

**CITY COUNCIL MEETING
June 22, 2005**

**APPROVED BY
July 13, 2005
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 June 22, 2005 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey, Councilwoman Ward III Michele Weaver, Vice Mayor and Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

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.
Ecumenical invocation was led by Reverend Ricardo Ramos, affiliate with Eternity Temple.
Flag salute was led by Kahreem Golden, Councilman Golden's nephew.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES for June 8, 2005 and June 14, 2005.

No discussion followed.

MOTION TO APPROVE the June 8, 2005 and June 14, 2005 minutes was made by Councilman Gallo/Vice Mayor Smith and carried 5-0 for approval.

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

CITIZEN COMMENTS:

Debra Kostroun, Chief Operating Officer Manatee Glens, **Mona Upp**, mother of a homeless son, **Rita Dralus**, Co-chairperson Our Daily Bread, **Tim Moran**, National Alliance for the Mentally Ill, **Cheri Coryea**, Manatee County Services, **Kathy Handra**, Executive Director We Care of Manatee, **Peg McGarity**, President League of Woman Voters, and **Susie Walters**, Habitat for Humanity, spoke in favor of the site location and supported the Community Development Block Grant funds for the One Stop Resource Center.

Cheri Coryea, Manatee County Community Services stated that the Manatee County Board of Commissioners confirmed the allocation of Community Development Block Grant funds in the amount of \$200,000 for the Resource Center. She stated that the county followed the same timeline as the city regarding the Community Development Block Grant process.

Discussion: Using taxpayer's monies to fund the homeless center and that city taxpayer's also paid county taxes.

General discussions were held expressing the city's care and concern for the homeless and that the city was currently working on a solution. However, the city had concerns regarding the current site location and the percentage of funds requested for the center from the Community Development Block Grant.

Councilman Gallo stated that when the federal government had closed the facility in Arcadia many people, including many mentally ill patients, were left on the streets, with a number of them finding their way to Bradenton.

Mayor Poston introduced, Mayor Larry Bustle of the City of Palmetto who was among the audience.

Mayor Poston stated that Mary Ruiz, Manatee Glens, Commissioner Pat Glass, and he had been working together for three years to develop a strategy to end homelessness in ten years.

Mayor Poston stated that the issue of the homeless had to be a collaborative effort and that having a One Stop Resource Center was a great concept.

Mayor Poston voiced his concern that it was too premature to select a site and that there had not been enough community conversation on the location.

Councilman Golden stated that the city should make a one time capital commitment and that the Council should make that commitment to acquiring this site (Mather Furniture) as there were no other sites.

Carl Callahan stated that the Council had to make several decisions regarding where the CDBG funds should be allocated.

MOTION TO DIRECT THE CITY CLERK to allocate no more than \$123,162 in the general capital fund to support the One Stop Resource Center to meet the timeline for acquiring properties that met the standards of the city's staff. Motion died for lack of second.

Archie Waugh, MGA-TV announced that due to a lengthy county commissioners meeting this City Council meeting would be aired Friday, Saturday and Sunday starting at 7:30 p.m.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Sadly announced that Retired Firefighter David Zeller passed away June 21, 2005.

Councilwoman Marianne Barnebey, Ward II: Requested that if the Council had no objections, the Westfield Neighborhood Association would bring forth a request at a future Council meeting to change the name of the park currently dubbed "The Water Tower Park."

Council voiced no objections.

Councilwoman Barnebey announced that the Manatee Players theatrical group won a National Award in Kalamazoo, Michigan.

Councilwoman Barnebey congratulated Fire Marshall Dave Dobrzykowski on his new position as Fire Chief of the City of Minneola, Florida.

Councilwoman Barnebey recommended that individuals considering the use of personal fireworks during the Independence Day on July 4th should call the police or fire departments to determine if they were legal.

Councilwoman Weaver, Ward III: Nothing to report.

Vice Mayor Bemis Smith, Ward IV:

REQUEST BY Vice Mayor Smith to have the Department of Development Services staff, including Code Enforcement, and the city attorney, Bill Lisch to review the permit process regarding expired permits and draft an ordinance to address this issue.

Larry Frey stated he would bring forth resolutions at the next meeting with an ordinance to be adopted after the public hearing process.

MOTION TO APPROVE the request was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

Vice Mayor Smith gave a brief overview of problems regarding the serious amounts of trash building up on the streets throughout the neighborhoods in Ward IV.

Vice Mayor Smith requested that Code Enforcement and Public Works continue to work in an effort to clean up this problem.

Volker Reiss, Code Enforcement Compliance Supervisor, stated that his staff and he would be working in every way to resolve this issue in the coming months.

Mr. Reiss stated that some of the public needed to be educated as to the garbage schedule and to call sanitation for a special pick-up of debris and large items such as mattresses which are not picked up on a regular service day.

General discussions were held regarding notifying the public via flyers and by placing a notice on the water bills in both English and Spanish.

Councilman James Golden, Ward V: Interjected that having not received a second to his previous motion, the Council would reconsider the request of the One Stop Resource Center during the budget process.

Mayor Wayne Poston: Stated that he had received a letter from Kathleen Cromwell praising four firefighters who assisted elderly citizens and for the Fire Honor Guard on their professionalism during the Blue Star Salute at McKechnie Field.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

REQUEST FROM Don Hall on behalf of the Manatee High School Class of 1965 to hold a reunion kickoff on Friday, June 24, 2005 from 7:30 p.m. to 10:30 p.m. with a street closure on Old Main Street from Manatee Avenue to 4th Avenue.

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

REQUEST FROM Jenn Curtisinger from Foundation for Dreams and Southside Athletic Club to hold a "5K Run for Dreams" on Saturday, July 16, 2005 from 7:30 a.m. to 8:15 a.m. with a street closure on 47th Street West from Cortez Road to 50th Avenue West.

Stipulation: To have the police department review the event as there was a problem with access to and from the Sawgrass Cove apartment complex during last year's event.

MOTION TO APPROVE the request with one stipulation was made by Councilwoman Barnebey/Councilwoman Weaver and carried 5-0 for approval.

RESOLUTION 05-37 REAPPOINTING LEN NAJJAR, TOM O'BRIEN AND CHARLES ROY TO THE CONSTRUCTION BOARD OF RULES AND APPEALS FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERMS.

No discussion followed.

MOTION TO APPROVE Resolution 05-37 was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

John Cumming

RECOMMENDED RATE ADJUSTMENT FOR SOLID WASTE

Seth Kohn, Stormwater Manager/Special Projects Engineer, and **Ricardo Ramos**, Sanitation Superintendent, gave a brief PowerPoint presentation regarding a six-month study on commercial rate adjustment and tipping fees adjustment on residential rates.

Mr. Cumming stated that the Manatee County Landfill tipping fees were recently increased by \$2.00 per ton to accommodate the county's planned wastewater residual solids (sludge) disposal plan which was adopted October 1, 2004. He stated that the city's net revenue from commercial operations in FY 2003-2004 was approximately \$20,000 with a total operating budget of \$1,130,000. He stated that if the present rates were continued, it would result in negative net revenue. He stated the last commercial rate increase occurred in 1997.

Mr. Cumming and Mr. Callahan recommended adjustment of commercial solid waste rates to a level approximately equal to that of other local servers with the proposed rate to be approximately 20% which would cover all commercial services of collection, disposal and container rentals.

Mr. Cumming and Mr. Callahan recommended adjustment of residential rates by the amount of thirty-five (35) cents per customer per month to compensate for the Manatee County tipping fee increase.

Mr. Cumming stated that after reviewing the study, the city of Bradenton was still well below other cities which offered the same service.

RESOLUTION 05-36 AMENDING THE FEE SCHEDULE ADOPTED BY FORMER CHAPTER 12, SECTION 45 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY PROVIDING FOR AN INCREASE IN FEES FOR GARBAGE, TRASH AND RECYCLING; PROVIDING AN EFFECTIVE DATE.

Vice Mayor Smith stated he would support this resolution as the city was a viable enterprise and, therefore, should be run as a business to at least break even and not operate in negative net revenue.

MOTION TO APPROVE Resolution 05-36 as recommended by John Cumming and Carl Callahan was made by Councilwoman Weaver/Councilman Gallo and carried 5-0 for approval.

Larry Frey

SCOPE OF SERVICES - DESIGN & COMPATIBILITY STUDY BETWEEN CITIES AND MANATEE COUNTY

Mr. Frey gave a brief overview of the Scope of Services Manatee County Community Design & Compatibility Study which was done as a direct response from The Accord and proposed charter issue.

Mr. Frey stated this study, to be conducted by Glatting Jackson, should provide a compatible design for all the cities and county to follow consistent development patterns.

No discussion followed.

NO ACTION WAS REQUIRED.

POST DISASTER DAMAGE ASSESSMENT TEAM

Mr. Frey stated that he had been forming a city team to assist the county for assessment of damage after a disaster to determine if damage met the Florida Emergency Management Agency's (FEMA) threshold.

NO ACTION WAS REQUIRED.

1. NOTICE OF AVAILABILITY FOR 2005-06 COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSED ANNUAL ACTION PLAN

2. NOTICE OF AVAILABILITY FOR AMENDED 2006-08 LOCAL HOUSING AGENCY PLAN (LHAP) STRATEGY

3. NOTICE OF AVAILABILITY FOR 2005-06 PUBLIC HOUSING AGENCY PLAN

Mr. Frey gave a brief overview of each plan that required no action at this meeting.

Mr. Frey stated that a special meeting needed to be held on two of the plans, 2005-06 Community Development Block Grant (CDBG) Proposed Annual Action Plan and the 2006-08 Local Housing Agency Plan (LHAP) which each had a 30-day citizen comment period.

He stated the 2005-06 Public Housing Agency (HUD) Plan had a 45-day citizen comment period.

Mr. Frey requested a special meeting date in order to provide for the division to perform proper federal and state public notices and advertisements.

Mr. Frey referred to the previously distributed plans with tables listing the proposed staff recommendations for the allocations of funds and stated that the plans were posted on the city's webpage.

1. NOTICE OF AVAILABILITY FOR 2005-06 COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSED ANNUAL ACTION PLAN

Mr. Frey read the following:

NOTICE WAS HEREBY GIVEN that on or after August 1, 2005 the Bradenton City Council would adopt its Community Development Block Grant Consolidated Plan including the One-Year Action Plan and Projected Use of Funds for fiscal year 2005-2006. The adopted plan would be mailed to the U.S. Department of Housing and Urban Development (HUD) on August 12, 2005.

The meeting would be held on or after August 1, 2005, 101 Old Main street, Bradenton, FL in the City Council Chamber with the purpose of such hearing being set forth for final review and adoption of 2005-2006 Community Development Block Grant Annual Action Plan. Possible changes or revisions to the current proposed plan may occur as a result of discussions and input received during this hearing.

Per HUD requirements, the City was required to give the public a 14-day notice prior to the opening of the comment period for a Proposed Action Plan. A copy of the 2005-06 Proposed Plan would be available from June 22, 2005 for the purpose of obtaining citizens views and comments at the following locations with the citizen comment period being July 1st through August 1, 2005 at:

- Manatee County Central Library, 1301 Barcarrota Blvd., Bradenton, FL
- City Hall, 101 Old Main Street, Bradenton, FL (City Clerk's Office)
- Community Development Block Grant Office, 912 7th Avenue East, Bradenton, FL

Questions were asked and answers given on the proposed allocated funds.

Mayor Poston stated that the future of the Community Development Block Grant funds was uncertain, as the federal governments plan was to cut seventeen agencies and place them in the Department of Commerce.

2. NOTICE OF AVAILABILITY FOR AMENDED 2006-08 LOCAL HOUSING AGENCY PLAN (LHAP) STRATEGY

NOTICE WAS HEREBY GIVEN that the City of Bradenton Division of Grants and Assistance had prepared an amended State Housing Initiative Partnership (SHIP) Local Housing Assistance Plan (LHAP) for State fiscal years July 1, 2005 through June 30, 2008. The proposed plan would be available for public review commencing June 22, 2005 with a public hearing being held on (to be determined) by City Council at City Hall, 101 12th Street, Bradenton, Florida to consider oral or written comments to obtain citizen views.

The LHAP Plan would be available during regular business hours at the following locations:

- City of Bradenton Grants & Assistance Office, 912 7th Avenue East, Bradenton, FL
- City of Bradenton City Clerk's Office, 101 12th Street West, Bradenton, FL
- Manatee County Central Library, 1301 Barcarrota Blvd., Bradenton, FL

Any public comments would become part of the plan and mailed to the State Housing Finance Agency, Tallahassee, FL with the amended plan, resolutions and certification being submitted within 21 days after such plan was adopted by the City Council.

3. NOTICE OF AVAILABILITY FOR 2005-06 PUBLIC HOUSING AGENCY PLAN

NOTICE WAS HEREBY GIVEN that the City of Bradenton Division of Grants and Assistance Housing Assistance Program had developed its Annual Public Housing Agency Plan for Fiscal Year beginning October 1, 2005. The proposed agency plan would be available commencing June 22, 2005 for public review during regular business hours of 8:00 a.m. to 5:00 p.m. at the following locations:

- City of Bradenton Grants & Assistance Office, 912 7th Avenue East, Bradenton, FL
- City of Bradenton City Clerk's Office, 101 12th Street West, Bradenton, FL
- Manatee County Central Library, 1301 Barcarrota Blvd., Bradenton, FL

The final public hearing to consider oral and written comments on the agency plan would be held by the Mayor and City Council acting as the Housing Assistance Agency Board on a date to be set after August 5, 2005 as a special City Council meeting in the City Council Chambers, City Hall located at 101 12th Street West, Bradenton, FL In addition, the City Council would adopt appropriate resolutions associated with the plan and would authorize filing with the Department of Housing and Urban Development (HUD) by no later than August 31, 2005. Any public comments would become part of the plan and mailed to HUD.

Jeana Winterbottom gave a brief timeline with deadlines of the plans for the funding programs.

MOTION TO APPROVE setting a special meeting on Wednesday, August 3, 2005 at 6:00 p.m. for the Community Development Block Grant Plan and Local Housing Agency Plan was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Chief Radzilowski

FORFEITURE FUNDS

REQUEST BY Chief Radzilowski to use forfeiture funds for the purchase of an Orion Guardian ST801 GPS tracking system which could be used to assist in major investigations to track suspects, U.C's and Officers when necessary at a cost of approximately \$9, 500.00.

No discussion followed.

MOTION TO APPROVE the request from forfeiture funds was made by Councilman Gallo/Councilwoman Barnebey and carried 5-0 for approval.

CITY ORDINANCE 2227 AMENDMENT REGARDING UNPAID PARKING CITATIONS

Chief Radzilowski cited from Ordinance 2227, code section 50-2:

“Removal and impounding of illegally parked, abandoned and disabled vehicles.” Paragraph (7) stated that in order to take action against a repeat violator who had shown contempt by actions of failing to pay fines, the violator must have ten (10) unpaid citations.

He stated that there were currently approximately eighty-six (86) violators that had three (3) or more unpaid citations.

REQUEST BY Chief Radzilowski to amend Ordinance 2227 to change the ten (10) unpaid citations to three (3) unpaid citations, which would be in compliance with the state.

Discussion: Amending the ordinance with due process for violators and that violators would not be able to register their vehicles.

MOTION TO APPROVE the request by Chief Radzilowski and authorize drafting of an ordinance amending Ordinance 2227 was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

John Cumming

Mr. Cumming previously distributed a draft of a resolution regarding the following:

“Endorsing and supporting a candidate project submitted to the Metropolitan Planning Organization (MPO) by the City of Bradenton for “Congestion Management System” programmed monies. The project consisted of upgrading four (4) signalized intersections along Business 41 (14th Street West), from 17th Avenue West to 8th Avenue West (signals at 17th, 12th, 9th and 8th Avenue West). If selected, this project would be earmarked for 2008-2009 funding. The project was estimated at \$800,000.”

He stated the MPO Board would vote on the ranking of these projects in July, 2005.

REQUEST by Mr. Cumming for Bill Lisch to draft a resolution which would state that the Council supported the idea to apply for Metropolitan Planning Organization funds.

No discussion followed.

MOTION TO APPROVE the request by John Cumming was made by Councilwoman Weaver/Councilman Golden and carried 5-0 for approval.

DEPARTMENT HEADS:

Carl Callahan: Mr. Callahan gave an update of the Judicial Parking Garage agreements. He stated that the start date for the demolition should begin around August 1, 2005.

Mr. Callahan stated that he received a check from the Pirates Boosters in the amount of \$66,000 for the renovations of the batting cages at McKechnie Field.

Chief Souders: Nothing to report.

Staci Cross: Gave an update of the new phone system and stated that there would be a new phone number for City Hall with all new extensions.

Ms. Cross gave an update on the audio/video renovations for the Chamber and stated that the renovations should be completed by the next City Council meeting.

Chief Radzilowski: Nothing to report.

John Cumming: Nothing to report.

Larry Frey: Asked if there were any questions on the UDZ approved map excluding "The Inlets."

The Council showed no objections.

Bill Lisch: Nothing to report.

Carolyn Moore: Excused absence.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 9:00 p.m.

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