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COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, June 12, 2018
6:00 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

1. **Presentations** - Presentations shall be limited to 5 minutes for non-city government related items.
2. **Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
3. **Audience Comments** - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.
4. **Consent**
 - a. **Approval of minutes from the following City Commission meetings: May 8, 2018 regular; May 22, 2018 workshop; May 22, 2018 regular; and May 30, 2017 Executive Session.**

- b. Request approval of the quote from EMS of Central Florida, Inc. in the amount of \$24,925.00 for the Flow Monitoring System at Pump Station 1, 2, and 3.**

5. Action Items

- a. Request approval of the design by George F. Young for boat trailer parking spaces, standard vehicle parking, kayak staging, a boat rinse down area, and children's play area with picnic tables at Egan Park.**

6. Ordinances

- a. Ordinance No 2018-02 – Final Reading and Public Hearing of an Ordinance of St. Pete Beach, FL Amending Division 7, Introduction to District Regulations, of the Land Development Code of the City to ban Medical Marijuana Treatment Centers.**
- b. Ordinance No 2018-07 – Customary Use Ordinance. First Reading and Public Hearing. An ordinance designed to assert long-standing recognition of customary use of beaches by the public.**

7. Resolutions – No items submitted at this time.

8. Items for Discussion – No items submitted at this time.

9. Audience Comments 2 - Comments shall be limited to 3 minutes per person to issues not on the agenda, 21 minutes in total.

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

11. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall.**

CITY COMMISSION MEETING

MINUTES

MAY 8, 2018

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

ALSO PRESENT:

Wayne Saunders, City Manager (absent)
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Mike Clarke, Public Works Director
Jennifer McMahon, Recreation Director
Vince Tenaglia, Administrative Services Director
Wesley Wright, Community Development Director

Matthew McConnell, Esq., associate with Dickman Law Firm, was also in attendance at the meeting.

1. Presentations

- a. Presentation by Representative Kathleen Peters

Kathleen Peters, State Representative for the Florida House of Representatives, District 69, expressed her appreciation to the Commissioners for working with her during her tenure. Ms. Peters reviewed the funding she assisted in obtaining for the City and noted much of the state funding was geared toward school safety and health care services.

b. Proclamation - National Safe Boating Week

Mayor Johnson presented the proclamation to the US Coast Guard Auxiliary member in attendance.

c. Proclamation – Municipal Clerks Week

Mayor Johnson presented the proclamation to Rebecca Haynes, City Clerk, and thanked the City Clerk staff for their contributions to the City.

2. Changes to the Agenda

City Attorney Dickman requested Item 5(b) be modified to reflect a six-month extension to the current leasee; add Item 5(c), to approve the minimum and maximum dollar amount the City will accept during the foreclosure process; and add Item 5(d), a Chickee Hut declaratory statement.

Vice Mayor Pletcher requested to add a discussion item in regard to an extension of a temporary Certificate of Occupancy.

3. Audience Comments

There were no audience comments.

4. Consent

- a. Authorization to approve special event application for the Surfers for Autism event to be held in Pass-a-Grille on July 7, 2018. The event would require street closures on 9th Avenue and 10th Avenue between Gulf Way and Pass-a-Grille Way.
- b. Request approval of the Task Order 2018-02 under the Continuing Engineering Services Contract with GGI LLC, in the amount of \$22,345.00 for the design and contract documents of Stormwater Improvements on W. Vina Del Mar Boulevard.

Item 4(a) was amended to reflect that Gulf Way will not close as requested.

Vice Mayor Pletcher moved to approve Consent Items 4(a) and (b) as amended. The motion was seconded by Commissioner Friszolowski and unanimously approved by an individual roll call vote.

5. Action Items

- a. Consideration of a request from Mr. Mark Colburn, property owner of 1701 Pass-A-Grille Way to relocate Duke Energy Equipment located in the 17th Avenue City Right-of-Way adjacent to his property.

Mr. Mark Colburn, property owner at 1701 Pass-A-Grille Way requested the relocation of Duke Energy equipment currently scheduled for installation on his property.

Vice Mayor Pletcher moved to authorize the City Manager to coordinate with Duke Energy to relocate the electrical equipment to the southeast corner of 15th Avenue and Pass-a-Grille Way and coordinate with the property owner to participate in the cost. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- b. Lease agreement with United Park Services, Inc. for the Beach Concession Operations at Upham Beach and Pass-a-Grille Beach.

The City Manager is currently in negotiations with United Park Services. The current lease can be extended up to an additional six months.

Mayor Johnson called for audience comments.

Ariel Grant, 14th Avenue, spoke in support of retaining the current concession stand manager at the Paradise Grille.

Commissioner Friszolowski moved to extend the current concession stand lease in Pass-a-Grille and Upham Beach up to six (6) months to allow for negotiations of a new lease. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- c. Final Judgement of Foreclosure on property located at 627 78th Avenue

City Attorney Dickman recommended the Commission set a minimum bid and a maximum bid for the sale of property. If the minimum bid is not met, the ownership will pass to the City and a referendum would be required in order for the City to sell the property.

Commissioner Finnerty moved to set the minimum price for the auction of property located at 627 78th Avenue at \$300,000 and the maximum bid at \$500,000 for the auction. The motion was seconded by Vice Mayor Pletcher and unanimously approved by an individual roll call vote.

- d. Chickee Hut Declaratory Statement

City Attorney Dickman explained the Building Code exemption that pertains to the Seminole-Mikasuki Indian Tribe stand-alone hut. The hut is allowable by state law

contingent upon the fact that the structure doesn't contain any non-wood features such as plastic cups, electricity, aluminum chairs, etc.

It was the consensus of the Commission to request the City Attorney work with the Community Development Department to seek an alternate interpretation from the State Building Commission on what constitutes a Chickee hut.

6. Ordinances

- a. Ordinance 2018-02 – First Reading and Public Hearing of an Ordinance of St. Pete Beach, FL Amending Division 7, Introduction to District Regulations, of the Land Development Code of the City to ban Medical Marijuana Treatment Centers.

Matthew McConnell, associate with Dickman Law Firm, reviewed the history associated with regulating the cultivating and processing of medical marijuana and the delivery by treatment centers.

Mayor Johnson called for audience comments.

Michael Welch, East DeBazan, spoke in opposition of the ban.

Tom Murphy, Sailboat Avenue, spoke in opposition of the ban.

Dr. Lora Brown, Beach Drive, spoke in opposition of the ban.

Amy Merle, 44th Avenue, requested further definition of "marijuana."

Nick Holcomb, 44th Avenue, requested further explanation of Section 381.986 of the Florida Statutes.

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

Commissioner Finnerty moved to approve Item 6(a), Ordinance 2018-02, upon first reading, amending Division 7, Introduction to District Regulations, of the Land Development Code of the City of St. Pete Beach, Florida, by adding a new section to be numbered and entitled as Section 7.6, Medical Marijuana Treatment Center Dispensing Facilities Prohibited, by prohibiting medical marijuana treatment center dispensing facilities from being located within the boundaries of the City of St. Pete Beach, as authorized by Section 381.986, Florida Statutes; providing legislative findings; providing a moratorium contingency; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

7. Resolutions

There were no resolutions presented.

8. Items for Discussion

a. Flood Insurance

Vice Mayor Pletcher requested consideration of a resident's request to amend his temporary Certificate of Occupancy (TCO) in regard to a FEMA regulation.

Mayor Johnson called for the homeowner's comments.

Don Schmehil, East Vina del Mar, commented that the temporary TCO for his property expires May 25th and cannot be extended at staff level. Mr. Schmehil requested to install sliding glass doors on the lower level of his home.

It was the consensus of the Commission to extend the temporary TCO for Mr. Schmehil at 2431 East Vina del Mar and amend the current ordinance to allow for sliding glass doors at the first level contingent upon certain criteria.

9. Audience Comments 2

An unidentified speaker commented on lighting effects in regard to astronomy.

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

City Clerk Haynes reported on the following items:

- Attended training at the Pinellas County Emergency Operation Center
- Florida League of Cities Annual Conference will be held August 16 through August 18, 2018

City Attorney Dickman reported on the following items:

- Order granting attorney fees through Circuit Court
- House Bill 631 in regard to beach access

Commissioner Finnerty reported on the following items:

- Status of hiring a lobbyist
- Library Constitution Revision Committee meeting at the Library
- Correspondence from a member of the military in regard to SPB Support Our Troops

Commissioner Falkenstein reported on the following items:

- First turtle nest of the year
- Manhole covers used in the City of Miami

Commissioner Friszolowski reported on the following items:

- Belle Vista Civic Association annual picnic will be held in Bill Corrotto Park on Saturday, May 12th beginning at 5:00 p.m.

Vice Mayor Pletcher reported on the following item:

- Lights on Eighth celebration on Saturday, May 12th beginning at 5:00 p.m.
- The Dad's Club of St. Johns Church is sponsoring a Beer Festival on May 12th at the Community Center

Mayor Johnson reported on the following items:

- Fire Rescue and Hurricane Expo events on May 12, 2018
- Attended a Florida League of Cities conference, Institute for Elected Municipal Officials, on April 27-28, 2018
- Long term rentals
- Community-wide underground utilities
- Forward Pinellas bike event on May 18, 2018

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:10 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING - WORKSHOP

MINUTES

MAY 22, 2018

4:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 4:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Al Johnson, Mayor
Melinda Pletcher, Vice Mayor (arrived at 4:10 p.m.)
Terri Finnerty, Commissioner
Rick Falkenstein, Commissioner
Ward Friszolowski, Commissioner

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Wesley Wright, Community Development Director

1. PSTA Trolley – Service south of the Don Cesar

Brad Miller, Chief Executive Officer, and Heather Sobush, Planning Director, provided ridership statistics for the Central Avenue Trolley based on an on-board survey and reviewed service and vehicle alternatives for the Pass-a-Grille community.

It was the consensus of the Commission to request daily ridership numbers by the time of day and additional information on smaller busses and reduced frequency of routes in the Pass-a-Grille area, particularly during the road construction.

2. Past, Present and Future of Waterborne Transportation - Corey Hubbard of Tampa Bay Ferry

Corey Hubbard, fourth generation ferry boat operator, reviewed the history of Tampa Bay Ferry & Taxi service through Hubbard's Marina and the potential future of water transportation. Ms. Hubbard noted subsidies would be necessary through the City and community businesses.

The Commission commented on the conceptual support and noted additional discussions would be necessary to gather further information.

3. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:35 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

CITY COMMISSION MEETING

MINUTES

MAY 22, 2018

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

ALSO PRESENT:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Rebecca C. Haynes, City Clerk
Mike Clarke, Public Works Director
Vince Tenaglia, Administrative Services Director
Jennifer McMahon, Recreation Director
Wesley Wright, Community Development Director

1. Presentations

- a. Proclamation – Public Works Department Week

Mayor Johnson presented a proclamation to Public Works Director, Mike Clarke, declaring the week of May 20th through May 26th as “Public Works Week.”

2. Changes to the Agenda

City Attorney Dickman requested to add Discussion Item 8(b), Chmielewski v. City of St. Pete Beach.

3. Audience Comments

Tom Rask, unincorporated Pinellas County, commented on the decline of PSTA ridership and possible route changes.

An unidentified speaker commented on light pollution.

4. Consent

- a. Approve minutes from the 4/10/2018 and the 4/24/2018 City Commission meetings and the 4/13/2018 Budget Workshop.
- b. Approve Re-Appointments to the Police Pension Board of Trustees.
- c. Authorization to approve special event application with wet zone and street closure for the St. Pete Beach 5K Series scheduled for June 22, July 20 and August 17, 2018.
- d. Approve the Letter of Intent with Frontier Communications in the amount of \$13,946.69 for the material, engineering, placing and splicing labor associated with Pass-a-Grille Way Phase II, Construction 1st Avenue to 19th Avenue.
- e. Approve an Addendum to the District 3 Landscape Maintenance Agreement with Four Seasons Mowing and More, Inc.

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

Commissioner Friszolowski moved to approve Consent Items 4(a), (b), (c), (d), and (e) as presented. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

5. Action Items

- a. Selection of the type of streetlight pole and LED light fixture to install along Gulf Boulevard as part of the undergrounding project.

City Manager Saunders explained that Duke Energy requested a decision on the two options of street lighting for Gulf Boulevard.

Commissioner Falkenstein moved to approve Item 5(a), to approve the selection of the white concrete pole with the white Sanibel fixture currently installed on the Bay Way for the Gulf Boulevard streetlights. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- b. Request approval of Change Order No. 8 in the amount of \$54,872.35 to the Pass-A-Grille Way Road Reconstruction project with Gibbs & Register Inc., to relocate Duke Energy Equipment located in the 17th Avenue Street End City right-of-way to the southeast corner of the City-owned Warren Webster property.

At the Commission's request, Duke Energy will locate the equipment at the southeast corner of the lawn of the Warren Webster Community Center property. A share of the added cost will be borne by the property owner at 1701 Pass-a-Grille Way.

Vice Mayor Pletcher moved to approve Item 5(b), to approve Change Order No. 8 in the amount of \$54,872.35 to the Pass-a-Grille Way Road Reconstruction project with Gibbs & Register, Inc., to relocate Duke Energy equipment located in the 17th Avenue street end City right-of-way to the southeast corner of the City-owned Warren Webster property, subject to a property owner contribution of \$20,000. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- c. Request approval of Amendment No. 7 to the Design of Blind Pass Road Reconstruction by Michael Baker International in the amount of \$38,124.66 for the redesign of the outfall at 70th Avenue and Gulf Winds Drive.

The change order will allow for the relocation of the baffle box out of the street-end park at 70th Avenue into the center of the street and redesigns the two pipes into a single cast in place box culvert.

Vice Mayor Pletcher moved to approve Item 5(c), to approve Amendment No. 7 to the design of Blind Pass Road Reconstruction Project by Michael Baker International in the amount of \$38,124.66 for the redesign of the outfall at 70th Avenue and Gulf Winds Drive. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

6. Ordinances

- a. Ordinance 2018-05, First Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida, providing for an amendment to Appendix A (Fee Schedule) of the Code of Ordinances.

The proposed ordinance will amend the fee schedule for parking rates in the City from \$2.25 per hour to \$2.75 per hour.

Commissioner Falkenstein moved to approve Item 6(a), to approve Ordinance 2018-05, upon first reading, an ordinance of the City of St. Pete

Beach, Florida providing for an amendment to Appendix A (Fee Schedule) of the Code of Ordinances; providing for conflicts, severability, construction, publication, and an effective date. The motion was seconded by Commissioner Friszolowski and unanimously approved by an individual roll call vote.

It was the consensus of the Commission to direct staff to prepare a separate ordinance that increases the parking violation fees.

- b. Ordinance No 2018-03 – First Reading and Public Hearing, an ordinance of St. Pete Beach, Florida, Adopting new regulations for communication towers and antennas and establishing new regulations for wireless communication facilities.

The proposed ordinance will allow the City to place regulations to permit wireless communication facilities in the City right-of-way property.

City Attorney Dickman requested the following amendments:

- Page 105: paragraph five, delete ~~of~~, insert or
- Page 106: insert Small Wireless Facility as defined by State Statute
- Page 106: insert Wireless Facilities as defined by State Statute
- Page 109: paragraph one, delete ~~as defined in this Chapter~~
- Page 113: paragraph seven, delete ~~Why 30 ft. from trees? The tree may be part of the masking feature. Perhaps 10 ft. from the canopy of the tree at maturity?~~

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

Vice Mayor Pletcher moved to approve Item 6(b), Ordinance 2018-03, upon first reading, an ordinance of the City of St. Pete Beach, Florida, relating to the communication facilities; creating Chapter 132 of the City of St. Pete Beach Code of Ordinances entitled, “Communication Facilities in the Public Right-Of-Way” Sections 132-1 through 132-7, including “Purpose,” “Definitions,” “Registration,” “Permits for Antennas or Towers in City Rights-Of-Way,” “Permitting Requirements for Small Wireless Facilities,” “Permitting Requirements for New Communication Facilities, Wireless Facilities and Wireless Support Structures,” and “Accessory Equipment;” providing for conflicts, severability, construction, publication and an effective date. The motion was seconded by Commissioner Falkenstein.

Vice Mayor Pletcher moved to include, “as amended as stated earlier” and the second agreed.

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

7. Resolutions

There were no resolutions submitted.

8. Items for Discussion

- a. Additional bike racks at Upham and Pass-A-Grille beach concession stands

It was agreed that the Commissioners would email their location preferences to the City Manager.

- b. Chmielewski v. the City of St. Pete Beach

City Attorney Dickman requested Commission direction and requested an executive session be scheduled to discuss litigation settlement.

It was the consensus of the Commission to schedule an Executive Session for Wednesday, May 30, 2018 at 4:00 p.m. in the Commission Chambers at City Hall.

9. Audience Comments 2

An unidentified speaker commented on additional bike racks at Upham Beach.

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

City Clerk Haynes reported on the following item:

- City Hall is closed Monday, May 28, 2018, in observance of Memorial Day

City Manager Saunders reported on the following items:

- Pass-a-Grille restroom update
- Library restrooms are completed and will open on Wednesday, May 23rd

City Attorney Dickman reported on the following item:

- Workshop in regard to beach management scheduled for July 10th at 4:00 p.m.

Vice Mayor Pletcher reported on the following item:

- Public Works Department crew members clean-up in the Pass-a-Grille dunes

Commissioner Friszolowski reported on the following item:

- Schedule Pinellas County School Board Member Joanne Lentino and Egmont Key Manager Richard Sanchez to speak at a future meeting

Commissioner Finnerty reported on the following items:

- Schedule Senator Brandes at a future meeting

- Attended a Florida League of Cities workshop at Madeira Beach City Hall with Mayor Johnson and City Clerk Haynes
- Attended a Florida League of Cities dinner and received a Home Rule Hero award

Commissioner Falkenstein reported on the following items:

- Three turtle nests in St. Pete Beach and three turtle nests at Shell Key
- Update on Upham Beach jetties
- Pinellas County Sheriff Department statistics
- Library events

Mayor Johnson reported on the following items:

- Forward Pinellas bike event
- Update on Beach Theatre

11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

CITY COMMISSION SPECIAL MEETING – EXECUTIVE SESSION

MINUTES

MAY 30, 2018

4:00 P.M.

CALL TO ORDER

Mayor Johnson called the meeting to order at 4:00 p.m.

PRESENT:

Al Johnson, Mayor
Rick Falkenstein, Commissioner
Ward Friszolowski, Commissioner

ABSENT:

Melinda Pletcher, Vice Mayor
Terri Finnerty, Commissioner

ALSO PRESENT:

Andrew Dickman, City Attorney
Mary Jo Murphy, Deputy City Clerk

1. Announcement of Litigation

A. Chmielewski v. St. Pete Beach, Case No. 813-cv-03170-JDW-MAP 11th
Circuit Court

Mayor Johnson announced the commencement of an attorney-client executive session.

2. Adjourn to Executive Session

Mayor Johnson adjourned the meeting to an attorney-client executive session at 4:07 p.m.

3. Reconvene to Public Session

Mayor Johnson reconvened the meeting to a public session and announced the termination of the attorney-client executive session.

4. Discussion and Possible Action

- A. Chmielewski v. St. Pete Beach, Case No. 813-cv-03170-JDW-MAP 11th
Circuit Court

City Attorney Dickman's recommendation was to not take any action at this time but to review the fees and the results of the case.

Mayor Johnson asked for audience comments.

Jeff McMahon, Don CeSar Place, President of the Don CeSar Property Association, distributed and reviewed a handout which consisted of three photographs and a legal opinion in regard to the subject case.

5. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:10 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Alan Johnson, Mayor

Minutes approved on: _____

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request approval of the quote from EMS of Central Florida, Inc. in the amount of \$24,925.00 for the Flow Monitoring System at Pump Stations 1, 2, and 3.

Date: June 12, 2018

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: On October 10, 2017, the City authorized Kimley-Horn and Associates, Inc. to assist the City in the creation of a scope of services that will implement flow monitoring upgrades at the City's main Pump Stations. The City also requested quote solicitation assistance from Kimley-Horn and Associates, Inc., which included preparation of a solicitation package and quote request services.

On April 9, 2018, Kimley-Horn and Associates, Inc. delivered the quotes and associated tabulation of those quotes, listing EMS of Central Florida, Inc. – ER Mechanical as submitting the lowest quote.

Funding: CIP – Flow Monitoring System
101-6107-535-5629

Requested Motion: “I move to approve the quote from EMS of Central Florida, Inc. in the amount of \$24,925.00 for the Flow Monitoring System at Pump Stations 1, 2, and 3.”

Attachment: Quote from EMS of Central Florida, Inc.
Quote Tabulation

Reviewed by the City Manager: 



**Electrical
Mechanical
Service**
of Central Florida, Inc.

EMS of Central Florida, Inc is pleased to offer a bid to you for the construction of a Scada system for the three master lift stations. The systems will be using the Click hardware and software with the ER Scada program developed for their use. The system will handle 35 lift stations and will be in communication for systems via the internet as you have seen in our meeting with you and the onsite visit with the City of Oldsmar. The install and programming and training should be completed within one week.

As a lump sum bid EMS is offering the entire package as outlined for \$24,925.00.

Best regards

Allen Anderson
President



Quotes Results - Flow Monitoring System

Streets	Control Systems Design	ER Mechanical	Rocha Controls
Base Quote	\$ 77,700.00	\$ 24,925.00	\$ 72,596.00

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Request approval of the design by George F. Young for boat trailer parking spaces, standard vehicle parking, kayak staging, a boat rinse down area, and children's play area with picnic tables at Egan Park.

Date: June 12, 2018

Prepared By: Mike Clarke, Public Works Director

Through: Wayne Saunders, City Manager

Summary of Issue: On August 22, 2017, the City authorized George F. Young to prepare a concept drawing followed by the design of boat trailer parking spaces, standard vehicle parking, kayak staging, a boat rinse down area, and children's play area with picnic tables.

The concept drawing provides spaces for 13 boat trailers and 48 standard vehicle parking spaces, in addition to the boat rinse station, kayak equipment, picnic shelter, and children's play area at Egan Park.

Funding: CIP - Egan Park
301-8000-5650-590

Requested Motion: "I move to approve the design by George F. Young for boat trailer parking spaces, standard vehicle parking, kayak staging, a boat rinse down area, and children's play area with picnic tables at Egan Park."

Attachment: Concept Drawing by George F. Young

**Reviewed by the
City Manager:** WS

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2018-02 – Amending Division 7, Introduction to District Regulations, of the Land Development Code of the City to ban Medical Marijuana Treatment Centers.

Date: June 12, 2018

Prepared By: Andrew Dickman, City Attorney

Through: Wayne Saunders, City Manager

Summary of Issue: On November 8, 2016, Florida’s voters affirmatively selected to amend the Florida Constitution, titled “Use of Marijuana for Debilitating Medical Conditions” (“Amendment 2”). The legislature has incorporated this amendment into Section 381.986 of the Florida Statutes. The regulation of cultivation, processing, and delivery by marijuana treatment centers is preempted to the state except as provided in Section 381.986(11), Florida Statutes, which authorizes a county or municipality to "ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality." Section 381.986(11) further provides that "[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality," and that "[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies."

Requested Motion: “I move to approve Ordinance No. 2018-02 on final reading (read title).”

Attachments: Exhibit A – Ordinance 2018-02

**Reviewed by the
City Manager:** _____ WS

Ordinance 2018-02

AN ORDINANCE AMENDING DIVISION 7, INTRODUCTION TO DISTRICT REGULATIONS, OF THE LAND DEVELOPMENT CODE OF THE CITY OF ST. PETE BEACH, FLORIDA, BY ADDING A NEW SECTION TO BE NUMBERED AND ENTITLED AS SECTION 7.6, MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED, BY PROHIBITING MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES FROM BEING LOCATED WITHIN THE BOUNDARIES OF THE CITY OF ST. PETE BEACH, AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING A MORATORIUM CONTINGENCY; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach (the "City"), has the authority to adopt this Ordinance pursuant to Section 2, Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

WHEREAS, The Marijuana Policy Group has published a memorandum entitled "Municipal Dispensary Allocation: Florida" that, among other findings, determined the harmful consequences of the saturation and concentration of facilities in small population areas like St. Pete Beach, Florida; and

WHEREAS, under the statute the "regulation of cultivation, processing, and delivery by marijuana treatment centers is preempted to the state except as provided in Section 381.986(11), Florida Statutes, which authorizes a county or municipality to "ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality"; and

WHEREAS, Section 381.986(11) further provides that "[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality," and that "[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under Chapter 465"; and

WHEREAS, Section 381.986, Florida Statutes, severely limits, through state preemption, the City's regulatory control over the zoning and permitting of medical marijuana treatment center dispensing facilities; and

WHEREAS, the City Commission has determined that the adoption of this ordinance is in the interest of the health, safety, and welfare of the general public.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. The foregoing recitals are incorporated herein by reference, are made a part of this Ordinance, and constitute the legislative findings of the City of St. Pete Beach City Commission.

SECTION 2. Division 7, Introduction to District Regulations of the Land Development Code of the City of St. Pete Beach is hereby amended by adding a new section to be numbered and entitled as Section 7.6, "Medical Marijuana Treatment Center Dispensing Facilities, Prohibited," which shall read as follows:

Section 7.6 - Medical Marijuana Treatment Center Dispensing Facilities, Prohibited.

- (a) Prohibition. Medical Marijuana Treatment Center Dispensing Facilities are prohibited and shall not be located within the boundaries of the City. The City shall not accept, process or approve any request or application for a development order, building permit or other approval pertaining to or associated with a proposed Medical Marijuana Treatment Center Dispensing Facility.
- (b) Definition. The term "Medical Marijuana Treatment Center Dispensing Facility" shall mean any facility where medical marijuana or any product derived therefrom is dispensed.
- (c) Interpretation. This section and the terms used herein shall be interpreted in accordance with Florida Statutes and the Florida Administrative Code. The intent of this section is to ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the City as authorized by Florida Statutes.

SECTION 3. In the event Section 381.986, Florida Statutes is repealed or amended by the Florida legislature, or is declared to be invalid or unconstitutional or is otherwise construed by a court of competent jurisdiction in a manner that eliminates or prevents the City's authority or ability to ban or prohibit Medical Marijuana Treatment Center Dispensing Facilities from being located within the City limits, then in such event and upon the effective date of such repeal, amendment or judicial determination, a one-year moratorium shall automatically be in place, without further action by the City Commission, during which no request or application pertaining to or associated with a Marijuana Treatment Center Dispensing Facilities shall be accepted, processed, or approved (and no development order or permit related thereto shall be issued) within the City limits. The purpose of the moratorium period is to provide a reasonable period of time to the City to evaluate changes in the applicable law, and the City's ability to adopt an ordinance establishing reasonable regulations for such uses and activities. The City Commission may by ordinance terminate the moratorium prior to the expiration of the one-year moratorium period.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLISHED: _____

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ordinance No 2018-07 – Customary Use Ordinance. An ordinance designed to assert long-standing recognition of customary use of beaches by the public.

Date: June 12, 2018

Prepared By: Andrew Dickman, City Attorney

Through: Wayne Saunders, City Manager

Summary of Issue: The 2018 Legislature adopted as a last-minute “walk-on” CS/HB 631 that is confusing and perceived by some to preempt local governments from adopting or maintaining ordinances that regulate “dry” sandy areas of beaches, particularly those areas owned by upland owners, subject to the “customary use” by the public for recreation and other customary uses. Local governments have home rule authority to regulate all lands within its jurisdiction for the public health, safety and welfare, and the statute “does not deprive a governmental entity from raising customary use as an affirmative defense in any proceeding challenging an ordinance adopted before July 1, 2018”. As of this date, there are no pending proceedings, but there have been situations in the city in reaction to the new statute, and it is impossible to predict what proceedings may happen in the future. The statute makes establishment of “customary use” by the public a vaguely defined judicial process, many questions remain about the cost and what happens after the court rules. This draft ordinance is somewhat patterned after one pending in Naples and Fernandina Beach. There is reason to believe that this statute may be unconstitutional and could be amended in the future. This ordinance preserves the city’s right to raise customary use as a defense in a legal proceeding.

Requested Motion: I move to approve Ordinance No. 2018-07 on first reading (read title).

Attachments: Exhibit A – Ordinance 2018-07

**Reviewed by the
City Manager**

WS

Ordinance 2018-07

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA RELATING TO CUSTOMARY USE OF BEACHES AND PUBLIC ACCESS; AMENDING CHAPTER 94, WATERWAYS, ARTICLE III, BEACHES, DIVISION 1, GENERALLY, OF THE CODE OF ORDINANCES, BY CREATING SECTION 94-74, CUSTOMARY USE OF BEACHES-INTENT; CREATING SECTION 94-75, PRESERVATION OF PUBLIC ACCESS; CREATING SECTION 94-76, PROHIBITION OF OBSTRUCTIONS TO PERSONAL ACCESS TO THE BEACHES; CREATING SECTION 94-77, CONSTRUCTION OF EROSION CONTROL STURCTURES; CREATING SECTION 94-78, PROHIBITION OF INTERFERENCE AND POSTING; CREATING SECTION 94-79, ENFORCEMENT AND VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. That the Code of Ordinances, City of St. Pete Beach, Florida, is hereby amended by creating new sections to Chapter 94, Article III, Division 1, to be numbered 94-74 through 94-79 and shall read as follows:

Chapter 94 – WATERWAYS

ARTICLE III – BEACHES

DIVISION 1 – GENERALLY

Sec. 94-74. – Customary Use of Beaches-Intent.

The intent of this section and of section 94-75 through 94-79 is to determine and confirm as a legislative fact that since time immemorial, the public has enjoyed access to the beaches of St. Pete Beach fronting the Gulf of Mexico and its related waters, and has made recreational use of the beaches; that such use has been ancient, reasonable, without interruption, and free from dispute; and that because of this customary access and use, the public has the right of access to the beach and a right to use the beach for recreation and other customary related purposes. The intent is to mandate that the city define, protect, and enforce the public's customary rights of beach access and use. It is not the intent of the city to affect the title of the owner of land

adjacent to the beach, nor to impair the right of any such owner to contest the existence of the customary right of the public to access and use any particular area of privately-owned beach, nor to reduce or limit any rights of public access or use that may exist or arise other than as customary rights. It is therefore declared and affirmed to be the public policy of the city, that the public, individually and collectively, subject to the provisions of this Code, shall have the right to personal ingress and egress to and from the beach and the right to make recreational and other customary uses of the beach. The Office of the City Attorney shall be authorized to take all steps legally necessary to protect and defend the public right of access and use declared by this Code. Further, it is the intention that customary use shall be an affirmative defense in any proceeding challenging this ordinance.

Sec. 94-75. – Preservation of Public Access.

The city will not vacate any approach to the beach or allow the same to be used for private purposes not otherwise preserved to a property owner as a matter of law.

Sec. 94-76. – Prohibition of Obstructions to Personal Access to the Beaches.

Except as provided for otherwise in this Code or general law, it shall be prohibited for any person to create, erect, or construct any structure, barrier, or restraint, either vegetative or man-made, that will interfere with or obstruct the right of the public, individually and collectively, to enter or leave the beach by way of any approach or to use lawfully any part of the beach for recreation and other customary purposes.

Sec. 94-77. – Construction of Erosion Control Structures.

The provisions of Section 94-76 above shall not prohibit the construction of an erosion control structure or of a re-nourished beach area permitted under applicable federal, state, county or city laws and regulations.

Sec. 94-78. – Prohibition of Interference and Posting.

It shall be unlawful and prohibited for any person to confront, threaten, harass, intimidate, or interfere with any person who is lawfully exercising the right of the public for the customary use of the beach. It shall be prohibited for any person to display or cause to be displayed on any beach or approach, any sign, marker, or warning stating that the public beach is private property or that the public does not have the right of access contrary to the lawful access rights of the public.

Sec. 94-79. – Enforcement and Violations.

Violations of the provisions of Sections 94-76 and 94-78 shall be subject to the enforcement and penalties provided for in Section 1-14 of this Code.

SECTION 2. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 5. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 6. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: **06/12/2018**
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2018.

Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

Andrew Dickman, City Attorney