CITY COMMISSION MEETING

MINUTES

APRIL 11, 2017

6:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Ward Friszolowski, Vice Mayor
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Melinda Pletcher, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Jennifer Bryla, Community Development Director
Mike Clarke, Public Works Director
Elaine Edmunds, Administrative Services Director
Jennifer McMahon, Recreation Director

1. <u>Presentations</u>

a. Presentation of the City of St. Pete Beach, Florida Audit Report for the Fiscal Year ending September 30, 2016

Zach Chalifour of James Moore & Company presented the audit.

b. Recognition of Administrative Services Director Elaine Edmunds' Retirement

Mayor Al Johnson and City Manager Wayne Saunders read and presented the plaque to Ms. Edmunds for her ten years of service to the City.

2. Changes to the Agenda

City Manager Saunders requested to add Item 5(g), Appointment of Mr. Bob Rogers to the Police Pension Board of Trustees.

3. Audience Comments

There were no audience comments.

4. Consent

a. Authorization to approve special event application and street closure for the St. Pete Beach 5K Series scheduled for June 23, July 21, and August 18, 2017. Closures would be 9th Avenue from Gulf Way to Pass-a-Grille Way, from 3:00 p.m. to 9:30 p.m.

Commissioner Falkenstein reported that he would abstain from voting on Item 4(a) as there would be a private gain to his business.

Commissioner Pletcher moved to approve Item 4(a) as presented. The motion was seconded by Vice Mayor Friszolowski.

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

The motion was approved by a 4-0 vote, with Commissioner Falkenstein abstaining.

5. Action Items

a. Conditional Use 2017-0005, authorization for a temporary lodging use with a building height greater than 50 feet and density above 30 units per acre, pursuant to Section 35.3(b)(1), 35.3(d)(2), and Section 39.6(p) of the Land Development Code. The Conditional Use Application is for lands located generally on the west side of the intersection of Gulf Winds Drive and Gulf Boulevard (5750 Gulf Boulevard).

Rebecca Haynes, City Clerk, administered the oath to persons testifying during the quasi-judicial proceedings.

Andrew Dickman, City Attorney, requested the Mayor and Commissioners disclose any ex parte communication.

Commissioner Finnerty disclosed that she did not have any ex parte communication.

Commissioner Falkenstein disclosed that he watched the March 21, 2017 Planning Board meeting and spoke with staff.

Mayor Johnson disclosed that he attended the March 21, 2017 Planning Board meeting and drove past the property.

Vice Mayor Friszolowski disclosed that he attended the community meeting the previous year.

Commissioner Pletcher disclosed that she attended the March 21, 2017 Planning Board meeting, drove past the property, and spoke with staff.

Mayor Johnson called for the staff presentation.

Jennifer Bryla, Community Development Director, reviewed the first phase of the proposed mixed-use development project, more commonly known as the TradeWinds Resort. The applicant is requesting approval for 217 transient/temporary lodging units, a multi-story parking structure, a timeshare sales center, a spa and fitness center, a marketing office, a reception area, and other ancillary amenities. Ms. Bryla detailed the criteria for the conditional use approval.

Staff responded to questions posed by the mayor and commissioners.

Mayor Johnson called for the applicant presentation.

Ed Armstrong, Hill Ward Henderson Law Firm, 600 Cleveland Street, Clearwater, Florida, representative for the RIA-TradeWinds project, provided an overview of his background and noted that he is very familiar with the Comprehensive Plan and the criteria necessary for a conditional use approval.

Cindy Tarapanni, Vice President of Planning with Florida Design Consultants, provided her credentials and presented detailed information in support of the conditional use and noted that the proposed project complies with the conditional use criteria.

Tim Bogott, Chief Executive Officer of the TradeWinds Island Resort, spoke in support of the project and reviewed the modifications he sought to the Sugar Sands Conditions of Approval.

Mayor Johnson opened the public hearing and called for audience comments.

Steve Lazzari, The Regency, commented on the increased use of sanitary sewers.

Bill Pyle, Sunset Way, spoke in opposition to the proposed project.

Hearing no further audience comments, Mayor Johnson closed the public hearing.

Mr. Bogott provided rebuttal comments.

Mr. Armstrong provided rebuttal comments.

Mayor Johnson called for a recess at 8:40 p.m.

Mayor Johnson reconvened the meeting at 8:53 p.m.

City Manager Saunders and City Attorney Dickman summarized the proposed revisions to the Conditional Use Application as follows:

- **Page 8, Condition 4, line 2**: after "sidewalk", insert and/or buffer
- **Page 9, Condition 6, line 7**: delete ~~12 months~~, insert 6 months
- **Page 8, Condition 4, line 15**: insert easement for the expanded
- **Page 23, Condition 9, Line 8:** insert DEP and not in conflict with existing dune conditions on the unified site
- **Page 24, Condition 11, line 1**: retain the word "temporary" (instead of proposed "transient")
- **Page 24, Condition 11, line 3**: delete ~~project~~, insert unified site
- **Page 24, Condition 13, line 1**: after "project" insert site only (not the full unified site)

Hearing no further comments, Mayor Johnson called for a motion.

> **Vice Mayor Friszolowski moved to approve Item 5(a), to approve the Conditional Use Case 2017-0005, with the conditions as discussed. The motion was seconded by Commissioner Falkenstein.**

City Manager Saunders reiterated that approval is based upon staff-recommended conditions as changed by himself and the city attorney prior to the motion.

Hearing no further comments, Mayor Johnson called for the vote.

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

b. Development Agreement – An Agreement between the City of St. Pete Beach, Florida, and RIA Coral Reef, Inc. and authorized by Sections 163.3220-163.3243, Florida Statutes, and the City's Land Development Code, Section 45.1-45.12, for improvements of the City's wastewater system.

Mr. Saunders provided the details to the public-private partnership which will be contracted with Kimley-Horn and Associates, Inc.

Mr. Dickman summarized the proposed amendments to the development agreement as follows:

- **Packet page 128, Section 5.1**: delete ~~Ration~~ and insert Ratio

- **Packet page 135, Section 16.1**: after "Florida" insert within 15 (fifteen) days upon execution of this agreement by the parties.
- **Packet page 135, Section 16.1:** at end of paragraph, insert This development agreement may be collaterally assigned to an institutional lender holding a mortgage on the property. It is understood that the City will also have the benefits under Section 9.3(d).
- **Packet page 131, Section 9.3(d)**: after "Owner" insert or collateral assignee.
- **Packet page 136, Section 16.7:** Insert In such case, the City agrees to execute and deliver to owner a termination of this agreement in recordable form and, in addition, a termination also in recordable form of the "Covenant Running with the Land in Lieu of Unity of Title" set forth in, which is, "Exhibit D" within 30 days requested by owner.

Exhibit "H" Legal Description of the Property:

- **Page 44**, delete "~~less interest~~"

Mr. Armstrong confirmed the listed changes.

Hearing no further comments, Mayor Johnson called for a motion.

Commissioner Finnerty moved to approve Item 5(b), to approve the Development Agreement between the City and RIA-Coral Reef, Inc. The motion was seconded by Commissioner Falkenstein.

Commissioner Finnerty amended the motion to include the changes made by City Attorney Dickman. Commissioner Falkenstein agreed to the amendment.

Mayor Johnson called for audience comments.

Bill Pyle, Sunset Way, spoke in opposition to the development agreement.

Lorraine Huhn, Blind Pass Road, spoke in support of the development agreement and congratulated the commission for bringing forth the proposal.

Karen Strykowski, Blind Pass Road, spoke in support of the project and against frivolous lawsuits.

Mr. Armstrong offered additional remarks in response to individual audience comments.

Upon the advice of the city attorney, Commissioner Finnerty rescinded the motion and Commissioner Falkenstein rescinded the second.

Commissioner Finnerty moved to approve Item 5(b), to approve the Development Agreement between the City and RIA-Coral Reef, Inc., with

the changes identified by the city attorney and city manager. The motion was seconded by Commissioner Falkenstein.

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

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

c. Authorize the City Manager to enter into a Purchasing Agreement with Luke's Landscaping, Inc. for $60,000 for Landscaping on State Road 699 (Blind Pass Road) from 82nd Avenue to Captiva Circle.

The project is the continuation of the Blind Pass Road Beautification Project, which is a grant, and will be reimbursed by the Florida Department of Transportation.

Commissioner Falkenstein moved to approve Item 5(c), to authorize the City Manager to enter into a purchasing agreement with Luke's Landscaping, Inc. for $60,000 for landscaping on State Road 699 (Blind Pass Road) from 82nd Avenue to Captiva Circle. The motion was seconded by Commissioner Finnerty.

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

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

d. Authorize the City Manager to execute a change order to the existing contract with USA Voltage, LLC in the amount of $42,550 to provide underground utility service connections for the Pass-a-Grille Way North Reconstruction project.

The increased cost will cover the unanticipated costs to provide an underground conduit for overhead utility lines that will service residences west of Pass-a-Grille Way.

Commissioner Pletcher moved to approve Item 5(d), to authorize the City Manager to execute a change order to the existing contract with USA Voltage, LLC in the amount of $42,550 to provide underground utility service connections for the Pass-a-Grille Way North Reconstruction Project. The motion was seconded by Commissioner Falkenstein.

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

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

e. Authorize the City Manager to sign the updated lighting proposal from Duke Energy, which includes the projected fees associated with street light rental and maintenance, as well as an invoice for the Contribution-In-

Aid of Construction Fee for the Pass-a-Grille Way North Reconstruction Project.

The updated proposal from Duke Energy will provide for LED Sanibel light fixtures in-lieu of the HPS Clermont light fixtures originally selected.

Commissioner Finnerty moved to approve Item 5(e), to authorize the City Manager to sign an updated Lighting Proposal from Duke Energy, which includes the project fees associated with street light rental and maintenance, as well as an invoice for the Contribution-In-Aid of Construction Fee for the Pass-a-Grille Way North Construction Project. The motion was seconded by Commissioner Falkenstein.

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

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

f. City Clerk Compensation

City Clerk Haynes provided the Commission with information in regard to responsibilities and compensation levels of colleagues in neighboring communities. The additional information was requested at the March 28, 2017 meeting, subsequent to clarifying the City Clerk is one of the three Charter Officers with the City.

Vice Mayor Friszolowski moved to approve Item 5(f), to approve the salary of $72,000.00, effective immediately. The motion was seconded by Commissioner Pletcher.

Mayor Johnson called for audience comments.

Karen Strykowski, Blind Pass Road, commented that there should be a standard procedure for evaluating all employees.

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

The motion was approved by an individual roll call vote of 4-1, with Mayor Johnson, Vice Mayor Friszolowski, Commissioner Falkenstein and Commissioner Pletcher voting "yes" and Commissioner Finnerty voting "no."

g. Appointment to Police Pension Board

Vice Mayor Friszolowski moved to approve Item 5(g), to re-appoint Mr. Bob Rogers to the Police Officers' Board of Trustees. The motion was seconded by Commissioner Falkenstein.

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

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

6. <u>Ordinances</u>

a. Final Reading and Public Hearing of Ordinance 2017-05, an ordinance of the City of St. Pete Beach, Florida providing for amendments to Appendix A of the Code of Ordinances; amending wastewater connection fees; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for severability, construction, publication, and an effective date.

The City contracted for an analysis of the wastewater connection fees currently assessed and proposed new rates for any new connections related to redevelopment and/or new development, or an increase in meter size for a connection.

Vice Mayor Friszolowski moved to approve Item 6(a), Ordinance 2017-05, upon final reading, an ordinance of the City of St. Pete Beach, Florida providing for amendments to Appendix A of the Code of Ordinances; amending wastewater connection fees; providing for the repeal of ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date. The motion was seconded by Commissioner Finnerty.

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

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

b. Ordinance 2017-04, First reading and Public Hearing amending Chapter 82, Traffic and Vehicles, of the City of St. Pete Beach Code of Ordinances, Section 82-244 of Division 4, pertaining to "D" parking decals.

Ms. Bryla noted that the changes proposed will assist seasonal property owners to obtain a "D" parking sticker.

It was the consensus of the Commission to amend Section 82-245 for "C" residential parking permits, as read by Ms. Bryla.

Commissioner Pletcher moved to approve Item 6(b), Ordinance 2017-04, upon first reading, an ordinance of the City of St. Pete Beach, Pinellas County, Florida, amending Chapter 82, Section 82-244 <u>and 82-245</u> of Division 4, of the City of St. Pete Beach Code of Ordinances; amending the limit of "D" decals permitted for purchase for vehicles registered to a "D" decal permitted address; providing for conflicts, severability, construction,

publication and an effective date. The motion was seconded by Commissioner Finnerty.

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

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

7. Resolutions

There were no resolutions presented.

8. Items for Discussion

a. Florida League of Cities Update

Commissioner Finnerty requested City Clerk Haynes to distribute legislative update briefs from the Florida League of Cities. Commissioner Finnerty discussed the bills that the Urban Administration Division tracks, including short-term rentals, public records and community redevelopment agencies.

b. Chamber of Commerce Sign

City Manager Saunders reported that the Chamber of Commerce signage is considered an off-premise sign which is prohibited in the Land Development Code. The issue can be addressed through an ordinance change or a variance request. Commissioners directed the City Manager and City Attorney to gather additional information on how to best proceed.

9. Audience Comments

There were no audience comments.

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

City Clerk Haynes reported on the following items:

- Suncoast League of Cities will sponsor the Continuing Education in Ethics training class on April 13th in Belleair Beach
- Suncoast League of Cities will sponsor the monthly business luncheon on April 21st in in Pinellas Park
- Sunshine Law and public records laws training tentatively scheduled in the Commission Chambers in May for elected and appointed officials and city staff

City Manager Saunders did not provide a report.

City Attorney Dickman reported on the following item:

- Update on the appeal filed against the City by Mr. Jim Anderson

Commissioner Pletcher reported on the following item:

- Pinellas County patrol car is parked on Sunset Way for code enforcement

Vice Mayor Friszolowski reported on the following items:

- Belle Vista Civic Association meeting on April 13th at Bill Corrotto Park
- Belle Vista Civic Association Easter Egg Hunt on April 15th at Bill Corrotto Park

Commissioner Falkenstein reported on the following items:

- Public safety
- Beach Goes Pop Festival on April 28-29, 2017

Commissioner Finnerty reported on the following items:

- Big C meeting: Internet assistance through Spectrum for seniors and low-income families
- Beach Theatre has not been sold
- Serving alcohol on the beach

Mayor Johnson reported on the following items:

- Big C meeting: Internet assistance through Spectrum for seniors and low-income families and change in leadership of the committee
- Mayors' Council meeting with Sheriff Gualtieri as speaker

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 11:55 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Al Johnson, Mayor

Minutes approved on: 5/23/17