CITY COMMISSION MEETING

MINUTES

SEPTEMBER 22, 2015

6:00 P.M.

CALL TO ORDER

Mayor Lowe called the meeting to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Maria Lowe, Mayor
Terri Finnerty, Vice Mayor
Rick Falkenstein, Commissioner
Gregory Premer, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Jennifer Bryla, Community Development Director
Elaine Edmunds, Administrative Services Director
Jim Kilpatrick, Fire Chief
John Kretzer, Interim Public Services Director
Jennifer McMahon, Recreation Director
Phyllis Ruscella, Library Administrator
Ian Wade, Project Manager

1. Presentations

There were no presentations.

2. Changes to the Agenda

City Attorney Andrew Dickman requested to move Item 9(b) to immediately follow Item 4(c) for discussion.

3. Audience Comments

There were no audience comments.

4. Ordinances

a. Ordinance 2015-24, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida setting the millage rate for fiscal year 2016

The proposed millage rate is 3.1500 for FY 2016.

Vice Mayor Finnerty moved to approve Item 4(a), Ordinance 2015-24, upon final reading, an ordinance of the City of St. Pete Beach, Florida; adopting a final millage rate for the fiscal year ending September 30, 2016; providing for an effective date. The motion was seconded by Commissioner Premer.

Vice Mayor Finnerty read the ordinance was read in its entirety.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

b. Ordinance 2015-23, Final Reading and Public Hearing providing for an amendment of Appendix A – Fee Schedule of the code of ordinance implementing a 9.75% increase in wastewater fees

City Manager Wayne Saunders reported that the proposed increase of 9.75% reflects the recommendation of Public Resource Management Group, who conducted an independent study of the City's wastewater system.

Commissioner Premer moved to approve Item 4(b), Ordinance 2015-23, upon final reading, an ordinance of the City of St. Pete Beach, Florida providing for an amendment of Appendix A – Fee Schedule, of the Code of Ordinances, implementing a 9.75% increase in wastewater fees; providing for severability; providing for repeal of ordinances or parts of ordinances, in conflict herewith, to the extent of such conflict; and providing for an effective date. The motion was seconded by Vice Mayor Finnerty.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

c. Ordinance 2015-25, Final Reading and Public Hearing adopting a budget for the fiscal year ending September 30, 2016, providing appropriations and providing for an effective date.

The Fiscal Year 2016 budget totals $43,711,702 and can be viewed on the City website at:

http://www.stpetebeachorg/city-departments/administrativeservices/finance.html

Commissioner Pletcher moved to approve Item 4(c), Ordinance 2015-25, upon final reading, an ordinance of the City of St. Pete Beach, Florida adopting a budget for the fiscal year ending September 30, 2016; providing appropriations; providing for an effective date. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Rosemary Manning, 1st Avenue, requested clarification on why employee salaries and contracts were not included in the budget. Ms. Manning requested that audience comments be allowed during future budget meetings.

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

9. Items for Discussion

b. Litigation Update: James Anderson v. City of St. Pete Beach and Chmielewski v. City of St. Pete Beach

City Attorney Dickman provided a litigation update on the two referenced cases.

Mr. Dickman introduced Marion Hale with the firm of Johnson, Pope, Bokor, Ruppel & Burns, LLP. Ms. Hale was retained to provide an independent opinion on services performed by the City's former law firm.

5. Consent

a. Approval of City Commission minutes: August 25, 2015 Executive Session and the August 25, 2015 Regular Meeting

b. Authorization of a payment to Gulf Coast Auto Body & Service in the amount of $11,979.29 for vehicle damage repairs

c. Authorize the City Manager to accept a proposal from Florida Safety Contractors, Inc., for construction of pedestrian walkway on East Maritana Drive

d. Authorization to approve special event application for the 2nd Annual Sunset Scream on Saturday, October 31, 2015 from 2:00 p.m. to 12:00 a.m.

e. Authorization to approve special event application and street closure for Gulf Beaches Fish Broil. Closures will be 85th Avenue between Blind Pass Road and Boca Ciega Drive. Closures would be in effect on Saturday, October 10, 2015 from 12:00 p.m. to 8:00 p.m.

f. Authorize the City Manager to enter into a one-year agreement for Fiscal Year 2015-2016 with PSTA for trolley and DART Services

Mr. Saunders reviewed each item and recommended approval.

Commissioner Pletcher moved to approve the Consent Items (a), (b), (c), (d), (e) and (f) as presented. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

6. Action Items

a. Authorization to approve a request to waive $3,483.47 owed to the City by Beach Goes Pops' 2015 event held in April of this year

The Beach Goes Pop committee is requesting the waiver to offset staff and band expenses.

Bev Jackson, Pass-A-Grille, submitted a report detailing the history of the event and the 25th Anniversary sponsors and expenses. Ms. Jackson noted the number of volunteers required for the event and the monetary contributions made to numerous community organizations. Ms. Jackson, therefore, requested waiver of the $3,483.47 overage.

Commissioner Pletcher moved to approve Item 6(a), to authorize a request to waive $3,483.47 owed to the City by Beach Goes Pop's 2015 event held in April of this year. The motion was seconded by Commissioner Premer.

Mayor Lowe called for audience comments.

Kim Caliendo, Kim Caliendo Properties on Corey Avenue, offered to pay the City the amount owed on behalf of the Beach Goes Pops Committee.

Joanne Lentino, Boca Ciega Drive, congratulated the event organizers and spoke in support of remaining within a specified budget.

Ann Michael, 4th Avenue, questioned the amount of financial return to the City by the Chamber of Commerce.

Commissioner Pletcher withdrew the motion. Commissioner Premer withdrew the second.

Commissioner Pletcher moved to amend the motion and waive $2,200.00 owed to the City by Beach Goes Pops for the event held in April of this year. The motion died for lack of a second.

b. Authorize the City Manager to enter into a Purchasing Agreement with Gator Dredging for $245,173.00 for Repairs to Seawalls at 59th Avenue (2) and Coquina Way Circle (1)

City Manager Saunders reviewed the seawall repairs which are included in the budget.

Commissioner Falkenstein moved to approve Item 6(b), to authorize the City Manager to enter into a purchasing agreement with Gator Dredging for $245,173.00 for repairs to two seawalls at 59th Avenue and one seawall at Coquina Way Circle. The motion was seconded by Vice Mayor Finnerty.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

c. Authorize the City Manager to enter into a purchase agreement with Jam 5:20 Construction for $49,561.00 for Bathroom Renovations at Fire Station 23.

The proposed renovation will provide for both male and female bathrooms for the firefighters.

Vice Mayor Finnerty moved to approve Item 6(c), to authorize the City Manager to enter into a purchase agreement with Jam 5:20 Construction for $49,561.00 for bathroom renovations at Fire Station #23. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

d. Authorize the City Manager to enter into a purchase agreement with Underground Infrastructure Technologies (UIT) for $346,180.00 for the Wastewater System Inspection and Cleaning component of the City's Inflow & Infiltration (I & I) Study.

The City recently contracted with Kimley-Horn to provide an Inflow & Infiltration (I & I) study of the City's wastewater system. To complete the report, the City must select a contractor to perform inspection and cleaning of the system. The information provided by this contractor will be a critical component of the data required for Kimley-Horn to complete their report. Five contractors responded to the bid solicitation.

Commissioner Premer moved to approve Item 6(d), to authorize the City Manager to enter into a purchase agreement with Underground Infrastructure Technologies (UIT) for $346,180.00 for Wastewater System Inspection and Cleaning. The motion was seconded by Commissioner Pletcher.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

e. Authorize the City Manager to enter into a purchase agreement with PlanActive not to exceed $78,500.00 to provide Design Services associated with the Pass-A-Grille Overlay District.

Mr. Saunders reported that PlanActive was approved at the September 9th meeting as the top ranked firm to develop new guidelines for the Pass-A-Grille area that encourage the preservation of historic structures and development patterns.

Commissioner Pletcher moved to approve Item 6(e), to approve the City Manager to enter into an agreement with PlanActive for design services for the Pass-A-Grille community in an amount not to exceed $78,500.00. The motion was seconded by Vice Mayor Finnerty.

Mayor Lowe called for audience comments.

Joanne Lentino, Boca Ciega Drive, requested an update to the Corey Avenue improvement project.

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

f. Authorize the City Manager to proceed with a Holiday Decoration option selected by Commission

City Manager Saunders requested Commission guidance on holiday decorations in order to solicit bids.

Commissioner Premer moved to approve Item 6(f), Option One, with the addition of the Horan Park Decorative Light Display, for a total amount of $35,000.00. The motion was seconded by Commissioner Pletcher.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

g. Authorize the Mayor and City Manager to enter into a collective bargaining agreement with the Communication Workers of America (CWA) for October 1, 2015 to September 30, 2018

The CWA union covers general employees with the City and includes a 3% increase for the first year with no guarantee for salary increases in the second and third year.

Vice Mayor Finnerty moved to approve Item 6(g), to authorize the Mayor and City Manager to enter into a collective bargaining agreement with the Communication Works of America for October 1, 2015 through September 30, 2018. The motion was seconded by Commissioner Pletcher.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

h. Approval to provide a 3% merit increase to employees in the MAPS (Managerial, Administrative, Professional & Supervisory) pay plan for Fiscal Year 2016

Employees covered under the MAPS plan are not covered by the collective bargaining agreement but traditionally receive the same wage adjustment.

Commissioner Pletcher moved to approve Item 6(h), to approve a 3% merit increase to employees in the MAPS pay plan for Fiscal Year 2016. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Hearing no audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

7. Ordinances

a. Ordinance 2015-21, Final Reading and Public Hearing amending the Land Development Code regarding outdoor drinking and dining within certain zoning districts within the Community Redevelopment District, providing for a permitting process for outdoor drinking and dining approval and allowing use of the sidewalk

Community Development Director Jennifer Bryla explained that the ordinance provides for outdoor eating and/or drinking on public sidewalks and/or streets with an approved conditional use permit. The four districts included are Town Center-1, Town Center-2, Downtown Core Residential and Commercial General-2.

Vice Mayor Finnerty moved to approve Item 7(a), Ordinance 2015-21, upon final reading, an ordinance of the City Commission of the City of St. Pete Beach, Florida, amending the City of St. Pete Beach Land Development Code by amending Section 2.1 of Division 2, Definitions, relating to commercial kitchen, eating and drinking establishments, outdoor dining and outdoor drinking; amending Section 6.24 of Division 6, Supplemental Regulations, relating to general, operational and permitting requirements and City authority for outdoor dining areas and outdoor drinking areas; amending Section 16.2 of Division 16, CG-2, Commercial District, adding commercial kitchen, full-service restaurant, limited service restaurant as permitted uses and deleting sit-down restaurants as a permitted use; amending Section 16.4 of Division 16, CG-2, Commercial District, adding restaurant with drive-through service, take-out only restaurant, bar/lounge as conditional uses and deleting bar (cocktail lounges, saloons), nightclubs, fast food restaurants, outdoor restaurants, and sidewalk café as conditional uses; amending Section 30.2 of Division 30, TC-1, Town Center Core District, adding full service restaurant, limited service restaurant, take-out only restaurant, bar/lounge, and commercial kitchen as permitted uses and deleting eating and drinking establishments with or without outdoor seating as a permitted use; amending Section 34.4, Prohibited Uses and Structures of Division 34, to allowable conditional uses adding full-service restaurant; amending Section 34.5 from general requirements to prohibited uses and structures; amending Section 34.6

from density to general requirements; amending Section 34.7 from building height to density; amending Section 34.8 from setbacks to building height; amending Section 34.9 from maximum impervious surface ratio to setbacks; amending Section 34.10 from minimum off-street parking requirements to maximum impervious surface ratio; amending Section 34.11 from landscaping to minimum off-street parking; amending Section 34.12 from design requirements to landscaping; amending Section 34.13 from signs to design requirements; creating Section 34.14, Signs; amending Section 37.2 of Division 37, TC-2, Town Center Corey Circle and Coquina West Districts, adding full-service restaurant, limited service restaurant, bar/lounge as permitted uses and deleting eating and drinking establishments with or without outdoor seating as permitted uses; amending Section 37.5 of Division 37, TC-2, Town Center Corey Circle and Coquina West Districts adding Coquina West Districts, adding take-out only restaurant as a conditional use, providing for publication in accordance with the requirements of law; and providing for an effective date. The motion was seconded by Commissioner Premer.

Mayor Lowe called for audience comments.

Tom Rodgers, Corey Avenue Business Association, spoke in opposition to the use of public sidewalks and streets.

Donna Phillips, no address provided, spoke in opposition to the proposed ordinance, noting a difference between a restaurant that serves alcohol and a bar that does not serve food.

Lorraine Huhn, Blind Pass Road, spoke in support of neighboring businesses having a voice in the decision-making process.

Kim Caliendo, Corey Avenue, spoke in support of the proposed ordinance and commented that drinking promotes tourism.

Rob Williams, Swigwam Bar, spoke in support of the proposed ordinance and expressed appreciation to the Commission.

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was passed by a 3-2 vote, with Mayor Lowe and Commissioner Pletcher voting "no."

b. Ordinance 2015-26, Final Reading and Public Hearing providing for an amendment to the Code of Ordinances regarding Flood Management

Bruce Cooper, Building Code Administrator, noted the following changes were made during first reading: (1) the "freeboard" for new residential development was reduced to

one foot; (2) homes within the Pass-A-Grille overlay, as well as lands within commercial zoning districts, would be excluded from this requirement. Mr. Cooper anticipated the Community Rating System (CRS) will be lowered to a 6, thereby allowing for an additional 5% discount on insurance policies.

Commissioner Premer moved to approve Item 7(b), Ordinance 2015-06, upon final reading, an ordinance of the City of St. Pete Beach, Florida, amending the City Code to repeal the current Article V of Chapter 98, Flood Hazard Mitigation Regulations, to adopt a new Article V, to re-adopt flood hazard maps, to adopt procedures and criteria for development in flood hazard areas, and for other purposes; to adopt local administrative amendments and technical amendments to the Florida Building Code; to format existing provisions to be consistent with the Florida Building Code; providing for severability; providing for an effective date. The motion was seconded by Commissioner Falkenstein.

Mayor Lowe called for audience comments.

Tom Rodgers, Corey Avenue, requested clarification in regard to "freeboards."

Hearing no further audience comments, Mayor Lowe called for the vote.

The motion was unanimously approved by an individual roll call vote.

8. Resolutions

There were no resolutions presented.

9. Items for Discussion

a. Parking on Corey Avenue

Vice Mayor Finnerty brought the issue forward to discuss weekend parking on Corey Avenue and to increase parking availability for business customers.

Staff was directed to review options including a two-hour parking limit.

10. Audience Comments

Tom Rodgers, Corey Avenue, inquired about access to the Lidar System utilized in the Corey Area Improvement Study performed by the Baker Group.

11. City Clerk, City Manager, City Attorney and City Commission Reports

City Clerk Haynes reported on the following item:

- A representative from the Supervisor of Elections Office was present at the Community Yard Sale to process new voter registrations and changes to existing registrations

City Manager Saunders reported on the following items:

- The library workshop will be held at 4:30 p.m. on October 13, 2015
- Funding for Rescue Truck 22 has been restored by Pinellas County

City Attorney Dickman reported on the following items:

- An Attorney-Client Executive Session is scheduled for 9:00 a.m. on Wednesday, September 23, 2015
- Offered guidance in regard to any voting conflicts on items that may come before the Commission

Commissioner Pletcher reported on the following items:

- Florida Wildlife Commission and the installation of "No Wake" and "Idle Speed" signs along the Intracoastal waterway
- The VW Bash will be held in Pass-A-Grille on Saturday, October 3, 2015

Vice Mayor Finnerty reported on the following items:

- Bus shelters in front of America Legion, Hotel Zamora and Walgreens
- Participated in a conference call with "Retail Strategies"
- The American Legion conducted a memorial ceremony in honor of MIA-POW Day and presented the City with an American flag
- Sunday Market begins October 4th at 10:00 a.m.
- Support Our Troops will sell beer and wine at the Fish Broil located at the Gulf Beaches Elementary School
- Support Our Troops will sell beer, wine, raffle tickets and T-shirts at the October Concert Series in Horan Park
- Expressed appreciation to Terry Wolski for the donation to Support Our Troops
- Contact Maureen Carr to visit Support Our Troops and pack a box of supplies
- Reported speeding along Pass-A-Grille Way by PSTA busses
- Requested a discussion be added to the next agenda in regard to the time limit for Commissioner comments

Commissioner Premer reported on the following items:

- He will be absent from the Commission Meeting – Executive Session on Wednesday, September 23, 2015
- Will contact the neighborhood association presidents in regard to the upcoming tourist season
- Encouraged residents to call their legislative representatives in regard to an article on increased student spending in Florida, most of which will be borne by local property taxes and not state taxes

Commissioner Falkenstein reported on the following items:

- Repairs to the seawall at 55th Avenue
- Flags are needed for the flagpoles located at the end of 59th Avenue in Mary Lou Schechner Park
- October Concert Series at Horan Park will begin October 2, 2015

Mayor Lowe reported on the following items:

- Firefighter promotion event moved to October 30th from 4:00 p.m. to 6:00 p.m.
- Attended an event at St. Petersburg Coliseum in honor of Patriots' Day and provided an update on helping a veteran with housing accommodations
- Provided an update on the sidewalk installation under the Pinellas Bayway Bridge – Gary Littrell Medal of Honor Bridge
- Inquired about bridge signage
- The Community Yard Sale sponsored by the Recreation Department was successful
- Introduced the new fire chief to the EMS Advisory Board

12. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 11:20 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Maria Lowe, Mayor

Minutes approved on: 10-27-2015