

APPROVED BY
June 11, 2003
CITY COUNCIL

**CITY COUNCIL MEETING
May 14, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on May 14, 2003 at 8:30 a.m.

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

Also Present: Carl Callahan, City Clerk and Treasurer
John Cumming, Public Works Director
William Lisch, City Attorney
Matt Keller, Assistant Fire Chief
Michael Radzilowski, Police Chief
Larry Frey, Planning Services Director
Staci Nelms, Information Technology Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Vice Mayor Weaver.

Prayer was led by Rev. Thurl Mann, First Church of the Nazarene.

Flag salute was led by Councilman Smith.

Mayor Poston was excused from the meeting.

MINUTES:

Minutes for April 9, 2003 and April 23, 2003.

No discussion followed.

Motion to approve the April 9, 2003 and April 23, 2003 minutes was made by Councilman Smith, seconded by Councilman Golden and carried 5-0 for approval.

PROCLAMATION:

NATIONAL PUBLIC WORKS WEEK

John Cumming accepted the proclamation that proclaimed May 18 - 24, 2003 as "National Public Works Week". He thanked the Council members for the recognition on behalf of all the hard working employees in the Public Works Department.

PRESENTATION:

PUBLIC WORKS EMPLOYEE OF THE MONTH

John Ormando, Assistant Director of Public Works presented **Jim Sanders** from the Water Distribution Department the “Employee of the Month Award”.

OATH OF NEW BRADENTON POLICE OFFICERS

Vice Mayor Weaver administered the Oath of Office to five new Bradenton Police Officers **Phillip Waller, Kyle Stanford, Christopher Hutchko, Joshua Betts** and **Luke Barritt**.

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

PUBLIC COMMENTS:

Joseph Mammina requested funds from the Downtown Development Authority to place additional plantings along Southern Parkway in Ward III.

He requested a plea from any of the “Village of the Arts” artists to volunteer in painting the “Casa del Sol” Mexican statue at the entrance of Casa del Sol and 26th Street.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Councilman Gallo voiced his opposition regarding an editorial written in the Bradenton Herald on a condominium development in Pt. Pleasant. He stated that the article portrayed a misconception that the existing building was a nice building and that it needed some renovation when in fact the building was an affliction to the neighborhood which had numerous existing code violations. He distributed photographs of the existing building.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey stated she was proud of the way the Police Department and Fire Department conducted themselves regarding the response to the Braden Castle fire and those who attended Mrs. Strickland’s funeral.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver stated that she had the opportunity to welcome the Spanish dignitaries from the City of Bradenton “Sister City” Barcarrota Spain. Vice Mayor Weaver displayed a beautiful ceramic plate honoring Mayor Poston and the City of Bradenton.

Councilman Bemis Smith, Ward IV:

Councilman Smith announced the Ward IV Public Mayor meeting would be held on June 12, 2002 at the Manatee United Methodist Church on 15th Street East.

Councilman James Golden, Ward V:

Councilman Golden distributed a rendering of the playground equipment for the Martin Luther King Park. He requested approval for a contribution of funds up to \$10,000 from the City of Bradenton to purchase the playground equipment.

No discussion followed.

Motion to approve the request for City of Bradenton to contribute up to \$10,000 for the purchase of playground equipment for the Martin Luther King Park was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Councilman Golden announced that a meeting for the Front Porch Florida Revitalization Council would be held to discuss the Community Development Block Grant Five Year Consolidated Plan. He stated that the meeting would be held on Wednesday, May 21, 2003 at 5:30 p.m. at St. Stephen's AME Church.

Councilman Golden voiced his excitement for the spiritual uplifting and community united revival to eradicate the crime and corruption occurring in the eastside community. He stated that this revival would be on-going for 36 days which started on Mother's Day and would end on Father's Day.

Councilman Golden thanked Tropicana Products for their contribution of \$10,000 toward the Gun Buy Back Program and for being the catalyst for other agency's to contribute to the Crime Stoppers Program.

Mayor Poston:

Excused absence.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

**A-03-02 WARD 4 NEIGHBORHOOD 20.03 FIRST READING OF AN ORDINANCE
AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN
LAND CONTIGUOUS THERETO, LOCATED AT 415 48TH STREET COURT EAST AND
LEGALLY DESCRIBED:**

Motion to approve the first reading and set the second reading and public hearing for June 11, 2003 was made by Councilman Golden, Councilman Gallo and carried 5-0 for approval.

Mr. Callahan read the following:

**CPA-M-03-03 WARD 1 NEIGHBORHOOD 4.08 RESOLUTION / PUBLIC HEARING
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA,
TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS PROPOSED
COMPREHENSIVE PLAN AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN;
MAKING CERTAIN FINDINGS OF FACT; AUTHORIZING TRANSMITTAL OF
COMPREHENSIVE PLAN AMENDMENT APPLICATION CPA-M-03-03, PALMA SOLA
GOLF CLUB, INC., AMENDING THE FUTURE LAND USE ELEMENT (FUTURE LAND
USE MAP); PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

Ed Vogler, attorney for Palma Sola Gulf Club, Inc. gave a brief explanation of the process to amend the future land use map and requested approval of the resolution.

Vice Mayor Weaver requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that of the one hundred and three acre property this amendment would designate approximately 75% as Residential 10 with the remaining 25% designated as Residential 15. He stated that the amendment was consistent with the Comprehensive Plan and that the Planning Commission and Planning Staff recommended approval of the resolution.

Motion to approve the resolution was made by Councilman Gallo, seconded Councilman Golden and carried 5-0 for approval.

Mr. Callahan read the following:

LUR-AA-03-04 WARD 5 NEIGHBORHOOD 7.03
SECOND READING OF AN ORDINANCE **PUBLIC HEARING**
AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM C-1A (LIGHT COMMERCIAL MIXED USE) AND R-1C (RESIDENTIAL SINGLE FAMILY) TO I (INDUSTRIAL) FOR THE PROPERTY LOCATED BETWEEN 9TH AVENUE EAST TO 11TH AVENUE EAST, AND 10TH STREET EAST TO 13TH STREET EAST AND LEGALLY DESCRIBED.

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

Alan Prather, attorney representing Tropicana Products, Inc. requested the rezoning based on the amendment of the Comprehensive Plan which changed the zoning from residential to industrial.

Vice Mayor Weaver requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Commission and the Planning Staff recommended approval of the request and stated that it was consistent with the Comprehensive Plan.

(Tape 1, side 2)

Motion to approve the ordinance was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

RV-03-03 WARD 5 NEIGHBORHOOD 7.03 RESOLUTION PUBLIC HEARING

A RESOLUTION VACATING THAT PORTION OF RIGHT OF WAY LEGALLY DESCRIBED AS FOLLOWS:

All of Block 6, of "Southern Investment Company's subdivision", as per plat thereof recorded in Plat Book 1, Page 155, Public Records of Manatee County, Florida, along with the platted alleyway lying adjacent to and contiguous with said Block 6. Together with: The west half of Lot 3, and Lots 4 through 8, of Block 1, of said "Southern Investment Company's subdivision", along with that portion of the platted alleyway lying southerly of and contiguous with said west half of Lot 3 and said lot 4. Together with: All of "Carver's Subdivision", excluding Lot 4, as per plat thereof, recorded in Plat Book 12, Page 90, said public records. Together with: Lots 1 through 20 of "McKinley Place", a subdivision, as per plat thereof, recorded in Plat Book 1, Page 263, said public records. Together with: That portion of 10th Avenue East (Young Street), lying between the easterly right-of-way of 11th Street (Elm Street) and the westerly right-of-way of 13th Street East (Mitchell Street). Together with: That portion of 11th Avenue East (Washington Avenue) lying between the easterly right-of-way of 12th Street East (Pine Street) and the westerly right-of-way of 13th Street East (Mitchell Street). Together with: That portion of 12th Avenue East (Hickory Street) lying between the westerly right-of-way of 11th Street East (Elm Street) and the westerly right-of-way of 13th Street East (Mitchell Street). Together with: That portion of 11th Street East (Elm Street) lying between the southerly right-of-way of 9th Avenue East and the northerly right-of-way of 12th Avenue East (Hickory Street). Together with: That portion of 12th Street East (Pine Street) lying between the southerly right-of-way of 10th Avenue East (Young Street) and the northerly right-of-way of 12th Avenue East (Hickory Street), along with that portion of said 12th Street East that extends 135.00 ft. northerly from the northerly right-of-way of 10th Avenue East (Young Street). Together with: That portion of 12th Street Court East lying between the southerly right-of-way of 9th Avenue East and the northerly right-of-way of 10th Avenue East (Young Street), less the northerly 137.32 ft. thereof. Less: Those certain parcels vacated by resolution as described and recorded in Official Records Book 929, Page 968, Official Records Book 941, Page 1670, Official Records Book 1502, Page 5531, Official Records Book 1667, Page 6001, Official Records Book 1687, Page 4790 and Official Records Book 1707, Page 317, said Public Records All of the above being and lying in Section 36, Township 34 South, Range 17 East, Manatee County, Florida.

Mr. Callahan read the following:

PDP-P-03-03 WARD 5 NEIGHBORHOOD 7.03 (PUBLIC HEARING)

Request of Alan Prather, as agent for Tropicana Products Inc., owner, for approval of an industrial preliminary Planned Development Project to be located in the 1000 block on the west side of 13th Street East. (Zoned PDP)

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

Alan Prather, attorney representing Tropicana Products, Inc. gave a brief description of the project site and displayed aerial views of the proposed construction for a juice storage facility expansion.

Diana Chadwick, WilsonMiller gave a brief overview displaying renderings of the revised expansion preliminary Planned Development Project consisting of nineteen acres.

John Moody, Swan Moody Landscape Architecture gave a brief overview with renderings of the site plan showing the proposed fencing and landscape buffer design that would give the project a unified look with the existing Tropicana buildings.

Robert Lombardo, Lombardo, Skipper & Foley, Inc. consulting engineers gave a brief description of the retention pond.

Councilman Golden asked that the retention pond be modified.

Mr. Lombardo agreed to modify the retention pond.

Vice Mayor Weaver requested anyone wishing to speak in opposition of the request to please come forward.

Janice Ward, 102 6th Street East voiced her opposition for the commercial expansion as the residential property surrounding Tropicana was quickly decreasing to accommodate the plants expansion.

Vice Mayor Weaver closed the public hearing.

Lengthy discussion: Dedication for a right-of-way needed for future plans to widen 9th Avenue from 9th Street East to 15th Street East.

Larry Frey stated that the Planning Staff recommended approval of the request with the following **stipulations**:

1. All utilities would be capped prior to recording the right-of-way vacation in accordance with the Public Works Department recommendation.

Motion to approve RV-03-03 vacation resolution with one stipulation was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Larry Frey stated that the Planning Commission and the Planning Staff recommended approval of the request with the following **stipulations** with the exception of stipulation one which was transferred to the vacation resolution. Stipulation five was modified and stipulation six was added.

2. Landscape materials would be installed in excess of the height and size of minimum, to be approved by City staff.
3. The eight-foot fence would be a decorative aluminum picket fence with pickets at four inches on center maximum wherever it abuts the right-of-way and around the retention pond.
4. All drawings would be revised before going before City Council.
5. The transfer of the narrow littoral shelves excluding the larger littoral shelves to the east side of the retention pond.
6. To work with the Public Works Department regarding the right-of-way property along 9th Avenue East from 9th Street East to 15th Street East.

(Tape 2, side 1)

Motion to approve the PDP-P-03-03 request with all stipulations to include changes and an additional stipulation was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

(5 minute break)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

Church on the Rock of Manatee County is requesting to hold their “March for Jesus” on May 17, 2003 from 9:00 a.m. to 12:00 noon.

No discussion followed.

Motion to approve the request was made by Councilman Golden, seconded by Councilman Gallo and carried 5-0 for approval.

Chief Radzilowski

FORFEITURE FUNDS REQUEST

Chief Radzilowski requested the following expenditures to be purchased with forfeiture funds:

1. \$10,000 to purchase gift certificates in increments of \$50.00 to be used in the gun buy back program.
2. To purchase a canine for use in the narcotics detection K-9 unit to include training for the dog and officer, equipment and room accommodation at a total cost of \$6,000.00.
3. To purchase equipment for the safe streets unit at a cost of \$14,017.00.

Discussion: Why did the City Council have to approve expenditures out of the forfeiture funds when the requests were in compliance with the Florida Statute?

Bill Lisch stated that the City had a policy for any items over \$10,000 had to come before City Council.

Discussion: To place such items on a Consent Agenda.

ACTION: Bill Lisch would review the policy and report back to City Council.

Motion to approve the three expenditures from the forfeiture funds was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

TWO ADDITIONAL POLICE OFFICERS

Chief Radzilowski requested approval to hire two qualified minority police candidates for temporary employment. He stated that from previous observation the police force would be over strength not more than 60 to 90 days.

Mr. Callahan stated that the police force had a shortage this year with several police officer positions and that funds were available in this year’s budget.

Councilman Gallo voiced his concern for setting precedence for other City departments to follow.

Motion to approve the hiring of two additional officers was made by Councilwoman Barnebey, seconded by Councilman Golden and carried 5-0 for approval.

John Cumming

INSITUFORM, INC. AGREEMENT FOR SEWER REHABILITATION

John Cumming requested a change order to Insituform, Inc. for sewer rehabilitation to include the rebuilding of manholes on the interceptor sewer systems as the conditions were unfavorable. He said the new system would resist the corrosion conditions at a cost of \$224,340.00.

Mr. Callahan stated that there were funds in this year's budget to pay for this cost but would need to move the fund around within the 408 Capital Project Account. He requested approval of the necessary adjustment.

Motion to approve the change order and budget adjustment was made by Councilwoman Barnebey, seconded by Councilman Golden and carried 5-0 for approval.

CONSTRUCTION PROJECTS UPDATE BY JONES-EDMUNDS & ASSOCIATES, INC.

Claude Tankersly, Jones, Edmunds and Associates, Inc. (JEA) gave a briefing of the various construction projects JEA was working on for the City of Bradenton.

Manatee Avenue West Project – Discussions had begun with the conceptual design and with the planning for the road improvements.

Waste Water Pump Station #23 project was almost completed.

Capetown Ditch Project - Recently completed with a walk through to correct several problems. One being raised water drainage grates.

14th Street East Storm Sewer Project - The contractor was currently working on relocating and replacing the water line with PVC pipe before laying the 24" storm sewer.

3rd Avenue Project - Beginning the installation of asphalt.

Waterfront Park Project - The design and drawings had been completed for the amphitheater with the actual project to be completed by July 1, 2003 with an extension request to August 1, 2003. Most of the landscape would be completed by May 19, 2003. The clock tower would be installed by the beginning of June. The Memorial Garden should be completed by July 1, 2003.

ASR Program - One well had been completed with the drilling for the second well to begin.

Interceptor Relining – Near G.T. Bray Park had been completed.

Eastside Water and Sewer Master Plan – Project had begun along with the study for the City's infrastructure.

Tropicana Ditch Project – Located along 13th Avenue at the 800 block the workman were currently piping in the ditch. He stated that Tropicana was funding the project.

Carl Callahan gave a brief overview with the funding for some of the projects.

(Tape 2, side 2)

DEMOLITION LIEN

M. Shannon Glasgow representing USA FENCE stated that he had purchased property located at 505 12th Avenue West from the delinquent property tax roll. He requested that the interest on the demolition fee in the amount of \$1,747.00 be waived.

Mr. Callahan recommended that some interest portion of the lien should be applied after the property was purchased by Mr. Glasgow and to waive the portion of interest prior to his purchase.

Mr. Glasgow stated he would agree to this recommendation.

Motion to approve the recommendation was made by Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

DEPARTMENT HEADS:

Staci Nelms

Staci Nelms reported that the Eden System had been implemented with all the City's finances running smoothly. She commented that the project was financially under budget.

She stated that the budget system would be implemented within the next week.

Assistant Fire Chief Keller

Assistant Fire Chief Keller was proud to report that one of the department's medical emergency team had delivered a healthy baby girl.

Carl Callahan

Mr. Callahan stated that he was currently working on next year's budget.

He voiced his appreciation for the long hours and hard work that the Accounting Department and Information Technology Department had been doing to accomplish the smooth transition for the Eden System.

Chief Radzilowski

Chief Radzilowski commented on the recent shooting/suicide on 13th Street West and stated that the Police Department had handled the situation well.

He stated that the gun buy back program had been successful and commented that they had accepted an estimated 70 guns within three days.

John Cumming

Mr. Cumming commented that the Public Works Department was working with Manatee County on the water reclaim project and would report any updates as they occurred.

Larry Frey

Mr. Frey stated that the Joint Planning Committee - JPC would meet this afternoon with two annexations on the agenda. He stated that Ruth Seewer, Jeff Burton and Councilman Gallo as the City's liaison along with himself would be attending the meeting.

Bill Lisch

Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:30 a.m.

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