

**CITY COUNCIL MEETING
July 18, 2007**

APPROVED BY
August 15, 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 July 18, 2007 at 8:30 a.m.

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

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, Channel 7 and Channel 13.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Golden, City Chaplain.
Pledge of Allegiance was led by Mayor Poston.

PRESENTATIONS

BRADENTON POLICE DEPARTMENT

• **Officer of the Month**

Major Lewis recognized **Officer Shane Shehorn** as the Officer of the Month for July.

HUMAN RESOURCES DEPARTMENT

• **P.R.I.D.E. Awards**

Carolyn Moore presented the 2007 second quarter P.R.I.D.E. awards to: **Dana Tindall**, Fire Department, **Lieutenant Ed Kish**, **Detective Sergeant James Wilkinson** and **N'ikita Isom** Police Department, **Leon Alezi**, **Curtis Oliver**, **Garrett Falconer**, **Wiley Green**, **Ollie Anderson**, **Mark Wilkenson**, **Kelly Quinn**, **Keith Dibell**, **Lavern Lewter** and **John Simmons**, Public Works Department.

• **2007-2008 Health Insurance**

Carolyn Moore introduced Kelley Swanman, Director of Account Management, Great West Healthcare.

Kelley Swanman gave a brief overview of the insurance partnership with the city that began in 2003 with the first year ending in high costs paid out by the city. She stated that the following four years had shown a significant decrease in costs of controllable aspects of the insurance plan.

Carolyn Moore gave an overview of the retirement rates and stated that the city had a good partnership with Great West. She stated thanks to the efforts that our employees have made to keep costs down this year the rates would not increase in the upcoming year. She requested approval as recommended by the Insurance Committee which maintains the same rates as last year.

MOTION TO APPROVE the health insurance plan as presented and recommended by the Insurance Committee was made by Vice Mayor and Councilman Gallo/Councilman Smith and carried 5-0 for approval.

Carolyn Moore reminded everyone that the Employee Health Fair would be held in the Bradenton Municipal Auditorium on August 1, 2007 in partnership with Pinnacle Medical Group. She also reminded everyone of the employee benefit open enrollment beginning the week of August 20, 2007.

CITY CLERK DEPARTMENT

- **Early Voting**

Carl Callahan referred to the Council's approval at the May 9, 2007 meeting to hold early voting this election year. He distributed a memorandum entitled "Proposed Early Voting Schedule" which outlined the costs involved in hiring poll workers and security personnel for the early voting to be held in the City Hall Council Chamber.

Mr. Callahan gave an overview of the proposed days and hours for early voting:

October 29 - November 2 (M-F) 8:30 a.m. to 4:30 p.m.

November 3rd (Sat) 9:00 a.m. to 1:00 p.m.

November 4th (Sun) 1:00 p.m. to 5:00 p.m.

Mr. Callahan stated that should an election run-off be necessary, those voting days would be:

November 19-25 (Mon-Sun) Hours same as above; Closed for Thanksgiving, November 22nd.

Bob Sweat, Supervisor of Elections stated that Longboat Key had held early voting in times past. Those who utilized it, liked it, but the turnout had been small and very expensive.

Mr. Sweat stated that another option and more popular way to vote, was by absentee ballot. A voter could come into or contact his office to pick up or have an absentee ballot mailed to them and then mail or return the ballot to his office.

Lengthy discussion: Cost of early voting versus absentee ballots. To eliminate Sunday from the schedule and make Saturday a full day.

Vice Mayor and Councilman Gallo stated he had not been present at the meeting when the Council had approved early voting. He stated that with the tax cuts the city was facing, the fact that early voting was very expensive, and not well utilized, and that absentee ballots were easy for voters to obtain to vote early, he could not support a motion for early voting.

Councilman Smith stated that he was not aware that all it took was a phone call to have an absentee ballot mailed to your home. He suggested putting a notice on the city's utility billing to notify the people of this convenience. He stated that in looking at the historic figure, the cost would be an estimated \$20 per person and that it would be cheaper to pay someone to go door-to-door to explain the use of an absentee ballot. He stated that early voting did not seem to be the best use of our citizen's money.

Councilman Golden stated it was time to be wise but not penny wise. He stated if early voting enabled more people to participate in the voting process, it should be provided. He stated it was time to change the process; a process which had elected the same kind of people over and over again that has resulted in the tax reform crisis that we are facing in the coming year.

Councilwoman Barnebey stated that the city had never had early voting and no one could know what kind of response early voting would have. She stated that it was worth the cost even if just one more voter got to vote because of it.

Councilman Roff referred to the memorandum showing an estimated cost if 640 early voters turned out at an estimated cost of \$10,000, or roughly \$20 per person. He agreed with Councilwoman Barnebey that it was worth the cost to test the waters and to see how many people would utilize early voting and what the cost would be. He stated that if the cost did come to \$20 per person, then the city would have to seek a more frugal means such as absentee ballots.

Mr. Callahan reiterated the change requested by Council for the schedule to eliminate Sunday, November 4th, and to have a full day on Saturday, November 3rd with the same hours of 8:30 a.m. to 4:30 p.m. as Monday through Friday, October 29th - November 2nd.

MOTION TO APPROVE the proposed early voting schedule with the change to eliminate Sunday and to have a full day on Saturday, November 3rd from 8:30 a.m. to 4:30 p.m. was made by Councilman Golden/Councilwoman Barnebey and carried 3-2 for approval. Vice Mayor and Councilman Gallo and Councilman Smith in opposition.

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

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Mayor Wayne Poston: Reported that the City of Bradenton was one of the only cities moving forward with state money for improvements to the Pirates City Training Facility and McKechnie Field. Mayor Poston stated that the plan was to have lights installed by the next Spring Training in 2008.

Mayor Poston reported that he had several conversations with the Manatee County Administrator Ed Hunzeker regarding Jig's Landing on Linger Lodge Road and the adjacent city property. Mayor Poston stated that the county was not sure that funds would be available to allow making this area into a park. Mayor Poston stated that the city had not yet signed the three acre deed over to the county and should wait to see what happens.

Mayor Poston thanked Councilman Roff for his diligent assistance on the Ware's Creek project and Congressman Buchanan for his help in obtaining an additional \$6 million dollars for the Wares Creek project over and above the \$1 million from the state legislature. Mayor Poston stated there had been much discussion as to what should be done with the dredged fill from Wares Creek with the cost of around \$6 million to truck the fill out to the county landfill.

Vice Mayor/Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Stated that the county may or may not approve an ordinance regarding restrictions on ice Cream trucks. She asked that the city staff check to see if the county ordinance could be enforced within the city. If not the city may have to draft a city ordinance.

Councilman Patrick Roff, Ward III: Stated that he had attended a conference call with the Department of Environmental Protection (DEP) and the Army Corp of Engineers on the dredging issue for the Ware's Creek project regarding the disposal of the dredged fill. He stated that the decision had been made by the Manatee County Commissioners to dispose of the fill at the county landfill, which was what the DEP had wanted all along. He stated that even though trucking the fill was more expensive it would begin this much needed and long awaited project.

Councilman Bemis Smith, Ward IV: Stated that it was a major irritation to call the city's main phone line and jump through hoops to get to your final destination. He asked Staci Cross what could be done to correct this.

Staci Cross stated she would have to do some research to see if the city's phone system could be changed to a "directory by name" system as the current phone system was on a "call tree" system.

Councilman Smith stated that he was addressing the concerns regarding more traffic enforcement on the east side of the city and would continue monitoring this situation. He stated that he appreciated the community's input on this issue.

Councilman James Golden, Ward V: As Fire Commissioner reported that there had been 110 fire calls and 279 medical calls logged into the Fire Department for the month of June.

CONSENT AGENDA

Approval of Minutes of June 27, 2007

Budget Adjustments over \$10,000

- Planning and Community Development-\$35,500 for EAR
- River Run-\$19,923 bridge replacement
- Facilities Maintenance-\$18,166 for air conditioning repair at City Centre

MOTION TO APPROVE THE CONSENT AGENDA with the minutes of June 27, 2007 and the Budget Adjustments, and to take the Forfeiture Funds off the consent agenda was made by Councilman Golden/Vice Mayor and Councilman Gallo and carried 5-0 for approval.

Forfeiture Funds

Recommendation made by the Police Chief's Advisory Council to spend the following:

- Manatee County Midnight Basketball League-\$7000
- Ward Temple Summer Community Outreach Program of Enrichment (SCOPE)-\$4000
- Boys and Girls Club of Manatee-\$1000

Councilman Smith asked how the forfeiture funds were promoted to the community and about their availability.

Chief Radzilowski stated that the department notified various organizations to let them know that by state statute some forfeiture funds could be used for education. He stated organizations then had to submit their requests which were reviewed once a year by the Police Chief's Advisory Council and needed to meet certain criteria.

Chief Radzilowski stated he did not want to make these decisions and asked the Police Chief's Advisory Council to make recommendations for the City Council.

Councilman Smith stated he would like to see different groups apply for the funds and did not want the city to be subsidizing the same groups each year.

Discussion: Changing and expanding the process next year and with different criteria for the selection process.

MOTION TO APPROVE the Forfeiture Funds was made by Councilman Golden, seconded by Councilman Roff and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2868

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING ARTICLE V SECTIONS 38-151 THROUGH 38-155 OF THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA BY REPEALING SUCH SECTIONS AND ADOPTING IN ITS PLACE A NEW ARTICLE V TO BE KNOWN AS THE BRADENTON SOUND CONTROL ORDINANCE; PROVISION TO CONTROL SOUND AND NOISE IN THE CITY OF BRADENTON; PROVIDING FOR DECLARATION OF POLICY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS OF UNREASONABLE SOUNDS; PROVIDING FOR MAXIMUM SOUND LEVELS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2868 on August 15, 2007 was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2869

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 COMMERCIAL (C)-1/ URBAN CENTRAL BUSINESS DISTRICT (UCBD) TO PLANNED DEVELOPMENT PROJECT (PDP)/(UCBD) FOR PROPERTY LOCATED AT 301 7TH STREET WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2869 on August 15, 2007 was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.

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**SECOND READING OF PROPOSED ORDINANCE 2867**

**PUBLIC HEARING**

AN ORDINANCE AMENDING SECTION 66, ARTICLE IV OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, REVISING THE DATE FOR BEGINNING THE ANNUAL SALE OF LOCAL BUSINESS TAX RECEIPTS FROM AUGUST 1 TO JULY 1 IN COMPLIANCE WITH CHAPTER 2007-97 OF THE LAWS OF FLORIDA AND AMENDING ALL EXISTING REFERENCES TO THE TERM "LICENSE" TO READ "LOCAL BUSINESS TAX," PROVIDING AN EFFECTIVE DATE.

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

Carl Callahan recommended approval of Ordinance 2867 and stated that this ordinance would bring the Local Business Tax issues into compliance with state law.

Those in opposition, hearing none, the public hearing was closed.

**MOTION TO APPROVE Ordinance 2867 as recommended by Carl Callahan was made by Vice Mayor and Councilman Gallo, seconded by Councilwoman Barnebey and carried 5-0 for approval.**

**SECOND READING OF ORDINANCE 2864 AX.07.0018**

**PUBLIC HEARING**

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 3904 CORTEZ ROAD WEST AND LEGALLY DESCRIBED.

The public hearing was opened; those in favor please come forward. No one came forward.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval without any stipulations.

**MOTION TO APPROVE Ordinance 2864 with the recommendation made by the Planning and Community Development staff was made by Councilwoman Barnebey, seconded by Councilman Roff and carried 5-0 for approval.**

**SU.07.0034 WARD 5 NEIGHBORHOD 1.03/1.04 RS**

**PUBLIC HEARING**

Request of Frank Carter, P.E., W.F.C. Engineering, Inc. agent, for William McKnight, Automated Petroleum & Energy Company, owner, for construction of a 3,200 square foot convenience store with gasoline pumps for property located at 1220 1<sup>st</sup> Street West. (Zoned C-2)

The public hearing was opened; those in favor please come forward. No one came forward.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval to continue the request to the June 20, 2007 Planning Commission meeting in order to allow the developer more time to revise the plan and address the following seven (7) concerns that have been completed:

1. Access to 1<sup>st</sup> Street. Contact the Department of Transportation and submit a permit application or letter of intent to approve the access. City requirements were for an access drive to be 100 feet or two-thirds of the lot distance from an intersection, whichever was less.
2. Lighting
3. Signage
4. Loading area
5. Emergency accessibility
6. Dumpster location
7. Residential buffering

Mr. Polk stated the Planning Commission recommendation for approval with the following ten (10) stipulations:

1. An additional fire hydrant and/or fire lines may be required at the developer's expense.
2. The driveway on 1st Street West must be 125 feet from the intersection of 13th Avenue West and subject to FDOT specifications and approval.
3. Food service would require a grease trap.
4. A six foot temporary construction fence would be required on the north side.
5. Existing building and all improvements would be removed prior to Certificate of Occupancy.
6. Work with Public Works on dumpster location to possibly move it from the front yard depending on driveway access.
7. Direct connection discharge for storm water or 100 year attenuation is required.
8. Ten foot buffer on the west side, 80% opaque at planting.
9. Applicant would provide "no through" truck signs at 12th Avenue West with specific location to be determined by Public Works.
10. Applicant would provide a sidewalk connection from 12th Avenue West to 1st Street West on the south side.

Discussion: Regarding the existing special use, replacement of trees and the expansion intersections of the right turn lanes on 13<sup>th</sup> Avenue.

**MOTION TO APPROVE SU.07.0034 with the Planning and Community Development and Planning Commission recommendation with ten (10) stipulations was made by Councilman Golden, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

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The following two public event items were moved up on the agenda.

Carl Callahan

REQUEST BY the Arts Council of Manatee County to hold "Manatee Arts Extravaganza Fall 2007" event on November 9-11, 2007 on the Barcarrota Boulevard waterfront.

Mr. Callahan stated that this event conflicted with a scheduled event in the city auditorium and should this event be approved, parking in the city parking lot would have to be restricted allowing only the gun show attendants in the auditorium.

Robin Kaercher, Executive Director of the Arts Council of Manatee County gave a brief overview of the requested three-day festival with three separate location venues the first venue at Mattison's Restaurant at the pier, the second venue on Barcarrota Boulevard and the third venue at the Manatee County Convention Center in Palmetto. She stated that the library opted out participating in this event and she had been advised by the fire department that 13th Street next to the library had to be kept opened for public safety.

Questions were asked and answers given regarding street closures, and utilizing a trolley service to transport people from the parking garages.

Carl Callahan suggested that the Arts Council contact Manatee County to open up all the levels of both garages which would provide over 1,000 parking spaces.

John VanBurkle, Manatee County Library Services Manager, voiced his concern that during public events held in the downtown area there had been problems providing parking service to their patrons and destruction of library property had occurred.

Mr. Callahan stated that this was the first time the city had been made aware of this problem and he would make sure the Manatee County Library would be included in notification of future public events. He referred to the gun show in the auditorium and stated that there would be some cost associated in having city employees direct traffic away from the city auditorium parking lot.

MOTION TO APPROVE the request by the Arts Council of Manatee County to hold a “Manatee Arts Extravaganza Fall 2007” event on November 9-11, 2007 was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.

REQUEST BY Rob Bell for South Florida Museum to hold a “West Coast Bike Rally” event, on Friday, October, 12, 2007 on Old Main Street and Barcarrota Boulevard to raise funds for the museum.

Mr. Bell stated that this event would be similar to a Get Down Downtown event and that last year’s event had worked out well with no problems.

Councilwoman Barnebey voiced her concern for closing down Old Main Street on a Friday at noon and in getting legally parked cars off the street at that time.

MOTION TO APPROVE the request for the South Florida Museum “West Coast Bike Rally” event on October 12, 2007 was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.

CA.07.0014

PUBLIC HEARING

Request of Alan Parsons, Wilson Miller, Inc. Agent for Riviera Southshore Ventures, for Architectural Design approval of Riviera Southshore PDP located at 1203 Manatee Ave. E. (Zoned R1B, C-1A, C-1, PDP)

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

Ed Vogler on behalf of Riviera Southshore Ventures stated that the previously approved project with (15) stipulations had been a guide for the development. He stated today’s approval was for the architectural design, after following the direction and input of the Architectural Review Board.

Mr. Vogler displayed renderings of the architectural design of the project with a village style look and pictures of historic images reminiscent of old Bradenton design.

Those in opposition, hearing none, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval of the project based on the evaluation of the project and the summary of potential concerns by staff which had been addressed and agreed to by the applicant. He stated the Architectural Review Board had recommended approval on June 26, 2007 and made the following eight (8) recommendations that should be part of the formal approval of this development:

1. The development should contain more vertical architectural elements than horizontal, pertaining particularly to the windows.
2. Brick or stone material finishes should be applied to the lower two stories of the condominium towers, or at a bare minimum, the use of darker earth tones to ground the building.
3. Retaining walls should contain a rough finish to give the appearance of stone, rather than using concrete masonry unit construction with stucco finish.
4. Privacy barriers shall utilize hedge materials or climbing vines rather than opaque masonry barriers.
5. Eliminate Washingtonians from the landscape plan.
6. Vary roof materials and design appearance to break up long stretches of continuous roofline.

7. Show architectural renderings from the streetscape as it relates to connecting Manatee Avenue to the Riverfront.
8. Further develop architectural features such as breaking up continuous rooflines, articulate building masses to minimize the amount of large continuous building facades, and use other architectural features to mitigate height incompatibility with neighboring structures.

Discussion: There currently is affordable housing available in the housing market priced in line with the affordable guidelines.

Councilman Smith voiced his concern regarding the comments indicated with the reduction of park space listed in the staff report.

Ruth Seewer stated that this was a new process for everyone but that the information in the staff report on public park space had been pulled from a previous report. She stated in the future the staff report would only note what the Council would be specifically voting on.

Councilman Smith voiced his concern for the lack of design renderings, the dislike of the yellow color shown in the renderings and the broken up look of the architectural features of the buildings.

Ed Vogler, in rebuttal, stated that under the Sunshine law they were not permitted to discuss pending issues with the Council. He discussed the width of the roadway and the recommendation made by the city consultant, stating the most important element of the plan was to reconnect the neighborhood street grid. He stated a portion of the city public park was created to accommodate a public road and that was why the public realm was bigger and the park was fractionally smaller.

Councilman Roff stated he liked the architectural design and the color as presented.

MOTION TO APPROVE CA.07.0014 request by Riviera Southshore Ventures, LLC with the recommendation made by the Architectural Review Board with eight (8) recommendations was made by Councilman Golden, seconded by Councilman Roff and carried 3-2 for approval with Councilwoman Barnebey and Councilman Smith in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

RESOLUTION 07-35

A Resolution for hiring Glatting Jackson, et al, Inc. to prepare the Evaluation Appraisal Report (EAR) based amendments to the City of Bradenton Comprehensive Plan and authorizing the Mayor to sign said contract with Glatting Jackson et al, Inc.

Vice Mayor and Councilman Gallo stated he would not support a motion based on the cost factor of \$297,460 and requested that a Request for Proposal should be done, as there was nothing to compare with this high cost for a consultant.

Lengthy discussion: Credentials of the consultant firm of Glatting Jackson. That Glatting Jackson had done the city's EAR in 2005 and that they already had the base maps and knew the stake holders and the community.

Tom Cookingham, Planning and Community Development Assistant Director stated that his determination was based on his past experiences with consultants, and the unit cost based on an hourly rate which was in the ball park for most consultants. He stated that he had not sought proposals from other consultants.

Councilman Roff stated he had served on the Citizen's Board which had worked on the 2005 EAR. He stated the board was impressed with Glatting Jackson and their final product. He stated the county had chosen Glatting Jackson to do the Compatibility Study and the Downtown Development Authority had chosen Glatting Jackson to do the Downtown by Design Plan.

Councilman Roff stated that there was value in dealing with a contractor that the city was comfortable with, as opposed to a contractor the city did not know. He stated that the Design Institute had also used Glatting Jackson. He wanted to know when the city was going to modify Comprehensive Plan as suggested by the EAR committee and stated that the city was still working under the Comprehensive Plan instituted years ago by Jerry West, former Planning Director and which now needed to be updated.

Councilman Golden stated that based on Mr. Cookingham's explanation and comments made by Councilman Roff, he would support the motion.

Councilman Smith stated he did not have a problem with the contracting firm Glatting Jackson. He also trusted the input from the city staff and believed the price may be reasonable. However, he wanted to ensure the citizens that we believed there was enough reason to choose Glatting Jackson.

Councilwoman Barnebey stated she had been pleased in the past by the performance of Glatting Jackson and she agreed that the comprehensive plan needed a lot of work.

MOTION TO APPROVE Resolution 07-35 to hire Glatting Jackson, et al, Inc. to prepare the Evaluation Appraisal Report was made by Councilman Golden, seconded by Councilman Roff and carried 3-2 for approval with Councilman Smith and Vice Mayor and Councilman Gallo in opposition.

CDBG CITIZEN PARTICIPATION PLAN AVAILABILITY

Mr. Callahan read the following public notice.

NOTICE IS HEREBY GIVEN that the City of Bradenton Housing & Community Development Division has revised its Citizen Participation Plan. The proposed plan will be available for public review at the following locations during regular business hours:

- Planning & Community Development Office located at 101 12th Street West Bradenton, Florida 34205
- Bradenton City Hall City Clerk's Office located at 101 12th Street West Bradenton, Florida 34205
- Housing & Community Development Division Office located at 912 7th Avenue East, Bradenton, FL 34208
- Manatee County Library located at 1301 Barcarrota Boulevard Bradenton, Florida 34205

A final Public Hearing to consider oral and written comments on the Citizen Participation Plan will be held by the Mayor and City Council on Wednesday August 15, 2007 at 8:30 a.m., in the Council Chambers located at 101 Old Main Street Bradenton, Florida 34205. In addition, the City Council will adopt appropriate resolutions associated with the plan and will authorize filing with the U.S. Department of Housing & Urban Development (HUD) by August 22, 2007. Any public comments will become a part of the plan and mailed to HUD.

City of Bradenton
Wayne Poston, Mayor
Timothy Polk, Director of Planning & Community Development

John Cumming

FDOT AGREEMENT FOR THE CITY TO MAINTAIN FDOT ROADS WITHIN THE CITY LIMITS.

Mr. Cumming stated that the city currently provided certain maintenance functions for the FDOT right-of-way in the city limits on an annual contract basis for State Road 64, Business 41 and US 301/41. The FDOT contract requisitioned the city \$61,238.24 per year for:

1. Sweeping roadways: 12 times annually.

2. Mowing rights-of-way and medians: 8 times annually.
3. Edging curbs, sidewalks and sweeping: 4 times annually.
4. Litter pick-up: 8 times annually.

Mr. Cumming stated the cost for the city to maintain these roadways had continued to increase, but FDOT had held steadfast with the contracted fee. He stated that this year FDOT would be reducing the payment by \$20,000. He stated that FDOT had contractors that would do the work for less based on the frequency specified in the contract but that the city touched up after FDOT's labor then went above and beyond the contract specifications to keep these areas looking good.

Mr. Cumming asked the Council if they wanted to accept the FDOT agreement at \$41,000 for the coming year with the work specified by FDOT and continue the upgrades by the city crew with the cost range of \$80-90 thousand. He stated with next years tax reform this could be something that would have to be cut. He stated that the Public Works crew did an excellent job and could probably scale back on that cost and still do a credible job. He stated that if FDOT did the job and the city crew doesn't keep up the city's expectations he had concerned with criticism from the citizens if the extra work was not done.

Mr. Cumming suggested two options: accept the contract at \$41,000 plus and scale back or let FDOT do the job with their own contractors and do not have the Public Works crew touch up the work as needed.

He recommended accepting the FDOT proposal and scaling back on what the Public Works crew was doing.

Mr. Callahan stated that this was a prime example of what the citizens were going to experience with the budget reductions and how the services that the city provided would be affected. He suggested that Mr. Cumming keep track of the costs spent for the touch up maintenance after FDOT. He stated that there may be employee cutbacks in the future; which could decrease other services.

MOTION TO ACCEPT the FDOT contract agreement for the state roads maintenance at the cost of \$40,452.70 as recommended by John Cumming was made by Councilman Golden, seconded by Councilman Roff and carried 5-0 for approval.

PALMETTO/BRADENTON DOWNTOWN MOBILITY TRAFFIC STUDY CONSULTANT SELECTION

Mr. Cumming gave a brief overview of the consultant selection process as outlined after advertising; review with a short listing that had been done per the Florida Consultants Competitive Negotiations Act. The three ranked firms were:

1. Renaissance Planning Group, Tampa/Orlando
2. Glatting Jackson Kercher Anglin, Orlando
3. Kimley-Horn & Associates, Tampa

Mr. Cumming requested approval to negotiate with the top ranked firm and, if necessary, the second ranked firm to bring a contract back to Council in order to proceed with the study.

MOTION TO INSTRUCT staff to enter into negotiations with Renaissance Planning Group was made by Councilwoman Barnebey, seconded by Councilman Golden and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan:

Mr. Callahan stated that there had been problems with the air conditioning units in the Information Technology Department, which limited the ability to keep the mechanical room cool.

He stated that two bids had been received: Superior Air Conditioning and Tampa Bay Trane.

Mr. Callahan recommended Superior Air Conditioning as they offered favorable prices for a Liebert A/C unit.

MOTION TO APPROVE the recommendation made by Carl Callahan to utilize Superior Air Conditioning at a cost of \$18,000 was made by Vice Mayor and Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Mr. Callahan stated that the phone systems had been contracted on a lease/purchase program at a not so favorable rate. He stated that in the light of looming future budget cuts, it could be a problem to continue paying the lease off at a cost of \$20,000 a year. He stated that after looking at innovative and economical ways to use the funds we currently have in this year's budget, it made sense to pay off certain expenses before next year's budget cuts.

He recommended paying off the city hall phone system at \$24,685.71 and the police department phone system at \$31,539.93 for a total cost of \$56,225.64.

MOTION TO APPROVE the recommendation made by Carl Callahan to pay off the city hall and police department phone systems at the total cost of \$56,225.64 was made by Vice Mayor and Councilman Gallo/Councilman Golden and carried 5-0 for approval.

Chief Souders: Nothing to report.

Staci Cross: Stated that with the budget cuts proposed for next year the Information Technology Department was looking at creative ways to lower costs by sharing systems with Manatee County.

Chief Radzilowski: Nothing to report.

John Cumming: Reported that the city's reservoir was filling up due to the recent rains.

Mr. Cumming stated that the Public Works Department, with the help of the Hardee County correctional crew, was in the process of cleaning up the lawn bowling site on 9th Avenue and 14th Street West.

Tim Polk: Asked Volker Reiss, to speak on the Sunshine One Call.

Volker Reiss, Code Enforcement Compliance Manager, spoke briefly on the "Call Before You Dig Law" which reported people who illegally hook up to utility lines. Mr. Reiss stated that with the assistance of the Public Works Department, the Code Enforcement Department had always enforced this law, as this was a public safety issue with huge financial ramifications to the city if a natural gas line or infrastructure line was hit, not only, Code Enforcement Officers but also the Building Department Inspectors would be utilized to enforce the law.

Mr. Reiss announced that this was a notice to citizens to "Call Before You Dig" to save yourself a ticket ranging from \$250 up to \$5000. He stated that people should call 1-800-852-8057 for a special number authorizing them to dig legally.

Discussion: Additional enforcement means when a Building Inspector or Code Enforcement Officer was on the jobsite and found that the person had illegally dug, the person would be ticketed. That there were no requirements to post this special number but the person could give the special number to the officer or inspector, who would in turn call for verification.

Bill Lisch: Stated he would be attending a three-day law seminar.

Carolyn Moore: Nothing to report.

RECESSED

Break for lunch at 1:00 p.m.

Meeting reopened for a Budget Workshop 2:15 p.m.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 3:45 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.