

**CITY COUNCIL MEETING  
May 14, 2008**

APPROVED BY  
May 28, 2008  
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 May 14, 2008 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 Harold E. Byrd, Jr.

**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; and Tim Polk, Department of Planning and Community Development Director.

**Press:** The Herald and the Herald-Tribune.

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Major Tony Barrington, Area Coordinator of Manatee County Salvation Army.  
Pledge of Allegiance was led by Mayor Poston.

Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director were excused from the meeting.

**PROCLAMATIONS**

**SALVATION ARMY WEEK – May 11-17, 2008**

**CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK – June 2-6, 2008**

Tim Polk and the Council thanked the Code Enforcement Department for their outstanding service to the city and to the community.

Mayor Poston presented the key to the city to **Mikki Bonne** and **Tom Pallson**. He thanked Mikki for her participation and hard work with Geckofest each year and for their service to the community in the Village of the Arts. Mayor Poston stated he would miss both of them as they were moving to Tennessee.

**PRESENTATIONS**

**BRADENTON POLICE DEPARTMENT**

**Officer of the Month – Officer Mark Roberts**

**PUBLIC WORKS DEPARTMENT**

**Employee Recognition**

Employee of the Month for:

January-**Reginald Green**, Sewer Department  
February- **Manny Estevez**, Water Distribution  
March- **Jimmy Strong**, Sewer Department

“Team of the Quarter”-Water Distribution: **Chris Chybowski, Mark Elzey, Cliff Shaw, Manny Estevez, Kareen Testman, Juan Soto, Keith Conner, Tracy Fulghum, Ryan Pitchford, James Simpson, Patrick Koinoir, Doug Dobbs, and Chris Shaffer.**

“Supervisor of the Quarter”-**Gary Kinder**, Parks Department

*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

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

**Councilwoman Marianne Barnebey, Ward II:** Congratulated all of the young people who were the Golden Herald award winners.

Councilwoman Barnebey stated she looked forward to taking part with other colleagues in the Manatee Literacy Spelling Bee on Saturday, May 17<sup>th</sup> at the Renaissance Building on 9<sup>th</sup> Street.

Councilwoman Barnebey stated that Saturday, May 17<sup>th</sup> the Manatee Association of Retarded Citizens would be having their MARC Ceritaville fundraiser to be held at the River House in Palmetto.

**Councilman Patrick Roff, Ward III:** Stated that he attended the Artist Guild monthly meeting at the Art Center of Manatee consisting of a group of artists and merchants from the Village of the Arts. He stated he looked forward to working, to promote the Village.

Councilman Roff stated he had attended the second part of a seminar at the USF campus offered by the Institute of Policy and Leadership on growth in the area. He stated the seminar featured both local and national professionals on the topic of "The Next Five Years" which covered the transition from the current economic base and what would be best for the future.

Councilman Roff stated that the State of Florida was ranked #5 as the most tax friendly state and that North Carolina was in the top 10 worse states having high taxes.

**Councilman Bemis Smith, Ward IV:** Invited everyone to attend the new exhibit "Land Beneath Our Feet" discover of Florida's hidden history at the South Florida Museum through August 31, 2008 sponsored by the Mosaic Corporation.

Councilwoman Barnebey stated that she had received numerous emails regarding the recent fatal accident at the 48<sup>th</sup> Street Court East and State Road 64 East intersection. She stated that this was a state road and asked what could be done to encourage FDOT to look into making this intersection safer.

Mayor Poston stated that there had been numerous discussions written and verbal with FDOT regarding the city having the need for jurisdiction, with placement of heavier police enforcement for this area.

Mr. Cummings stated that concerns had been expressed to FDOT for a left turn lane coming from Braden River Lakes and from the north, the transition and grade of the intersection and for traffic alternatives.

**Councilman Harold Byrd, Jr., Ward V:** Thanked all who participated in **Syeshya Mercado Day** last Friday, May 9<sup>th</sup>. He stated Syeshya was one of the top three contestants in the American Idol show and was from Manatee and Sarasota Counties.

Councilman Byrd announced that he was currently in the middle of an appeal process with the Second District Court of Appeals. He stated that the previous councilman Reverend James Golden was challenging him regarding his candidacy and campaign account.

Councilman Byrd gave a brief timeline of the events regarding his campaign up to winning the Ward V councilman seat as declared and confirmed by the Canvassing Board. He stated the legal fees were mounting and he had been personally absorbing all expenses.

Councilman Byrd stated he was formally requesting some financial support, to help fight and defend the lawsuit filed by Rev. James Golden who was essentially ignoring the will of the voters in trying to reverse the city election.

Bill Lisch stated that the challenge was not about the results of the election, but about Mr. Byrd's qualifications to run as a candidate. He stated that the Canvassing Board had carried out its duty and was named as a defendant, solely as a technical requirement by the Florida Statutes.

Councilman Byrd stated he agreed with Mr. Lisch however, he felt there should be a show of support to protect the sanctity of the election. He stated he would be opening up a special account to help defray the mounting legal fees and would fight to the end.

**Mayor Wayne Poston:** Announced that Governor Crist and some of his staff would be hosting "Citizen Hours" in the City Council Chamber on Friday, May 16<sup>th</sup> to meet individually with members of the public to address any questions or concerns that they may have.

Mayor Poston announced that the Tampa Bay Rays were now in first place.

Mayor Poston stated that he was very proud of the ongoing Golden Herald Awards, especially as he had assisted in their creation. Mayor Poston stated that Syesha Mercado had sung at the 1997 awards and he wished her well in pursuing the American Idol dream.

## CONSENT AGENDA

- a) MINUTES- Approval of minutes of the April 23, 2008 City Council meeting.
- b) RESOLUTION NO. 08-36 Florida Fish & Wildlife Conservation Commission Boating Improvement Grant Program.
- c) RESOLUTION NO. 08-40 Terminating Local Agency Program (LAP) FM # 408067-1.
- d) PUBLIC EVENT-Manatee Players' Volunteer Appreciation Dinner, May 19, 2008.
- e) PUBLIC EVENT-Bradenton Lions Club Hearing Dog School Walkathon, November 22, 2008.
- f) CONTRACT-School Resource Officer
- g) BUDGET ADJUSTMENT-Recycling Department
- h) Added to Consent Agenda: Resolution 08-41 Appointing Hudson, Greubel, Williams to Affordable Housing Advisory Board

At the request of Public Works to take from the Consent Agenda Item c. to allow for further discussion with the Florida Department of Transportation (FDOT).

**MOTION TO APPROVE THE CONSENT AGENDA minus Item c and consisting of the Minutes of April 23, 2008, Resolution 08-36, Public Event- Manatee Players' Volunteer Appreciation Dinner, Public Event- Bradenton Lions Club Hearing Dog School Walkathon, School Resource Officer Contract, Budget Adjustment and Resolution 08-41 was made by Councilman Smith seconded by Councilman Roff and carried 5-0 for approval.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **FIRST READING OF PROPOSED ORDINANCE 2891**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, EXTENDING THE TERM OF THE 14<sup>TH</sup> STREET COMMUNITY REDEVELOPMENT TRUST FUND AS ESTABLISHED IN ORDINANCE NO. 2504 FOR THAT COMMUNITY REDEVELOPMENT PROJECT AREA AS DESCRIBED IN RESOLUTION NO. 93-62 OF THE CITY OF BRADENTON, FLORIDA EXTENDING THE DURATION OF SAID TRUST FUND AND THE COMMUNITY REDEVELOPMENT AGENCY AS WAS ESTABLISHED IN ORDINANCE NO. 2504 OF THE CITY OF BRADENTON, FLORIDA AND AS ESTABLISHED UNDER THE AUTHORITY PROVIDED BY CHAPTER 163, PART III, OF THE FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

**FIRST READING OF PROPOSED RESOLUTION NO. 08-38**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA EXTENDING THE DURATION OF THE COMMUNITY REDEVELOPMENT PLAN FOR THE COMMUNITY REDEVELOPMENT AREA KNOWN AS THE 14<sup>TH</sup> STREET COMMUNITY REDEVELOPMENT PROJECT AS ESTABLISHED BY CITY OF BRADENTON RESOLUTION NO. 93-62 AND RESOLUTION NO. 94-45 ADOPTED UNDER THE AUTHORITY PROVIDED BY CHAPTER 163, PART III OF THE FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for proposed Ordinance 2891 and proposed Resolution 08-38 for June 11, 2008 was made by Councilman Smith seconded by Councilman Byrd and carried 5-0 for approval.**

~~~~~

**FIRST READING OF PROPOSED ORDINANCE 2892**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA PROVIDING FOR THE EXTENSION OF THE COMMUNITY REDEVELOPMENT AGENCY TRUST FUND ESTABLISHED IN ORDINANCE NO. 2265 ADOPTED UNDER THE AUTHORITY PROVIDED BY CHAPTER 163, PART III, FLORIDA STATUTES; PROVIDING FOR THE EXTENSION OF THE COMMUNITY REDEVELOPMENT PLAN BY RESOLUTION; PROVIDING AN EFFECTIVE DATE.

**FIRST READING OF PROPOSED RESOLUTION NO. 08-39**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA; PROVIDING FOR THE EXTENSION OF THE TERM OF THE COMMUNITY REDEVELOPMENT PLAN AS PREVIOUSLY APPROVED IN ORDINANCE NO. 2264 AND BRADENTON RESOLUTIONS NO. 79-55, 80-39 AND 81-62; PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for proposed Ordinance 2892 and proposed Resolution 08-39 on June 11, 2008 was made by Councilman Smith seconded by Councilman Byrd and carried 5-0 for approval.**

~~~~~

**CP.07.0023 WARD 5 NEIGHBORHOOD 7.02B/8.03**

Request of Michael Pendley, agent for School Board of Manatee County, owner, for a Large Scale Comprehensive Amendment to change the Future Land Use designation from County IL (Industrial Light) to City I (Industrial) for property located at 2802 27<sup>th</sup> Street East.

**SECOND READING OF PROPOSED ORDINANCE 2888**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 2802 27<sup>TH</sup> STREET EAST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.07.0023) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY IL (INDUSTRIAL LIGHT) TO CITY I (INDUSTRIAL); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Mike Pendley** stated he was present to answer any questions the Council had regarding the request.

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

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations.

Councilwoman Barnebey stated she would abstain from voting as there was a continuing conflict as her husband was the attorney representing the School Board.

**MOTION TO APPROVE the second reading and public hearing of Ordinance 2888, CP.07.0023 with the recommendations made by Planning and Community Development staff and Planning Commission was made by Councilman Byrd seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey abstained from voting.**

~~~~~

**LU.07.0042 WARD 5 NEIGHBORHOOD 7.02B/8.03 RS**

Request of Michael Pendley, agent for the School Board of Manatee County, owner, to change the Land Use Atlas designation from County A-1, LM, PDI to City I (Industrial) for property located at 2802 27<sup>th</sup> Street East.

**SECOND READING OF PROPOSED ORDINANCE 2889** **PUBLIC HEARING**  
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 A-1, LM, PDI TO CITY I (INDUSTRIAL) OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 2802 27<sup>TH</sup> STREET EAST, AND LEGALLY DESCRIBED.

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

**Mike Pendley** stated he was present to answer any questions the Council had regarding the request.

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

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations.

Councilwoman Barnebey stated she would abstain from voting as there was a continuing conflict as her husband was the attorney representing the School Board.

**MOTION TO APPROVE the second reading and public hearing for Ordinance 2889, LU.07.0042 was made by Councilman Byrd seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey abstained from voting.**

~~~~~

**RV.08.0022 WARD 5 NEIGHBORHOOD 1.03**

Request of Michael Pendley, agent for the School Board of Manatee County, owner, for right-of-way vacation for the northern portion of 6<sup>th</sup> Street West between 13<sup>th</sup> and 17<sup>th</sup> Avenues for property located at approximately 515 13<sup>th</sup> Avenue West.(Zoned R3A)

**RESOLUTION NO. 08-34** **PUBLIC HEARING**  
A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHT-OF-WAY" OF THE NORTHERN PORTION OF 6<sup>TH</sup> STREET WEST BETWEEN 13<sup>TH</sup> AVENUE WEST AND 17<sup>TH</sup> AVENUE WEST LOCATED AT 515 13<sup>TH</sup> AVENUE WEST AND LEGALLY DESCRIBED.

**SU.08.0052 WARD 5 NEIGHBORHOOD 1.03 RS** **PUBLIC HEARING**

Request of Michael Pendley, agent for the School Board of Manatee County, owner, for Special Use approval for an elementary school referred to as "E" for property located at 515 13<sup>th</sup> Avenue West (Zoned R3A)

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

**Mike Pendley** gave a brief overview of the request to vacate a portion of the current city right-of-way on 6<sup>th</sup> Street West between 13<sup>th</sup> Avenue West and 17<sup>th</sup> Avenue West as the area was integral to the design of the school.

Mr. Callahan asked that with this request he would ask that the property not be vacated until after the real estate closing.

Mr. Pendley agreed to Mr. Callahan's request that the land would not be vacated until after the closing.

Councilman Byrd voiced his concern with closing off 6<sup>th</sup> Street, and asked if Mr. Pendley had looked at other designs and other possibilities.

Mr. Pendley displayed renderings of the site plan showing the flow of traffic and other specific uses of the plan.

**Mike Bryant**, Fawley Bryant Architects, displayed renderings and gave a brief overview of the site plan and presented the design of elementary school "E" which would truly be a unique neighborhood school.

**Tim Knowles**, a member of the Manatee County Boys and Girls Club Board of Directors Real Estate Committee stated that the club fully supported the plan. He stated that the board was also looking at some capital improvements of the club and anticipate entering into some joint use agreements between the school and the club.

Mayor Poston stated that it was the goal of the city to have this type of model project featuring housing, a school, and the Boys and Girls Club all within walking distance of each other.

Councilman Byrd stated he was in favor of the school but voiced his concern that the closing of 14<sup>th</sup> Avenue was not considered in the best interest of the neighborhood.

Those in opposition please come forward.

**Eloise Bacon**, 1109 8<sup>th</sup> Street Court West voiced her disapproval of vacating 6<sup>th</sup> Street as it would cut the neighborhood in half and make it inconvenient for the residents to get around without having to go onto First Street, a very busy roadway. She requested that the plan be reconsidered to accommodate the residents.

**Ruby Bryd**, 1416 13<sup>th</sup> Avenue East voiced her disapproval of the street closure as it would close off the community. She stated the community had been promised other issues which had never materialized and she asked the council to give more consideration to the residents who live in this neighborhood.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval of RV.08.0022 with no stipulations.

He stated the Planning and Community Development staff and Planning Commission recommended approval of SU.08.0052 with five (5) stipulations as follows:

1. Provide "School Crossing" signs and identification at strategic locations to ensure safety of pedestrians.
2. Provide a grant of easement for public utilities, including the retention pond.
3. Ensure proper radius for all emergency and sanitation equipment at all vehicular use areas.
4. The proposed pond would be sized to accommodate the city lots to the west, and an appropriate stub out for a future inlet would be provided at the time of construction.
5. Relocate the dumpsters approximately 50 feet to the north in order to provide access by the sanitation equipment.

Councilwoman Barnebey stated she would abstain from voting as there was a continuing conflict as her husband was the attorney representing the School Board.

**MOTION TO APPROVE SU.08.0052 was made by Councilman Roff seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey abstained from voting.**

Councilman Roff stated he would support this request as negotiations had been on-going for a long time and to get six agencies to agree on anything was a miracle in itself. He stated that education was one of his biggest concerns in life, there was no perfect solution and he did not want to jeopardize the building of this school.

Councilman Byrd stated for the record that he was not against the school in any way, but was concerned that the surrounding community had not been given the chance to voice their concerns about projects or developments in their neighborhood. He stated without looking at traffic patterns and other implications, he would always vote in opposition to any vacation of a right-a-way.

Vice Mayor and Councilman Gallo stated that this was not the first time nor was it unusual for a vacation involving a school. He referred to the vacation that had been granted many years ago on 11<sup>th</sup> Avenue West from 32<sup>nd</sup> Street and 35<sup>th</sup> Street to expand Manatee High School's north campus to the south campus.

Councilwoman Barnebey stated she would abstain from voting as there was a continuing conflict as her husband was the attorney representing the School Board.

Mr. Lisch stated that the vacation would become effective as of the closing of the transaction with a utility easement to be given back to the city.

**MOTION TO APPROVE RV.08.0022, RESOLUTION 08-34 was made by Councilman Roff seconded by Vice Mayor and Councilman Gallo and carried 3-1 with Councilman Byrd in opposition. Councilwoman Barnebey abstained from voting.**

~~~~~

**SU.07.0040 WARD 5 NEIGHBORHOOD 1.01 RS PUBLIC HEARING**

Request of Matt Kezar, agent for L.H. Glasgow, owner, for Special Use approval for outdoor storage for property located at 802, 803, 805, 808 6th Street West (Zoned C1/UCBD)

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

**Mark Barnebey**, Kirk-Pinkerton law firm representing the applicant gave a brief overview of the special use and displayed a rendering of the request for an outdoor storage facility, which included the clean-up of the property, up-grade of the existing facilities and replacement the existing fence material.

**Donald Stancomb**, 504 9<sup>th</sup> Avenue West displayed photographs of the property in its current condition with piles of materials thrown everywhere and pallets stacked higher than the fence.

Discussion: Installing a six-foot high PVC fence around the entire property to block the view.

The public hearing was closed.

Tim Polk gave the staff report with the Planning and Community Development staff recommendation for approval with six (6) stipulations as follows:

1. The sign in the right-of-way in front of the east parcel must be relocated.
2. The proposed circular drive on the east parcel would be constructed of asphalt, concrete, paver block or porous concrete.
3. A swing gate was required at the proposed access drive on the southwest corner of the east parcel.
4. Emergency access must be proved to the proposed and/or existing storage buildings on the west parcel The applicant would work with the Fire Marshal to ensure the building was adequately protected.
5. The outdoor storage on the east parcel must be reduced or eliminated in the front center of the building in order to provide adequate emergency access.
6. All landscaping proposed as indicated on the plan identified as Exhibit F would be installed within 60 days and would be irrigated in accordance with code requirements.

Mr. Polk stated the Planning Commission recommended approval with the same six (6) stipulations and two (2) additional stipulations as follows:

- 7. A chain link fence on the west side would be removed.
- 8. Six (6) foot opaque PVC fence would surround the west property on all sides except where gates were proposed.

Councilwoman Barnebey stated she would abstain from voting as there was a continuing conflict, as her husband was the attorney representing the applicant.

**MOTION TO APPROVE SU.07.0040 with the recommendations made by the Planning and Community Development staff and Planning Commission with eight stipulations was made by Councilman Byrd seconded by Vice Mayor and Councilman Gallo and carried 4-0 for approval. Councilwoman Barnebey abstained from voting.**

~~~~~

**SECOND READING OF PROPOSED ORDINANCE 2890 PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, PRELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OR THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Callahan gave a brief overview at the request of the Firefighters' Pension Board to assist the new financial investment managers with the capability to alter investment policies which ultimately allowed the pension board to make policy changes.

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

**MOTION TO APPROVE Ordinance 2890 was made by Councilman Smith seconded by Councilman Roff and carried 5-0 for approval.**

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

Carl Callahan

**MANATEE GLENS CORPORATION BOND ISSUE / RESOLUTION 08-42 / PUBLIC HEARING**

Mr. Callahan read the public notice.

NOTICE IS HEREBY GIVEN that the City Council of the City of Bradenton (the "City Council") will consider approval of an issue of equipment lease purchase obligations to be issued by the City of Bradenton, in the aggregate principal amount of not to exceed \$1,500,000 for Manatee Glens Corporation, a Florida not-for-profit corporation, at a public hearing to be held at a meeting on May 14, 2008, beginning at 8:30 a.m. or as soon thereafter as such matters may be heard, in the City Council Chamber, located at 101 Old Main Street in Bradenton, Florida 34205. The proceeds of such equipment lease purchase obligations will be used to finance the cost of acquisition and installation of an electronic health record and practice management system to be located at the property of Manatee Glens Corporation at the following locations:

Manatee Glens Hospital & Addiction Center  
2020 26th Avenue East  
Bradenton, Florida 34208 (Manatee County)

Manatee Glens Adolescent Recovery Center  
1819 5th Street West  
Bradenton, Florida 34205

Manatee Glens West  
379 6th Avenue West  
Bradenton, Florida 34205

Manatee Glens Walk-In Center  
1404 14th Street West  
Bradenton, Florida 34205

Manatee Glens East  
5233 4th Avenue Circle East  
Bradenton, Florida 34208

Manatee Glens Administration  
391 6th Avenue West  
Bradenton, Florida 34205

Such equipment would be owned and operated by Manatee Glens Corporation. The equipment lease purchase obligations would not constitute a debt of the State of Florida, Manatee County or the City of Bradenton but would be payable solely from payments made by Manatee Glens Corporation.

All interested persons were invited to present their comments at the time and place shown. Persons were advised that, if they decide to appeal any decision made at this hearing, they would need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings was made, which record included the testimony and evidence upon which the appeal was to be based.

Be advised that, in accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the City Clerk & Treasurer of the City of Bradenton at 101 Old Main, Bradenton, Florida 34205, telephone (941) 932-9445, not later than seven days prior to the proceeding.

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

**John Stokes**, as Bond Council for the City of Bradenton for several years gave a brief overview of the request to accommodate Manatee Glens and that this request was to only stamp the bond with the city's name at no cost to the city.

#### **RESOLUTION 08-42**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF AN EQUIPMENT LEASE-PURCHASE AGREEMENT ON BEHALF OF MANATEE GLENS CORPORATION, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,500,000; PROVIDING THAT THE PROCEEDS OF SUCH EQUIPMENT LEASE-PURCHASE AGREEMENT MAY BE LOANED TO MANATEE GLENS CORPORATION TO ACQUIRE AND INSTALL AN ELECTRONIC HEALTH RECORD AND PRACTICE MANAGEMENT SYSTEM PURSUANT TO AN EQUIPMENT SUBLEASE PURCHASE AGREEMENT; AUTHORIZING THE EXECUTION AND DELIVERY OF THE EQUIPMENT SUBLEASE-PURCHASE AGREEMENT, AN INTERLOCAL AGREEMENT WITH MANATEE COUNTY, FLORIDA AND RELATED DOCUMENTS; AUTHORIZING A NEGOTIATED SALE OF THE EQUIPMENT LEASE-PURCHASE AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

**Tim Knowles**, representative for Manatee Glens thanked council for their support to Manatee Glens which would financially benefit and help Manatee Glens offer greater service to the community at no cost to the city.

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

**MOTION TO APPROVE Resolution 08-42 was made by Councilwoman Barnebey seconded by Councilman Byrd and carried 5-0 for approval.**

John Cumming

#### **CDBG Sidewalk Replacement Program – 2008 Award of Contract**

##### **RESOLUTION 08-37 Authorizing Mayor to sign a construction contract**

John Cumming recommended approval of Resolution 08-37 awarding the construction contract to **Woodruff & Sons** in the amount of \$163,736.71 and authorizing Mayor Poston to sign said resolution

and contract. He also requested approval of a 5% budget increase of \$8,186.83 to cover any unexpected construction contingencies to be used at the discretion of the Public Works Director.

Mr. Cumming stated that a big portion of the contract was being funded by Community Development Block Grant funds and the Downtown Development Authority.

**MOTION TO APPROVE Resolution 08-37 as recommended by John Cumming was made by Councilman Roff seconded by Councilwoman Barnebey and carried 5-0 for approval.**

~~~~~

**CMS PROJECT FOR MAST ARMS INTERSECTION IMPROVEMENTS**

John Cumming gave a brief overview of the individual projects for the Congestion Management System (CMS) Mast Arm intersection improvements proposed by the City of Bradenton and Manatee County at the intersections of 59<sup>th</sup> Street West and Cortez Road; 43<sup>rd</sup> Street West and Cortez Road; and 26<sup>th</sup> Street West and Cortez Road. He stated the city had identified a need for enhancements at each intersection and requested approval to submit this project outline with enhancements to the Metropolitan Planning Organization (MPO) for prioritization for approval and funding.

He stated there was no cost to the city with the exception of the initial payment of invoicing until reimbursement was made by FDOT. He stated Public Works staff recommended approval to submit the CMS project to the MPO for prioritization for FY 2009/10-2013/14.

**MOTION TO APPROVE the request to submit the CMS Project for Mast Arms Intersection Improvements be submitted to the MPO was made by Councilwoman Barnebey seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

**DEPARTMENT HEADS**

**Carl Callahan:** Reported that the Department Heads and Mayor Poston had met at the Pittsburgh Pirate's new facility to discuss city finances. He stated they had a good budget meeting, in spite of having to make tough budget decisions.

**Chief Souders:** Nothing to report.

**Bruce Williams:** Nothing to report.

**Chief Radzilowski:** Stated that the Washington D.C. Police Department had again requested the City of Bradenton and other cities to assist the department at the next presidential inaugural in January 2009, a three day event. He stated the Bradenton Police Department would be reimbursed for all salaries and per diem. He stated he would ask the surrounding cities to see if they had officers who would like to join them for this important event.

**John Cumming:**

**REQUEST FOR A FINAL CHANGE ORDER FOR THE 10<sup>TH</sup> AVENUE EAST DRAINAGE PROJECT.**

Mr. Cumming stated that after the 10<sup>th</sup> Avenue East Drainage Project had began there were numerous problems and conflicts had surfaced which were not known prior to beginning the project. He stated the council had previously approved a 5% contingency but the final total ended up at 5.7%, an increase of \$2,083,000, with the final amount being \$2,203,115.97.

**MOTION TO APPROVE THE FINAL 10<sup>TH</sup> AVENUE EAST DRAINAGE PROJECT WORK ORDER IN THE AMOUNT OF \$2,203,115.97 was made by Vice Mayor and Councilman Gallo seconded by Councilman Byrd and carried 5-0 for approval.**

Mr. Cumming voiced his concern about the intersection reconfiguring plans made by FDOT for the intersection at Manatee Avenue and 67<sup>th</sup> Street West. He voiced his opinion that there were safety concerns within the proposed plans.

Councilwoman Barnebey voiced her concern regarding the proposed FDOT plans to rip out the intersection, redo turn lanes, and replace landscape medians with concrete medians. She stated she would like to see the city work with FDOT on the proposed plans.

**Ingrid McClellan**, Executive Director Keep Manatee Beautiful gave a brief overview of the proposed FDOT plans to remove mature landscaping and place it all concrete medians and a left-turn lane onto 67<sup>th</sup> Street. She stated in her opinion this was overkill.

**ACTION TAKEN: FOR PUBLIC WORKS TO SET UP A MEETING WITH FDOT TO DISCUSS THE PROPOSED PLAN ON MANATEE AVENUE AND 67<sup>TH</sup> STREET WEST.**

**Tim Polk:**

Presented an Employee Appreciation Award to **Mike Huang**, Planning and Community Development Planner for his outstanding service and hard work for the City of Bradenton. Mr. Polk stated that Mike was moving to San Francisco at the end of the month.

**Bill Lisch:**

**REQUEST TO AUTHORIZE MAYOR POSTON AND THE CITY CLERK TO SIGN A MORTGAGE CONSENT AND ESTOPPEL LETTER FOR DON MILLER DEVELOPMENT.**

No discussion followed.

**MOTION TO APPROVE THE REQUEST was made by Councilwoman Barnebey seconded by Councilman Smith and carried 4-0 for approval.** Vice Mayor and Councilman Gallo was absent from voting.

~~~~~

**A RESOLUTION request for Council to authorize the execution of deeds for the Manatee County "E" school and to approve the closing contract exchanging property by the Manatee County School Board and Bradenton Housing Authority which had been requested by Chicago Title Company.**

No discussion followed.

**MOTION TO APPROVE THE RESOLUTION authorized by Council for the execution of deeds for the contract closing exchanging property for the "E" school was made by Councilman Byrd seconded by Councilman Roff and carried 4-0 for approval.** Vice Mayor and Councilman Gallo was absent from voting.

**Carolyn Moore:** Excused from the meeting.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 11:00 a.m.

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