

Approved by City Council
July 8, 2020

CITY OF BRADENTON
CITY COUNCIL MEETING
MINUTES June 24, 2020
8:30 A.M.

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on Wednesday, June 10, 2020.

Present: Mayor Wayne Poston; Vice Mayor/Councilman Ward I Gene Gallo; Councilman Ward III Patrick Roff; Councilman Ward IV Bill Sanders and Councilman Ward V Harold Byrd, Jr.

City Officials: Sharon Beauchamp, City Clerk & Treasurer; Charles Edwards, Fire Chief; Jim McLellan, Public Works & Utilities Director; Melanie Bevan, Police Chief, and Scott Rudacille, City Attorney.

Carl Callahan, City Administrator/Economic Development Director was excused.

The pre-meeting invocation was led by Councilman Harold Byrd.

(The City does not endorse the religious beliefs of any speaker.)

Mayor Wayne Poston led the Pledge of Allegiance and the meeting was opened.

PROCLAMATIONS: None.

PRESENTATIONS: None.

CITIZEN COMMENTS:

Sharon Beauchamp, City Clerk & Treasurer explained the City Clerk's Office did not receive any citizen comments via voicemail or email prior to the meeting.

Following Councilman Gene Brown's resignation on June 10, 2020 to run for Mayor, the following citizens spoke regarding their desire for appointment to the Ward II City Council seat.

Gary Bogart, 101 26th Street West

Marianne Barnebey, 216 21st Street West

Richard Bedford, 423 19th Street Court West

Tom Woods, 2701 Riverview Boulevard

ADDITIONAL CITIZEN COMMENTS:

Keenan Wooten, 1915 11th Avenue East. Mr. Wooten voiced his concerns regarding parking at 19th Street Court East.

CONSENT AGENDA

- a) Agreement for Use of City Property as Parking Lot: Truth Bible Church of God, Inc.
- b) Approval of Service Contract: Explore Information Services, LLC
- c) Contract Renewal: Sarasota County Hosting & Technology Services #CA2017-0129

- d) G.T. Bray Park: Baseball and Softball FPL Easements
- e) Minutes: May 27, 2020
- f) Resolution 20-51: Substance Abuse Policy Revision for Commercial Motor Vehicle Operators
- g) Resolution 20-53: Reappointing Grievance Board Members
- h) Suncoast Professional Firefighters and Paramedics, International Association of Firefighters Local 2546 – Supervisory Bargaining Unit Agreement
- i) Suncoast Professional Firefighters and Paramedics, International Association of Firefighters Local 2546 – Rank & File Bargaining Unit Agreement

MOTION TO APPROVE THE CONSENT AGENDA was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 4-0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:

Carl Callahan, City Administrator/Economic Development Director

CDBG 2020-21 Annual Action Plan Projects – PUBLIC HEARING

Vicki White, HCD Manager, explained the application process for the CDBG 2020-2021 program year and announced a public hearing is required for the projects selected for funding. Once that is complete, she continued, a draft action plan will be submitted to Council.

The Public Hearing was opened. Those in favor were asked to come forward and none came.

Those in opposition were asked to come forward and none came.

The Public Hearing was closed.

Resolution 20-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE CITY'S APPLICATION FOR \$1,441,750 IN REBUILD FLORIDA CRITICAL FACILITY HARDENING PROGRAM (CFHP) FUNDS TO RETROFIT A CONTINUITY OF OPERATIONS CENTER; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 20-45 was made by Councilman Sanders and seconded by Councilman Byrd. Motion passed 4-0.

Resolution 20-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE CITY'S APPLICATION FOR \$286,000 IN REBUILD FLORIDA CRITICAL FACILITY HARDENING PROGRAM (CFHP) FUNDS TO REPLACE A GENERATOR AT LIFT STATION 17; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 20-46 was made by Councilman Byrd and seconded by Councilman Roff. Motion passed 4-0.

Resolution 20-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE CITY'S APPLICATION FOR \$286,000 IN REBUILD FLORIDA CRITICAL FACILITY HARDENING PROGRAM (CFHP) FUNDS TO REPLACE A GENERATOR AT LIFT STATION 14; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 20-47 was made by Councilman Roff and seconded by Councilman Byrd. Motion passed 4-0.

Resolution 20-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE CITY'S APPLICATION FOR \$1,725,900 IN REBUILD FLORIDA CRITICAL FACILITY HARDENING PROGRAM (CFHP) FUNDS TO ELIMINATE LIFT STATION 13; AND PROVIDING AN EFFECTIVE DATE.

Councilman Roff asked **Jim McLellan, Public Works & Utilities Director** why Lift Station 13 should be removed. Mr. McLellan explained the lift station is located too close to the Manatee River. He said the purpose of this project would be to reverse the flow of the gravity sewer system that serves that area to take it back and discharge to Lift Station 3, located further inland.

MOTION TO APPROVE RESOLUTION 20-48 was made by Councilman Sanders and seconded by Councilman Byrd. Motion passed 4-0.

Resolution 20-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AUTHORIZING THE CITY'S APPLICATION FOR \$451,700 IN REBUILD FLORIDA CRITICAL FACILITY HARDENING PROGRAM (CFHP) FUNDS TO REPLACE OUTFALL PIPES AND INSTALL TIDE CHECK VALVES ON RIVERVIEW BOULEVARD; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 20-49 was made by Councilman Byrd and seconded by Councilman Roff. Motion passed 4-0.

Resolution 20-50

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE CITY'S APPLICATION FOR HURRICANE LOSS MITIGATION PROGRAM (HLMP) FUNDS; AND PROVIDING AN EFFECTIVE DATE.

Ms. White explained this funding is used to install wind mitigation features on houses for low and moderate income households. The funds, she added, can be combined with SHIP and CDGB funding so a combination of mitigation and rehabilitation can be completed on the homes.

MOTION TO APPROVE RESOLUTION 20-50 was made by Councilman Sanders and seconded by Councilman Roff. Motion passed 4-0.

Ordinance 3066 – FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON PROPOSING AN AMENDMENT TO THE BRADENTON CITY CHARTER; PROPOSING A CHARTER AMENDMENT REVISING THE POWERS OF THE OFFICE OF MAYOR; CALLING FOR A REFERENDUM ON THE PROPOSED AMENDMENT TO THE CHARTER TO BE HELD AT THE GENERAL ELECTION ON NOVEMBER 3, 2020; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR DIRECTION TO THE CITY CLERK AND COORDINATION WITH THE MANATEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Councilman Byrd requested clarification on what changes were made to Ordinance 3064 after the Mayor vetoed it, then brought forward as Ordinance 3066.

Scott Rudacille, City Attorney explained the only change was in the effective date provisions. In Section 7, he continued, the charter amendments would become effective on January 5, 2021.

Because the Ward II seat has not been filled, Councilman Byrd inquired as to what would constitute a supermajority vote should this ordinance also be vetoed.

Mr. Rudacille announced the City Charter does not specifically reference a supermajority. He said the Charter states four votes of the Council is required to override the Mayor's veto.

Councilman Gallo requested clarification on what powers would be removed from the Mayor should the voters approve the referendum on the November 3, 2020 ballot.

Mr. Rudacille explained the following powers would be removed from the Mayor, should the voters approve the referendum:

- General executive authority and supervisory powers over the officers of the City
- Power to appoint, terminate and direct the Police Chief
- Power to fill certain temporary vacancies

He added the Mayor would retain the following powers:

- Power to preside at the Council Meetings
- Break ties in Council votes
- Appoint committees
- Veto ordinances

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 3066 AND SET THE SECOND READING AND PUBLIC HEARING FOR JULY 8, 2020 was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 3-1. Councilman Gallo voted no.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Discussion regarding City Council (Ward 2) Vacancy

Councilman Byrd thanked all who came forward to volunteer to fill the Ward II seat. He said there is an urgency to fill the seat because there are some things Council cannot accomplish in the same fashion if there are only four Councilmembers.

Councilman Roff and Councilman Sanders both echoed Councilman Byrd's comments regarding the urgency to fill the seat. They also agreed the four volunteers are all very qualified and would serve the City well.

Mayor Poston and Councilman Gallo felt the vacant seat should be advertised prior to making an appointment. Mr. Gallo added he would like to speak to each candidate regarding their vision of the City prior to appointing someone.

A discussion ensued regarding Councilman Gene Brown's resignation, recent legislation updates regarding resign to run for other elected positions, qualifications for the volunteers to fill the Ward II seat.

MOTION TO APPOINT MARIANNE BARNEBEY TO THE WARD TWO COUNCIL SEAT was made by Councilman Byrd and seconded by Councilman Roff. Motion passed 3-1. Councilman Gallo voted no.

Councilman Gallo explained his no vote was not against Mrs. Barnebey; he voted no against the process of the appointment. Councilman Byrd added the motion to appoint Mrs. Barnebey was also not a vote against the other volunteers because they were all very qualified candidates.

Mrs. Barnebey thanked Council for their appointment and after a brief discussion, it was decided Mrs. Barnebey would be sworn in on June 26, 2020.

Mr. Wooten approached the podium and congratulated Mrs. Barnebey on her appointment. He concluded by discussing his issues with the current City Charter.

UNFINISHED BUSINESS: None.

COUNCIL REPORTS:

Vice Mayor/Councilman Ward I Gene Gallo: Councilman Gallo announced residents contacted him regarding flooding concerns on Riverview Boulevard West and Riverside Drive East during high tide. He inquired if seawall installation would resolve the flooding.

Jim McLellan, Public Works & Utilities Director explained building the seawall higher would only be partial solution because the main cause of the flooding is backflow of river water coming through the storm water outlet pipes. Mr. McLellan explained the only solution that is a true permanent fix would be to have a storm water pumping system installed. Mr. McLellan said that still would not solve the problem of water being in the roadway during a storm event.

A discussion ensued regarding other solutions to alleviate flooding. Mr. McLellan said staff is working towards a solution and the projects along Riverview Boulevard West and Riverside Drive East are ongoing.

Councilman Ward III Patrick Roff: Councilman Roff announced water levels are rising according to local tide charts. He said the tide charts prove tides have raised seven inches over seven decades. He added during a king tide, Virginia Drive is completely under water and what we have now is a long-term problem with flooding. He concluded that when replacing roadways and storm systems, we should plan ahead and consider raising them higher for the future.

Councilman Bill Sanders, Ward IV: Even though there is signage stating the public dock near Riversong Apartments can only be used during the day, Councilman Sanders said he has received complaints regarding boats docking there for a night or two. He requested information on how to move forward with enforcing no overnight docking. After a brief discussion, Mr. Rudacille agreed to create a draft ordinance to present to Council.

Councilman Harold Byrd, Ward V: Councilman Byrd requested more information on the process for Council to submit their recommendations from the applications provided for the Planning Director position. Ms. Beauchamp recommended each Councilmember provide her with their top five candidates and she will ask staff to gauge the applicants' continued interest, as it has been some time since the applications had been submitted.

Councilman Byrd requested an update on procedures to open City Hall. Mayor Poston announced some cities have opened and then re-closed because Covid-19 is still spreading. He continued that staff has been very cautious of reopening due to the latest numbers. Ms. Beauchamp added employees that were telecommuting were beginning to come back to work, however with the numbers going up dramatically, she has reversed course with that approach. She concluded, in the abundance of caution, employees that can telecommute were asked to continue to do so.

Councilman Byrd requested an update for residency requirement confirmation for City Council candidates. Mr. Rudacille said at this point, the only time candidates' residency is confirmed is when there is a challenge.

A discussion ensued regarding the Supervisor of Elections Office and their responsibilities during an election. It was the general consensus of Council to move forward with residency confirmation procedures at a later date.

Mayor Poston: Nothing to report.

Sharon Beauchamp, City Clerk & Treasurer: Ms. Beauchamp announced a Special Meeting is scheduled for July 1, 2020 at 9:00 a.m. for Kimley Horn to present the 60% construction drawings for the Riverwalk Extension. After the July 8, 2020 meeting, she continued, beginning at 1:30 p.m., firms requesting to be the Construction Manager at Risk for the project will present to Council.

Ms. Beauchamp announced that after receiving a request from Councilman Sanders, staff researched uploading Council Meetings to YouTube. She explained upon receiving the recording of the meeting

from METV, staff would make the video into a digitized format, send the video to the closed captioning service at a rate of \$1.25 a minute then upload the meeting to YouTube.

MOTION FOR STAFF TO MOVE FORWARD WITH A CITY OF BRADENTON GOVERNMENT YOUTUBE CHANNEL IN WHICH TO POST VIDEOS OF ALL FUTURE CITY COUNCIL MEETINGS was made by Councilman Sanders and seconded by Councilman Byrd. Motion passed 4-0.

Jim McLellan, Public Works & Utilities Director: Nothing to report.

Scott Rudacille, City Attorney: Nothing to report.

Melanie Bevan, Police Chief: Nothing to report.

Charles Edwards, Fire Chief: Nothing to report.

The City Council meeting adjourned at 10:51 a.m.

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