

CITY COMMISSION MEETING

MINUTES

AUGUST 28, 2018

6:00 P.M.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

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. Florida League of Cities

Commissioner Finnerty presented information in regard to Senate Bills and House Bills currently under consideration and/or recently defeated that were a topic of discussion during a conference she attended through the Florida League of Cities.

b. Customary Use/Beaches

Andrew Dickman, City Attorney, presented information in regard to the Florida Coastal Construction Control Line (FCCCL), the Erosion Control Line (ECL), exemptions to the sign ordinance and customary use parameters.

2. Changes to the Agenda

Mayor Johnson requested to move Item 5(d) to the beginning of Action Items.

3. Audience Comments

There were no audience comments.

4. Consent

- a. Approval of minutes for the following meetings: July 19, 2018 Budget Workshop; July 24, 2018 regular meeting.
- b. Request approval of a Utility Easement dedicated to Duke Energy Florida, LLC for a switchgear utility box, capacitor bank, and associated conduit at 1500 Pass-a-Grille Way.
- c. Request approval of Change Order No. 1 to the agreement with Four Seasons Mowing and More, Inc., in the amount of \$12,498.20 for District 3 Landscape Maintenance.
- d. Request approval of the purchase of a John Deere Skid Steer from John Deere Construction Retail Sales in the amount of \$22,108.40.
- e. Request approval of the task order under the Continuing Engineering Services Contract with Kimley-Horn and Associates, Inc., in the amount of \$22,400.00, for FDOT Inflow and Infiltration point repair permit drawings.
- f. Request approval of the task order under the Continuing Engineering Services Contract with Cribb Philbeck Weaver Group, in an amount not to exceed \$20,000.00, for City-wide restroom renovations.
- g. Request approval of the Professional Services Agreement with M.T. Causley, LLC a Safe-Built Company, for Building Department services.
- h. Request approval to enter into an Interlocal Agreement for planning, mapping and special project services approved by the Forward Pinellas Board.
- i. Authorization to execute Grant Agreement No. LP52030 with the Florida Department of Environmental Protection for sanitary sewer improvements.

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

5. Action Items

- d. Request Appointment to the General Employees' Pension Board of Trustees.

Mr. Tim McLean noted that he appreciated the Commission's support and looked forward to serving as a member of the pension board.

Commissioner Friszolowski moved to approve Item 5(d), to appoint Mr. Tim McLean to the General Employees' Pension Board of Trustees for a term of two years, beginning October 18, 2018. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- a. Lease agreement with Starson LLC, for the Beach Concession Operations at Upham Beach and Pass-a-Grille Beach.

City Manager Wayne Saunders reported that Mr. Janecek agreed to all the requirements of the agreement and has committed to using biodegradable serving products.

In response to a question posed by Commissioner Friszolowski, Mr. Saunders noted that included in the agreement was a clause that the leasee can make capital improvements approved by the City.

Vice Mayor Pletcher moved to approve Item 5(a), to approve the lease agreement with Starson LLC, for the Beach Concession Operations at Upham Beach and Pass-a-Grille Beach. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- b. Request authorization for the City Manager to enter into an agreement for the purchase of BLK 54, lots 11, 14 and SW'SY ½ of lots 15 and 16 with a purchase price of \$600,000 with the City agreeing to pay closing costs.

Mr. Saunders reported that the owner of the property currently leased by the City for library parking has offered it for sale to the City at the appraised value of \$600,000 with the City paying closing costs. The City will do due diligence and conduct an environmental assessment prior to the close of sale.

City Attorney Dickman requested latitude in finalizing the purchase agreement that has been presented to the seller.

Commissioner Finnerty moved to approve Item 5(b), to authorize the City Manager to enter into the purchase agreement, including minor amendments, if any, with Corey Properties II, LLC to purchase real property with a purchase price of \$600,000 with the City agreeing to pay closing costs. The motion was seconded by Commissioner Friszolowski and unanimously approved by an individual roll call vote.

- c. Request approval of Amendment No. 2 to Task Order No. 1 under the Continuing Engineering Services Contract with Cardno, Inc., in the amount of \$33,765.00 for design and construction documents for library improvements.

Mike Clarke, Public Works Director, reported that Amendment No. 2 includes services associated with the replacement of the roof deck and strip windows and updates to the electrical and telephone services.

Commissioner Finnerty moved to approve Item 5(c), to approve Amendment No. 2 to Task Order No. 1 under the continuing engineering services contract with Cardno in the amount of \$33,765.00 for design and construction documents for library improvements. The motion was seconded by Commissioner Falkenstein and unanimously approved by an individual roll call vote.

- e. Request approval of the proposal for City-wide holiday decorations in the amount of \$41,307.50 from Clark Sales Display, Inc.

Mr. Clarke noted the proposal will piggy-back on a similar contract with the City of Treasure Island for a tree, decorations in Horan Park, tree wraps on Gulf Boulevard and decorative pole mounts, and lamp post wraps throughout the City.

Vice Mayor Pletcher moved to approve Item 5(e), to approve the proposal for City-wide holiday decorations in the amount of \$41,307.50 from Clark Sales Display, Inc. The motion was seconded by Commissioner Finnerty and unanimously approved by an individual roll call vote.

- f. Request approval of the task order under the Continuing Engineering Services Contract with George F. Young, Inc., in the amount of \$115,165.00, for the Lidar survey of the Pass-a-Grille district from 12th Avenue to 7th Avenue.

Mr. Clarke explained that the Lidar survey is a combination of light and radar that will create a three dimensional model in support of a drainage assessment for the Pass-a-Grille district.

Commissioner Friszolowski moved to approve Item 5(f), to approve the task order proposal under the continuing engineering services contract with George F. Young, Inc., in the amount of \$115,165.00 for the Lidar survey grant support for civil engineering of the GIS data collection of the Pass-a-Grille district from 12th Avenue to 7th Avenue. The motion was seconded by Vice Mayor Pletcher and unanimously approved by an individual roll call vote.

6. Ordinances

- a. Ordinance 2018-10, First Reading and Public Hearing, an ordinance of the City of St Pete Beach, Florida providing for addition to Appendix A (Fee Schedule) Code of Ordinances.

The proposed addition to the fee schedule will establish rates for patio rentals in Pass-a-Grille as the City will assume the responsibility beginning in October.

Commissioner Friszolowski moved to approve Item 6(a), Ordinance 2018-10, 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 Falkenstein and unanimously approved by an individual roll call vote.

7. Resolutions

- a. Resolution 2018-09, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a conditional use for the expansion of the Private Club located at 2301 Pass-A-Grille Way; incorporating the conditions outlined herein and providing for an effective date.

Commissioner Friszolowski reported that he is a member of the St. Petersburg Yacht Club (SPYC) and will abstain from discussing and voting on Item 7(a). Form 8B is attached.

Vice Mayor Pletcher reported that her husband is a member of the St. Petersburg Yacht Club (SPYC) and she will abstain from discussing and voting on Item 7(a). Form 8B is attached.

City Attorney Dickman stated that any ex parte communication must be disclosed, speakers will be sworn in, presentations will be given by the City and the applicant, public comments will be taken and Commission the will ask questions and provide comments.

Mayor Johnson disclosed that he had no ex parte communication.

Commissioner Falkenstein disclosed that a SPYC member contacted him.

Commissioner Finnerty disclosed that a SPYC member contacted her.

City Clerk Haynes administered the oath to individuals in attendance speaking on Item 7(a).

Wesley Wright, Community Development Director, detailed the conditional use permit and three variances for the yacht club. The three variances were as follows:

1. The four-foot fence height requirement in the front yard
2. The required front landscaping area
3. The 56 required parking spaces

Mr. Wright noted that the property located at 2307 Pass-a-Grille Way is the only single family home scheduled for demolition to accommodate the proposed changes. The demolition requires approval from the Historic Preservation Board.

The seven Standards for Review from the Comprehensive Plan were provided by the Community Development Director.

Joe Klingel, 255 Corey Avenue, applicant for the SPYC, stated the club's goal is to improve the site for existing and potential members. The pool location was chosen due to the close proximity of the neighbor to the north. Mr. Klingel reviewed the CUP and the three requested variances. He commented that Duke Energy has been contacted in regard to the parking lot lighting

Bruno Falkenstein, Pass-a-Grille Way, expressed concerns in regard to stormwater runoff and parking for transient boaters.

Mr. Klingel responded in regard to the permeable and non-permeable surface, noting there will be less asphalt in the proposed project.

City Attorney Dickman confirmed that the two additional conditions are:

1. Add a buffer vine on the north end of the residential property
2. Add landscape screening around the pool

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

Commissioner Finnerty moved to approve Item 7(a), Resolution 2018-09, a resolution of the City Commission of the City of St. Pete Beach, Florida, authorizing a conditional use for the expansion of the private club located at 2301 Pass-a-Grille Way; incorporating the conditions outlined herein and providing for an effective date, including the two additional conditions plus the three variances. The motion was seconded by Commissioner

Falkenstein and approved by a 3-0 vote, with Mayor Johnson, Commissioner Finnerty and Commissioner Falkenstein voting “yes” and Vice Mayor Pletcher and Commissioner Friszolowski abstaining.

8. Items for Discussion

There were no items submitted.

9. Audience Comments 2

An unidentified speaker requested clarification in regard to stormwater assessment fees.

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

City Clerk Haynes reported on the following items:

- City Hall offices are closed on Monday, September 3rd, in observance of Labor Day.
- Ballot language for the November 6th election has been submitted to the Pinellas County Supervisor of Elections
- Provided the updated statistics at the close of the Primary Election

City Manager Saunders reported on the following item:

- Update on Red Tide

City Attorney Dickman reported on the following item:

- Contract work with the City of Madeira Beach

Vice Mayor Pletcher reported on the following item:

- Expressed appreciation to fellow Commissioners for their concern on action taken during Item 7(a), SPYC

Commissioner Finnerty reported on the following items:

- Update on the Florida League of Cities conference where the theme was “Shine A Light on Home Rule”
- Attended the St. Petersburg Garden Club meeting where members requested a presentation by Senator Brandes and Representative Peters in regard to discussing short-term rentals
- Replacement of and flying status of flag on Corey Avenue
- Beach Theatre task force
- Status of Winn-Dixie property

Commissioner Falkenstein reported on the following items:

- Update on Library events
- General Election on November 7th in regard to Home Rule and property rights

Commissioner Friszolowski reported on the following items:

- Status of flagpole at Belle Vista Park
- Meeting dates for budget hearings and regular meetings through September
- (Happy Birthday, Amber!)

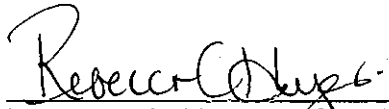
Mayor Johnson reported on the following items:

- Proposed anti-tether law
- Parking passes for disabled veterans
- Consideration of e-format agenda packets

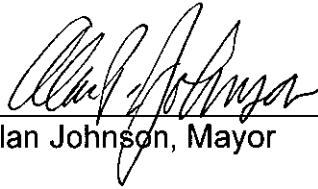
11. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:40 p.m.

Attest:



Rebecca C. Haynes, City Clerk



Alan Johnson, Mayor

Minutes approved on: 9-25-2018

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME FRISZOLOWSKI, WARD		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission	
MAILING ADDRESS 155 Corey Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY St. Pete Beach	COUNTY Pinellas	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED August 28, 2018		NAME OF POLITICAL SUBDIVISION: City of St. Pete Beach	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, WARD J. FRISZOLAWSKI, hereby disclose that on AUGUST 28, 20 18

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of ST. PETERSBURG YACHT CLUB, by whom I am ~~retained~~ a member.
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a member of the St. Petersburg Yacht Club.

The St. Petersburg Yacht Club requested a conditional use approval for the expansion of the private club and requested variances. It is agenda item #7 on our August 28, 2018 City Commission meeting.



August 28, 2018
Date Filed

Ward J. Friszkowski
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PETCHER, MELINDA		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Commission	
MAILING ADDRESS 155 Corey Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY St. Pete Beach	COUNTY Pinellas	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED August 28, 2018		NAME OF POLITICAL SUBDIVISION: City of St. Pete Beach	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, MELINDA PLETCHER, hereby disclose that on August 28, 20 18.

(a) A measure came or will come before my agency which (check one)

☒ NA inured to my special private gain or loss;

☒ NA inured to the special gain or loss of my business associate, _____;

☒ V inured to the special gain or loss of my relative, Husband is a member of Yacht Club
(non eligible member)

☒ NA inured to the special gain or loss of _____ whom I am retained; or
☒ NA inured to the special gain or loss of _____ which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Resolution 2018-09
Conditional use for a pool at the St Pete
Yacht Club



8128118

Date Filed

Melinda Pletcher
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.