CITY COMMISSION MEETING

MINUTES

AUGUST 22, 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
Vince Tenaglia, Administrative Services Director
Jennifer McMahon, Recreation Director

1. Presentation

a. Maria Lowe Presentation

Ms. Lowe reviewed a Power Point presentation in regard to a doctorate degree she is pursuing through the University of South Florida.

2. Changes to the Agenda

Vice Mayor Friszolowski requested to pull Consent Item 4(b) to discuss separately.

Commissioner Pletcher requested to discuss the Vina del Mar bridge under Items for Discussion.

Commissioner Finnerty requested to discuss Consent Item 4(d).

3. Audience Comments

There were no audience comments.

4. Consent

a. Approval of City Commission minutes from the following meetings: July 11, 2017 and July 20, 2017.

b. *Approve the ranking order of Request for Qualification submittals for the design of the Sanitary Sewer Force Main South project and authorize the City Manager to enter into design fee negotiations with Stanley Consultants, Inc. –* ***Item pulled for separate discussion & action***

c. Request approval of the design proposal from George F. Young, Inc., in the amount of $16,100.00 to design the replacement of two Dune Walkovers at 12th Avenue and 16th Avenue.

d. Authorize a task order with George F. Young, Inc. General Consultants for the City in the amount of $16,500.00 for Egan Park Phase II improvements.

e. Approval of purchase of upgrade for existing Work Order Management software system to an I-Pad/GIS compatible interface platform and provide for on-site training in the amount of $11,303.75.

Vice Mayor Friszolowski expressed concern in regard to Stanley Consultants Inc.'s distant location in West Palm Beach and headquarters located in Iowa.

Mike Clarke, Public Works Director, provided information that the company has a satellite branch in Tampa.

Commissioner Finnerty expressed concern in regard to the completion date of Egan Park and was informed by Mr. Clarke that he anticipates construction will begin in early 2018 and will continue for the following couple of months.

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

Vice Mayor Friszolowski moved to approve the Consent Items 4(a), (b), (c), (d) and (e) as presented. 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.

5. Action Items

a. Request approval of the design proposal from George F. Young, Inc., in the amount of $147,195.00 to design the replacement of three sanitary sewer cross-over pipes under Gulf Boulevard at approximately 45th Avenue, 50th Avenue and 55th Avenue.

The sewer project discussed during budget deliberation was broken into three parts: the north, the south and the cross-over pipes. Four cross-over pipes and the replacement of one pipe are included in the northern project.

Hearing no further Commission comments or any audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 5(a), to approve the design proposal form George F. Young, Inc., in the amount of $147,195.00 to design the replacement of three sanitary sewer cross-over pipes under Gulf Boulevard at approximately 45th Avenue, 50th Avenue, and 55th Avenue. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

b. Authorize a task order with Stanley Consultants in the amount of $49,542.00 to develop a Transition Plan to meet the requirements of the American with Disabilities Act (ADA).

Mr. Saunders reported that the transition plan will lay the groundwork to bring city-owned facilities, sidewalks and property into ADA compliance.

Hearing no further Commission comments or any audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 5(b), to authorize a task order with Stanley Consultants in the amount of $49,542.00 to develop a transition plan to meet the requirements of the American with Disabilities Act. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

c. Authorize the Mayor to enter into a revised Interlocal Agreement with Pinellas County for the extension of the Penny for Pinellas Local Infrastructure Sales Surtax from 2020-2030.

The proposed Interlocal Agreement modified the original agreement in regard to the structure of the committee.

Hearing no Commission comments or any audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approved Item 5(c), to authorize the Mayor to enter into an Interlocal Agreement with Pinellas County for the extension of the Penny for Pinellas local infrastructure sales surtax from 2020 – 2030. The motion was seconded by Commissioner Friszolowski and unanimously approved by an individual roll call vote.

6. Ordinances

a. Ordinance 2017-14, Final Reading and Public Hearing relating to the re-platting of real property at 7200 and 7210 Gulf Boulevard.

Jennifer Bryla, Community Development Director, explained that the property owner desired to combine the three lots into the one-half acre required for commercial development.

Hearing no Commission or audience comments, Mayor Johnson called for a motion and the vote.

Commissioner Finnerty moved to approve Item 6(a), Ordinance 2017-14, on final reading, providing for a re-plat of a portion of Lots 11 and 12 and Lots 13, 14, 15, and 16 of a re-plat of St. Petersburg Beach, according to the plat thereof, as recorded in Plat Book 5, pages 28 and 29 of the public records of Pinellas County, Florida, lying in Section 36, Township 31 south, range 15 east, City of St. Petersburg Beach, Pinellas County, Florida, more fully detailed in the attached survey; providing for conflicts, severability, construction, publication, and an effective date. The motion as seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

b. Ordinance 2016-09, Final Reading and Public Hearing, an Ordinance amending Chapter 6, Alcoholic Beverages, of the City of St. Pete Beach Code of Ordinances allowing for the consumption of alcohol on the sand beach in conjunction with a transient lodging facility.

Ms. Bryla noted that the ordinance was revised based upon the changes made during the first public hearing on August 8, 2017.

Hearing no further Commission comments, Mayor Johnson called for audience comments.

William Pyle, Sunset Way, representing Silver Sands Condominiums, spoke in opposition of the proposed ordinance.

David Westmark, representing the Blue Turtle Society, commented on the increase of plastic waste on the beach and requested consideration of a phased-in, mandatory use of biodegradable serving ware.

Hearing no additional Commission comments or audience comments, Mayor Johnson called for a motion and the vote.

> **Commissioner Finnerty moved to approve Item 6(b), Ordinance 2016-09, upon final reading, an ordinance of the City Commission of the City of St. Pete Beach, Florida, amending Division 2, Section 2.1, Words, Terms and Phrases Defined, of the St. Pete Beach Land Development Code; amending Chapter 6, Alcoholic Beverages, Article I, in general, of the City of St. Pete Beach Code of Ordinances by amending Section 6.5, Public Consumption or Possession, relating to restrictions and permitting of public alcohol consumption on sand beach areas; providing for publication in accordance with the requirements of law; and providing for an effective date. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.**

c. Ordinance 2017-12, First Reading and Public Hearing, an Ordinance amending Division 2, Definitions, Division 6, Supplemental Regulations of the City of St. Pete Beach Land Development Code allowing for criteria for regulating mobile food establishments (food trucks); amending Divisions 30, 32, 33 and 37 to allow for mobile food establishments as a Conditional Use and an amendment to Appendix "A" of the Code of Ordinances to provide for an annual food truck fee.

Commissioners discussed the requirements of current businesses such as fire inspections, signage, special event permitting, business tax licensing, and the FOG ordinance.

Hearing no further commission comments, Mayor Johnson called for audience comments.

Keith Overton, President of TradeWinds Island Resorts, 5500 Gulf Boulevard, spoke in favor of the ordinance.

Don Mastry, 200 Central Avenue, spoke in favor of the proposed ordinance.

Matthew Dahm, CEO/Founder of Mastry's Brewing Company, spoke against current regulations and in favor of the proposed ordinance allowing food trucks.

John (last name inaudible), 78th Avenue, spoke in favor of the proposed ordinance and small businesses.

John Kearney, Leilani Drive, spoke in favor of the proposed ordinance and in favor of Mastry's Brewing Company.

Brett (last name inaudible), 79th Avenue, spoke in favor of the current mobile food vendor.

Rob Cszycson, Gulf Boulevard, spoke in favor of the proposed ordinance and in favor of the current brewery.

It was the consensus of the Commission to make the following amendments: Page 4, Item (l) (4), delete 2 hours, add 3 hours, and add Item (m).

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

> **Commissioner Finnerty moved to approve Item 6(c), Ordinance 2017-12, upon first reading, an ordinance of the City of St. Pete Beach, Florida, providing for mobile food establishment permits; regulating performance standards and hours and location of operation of mobile food trucks; amending Division 2, Definitions; Section 6, Supplemental Regulations; creating Section 6.25; amending Division 30, Section 30.4, TC-1 Town Center Core District, allowable conditional uses; amending Division 32, Section 32.4, CC1 Commercial Corridor Blind Pass Road District, allowable conditional uses; amending Division 33, Section 33.4, CC2 Commercial Corridor Gulf Boulevard District Conditional Uses; amending Division 37, Section 37.5, TC2 Town Center Corey Circle and Coquina West Districts allowable conditional uses; amending Appendix "A" of the Code of Ordinances to provide for mobile food permitting fees; providing for conflicts, severability, construction, publication, and an effective date; adding "subsection (m), A conditional use permit shall automatically expire if the principle business does not hold a valid business tax receipt from the City." and changing the maximum days that a food truck shall operate on any property will be three (3) days. The motion was seconded by Commissioner Falkenstein.**
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> **The motion was approved by a 3-2 vote with Commissioner Finnerty and Commissioner Falkenstein and Mayor Johnson voting "yes" and Vice Mayor Friszolowski and Commissioner Pletcher voting 'no."**

7. Resolutions

a. Approval of Resolution 2017-05, authorizing the Conditional Use #17-00006 for the rental of commercial non-motorized watersport in an existing business

Mr. Saunders noted the resolution number is typed incorrectly and should be Resolution 2017-06 and was advertised in the Tampa Bay Times newspaper correctly.

Ms. Bryla presented the non-motorized watersports rental proposal from North Beach Windsurfing that would allow customers who are renting paddleboards to launch them from the business's seawall.

Andrew Dickman, City Attorney, noted that Item 7(a) is a quasi-judicial hearing and Commissioners must disclose any ex parte communication.

Commissioner Finnerty reported receiving email correspondence.

Commissioner Falkenstein reported receiving email correspondence.

Vice Mayor Friszolowski reported receiving correspondence and telephone calls and participated in in-person conversations.

Commissioner Pletcher reported receiving email correspondence.

Mayor Johnson reported receiving email correspondence.

Karen Marriott, Owner of North Beach Windsurfing, Gulf Boulevard, reviewed the scope of her proposal to allow paddleboard rentals and launching from her business.

The following individuals spoke against the conditional use:

- Jim Proctor, Belle Vista Drive East
- Steven Grossnickle, Belle Vista Drive East
- Bonnie Crane, Mangrove Point
- Faith Grossnickle, Belle Vista Drive East
- Ralph (no last name provided), Belle Vista Drive East
- Maria Lowe, Alton Drive
- Jim Carney, no address provided
- Todd Webb, Belle Vista Drive
- Robert Smith, Belle Vista Drive
- Barb Miller, Belle Vista Drive
- Mike Major, Belle Vista Drive
- Joanne Melodayo, Belle Vista Drive
- Gary Wright, Belle Vista Drive

The following individuals spoke in favor of the conditional use:

- Robert C Cszycson, Gulf Boulevard
- Doug Izzo, Tampa Bay Chamber of Commerce

Ms. Marriott provided responses to questions and concerns raised, monthly rentals, transfer of conditional use, and proposed limitations/recommendations; and provided additional comments in regard to ancillary uses by the Zamora Hotel.

Vice Mayor Friszolowski disclosed three family-owned residences in the area and was advised by the City Attorney that there was no conflict of interest. The Vice Mayor suggested approval of the conditional use without access to the bayou.

The Commission amended the conditions as follows:

A. Customers renting non-motorized commercial water sports equipment shall use the designated crosswalks, if crossing Gulf Boulevard, to go west to the sand beach.
B. No launching of non-motorized commercial water sports equipment off the east side of property into the waterway.
C. Deleted
D. Deleted
E. Deleted

Hearing no further Commission or audience comments, Mayor Johnson called for a motion and the vote.

Vice Mayor Friszolowski moved to approve Item 6(c), Resolution 2017-06, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing commercial non-motorized watersport rental use at an existing business located at 4211 Gulf Boulevard; incorporating the conditions outlined herein; and providing for an effective date, as amended. The motion was seconded by Commissioner Pletcher and unanimously approved by an individual roll call vote.

8. Items for Discussion

There were no items for discussion.

9. Audience Comments

There were no audience comments.

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

City Clerk Haynes did not provide a report.

City Manager Saunders reported on the following items:
- Update on the Infiltration & Inflow (I & I) project
- Update on manhole repairs

City Attorney Dickman reported on the following item:

- Update on a hoarding ordinance

Commissioner Pletcher reported on the following item:

- Vina del Mar Island Association request City assistance to the arch to the park

Vice Mayor Friszolowski reported on the following item:

- Florida League of Cities (FLC) conference and the class on cybersecurity
- Bay News 9 report on the St. Pete Beach Library and staff

Commissioner Finnerty reported on the following item:

- Florida League of Cities (FLC) conference and the class on Home Rule

Commissioner Falkenstein reported on the following items:

- Library classes and workshops
- Florida League of Cities (FLC) conference and wireless communication laws, response & recovery plans
- "Sunrise Over the Bay" summit sponsored by the League of Women Voters from 9:00 a.m. to 12:30 p.m. on September 16, 2017 at the Florida Fish and Wildlife Reserve building
- School is back in session

Mayor Johnson reported on the following items:

- Beach cabana vendors and density control
- Concession rentals
- Pass-a-Grille sidewalk between 28th Avenue and 30th Avenue
- Off-shore drilling

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 10:25 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: 10/24/2017