. (Councilman Golden was absent from voting.)

MOTION TO APPROVE the first reading of 2878, LU.07.0039 and set the second reading and public hearing for October 10, 2007 was made by Councilwoman Barnebey, seconded by Councilman Roff and carried 4-0 for approval. (Councilman Golden was absent from voting.)

~~~~~  
**SECOND READING OF PROPOSED ORDINANCE 2870 / AX.07.0019 / PUBLIC HEARING**

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 5300 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

The public hearing was opened, those in favor please come forward.

**Scott Rudacille** attorney with the law firm of Kirk Pinkerton, P.A. gave a brief overview of the request for voluntary annexation on the site of the existing Patrick's Salon on a half acre with no creation of an enclave.

Anyone in opposition, please come forward, no one came forward.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report based on the finding of facts and analysis of the proposed annexation request with the recommendation for approval.

Councilwoman Barnebey stated that she had a conflict of interest and would need to excuse herself from voting as her husband was an attorney with the law firm of Kirk Pinkerton.

**MOTION TO APPROVE Ordinance 2870, AX.07.0019 was made by Vice Mayor and Councilman Gallo seconded by Councilman Smith and carried 3-0 for approval.** (Councilwoman Barnebey abstained and Councilman Golden was absent from voting.)

## NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

### Tim Polk

#### **MANATEE RIVER BOAT DOCK APPLICATION - RESOLUTION 07-48**

A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA, SUPPORTING MAKING APPLICATION TO THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (COMMISSION) THROUGH ITS BOATING INFRASTRUCTURE GRANT PROGRAM (BigP) TO FUND THE EXPANSION AND CONSTRUCTION OF A PUBLIC DAY-DOCKING FACILITY.

Mr. Polk gave a brief overview of the Florida Fish and Wildlife Conservation Commission Boating Infrastructure Grant Program stating the deadline to apply was October 5, 2007. He displayed a photo of the City of Bradenton Beach pier which displayed some of the architectural designs which were to be implemented on the Manatee River pier.

Mr. Polk stated that the grant would allow refurbishing of the existing fishing pier to accommodate day time boat docking.

General discussion: A concrete floating dock, refurbishing the existing pier and funds needed to pay for the dock.

**MOTION TO APPROVE Resolution 07-48 was made by Councilman Smith seconded by Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

#### **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN**

Tim Polk stated that the city was in the fifth year of the consolidated plan with the annual action plan as part of the requirements.

**Lesa Ramos** read the following public notice:

The City of Bradenton would be submitting to the U.S. Department of Housing and Urban Development (HUD) an Action Plan for FY 2007-08.

Two public hearings would be held for the purpose of receiving suggestions, proposals and ideas from interested citizens concerning the proposed use of Federal Housing and Community Development Block Grant (CDBG) funds.

The City of Bradenton expects to receive \$497,455 plus \$10,000 in program income during the 2007-08 Federal fiscal year. The hearings would take place at the following time and location:

October 4, 2007, 5:00 p.m.  
City Council Chamber  
Bradenton City Hall  
101 12<sup>th</sup> Street West  
Bradenton. FL 34205

October 5, 2007, 9:00 a.m.  
City Council Chamber  
Bradenton City Hall  
101 12<sup>th</sup> Street West  
Bradenton. FL 34205

The following objectives and general range of activities takes into consideration the eligible Community Development needs of the City of Bradenton.

#### COMMUNITY OBJECTIVES

- Provide public improvements and services in the city's designated low-income target neighborhood
- Provide facilities and services to address the needs of the city's low-income residents
- Provide facilities and services to address the needs of the city's senior citizens and persons with special needs
- Expand economic opportunities, primarily within the city's low-income neighborhoods
- Provide for the preservation of the city's architectural heritage through the restoration of non-residential historic structures
- Provide facilities and/or service to address the needs of the city's homeless, including homeless prevention and the transition to permanent housing

- Maintain the city's affordable housing stock through code enforcement, emergency repair, rehabilitation or demolition and replacement
- Produce new affordable low-income housing
- Provide assistance to low-income households with housing problems
- Provide a response to emergency or life-threatening conditions

The following range of activities would be proposed for the FY 2007-08 funding submission:

- City of Bradenton-Summer Youth Program-Public Service-\$30,000
- Single-family housing rehabilitation-rehabilitation and preservation-\$90,000
- Community Coalition on Homelessness-Open Door Day Resource Program-Public Service-\$5,000
- Community Coalition on Homelessness-Transitional Development Program-Public Service-\$25,058
- Manatee County Girls Club, Inc.-Just For Girls-Educational Services for at-Risk Children-Public Facilities-\$100,000
- Manatee County Girls Club, inc.-Just For Girls-East Bradenton Transportation Initiative-Public Service-\$50,000
- Manatee Glens-Homeless Outreach-Public Service-\$36,141
- Manatee Opportunity Council, Inc.-Rent/Mortgage Assistance-Public Service-\$40,000
- City of Bradenton Public Works-COB Road Repaving Project-Infrastructure-\$209,064
- Meals on Wheels Plus of Manatee, Inc.-Transportation Bus-Public Service-\$73,000
- City of Bradenton-Code Enforcement-Rehabilitation and Preservation-\$133,000

For those interested citizens who are unable to attend the public hearings, please submit written views and proposals to the Housing and Community Development Department, 912 7<sup>th</sup> Avenue East, Bradenton, FL 34208. Comments must be received by 5:00P.M. October 5, 2007.

Timothy Polk, Director  
Planning and Community Development

Mayor Wayne Poston  
City of Bradenton

Publish: September 24, 2007

NO ACTION WAS NEEDED.

**Chief Radzilowski**

**ACCEPTANCE OF BYRNE DISCRETIONARY AWARD**

Chief Radzilowski gave a brief overview of the Grant Summary of a \$330,000 grant to purchase:

- A Rescue Vehicle with accessories
- (7) Self-contained Breathing Apparatuses
- (2) Pole Cameras used for Surveillance and Intelligence Gathering
- (10) Officer Certifications for Clandestine Labs

With a 10% match of \$33,145 associated with the request.

General discussion: The use of this rescue vehicle relating it to an Army Personnel Carrier (APC).

**MOTION TO APPROVE the Acceptance of Byrne Discretionary Award was made by Councilwoman Barnebey seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval.**  
(Councilman Golden was absent from voting.)

Mayor Poston commented that the city now had two Majors who had graduated from the FBI Academy: Major Bill Tokajer who recently graduated, and Major J.J. Lewis who had previously graduated.

**John Cumming**

**MARTIN LUTHER KING (MLK) ROADWAY IMPROVEMENTS BID RECOMMENDATION**

**Claude Tankersley**, Assistant Public Works Director gave a brief overview of the MLK project between 9<sup>th</sup> Street East and 15<sup>th</sup> Street East. He stated the roadway would be milled and resurfaced, a westbound turn lane from MLK onto 9<sup>th</sup> Street would be added along with curbs and gutters.

Tabulation of Bidders

|                        |                    |
|------------------------|--------------------|
| C & M Road Builders    | Did not submit bid |
| Gator Grading & Paving | \$134,818.90       |
| Semper Fi Group        | \$226,033.16       |
| Superior Asphalt       | \$159,198.50       |

Mr. Tankersley recommended the low bidder of Gator Grading & Paving which would allow \$35,000 to be used for other work on the project.

**MOTION TO APPROVE the low bidder of Gator Grading & Paving per the recommendation made by Claude Tankersley and to authorize Mayor Poston to execute the contract was made by Vice Mayor and Councilman Gallo seconded by Councilman Roff and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) AQUIFER STORAGE AND RECOVERY (ASR) FACILITIES (H046) PRE-TREATMENT DEGASIFICATION PILOT PROJECT**

Mr. Tankersley gave a brief report on the pilot project which involved the removal of dissolved oxygen from drinking water prior to injection into the ASR well, thereby inhibiting the mobilization of arsenic. He stated the total project cost was \$700,000 with the city's share being \$100,000, which has been budgeted for FY 2007-2008.

Mr. Tankersley stated that the City of Bradenton was the first in the nation to do this type of project.

**MOTION TO APPROVE the SWFWMD ASR Well contract and to authorize Mayor Poston to execute the contract was made by Councilwoman Barnebey seconded by Councilman Smith and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

**FLORIDA DEPARTMENT OF TRANSPORTION (FDOT) MAINTENANCE AGREEMENT FM#414876-1-78-01 /RESOLUTION 07-46**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING THE EXECUTION OF A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Mr. Cumming stated that as previously discussed with Council on July 18, 2007, this agreement was the new FDOT agreement, reflecting the cut back in services and what FDOT would be willing to pay the city for maintaining the state road medians.

He recommended approval of Resolution 07-46 authorizing Mayor Poston to execute the agreement.

**MOTION TO APPROVE RESOLUTION 07-46, authorizing the Mayor to execute the FDOT Maintenance agreement was made by Councilman Roff seconded, by Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

**FLORIDA DEPARTMENT OF TRANSPORTION (FDOT) LOCAL AGENCY PROGRAM (LAP) AGREEMENT PALMA SOLA BATHROOM PROJECT SUPPLEMENTAL AGREEMENTS FM# 417579-1**

**RESOLUTION 07-47**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING THE LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT BETWEEN THE CITY OF BRADENTON AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE PALMA SOLA CAUSEWAY RESTROOM FACILITIES, FM NUMBER 417579-1 AND AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT; PROVIDING AN EFFECTIVE DATE.

Mr. Cumming stated that due to a situation with the restroom foundation, more engineering was required. He stated this was a supplement agreement to decrease construction funds in the amount of \$8100 and transfer these funds to the engineering design phase.

**MOTION TO APPROVE Resolution 07-47, FDOT Palma Sola Restroom Facility LAP agreement was made by Vice Mayor and Councilman Gallo seconded by Councilman Smith and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

**Bill Lisch**

**Community Movie Showcase Agreement – CGI Communications, Inc.**

Mr. Lisch stated that the agreement conditions listed no cost or liability to the City of Bradenton. He stated that a video made by Mayor Poston or a Department Head on any city issues or topics would be shown on the city's website, while business sponsors were shown during the videos. He stated that he had checked with the communities of Naples, Punta Gorda and Melbourne and stated they were supportive of the product.

**MOTION TO APPROVE the Community Movie Showcase Agreement was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-0 for approval.** (Councilman Golden was absent from voting.)

**DEPARTMENT HEADS**

**Carl Callahan:** Reminded everyone of the start of the new fiscal year starting on Monday, October 1, 2007.

**Carolyn Moore:** The Human Resources staff was finishing the in-put of the Open Enrollment forms for insurance coverage which would become effective October 1, 2007.

**Chief Souders:** Nothing to report.

**Staci Cross:** Stated that within the next several weeks the city would be linked with the new 911 county system giving the city great financial savings on this type of technology. She stated should there be an emergency evacuation, this system would allow the city to use the police dispatch through the county's phone system.

**Chief Radzilowski:** Stated that after the numerous arrests in the city and county this past week stemming from the methamphetamine busts he would like to state, for the record, that when the press reports crime in Bradenton, it does not mean the city, it means the whole county. He stated that crime was down in the city limits of Bradenton by 8.5% to date for this year. He stated this would make the fourth year in a row that the city has had a decrease in crime with crime going up in the county, state and nation. He went on to say that the partnership with the police department and the community was paying off.

**John Cumming:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 7:35 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.