

CITY OF BRADENTON
CITY COUNCIL MEETING
May 23, 2012
6:00 P.M.
MINUTES

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 6:00 p.m. on Wednesday, May 23, 2012.

Present: Vice Mayor/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 Byrd, Jr.

City Officials: Mayor Wayne Poston, Carl Callahan, City Clerk and Treasurer/Chief of Staff, Claude Tankersley, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Fire Chief; Michael Radzilowski, Police Chief.; and Tim Polk, Department of Planning & Community Development Director.

Ecumenical invocation was led by Fidel Diaz of First Hispanic Baptist Church.

Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston.

PROCLAMATIONS: None Scheduled

PRESENTATIONS: None Scheduled

Carl Callahan administered the oath to anyone wishing to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS:

Johnette Isham, Realize Bradenton Executive Director, gave an update on all the many acknowledgements Bradenton has been receiving on every level, from local to national, as a destination city for arts and culture.

Carl Callahan

CONSENT AGENDA:

- A. Minutes Of April 25 Special City Council Meeting
- B. Minutes Of April 25 City Council Meeting
- C. Minutes Of May 9 City Council Meeting
- D. Public Event: Riverwalk Grand Opening Ceremony, Friday, Oct. 19
- E. Line item adjustment for Park Impact Fees West
- F. Line item adjustment for Park Impact Fees East
- G. Resolution 12-23: Appointing Janelle Esposito to the Enterprise Zone Board
- H. Reappointing Tim Calpin, H. David Roth, and Jeanne Nelson to the Affordable Housing Advisory Committee
- I. Resolution 12-25: Appointing Paul Carr to the Central Community Redevelopment Agency

Mr. Callahan informed everyone that a change of date had been requested for the Riverwalk Grand Opening Ceremony to be held instead on Thursday, October 18th, and to also be permitted to serve beer and wine.

MOTION TO APPROVE CONSENT AGENDA ITEMS A-I was made by Vice Mayor/Councilman Gallo, seconded by Councilman Byrd, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

MA.12.0032 WARD 4 NEIGHBORHOOD 1.01

Request of Redus Florida Land LLC, agent, for Bradenton Riverfront Partners II LLC, owner, for a Major Amendment to the Promenade at Riverwalk Planned Development Project Site Plan including modifications to the approved land uses and internal access located at 606 3rd Ave. W. (PDP Zoning).

The Public Hearing was opened to those in favor.

Ed Vogler, Bradenton Riverfront Partners II LLC, stated that he had been working with the city attorney on several matters which require sequential consideration by Council. Firstly, approval of a settlement agreement on behalf of a parcel of land owned by Wells Fargo was being sought.

Following that, approval of modifications to the Riverwalk project was also being requested. These modifications would incorporate a New Urbanism style for creation of a cultural district which would extend between ArtCenter Manatee and the new Manatee Players Theatre. The project would entail several construction phases to eventually create 456 residential units, a restaurant adjoining to the Manatee Players Theatre, retail shops, improved pedestrian and vehicle access, and a bus stop.

Bradenton Riverfront Partners had made a commitment to build the restaurant with a clause which allowed for up to five years for construction to commence, but with a contractual agreement to open the restaurant within 90 days after the residential building is completed.

Oxford Properties was under contract to build a four-story apartment building with a wrapped parking deck only viewable from the railroad tracks and accessible only from the complex. The construction of the condos would reduce costs for the Manatee Players by covering the expense for the moving of the underground infrastructure which would then be used by both facilities.

Bill Hargett, Oxford Properties, provided background history of the Atlanta-based company which has constructed 35,000 apartment complexes in a dozen states and approximately \$200 million in new construction annually. He also gave an overview of the proposed complex which would be designed to primarily attract young professionals and retired couples.

Janene Witham, Executive Director of The Manatee Players, Inc., spoke on behalf of the Players' organization to express its full support of the proposed changes.

The public hearing was opened to those in opposition. None came forward. The public hearing was closed.

Tim Polk, Planning and Community Development Director, gave the Staff and Planning Commission reports recommending approval with the following stipulations:

STAFF RECOMMENDATION: APPROVAL, with stipulations as follows:

1. Applicable conditions from prior plan approvals will remain in effect as follows:
 - a. All non-internal dumpsters will be indicated on the final PDP plan and site construction plans.
 - b. Any fencing material must be decorative in nature, and be approved by the PCD Director prior to installation.
 - c. The applicant shall work with Manatee County Area Transit (MCAT) to establish a location for a public transit shelter or kiosk within the development.
 - d. Signage design will be subject to the approval of the PCD Director through submittal of a master signage plan. Location of signs will be permitted as per the lease agreement or code. Buildings abutting the Rossi Waterfront Park will not have signage on the north elevations.
 - e. Landscaping treatments shall exceed the minimum requirements of the Land Use Regulations and meet the approval of the PCD Director, and will be required around all building footprints and the perimeter of the project.
 - f. The developer shall work with the City staff to mitigate the setback uses along the Rossi Waterfront Park property boundary.
 - g. Pertaining to Building #8, the applicant will bring back architectural design to Staff and contribute enhancements to the Waterfront Park area east of the subject property.
2. Development of proposed residential Building 8, and adjoining parking structure shall commence within twenty-four (24) months of City Council approval of this PDP amendment (MA.12.0032) request.
3. Pertaining to Building 8, the developer shall work with City Staff to ensure that residential floorplans appropriately reflect the applicant's and City's desired bedroom/bathroom composition and unit square footage that results in a residential product of the highest quality.
4. The Building 8 setback area shall be planted with enhanced landscaping to assure compatibility with the adjacent waterfront park. The exterior of Building 8 shall be approved by the PCD Director for exterior building finishes, materials, and articulation of elevations.

5. Landscape treatments shall exceed the minimum requirements of the LUR and meet the approval of the PCD Director and will be required around all building footprints and the perimeter of the project. A final landscape plan shall be submitted with construction drawings for approval.
6. Non-internal dumpster locations for each building shall be approved as part of the site improvement permit. Location and configuration of dumpster sites must provide reasonable collection vehicle access.
7. Dumpster location for Building 13 shall be indicated on construction plans for approval. Dumpster shall be shielded from public view and appropriately located as not to create adverse visual impact to surrounding buildings.
8. The fire protection systems for Building 8 shall be enhanced in lieu of providing additional access through the park. Such systems shall be approved by the fire marshal as part of the issuance of a building permit. Provide additional fire hydrants, per direction of Fire Department.
9. An access drive shall be provided on the east side of the parking garage adjacent to the sewer lift station to provide access for service to the sewer lift station.
10. Relocate utilities from under parking spaces, per direction of Public Works.
11. Vehicles exiting parking spaces shall not encroach upon pedestrian crosswalks.
12. The proposed parking structure will be co-designed with the residential building. Resident and Visitor parking shall be clearly marked in both the parking structure and surface parking area.
13. One (1) permanent parking space shall be dedicated for the exclusive use of the CSX Bridgetender on the ground level of the RiverSong parking structure.
14. Maintenance and repairs to internal access road shall be the responsibility of the private owners of the real property within the project in accordance with the Master Declaration of Easements, Covenants, Conditions and Restrictions as recorded in OR Book 1960, Page 4079, of the Public Records of Manatee County, FL. Indicate this provision on plan coversheet.

PLANNING COMMISSION RECOMMENDATION (May 16, 2012): APPROVAL, with stipulations as follows:

1. Applicable conditions from prior plan approvals will remain in effect as follows:
 - a) All non-internal dumpsters will be indicated on the final PDP plan and site construction plans.
 - b) Any fencing material must be decorative in nature, and be approved by the PCD Director prior to installation.
 - c) The applicant shall work with Manatee County Area Transit (MCAT) to establish a location for a public transit shelter or kiosk within the development.
 - d) Signage design will be subject to the approval of the PCD Director through submittal of a master signage plan. Location of signs will be permitted as per the lease agreement or code. Buildings abutting the Rossi Waterfront Park will not have signage on the north elevations.
 - e) Landscaping treatments shall exceed the minimum requirements of the Land Use Regulations and meet the approval of the PCD Director, and will be required around all building footprints and the perimeter of the project.
 - f) The developer shall work with the City staff to mitigate the setback uses along the Rossi Waterfront Park property boundary.
 - g) Pertaining to Building #8, the applicant will bring back architectural design to Staff and contribute enhancements to the Waterfront Park area east of the subject property.
2. Development of proposed residential Building 8, and adjoining parking structure shall commence within twenty-four (24) months of City Council approval of this PDP amendment (MA.12.0032) request.
3. Pertaining to Building 8, the developer shall work with City Staff to ensure that residential floor plans appropriately reflect the applicant's and City's desired bedroom/bathroom composition and unit square footage that results in a residential product of the highest quality.
4. The Building 8 setback area shall be planted with enhanced landscaping to assure compatibility with the adjacent waterfront park. The exterior of Building 8 shall be approved by the PCD Director for exterior building finishes, materials, and articulation of elevations.
5. Landscape treatments shall exceed the minimum requirements of the LUR and meet the approval of the PCD Director and will be required around all building footprints and the perimeter of the project. A final landscape plan shall be submitted with construction drawings for approval.
6. Non-internal dumpster locations for each building shall be approved as part of the site improvement permit. Location and configuration of dumpster sites must provide reasonable collection vehicle access.
7. Dumpster location for Building 13 shall be indicated on construction plans for approval. Dumpster shall be shielded from public view and appropriately located as not to create adverse visual impact to surrounding buildings.
8. The fire protection systems for Building 8 shall be enhanced in lieu of providing additional access through the park. Such systems shall be approved by the fire marshal as part of the issuance of a building permit. Provide additional fire hydrants, per direction of Fire Department.
9. An access drive shall be provided on the east side of the parking garage adjacent to the sewer lift station to provide access for service to the sewer lift station.
10. Relocate utilities from under parking spaces, per direction of Public Works. Sewer and water utility lines, manholes, and valves shall not be located under parking spaces, per the direction of Public Works. Location of utilities shall be indicated on the construction plans for approval. Existing utilities are excluded from this provision.
11. Vehicles exiting parking spaces shall not encroach upon pedestrian crosswalks.

12. The proposed parking structure will be co-designed with the residential building. Resident and Visitor parking shall be clearly marked in both the parking structure and surface parking area.
13. One (1) permanent parking space shall be dedicated for the exclusive use of the CSX Bridgetender on the ground level of the RiverSong parking structure.
14. Maintenance and repairs to internal access road shall be the responsibility of the private owners of the real property within the project in accordance with the Master Declaration of Easements, Covenants, Conditions and Restrictions as recorded in OR Book 1960, Page 4079, of the Public Records of Manatee County, FL. Indicate this provision on plan coversheet.
15. Applicant and City Staff/Attorney will develop a 'Hold Harmless' agreement which shall be signed by future RiverSong residents indicating their acknowledgment and acceptance of the existing riverfront park and amphitheater's proximity to the residential development. This agreement shall be executed to protect the City and the Developer against adverse noise impacts that may occur during events held at the Riverfront Park and/or amphitheater.

MOTION TO APPROVE THE FINAL SETTLEMENT AGREEMENT AS PROVIDED BY THE APPLICANT WITH PARAGRAPH 16 TO BE MODIFIED TO READ AS FOLLOWS:

16. Provided that Oxford Properties, its affiliates or related entities ("Oxford Properties") acquires the Building 8 Parcel and provides an adequate funding commitment for completion of the infrastructure required by the Master Declaration of Easements, Covenants, Conditions and Restrictions, as recorded in OR Book 1960, Page 4079, of the Public Records of Manatee County, Florida, (a) Bradenton Riverfront Partners II, LLC ("BRP") shall permit and construct a restaurant building (Building 13) and obtain a certificate of occupancy for the restaurant building at the earlier of (i) ninety (90) days following issuance of certificates of occupancy for the Building 8 apartments, or (ii) five (5) years following acquisition by Oxford Properties of the Building 8 Parcel, and (b) BRP shall not receive a building permit for its remaining buildings (Buildings 5, 7, 10 and 11) until such time as the restaurant building is under active development and construction.

THE MOTION WAS made by Councilman Smith, seconded by Vice Mayor/Councilman Gallo, and APPROVED 4:0 with Councilwoman Barnebey abstaining from voting due to a conflict.

MOTION TO APPROVE MA 12.0032 with stipulations 1-15 as approved by the Planning Commission and Staff, and Stipulation 16 as provided by the applicant was made by Councilman Smith, seconded by Vice Mayor/Councilman Gallo, and approved 4:0 with Councilwoman Barnebey abstaining from voting due to a conflict.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND CITY COUNCIL – None scheduled

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

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

Councilwoman Marianne Barnebey, Ward II: Councilwoman Barnebey announced that the Sarasota Bay Estuary Program had prepared a handout about waterway protection which is available to the public; she urged everyone to use it for neighborhood gatherings to promote protection of our natural resources. Councilwoman Barnebey stated that she had participated yesterday in the Amer-I-Can graduation ceremony at Manatee High School at which the founder of the organization, former football great, Jim Brown, gave an inspirational keynote address to the graduates. Ms. Barnebey then shared with everyone the national award winning video selected by MADD which deals with the power of youth to prevent underage drinking which had been created by Christian Alvarez, a student of Southeast High School. Finally, Councilwoman Barnebey offered sympathies to the family of Bradenton's former Chief of Police, Al Hogel, who had been killed in a motorcycle accident.

Councilman Patrick Roff, Ward III: Reported that he had just returned from Washington D.C. where he had gone to join with other members of the Florida League of Cities to appeal to Congress to direct transportation monies to Florida for bridge work and for the maintenance of Community Development Block Grant funding. The trip had been funded by the Manasota League of Cities.

Regarding the progress of the Ware's Creek flood control project, Councilman Roff stated that work had slowed due to a greater-than-anticipated amount of contaminated material being removed and the requirement that the water be returned cleaner than it had been upon removal.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Ward V: Offered condolences to the Al Hogle family and gave wishes for a safe holiday for all.

Mayor Wayne Poston: Also expressed his sadness in the passing of Al Hogle and wishes for a safe holiday.

DEPARTMENT HEADS

Carl Callahan: Stated that the details of the pension plan would be discussed at the next morning meeting.

Chief Edwards: The hurricane preparedness drill would be held tomorrow at the EDC building.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 7:36 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.