

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE
MINUTES**

November 21, 2011

7:00 P.M.

Brooksville City Council met in regular session with Mayor Frankie Burnett, Vice Mayor Joseph E. Johnston, III, Council Members, Joe Bernardini, Lara Bradburn and Kevin Hohn present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Richard Radacky, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. Members of the Hernando Today and Hernando Times were also present.

The meeting was called to order by Mayor Burnett, followed by an invocation and Pledge of Allegiance.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Recognition of Community Volunteer Organizations

Mayor Burnett and Council presented Certificates of Recognition to the following organizations:

African American Club	Black Education Caucus
Fredrick Kelly Elks Lodge	Hernando High School Football Boosters
Hernando Youth League	Historic Hernando Preservation Society
Junior Service League	Kiwanis of Brookville
Kiwanis of Brooksville Ridge	Kiwanis of Spring Hill (Not Present)
Love Your Neighbor	Rotary of Brooksville

Junior Service League Presentation

Check presentation in the amount of \$10,000 for construction of a new Tom Varn Park Americans with Disabilities Act (ADA) playground.

Junior Service League President Mary Latin and Vice President Angie Woodruff, in partnership with the Hernando County Builders Association, who will provide the workers, presented Council with a check for \$10,000 to aid in construction of a new Tom Varn Park playground, which will be compliant with the Americans with Disabilities Act.

CITIZEN INPUT

Mayor Burnett asked for public input; there was none.

CONSENT AGENDA

Surplus Equipment – Brooksville Emergency Response Team (B.E.R.T)

Consideration to surplus and auction equipment no longer being utilized following the elimination of B.E.R.T.

Council Member Bernardini asked about the surplus items. City Manager Norman-Vacha and Chief Turner reviewed.

APPROVED BY BROOKSVILLE
CITY COUNCIL
ON 5/11/12 INITIALS SL

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Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval of Consent Agenda. Motion carried 4-1, with Council Member Bernardini voting in opposition.

REGULAR AGENDA

Brooksville Housing Authority Hearing

Hearing to discuss consideration of removal of Brooksville Housing Authority Board Member.

Ms. Colondres was not present for the hearing. Mayor Burnett recommended removal of Brenda Colondres from the Brooksville Housing Authority Board; Council concurred.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for concurrence of the Mayor's recommendation for removal of Brenda Colondres from the Brooksville Housing Authority. Motion carried 5-0.

Coastal Engineering Associates, Inc., Professional Consultant Services Agreement-Exhibit G – Task Orders for Southern Hills Plantation Subdivision Project Improvements

Consideration of project prioritization and Professional Consultant Services Agreement Exhibit G – Task Orders 1, 2 and 3.

Director of Community Development Geiger reviewed the agreement, task orders and costs as referenced in the staff report. He requested approval for City Council to accept the project prioritization as presented within this report and approve the Professional Consultant Services Agreement Exhibit G Task Orders 1 and 2. This would authorize the City to work with the Engineer to proceed with work outlined in said Task Orders, including preparing the construction bid documents for Phases 3A-1 and 3 and Southern Hills Boulevard repair.

Vice Mayor Johnston pointed out that the letter from the Homeowners Association felt Task Order 3 to be priority and asked why staff has rated it low priority. Director Geiger explained the Homeowners Association owned the roads in 2006 and had the option to obtain a maintenance bond at the time, but they chose not to and there is no bond obligation for it. Maintenance issues are being funded with the bond proceeds that were received from Southern Hills. No bond fund proceeds were allocated to Phase 2 in the settlement.

Council Member Hohn asked for an explanation of the 6,800 linear feet of sidewalk. Cliff Manual, President of Coastal Engineering explained it includes common area sidewalks as required by City Code. He advised they can be separated in the bid documents.

Council Member Bradburn agreed that sidewalks should be separate in bid documents and she would also like to have the total linear footage of sidewalks in the common areas re-examined. She agreed that construction of Southern Hills Boulevard is priority and suggested re-bidding if the costs come in higher than the estimates.

Mayor Burnett pointed out City Council, as the developer, will add or delete parts of sidewalks from the bids according to City Code.

Council Member Bernardini asked about the total bond settlement amount and questioned why the Homeowners Association was not covered under a maintenance bond for the work that was done. There was a problem with the roadway pavement cracking in 2007 and there should be a guarantee that it will last more than a year. He assumed the funds were for new infrastructure not for repairs.

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Director Geiger reviewed that the road was turned over to the Homeowners Association in 2006 but he was not certain of the completion date. The developer saw issues with the private road at the time and withheld 10% of funding to the contractor to address maintenance issues. They also had the opportunity to accept a maintenance bond on infrastructure other than water and sewer.

Mr. Manual explained there was \$600,000 in retainage still to be paid to the contractor when Coastal Engineering reports showed maintenance issues. HRD was the contractor working with Specialized Services who held them accountable for building the roads poorly. In order to save money for the roadway, it was decided in bidding the project that no performance or maintenance bond would be issued. Parts of Phase 1 were fixed by Specialized Services but Phase 2 was never addressed, then both companies went bankrupt.

City Attorney Rey reviewed the Phase 1 bond was only partially released and had a sufficient amount of funds left to cover the repair issues associated with Southern Hills Boulevard. The City took title to the entry road of Southern Hills Boulevard but did not agree to release the full value of the bond so that when there was a bond in place it would cover the completion or repair to Southern Hills Boulevard. The underlying problem was the landscaping irrigation water issue that has been resolved and completion of the road repair still is yet to be done. She pointed out that is a distinctly different issue than Phase 2 roads. The bond for Southern Hills Boulevard was one of the items in the litigation that was resolved by the settlement of approximately \$6,000,000, but regardless of the actual value of the bond, the City is only entitled to collect the cost to complete the repairs from the full face value.

Director Geiger indicated \$6,000,000 is more than what it would take to fix and do the repair work necessary today.

City Attorney Rey stated there are three (3) subdivision related components in the settlement; a bond in place for Phase 3 and 3A-1 to secure improvements to support final plat approval and Phase 1 bond was not released in its full value but reduced to \$6,000,000 to cover the Southern Hills Boulevard entry road that the City took title to. The other bond was to cover the one year maintenance period for water and sewer issues which had expired prior to the City filing suit.

Motion:

Motion was made by Vice Mayor Johnston and seconded by Council Member Bradburn for approval of the project prioritization as presented within the report and approval of the Professional Consultant Services Agreement Exhibit G - Task Orders 1 and 2, authorizing the City to work with the Engineer to proceed with the work outlined in said Task Orders, including preparing the construction bid documents for Phases 3A-1 and 3 and Southern Hills Boulevard repair, and putting the referenced projects out to bid; removal of sidewalks to separate line items to be bid separately; and the release of the engineer of record from Task Order #3 (Phase 2) to work with another entity to accomplish. Motion carried 5-0.

At the request of Mayor Burnett, Director Geiger explained to the home owners present that what City Council just approved was for the City to proceed in working with an engineer to put bid documents together for Phases 3A-1 and Phase 3 and Southern Hills Boulevard to move to the point where the project can be bid and brought back to City Council for subsequent approval. Any funds leftover can be put back towards Phase 2, which would be an action that City Council would take at a later time.

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Resolution No. 2011-14 to Florida Department of Transportation (FDOT) – Florida Blueberry Festival

Consideration of approval of resolution supporting the Florida Blueberry Festival and closing of SR50/Jefferson Street and US41/Broad Street, with authorization for Police Chief and Mayor to sign FDOT permit application.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Bernardini for approval of Resolution No. 2011-14.

City Clerk Peters read Resolution No. 2011-14 by title, as follows:

**RESOLUTION OF THE CITY OF BROOKSVILLE, FLORIDA
SUPPORTING A REQUEST TO CLOSE JEFFERSON STREET
AND BROAD STREET BETWEEN MAIN STREET AND BELL
AVENUE IN DOWNTOWN BROOKSVILLE ON MAY 4 – 6, 2012;
PROVIDING FOR SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE.**

Vice Mayor Johnston asked about the closing of the downtown during working hours on Friday. City Manager Norman-Vacha stated she would get clarification on the street closing and get back to Council on December 5, 2011.

Motion was withdrawn with the item being tabled for clarification.

Annual Holiday and Meeting Schedule

Review and consideration of proposed meeting and holiday schedule for 2012, including tentative budget workshops and public hearing dates, pursuant to City Code and Policy.

Motion:

Motion was made by Council Member Bradburn and seconded by Vice Mayor Johnston for approval. Motion carried 5-0.

Withlacoochee Regional Planning Council (WRPC) Board

Consideration of Council appointment to the WRPC Board for a term beginning December 8, 2011 through December 12, 2012.

Motion:

Motion was made by Council Member Bradburn and seconded by Council Member Hohn for approval of the reappointment of Vice Mayor Johnston to the board. Motion carried 5-0.

CITIZEN INPUT

Mayor Burnett asked for public input.

Margaret Bloomquist of 4475 Hickory Oak Drive thanked the Mayor and Council for their vote on the Southern Hills Plantation Project Phase II. She gave Council pictures of the condition of the roads.

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ITEMS BY COUNCIL

Robert “Butch” Battista, City Attorney

ATS Contract

Attorney Battista reviewed the contract. He recently received a letter from their attorney requesting mediation for breach of contract. After brief discussion, Council concurred.

Jennene Norman-Vacha, City Manager

Holiday Wishes

City Manager Norman-Vacha wished all a Happy Thanksgiving.

Lara Bradburn, Council Member

Holiday Wishes and City Attorney Commendation

Council Member Bradburn wished all a Happy Thanksgiving and expressed appreciation for the work City Attorney Rey has provided to Council.

Kevin Hohn, Council Member

City Attorney Commendation

Council Member Hohn reiterated appreciation for City Attorney Rey’s work.

Florida League of Cities Conference

He attended the conference in Orlando and stated the Surety Bond Issue was addressed. He commended Council Member Bradburn for her presentation of the issue to the League.

Staff Commendation and Holiday Wishes

He thanked staff for all their hard work and wished all a Happy Thanksgiving.

Holiday Gift Certificates

He asked for a list of businesses providing holiday gift certificates. Council Member Bernardini indicated there will be a list provided and it will be posted on the City’s website. City Manager Norman-Vacha will follow up with staff tomorrow and forward the information to City Council.

Joe Bernardini, Council Member

City Attorney Commendation

Council Member Bernardini thanked City Attorney Rey for her service to the City.

Joe Johnston, Vice Mayor

City Attorney Commendation

Vice Mayor Johnston thanked City Attorney Rey for her service as well.

Countdown Timers

He indicated to Public Works Director Radacky that the countdown timers on Broad and Jefferson Streets are still not installed.

Traffic Light Signals

He pointed out the traffic signal at the intersection of the Winn-Dixie Plaza and SR41; left turn green into Dunkin’ Donuts needs to be fixed.

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Frankie Burnett, Mayor

City Attorney Commendation

Mayor Burnett expressed appreciation to City Attorney Rey as well.

Holiday Wishes

He reminded all of the Thanksgiving Holiday and asked all to research the inception of the holiday.

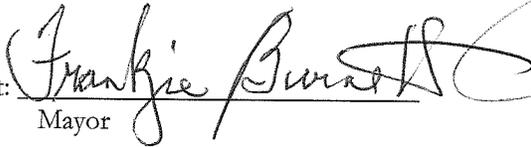
Staff Commendation

He thanked the City Manager for her dedication and staff for their support and hard work.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 8:33 p.m.

Attest:


Mayor


City Clerk