

# CITY OF BRADENTON

## CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY MEETING MINUTES

August 14, 2019

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, August 14, 2019.

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

City Officials: Carl Callahan, City Administrator/Economic Development Director; Catherine Hartley, Planning & Community Development Director; Charles Edwards, Fire Chief; Josh Cramer, Assistant Police Chief, Jim McLellan, Public Works & Utilities Director, and Scott Rudacille, Interim City Attorney.

Sharon Beauchamp, City Clerk & Treasurer and Melanie Bevan, Police Chief were out with excused absences.

The pre-meeting invocation was led by Dr. Rick Hardison with Lakewood Ranch Baptist Church.

*(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: - None.**

### **CONSENT AGENDA**

- a) Budget Adjustment Resolution Number Change from BA19-41 to BA19-46: Police Department
- b) Budget Adjustment BA 19-47: Police Department
- c) Budget Adjustment BA 19-48: Police Department
- d) Continuing Services Contract: Canin Associates, Inc.
- e) EV.18.5208: Partial Vacation of Utility Easement
- f) Minutes: July 24, 2019
- g) Minutes: August 7, 2019
- h) Piggyback Agreement: Construction Manager at Risk Services

- i) Piggyback Agreement: Traffic Signal, Communications, and Street Lighting Installation Services
- j) Resolution 19-45: City Credit and Debit Card Processing Policy
- k) RFP-18-03RW: Disaster Debris Collection Services
- l) Sole Source Agreement: Battery Backup Units
- m) Statewide Mutual Aid Agreement: Police Department

Carl Callahan, City Administrator/Economic Development Director requested Item "e" be removed for an explanation of a process change.

Councilman Roff requested Item "j" be removed for discussion.

**MOTION TO APPROVE THE CONSENT AGENDA WITH EXCEPTION OF ITEMS E AND J** was made by Councilman Brown and seconded by Councilman Roff. Motion passed 5-0.

Mr. Callahan announced Item "e" is partial vacation of easement for the new Panera Bread restaurant that will be located at 6351 Manatee Ave West. He explained for recording purposes, a resolution should be created to accompany EV.18.5208. Mr. Callahan requested Council approve Item "e" and authorize Scott Rudacille, Interim City Attorney in coordination with staff, prepare Resolution 19-50.

**MOTION TO APPROVE ITEM E AND CREATE RESOLUTION 19-50** was made by Councilman Roff and seconded by Councilman Brown. Motion passed 5-0.

Councilman Roff requested an explanation as to why the Credit and Debit Card Processing Policy referenced in Item "j" now limits the public to a \$50,000 cap when paying fees with a credit card. Mr. Callahan explained the City has been incurring an extraordinary amount of credit card fees on large purchases made by the public. In order to help control these costs, he added, it was determined that a \$50,000 cap would cover the majority of credit card payments from the public.

**MOTION TO APPROVE RESOLUTION 19-45** was made by Councilman Roff and seconded by Councilman Brown. Motion passed 5-0.

## **BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS**

Catherine Hartley, Planning & Community Development Director

Property Address: 313 42nd Street West Ward 2 Zoning: SCC

First Reading: A correction to Exhibit "A" that accompanied Ordinance 3010, which was adopted on September 27, 2017, "AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LEGALLY DESCRIBED IN SECTION I; PROVIDING FOR AN EFFECTIVE DATE."

Mr. Callahan explained Ordinance 3010 was approved previously and this request is for a correction to Exhibit "A" attached to that ordinance. He added Exhibit "A" reflected a property description that was incorrect and this update will correct it.

*Staff Memo:*

*Correction to Exhibit "A" of Ordinance 3010*

*Property Address: 313 42nd Street West*

*Submitted by the City of Bradenton for owner Christ Episcopal Church of Bradenton.*

*Zoning/Future Land Use: Suburban Commercial Corridor (SCC)/ Suburban Commercial Corridor (SCC) Ward 2*

*On September 27, 2017, City Council approved an annexation request by the Christ Episcopal Church, LLC, for a combination of parcels for the purpose of developing a thrift store and food pantry. Ordinance 3010 was adopted, annexing land legally described as:*

*WEST ½ OF LOTS 15, 16, BLOCK E, GLEN RIDGE SUBDIVISION  
LOTS 6, 7, AND 8, BLOCK E, GLEN RIDGE SUBDIVISION  
WESTERLY 25 FEET OF LOT 14, BLOCK E, GLEN RIDGE SUBDIVISION*

*During reviews of subsequent development permits, Staff discovered a scrivener's error, in that the exhibit attached to Ordinance 3010, showing the described land, was a survey that depicted and legally described:*

*WEST ½ OF LOTS 15, 16, BLOCK E, GLEN RIDGE SUBDIVISION  
LOTS 6, 7, AND 8, BLOCK E, GLEN RIDGE SUBDIVISION leaving out the  
WESTERLY 25 FEET OF LOT 14, BLOCK E, GLEN RIDGE  
SUBDIVISION.*

*While the signed Ordinance 3010 stated the correct legal description, the supporting illustration did not. A corrective sketch and description is hereby submitted to replace the original Exhibit "A" and depicts the correct parcel and legal description. The new sketch and description has been reviewed and verified by City Surveyor, David Cronkhite.*

*Staff is recommending that City Council approve the replacement of the original Exhibit "A" with an accurate sketch and description.*

*Respectfully submitted,  
Myra Schwarz*

MOTION TO APPROVE FIRST READING OF THE CORRECTION TO EXHIBIT "A" OF ORDINANCE 3010 AND SET THE SECOND READING AND PUBLIC HEARING FOR AUGUST 28, 2019 was made by Councilman Brown and seconded by Councilman Roff. Motion passed 5-0.

Melanie Bevan, Police Chief

2019-2020 Edward Byrne Justice Assistance Grant

Josh Cramer, Assistant Police Chief explained this request had been submitted for funding to help cover costs for equipment and overtime hours.

Mayor Poston asked for those who would like to speak regarding the Edward Byrne Justice Grant to come forward. None came.

MOTION TO APPROVE THE 2019-2020 EDWARD BYRNE JUSTICE ASSISTANCE GRANT was made by Councilman Roff and seconded by Vice Mayor Byrd.

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

Sharon Beauchamp, City Clerk & Treasurer

Request for Proposals: Legal Services

Mr. Callahan explained that after the previous City Attorney Bill Lisch retired, Council requested the Blalock Walters firm handle all legal work for the City on an interim basis and the position be put out for Request For Proposals (RFP). The RFP put forth to Council today, he added, is the document that will be advertised if approved. Mr. Callahan announced the RFP would be advertised in local newspapers as well as the Association of Municipal Attorneys through the Florida League of Cities with a proposal submission cutoff of September 16, 2019 at 2:00 p.m.

Councilman Gallo expressed his inclination for engaging with Blalock Walters instead of going through the RFP process. He added he believes their firm is the best fit for the City.

Mayor Poston and Councilman Roff agreed it would be best practice for the City to go through the RFP process for legal services.

MOTION TO APPROVE REQUEST FOR PROPOSALS FOR LEGAL SERVICES was made by Councilman Gallo and seconded by Councilman Roff. After a brief discussion the motion passed 4-1. Councilman Gallo voted no.

**BUSINESS BY APPOINTMENT – None.**

*THE CITY COUNCIL MEETING WAS TEMPORARILY RECESSED AT 8:50 A.M. BY MAYOR POSTON AND THE CRA MEETING WAS CALLED TO ORDER.*

*(Separate Minutes Maintained and Available.)*

*THE CRA MEETING ADJOURNED AT 9:39 A.M. AND THE CITY COUNCIL MEETING WAS RECONVENED BY MAYOR POSTON.*

## **COUNCIL & DEPARTMENT HEAD REPORTS**

**Councilman Gene Gallo, Ward I:** Councilman Gallo announced scaffolding is in place on the south side of the Manatee County Judicial Center along Manatee Avenue. He voiced his concerns regarding citizens walking around the scaffolding and using Manatee Avenue as a walkway.

Scott Rudacille volunteered to speak with the County Attorney to receive an explanation as to why the scaffolding is still in place.

**Councilman Gene Brown:** Councilman Brown inquired on the status of the development for the Walmart Gas Station, Wawa and Lucky's.

Catherine Hartley, Planning & Community Development Director explained the Walmart Gas Station project has stalled out, Wawa developers should be breaking ground any day and the Lucky's representatives communicated they won't apply for the Demolition Permit until November.

Councilman Brown gave kudos to the Public Works Department for completing the 9<sup>th</sup> Avenue West paving project and opening the street prior to the new school year starting.

**Councilman Patrick Roff, Ward III:** Councilman Roff was pleased to announce he is attending the Florida League of Cities Conference August 15-17, 2019. He added he is looking forward to gathering information regarding a Charter Review Committee and meeting with other elected officials from around the state.

**Councilman Bill Sanders, Ward IV:** Councilman Sanders requested more information regarding leasing the retail spaces in the City Centre Parking Garage.

Mr. Callahan distributed schematics of the retail spaces and explained the intent of the spaces would be for an enhancement and extension of Main Street. He added the spaces include drywall, polished concrete floors, a bathroom and individual air conditioning units.

Councilman Roff requested the cost per square foot the City incurred to construct the retail spaces in the City Centre Parking Garage. He added he would like to know the return on investment or a breakeven point for the construction of the spaces.

Discussion: The intent of the spaces, target businesses for the spaces, establishing retail space criteria.

Mr. Callahan offered to provide Council with the build out costs and suggested discussing the retail space criteria at the Workshop on August 21, 2019.

Councilman Sanders inquired on when the Manatee Springs Park expansion would begin. Jim McLellan, Public Works & Utilities Director advised the ad for Construction Bids will begin on August 18, 2019 and will have a proposal submission cutoff after 30 days.

Councilman Roff announced when he attended the Angola Festival on July 19, 2019, he noticed the sugar cane field was overgrown. Mr. Callahan agreed to contact Trudy Williams, Executive Director with Reflections of Manatee regarding the current contract and suggested Council discuss assistance with archeological excavations at the Park during the Workshop scheduled for August 21, 2019.

**Vice Mayor Harold Byrd, Ward V:** Vice Mayor Byrd announced he is looking forward to seeing everyone at the Florida League of Cities Conference August 15-17, 2019.

**Mayor Poston:** Nothing to report.

**Carl Callahan, City Administrator/Economic Development Director:** Nothing to report.

**Catherine Hartley, Planning & Community Development Director:** Ms. Hartley announced the owners of the carwash located on 14<sup>th</sup> Street West have been issued several violations and are set to go before the Code Enforcement Board on August 20, 2019.

Ms. Hartley was pleased to announce the City received a Notice of Award for the Hurricane Mitigation Grant in the amount of \$194,000. She anticipates signing the contract at the end of September and then staff will begin distributing funds to citizens. Ms. Hartley concluded that the City's grant application ranked 3<sup>rd</sup> in the state with a score of 96 out of 100.

**Chuck Edwards, Fire Chief:** Chief Edwards announced the Fire Department and Police Department were present in local school zones on August 12, 2019 for the first day of school. He reminded everyone to drive slowly in school zones.

Chief Edwards announced there will be a farewell party for David Ezell, Assistant Fire Chief on August 15, 2019 and invited everyone to come. He added that David Ezell and his replacement, Tim Geer would attend the August 28, 2019 City Council Meeting.

**Josh Cramer, Assistant Police Chief:**

Assistant Chief Cramer announced that during the first day of school, the Police Department issued 13 citations and 90 warnings mainly focusing on speeding in school zones. He added this was the first year in recent memory that there wasn't a child reported missing after school due to pick-up miscommunication or children getting on the wrong bus.

Assistant Chief Cramer added crime statistics are down 1.5% and burglary rates are also trending downward due in part to a recent arrest that tied a suspect to several burglaries in the area.

Assistant Chief Cramer concluded that the Police Department, in conjunction with Citylife Church, hosted a Back to School Bash on August 9, 2019 and it was well received by the community.

**Jim McLellan, Public Works and Utilities Director:**

Mr. McLellan announced he spoke to the vendor associated with the Disaster Debris Collection Services contract listed on the Consent Agenda. He said the vendor commented the City's contract is one of the most stringent as it relates to liquidated damages.

Mr. McLellan requested a shell walkway be installed instead of a concrete sidewalk in front of the mural on the City Centre Parking Garage. After a brief discussion, it was decided that Public Works staff install a shell walkway.

**Scott Rudacille, Interim City Attorney:**

Mr. Rudacille updated Council regarding panhandling and solicitation issues. He is working with the City Attorney of Palmetto and the County Attorney researching different options other areas have established that may be the most effective for our area and the most defensible.

Discussion: Other Cities' approach to panhandling, networking with other Cities' officials, Interlocal Agreement with the County for enforcement.

Mr. Rudacille recognized college student Austin Rockwood then announced Mr. Rockwood is interested in pursuing a law degree and was shadowing him for the day.

Mayor Poston concluded by reminding everyone to visit the City Health Fair after the meeting.

The City Council meeting adjourned at 10:43 a.m.

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