

City Commission Meeting
April 27, 2021
6:00 p.m.

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Ward Friszolowski, Vice Mayor, Commissioner, District 3
Chris Graus, Commissioner, District 1
Mark Grill, Commissioner, District 2
Melinda Pletcher, Commissioner, District 4

STAFF PRESENT:

Alex Rey, City Manager
Andrew Dickman, City Attorney
Amber LaRowe, City Clerk
Vince Tenaglia, Assistant City Manager
Mike Clarke, Public Works Director
Wesley Wright, Community Development Director

Mayor Johnson called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

1. CHANGES TO THE AGENDA

No changes were made.

2. AUDIENCE COMMENTS

Betty R., resident, made a presentation to the Commission to expand upon the Commission's discussion at the last meeting in regard to flooding. She discussed a presentation to the Don CeSar neighborhood and the progression of the flooding over time.

David N., resident, discussed the April 21, 2021 flood study and the mitigation projects; the City Manager noted that the project is still on schedule.

Craig S., resident, commented on the flooding.

Lydia C., resident, commented on the flooding and flex valves.

City Manager Rey discussed the plan for flood mitigation, reminding everyone of the engineering study and time table. He also discussed flex valves, commenting on how they are made and installed.

3. CONSENT

- a. Services Agreement with USA Services of Florida, Inc. for Street Sweeping
- b. Gilliam Concrete Stormwater Authorization
- c. Shenandoah General Construction LLC Service Agreement

Motion: Vice Mayor Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to approve the April 27, 2021 Consent Agenda as presented by the City Manager.

4. ACTION ITEMS

a. Boca Ciega Isle Drive Stormwater Improvements Change Order

Mike Clarke, Public Works Director, discussed this Change Order that encompasses over 40 unanticipated events throughout the duration of this project. Each issue was reviewed individually by Public Works and approved to keep the project moving along; it is now 100 percent complete. Mr. Clarke discussed the contractor and the process for payments.

In regard to the total cost of the project, Mr. Clarke stated that he will follow up with the Commission later this week with an accurate total. Three different accounts were utilized to pay for the project in its entirety.

Vice Mayor Friszolowski discussed the original contract value, previous amounts, and then this Change Order. He does not fully appreciate how the Contractor billed the City for this project, opining that it was not a fair way to conduct business for this type of project. Mr. Rey agreed, stating that a time and materials type of billing is not an ideal way to handle this type of project in the City.

Motion: Vice Mayor Friszolowski moved, Commissioner Grill seconded, and the motion carried 5-0 to approve Change Order 1 for Boca Ciega Isle Drive Stormwater Improvements with Rowland, Inc. in the amount of \$251,527.41.

b. Reclaimed Water Lateral Line Repairs

Mr. Clarke provided an overview of the replacement program. The pricing is reasonable, costing approximately \$2,000 to \$2,500 per lateral. The goal is to conduct the reclaimed replacement, then resurface the road once complete.

Motion: Commissioner Graus moved, Vice Mayor Friszolowski seconded, and the motion carried 5-0 to approve the utilization of the existing On-Call Civil & Large Pipeline Contractor Services Agreement for failing reclaimed water service line repairs & replacements in an amount not to exceed the annual Reclaimed Water – Capital Improvements budget availability until September 30, 2021, including one additional one-year extension thereafter.

c. Caladesi Fire Station 23 Bunk Room Job Ordering Contracting (JOC) Proposal

Mr. Clarke discussed the upgrade to Fire Station 23 to include upgrading to the sleeping quarters as well as alterations to the HVAC, electrical, fire alarm and fire sprinkler systems.

Motion: Commissioner Pletcher moved, Commissioner Graus seconded, and the motion carried 5-0 to approve the price proposal under the Pinellas County Job Order Contracting Contract with Caladesi Construction Company in the amount of \$125,458.95 for renovations to the Fire Station 23 bunk rooms.

d. Rowland Emergency Sewer Repairs Authorization

Mr. Clarke discussed the current contract with Rowland for the Wastewater System Point Repairs. Approval of this item will authorize this Agreement for current and future expenses related to as needed emergency repairs to the City's Sanitary Sewer System; however, will not exceed budgeted funds.

Motion: Commissioner Grill moved, Commissioner Graus seconded, and the motion carried 5-0 to approve the utilization of the existing Wastewater System Point Repairs Services Agreement for emergency sanitary sewer repairs in an amount not to exceed the annual Wastewater Professional & Contractual budget availability until September 30, 2021.

e. St. Pete Beach Water Threats Analysis

Mr. Clarke discussed the history and timeline of this analysis. This study will provide an analysis for short-term and long-term solutions.

Mayor Johnson questioned the need for four firms. Mr. Clarke stated that three of the firms are familiar with the City and this area and can use the data they already have. Having four firms working together will allow for more brainstorming and collaboration which will benefit the City.

Commissioner Pletcher recognized and appreciated the idea for effective collaborative strategies and questioned if staff was also pursuing information from other municipalities in Florida who have and are going through this type of process. Mr. Clarke stated that staff is continuing to work with other jurisdictions on this topic as well as these companies. Discussion continued on the collaborative efforts of the City and the residents and the ability to maximize the results.

Commissioner Grill questioned the expected timeframe. Mr. Clarke stated that he fully expects to have the information provided by the end of September. In regard to Mr. Grill's question on grant funding, Mr. Clarke and City Manager Rey discussed how having a completed study should put the City in a better position to receive grant funding in the future to complete some of the work.

Betty R., resident, discussed the analysis zones as presented in the Agenda; she asked that the residents of the Don CeSar neighborhood are notified and invited to attend any meeting that the City may have with the engineers completing the study.

Motion: Commissioner Pletcher moved, Vice Mayor Friszolowski seconded, and the motion carried 5-0 to approve the water threats analysis task orders from Cardno, Inc. in the amount of \$49,989.00, Kimley-Horn and Associates, Inc., in the amount of \$49,550.00, Madrid-CPWG, Inc., in the amount of \$49,998.00, and Halff Associates, Inc., in the amount of \$50,000.00.

f. Ratification of Tentative Agreement with the International Association of Firefighters (IAFF) Local 4966

Vince Tenaglia, Assistant City Manager, discussed the negotiation process. He stated that both parties were successful in reaching an agreement on a new contract which includes key changes to salary and pension. Wages in fiscal year 20 continued with the step plan, fiscal year 21 continued with the step plan and a 2.5 percent increase in gross wages, and fiscal year 22 will continue with the step plan and a .4 percent gross wage increase. Effective next fiscal year, FY 2022, the City funded benefit multiplier will increase from 2.25 to 2.75 with members continuing to fund an additional multiplier from 2.75 to 3.4 at their own expense.

Commissioner Pletcher questioned the uniqueness of the City funded and differential. Mr. Tenaglia agreed that the members funding the difference between 2.75 and 3.4 is unique; however, the members wish to continue doing so. Discussion ensued regarding the unfunded liability and the actuarial impact; further discussion will continue at the April 29th budget workshop.

Motion: Vice Mayor Friszolowski moved, Commissioner Graus seconded, and the motion carried 5-

0 to approve authorization to ratify the tentative agreement reached with the International Association of Firefighters (IAFF) Local 4966.

5. ORDINANCES

a. First Reading Ordinance 2021-10: Fire Pension Multiplier

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR INCREASE IN THE CITY FUNDED BASE MULTIPLIER; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Motion: Vice Mayor Friszolowski moved, Commissioner Graus seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2021-10.

Motion: Commissioner Pletcher moved, Commissioner Grill seconded, and the motion carried 5-0 to adopt Ordinance 2021-07.

6. RESOLUTIONS

a. Resolution 2021-04: Miramar Conditional Use Permit

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING THE REDEVELOPMENT OF THE MIRAMAR RESORT AT A HEIGHT GREATER THAN 50 FEET AND A DENSITY GREATER THAN 30 UNITS PER ACRE, WHICH INCLUDES 15 UNITS FROM THE BH/C DENSITY POOL AND A ROOFTOP BAR.

b. Final Reading Ordinance 2021-04: Miramar Resort

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING FOR THE ALLOCATION OF 15 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE BOUTIQUE HOTEL/CONDO TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY LOCATED AT 4200 GULF BOULEVARD (MIRAMAR RESORT); PROVIDING FOR CONFLICTS, SEVERABILITY, CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

All those wishing to address the City Commission were duly sworn.

The Commission discussed any ex-parte communication on this topic with all Commissioners acknowledging discussions and emails with various residents related to this topic over the last couple of months.

Wesley Wright, Community Development Director, discussed both Resolution 2021-04 and Ordinance 2021-04 together. A copy of the presentation is made a part of the minutes. Since the Commission meeting on February 10th, the applicant has withdrawn the valet program and the variance request. A revised site plan was displayed along with the February 10th site plan to show a side-by-side comparison of the changes made.

If Ordinance 2021-04 is approved to allow the Applicant to utilize fifteen units from the density pool, there will still be 110 units remaining. Mr. Wright discussed the allocation of temporary lodging units to be evaluated by the City Commission on a merit basis to include, but not be limited to, the provision of public benefits such as:

1. Surplus on-site parking to be reserved for the public, and/or public or private multimodal transportation enhancements; applicant has none.
2. Public beach access with an easement made to the City for beachfront properties that are not otherwise

- required to provide access, or wider or multiple public beach accesses for properties required to provide access; the Applicant is proposing that the existing beach access located to the south be expanded to 10-feet in width along the southern border of the subject property. A permanent pedestrian access easement will be provided to the City for the portion of this beach access that expands onto the Applicant's property.
3. Additional public art or amenities; staff recommends the Applicant consider incorporating additional public art or amenities into the site plan design.
 4. Public boat slips; not applicable
 5. Workforce housing; not applicable
 6. Integration of additional green building principles, or other principles such as wellness, into new development or redevelopment projects; the Applicant is proposing to incorporate at least two of the eight energy and environmental design features into the construction project. Other emerging green building standards, and other certifications for building design such as wellness, may be considered in lieu of the criteria listed in the Land Development Code (LDC).
 7. For Gulf-front properties not otherwise required to provide such, an unimproved public access easement landward of the mean high-water line; the Applicant is proposing to dedicate to the City an unimproved public access easement landward of the mean high-water line for the portion of their private property which extends to said line. This unimproved public access easement shall be a minimum of 10 feet in width and run north and south.
 8. Additional landscaping above and beyond existing LDC requirements; staff recommends the Applicant consider incorporating additional landscaping, above and beyond the minimum code requirements, into the site plan design.
 9. Other public benefits proposed by citizens or the Applicant at community meetings, which may be considered by the City Commission; staff recommends the applicant consider incorporating free meeting room space for homeowner association groups to benefit the citizens of St. Pete Beach.

Mr. Wright stated that staff is recommending approval for the following conditional uses:

1. The new temporary lodging use to exceed 50 feet in height
2. A density greater than 30 units per acre
3. To allocate additional units from the B/HC density pool
4. A roof dining and/or drinking area

Granting the request will not adversely affect the public interest and would be generally compatible with adjacent properties and other properties in the district provided that the conditions as proposed by staff are adhered to. If the Conditional Use is granted by the City Commission, the Application should be subject to the following conditions:

1. The number of temporary lodging units permitted on the subject property shall be contingent on final action on companion Ordinance 2021-04 which allocates up to fifteen temporary lodging units from the Boutique Hotel/Condo Density Pool to the subject property. Any temporary lodging units awarded from the density pool shall be returned to the pool should a building permit not be obtained within one year of the date of the passage of companion Ordinance 2021-04, or should "continual construction" as defined in Division 2 of the Land Development Code (LDC) cease, unless extended by Resolution of the City Commission;
2. Should the subject property receive fewer than the 54 temporary lodging units sought through this Conditional Use Permit and companion Ordinance 2021-04, the floor area ratio (FAR) of the structure shall be reduced in compliance with the equation listed in LDC Section 46.6 (c);
3. The structure's temporary lodging unit FAR shall be based on the whole-unit density awarded from the density pool to the property when combined with base conditional density, rather than any fractional

maximum;

4. The conceptual site plan submittal to accompany this Application shall be substantially the same as the final site plan presented to the City. Any major deviations, as determined by the City Manager at his own discretion, may result in the loss of the conditional use approval;
5. The existing sidewalk along the Gulf Boulevard frontage of 4200 Gulf Blvd shall be removed and replaced at the Applicant's expense to accommodate a ten-foot-wide sidewalk that allows for safe, unobstructed, and efficient pedestrian flow in front of the property. Any portion of the ten-foot sidewalk that extends into the subject property shall be provided to the City as a permanent public pedestrian access easement. The owner shall provide a cost estimate for the sidewalk and letter of credit or bond to the City prior to issuance of any site plan approval for this request, and the sidewalk shall be installed prior to issuance of a Certificate of Occupancy for the subject development. The City, at its discretion, will determine when the sidewalk expansion work will commence. The owner agrees to provide an electrical utility easement, if necessary, for the electrical undergrounding project;
6. The Applicant shall submit a unified landscaping plan reflecting, at the time of submittal of the final site plan which meets or exceeds the landscape shown in the conceptual site plan;
7. If viable, the existing public beach access located adjacent the subject property to the south shall be expanded to a minimum of ten (10) feet in total width along the entirety of the southern portion of the subject property between Gulf Blvd and the beach. A permanent pedestrian access easement shall be supplied to the City for the portion of this beach access that expands onto the Applicant's property, and the easement shall be approved by the City Attorney prior to the issuance of any site plan approval associated with this request;
8. The Applicant shall dedicate to the City an unimproved public access easement landward of the mean high-water line for any portion of private property which extends to said line. This unimproved public access easement shall be a minimum of 10 feet in width. This unimproved public access easement shall be dedicated to the City prior to the issuance of any site plan approval for the redevelopment. The form and contents of the public access easement shall be acceptable to the City Attorney;
9. The Applicant shall provide a pedestrian pathway that links the expanded front sidewalk with the front of the building. The pathway shall be constructed with a distinctive and visually appealing paving pattern such as pavers or stamped concrete, and the design shall be approved by the Community Development Department prior to site plan approval;
10. A minimum of ten bicycle and/or scooter parking spaces shall be installed in a location near the front entryway to the building, and shall be located so as to not cause conflicts with drive lanes or pedestrian access;
11. The Applicant is required to design and construct, in accordance with the requirements of the Florida Department of Environmental Protection, a dune on any portions of the Gulf-front property where no dunes exists. Additionally, any portions of the Gulf-front property where there is an existing dune or where such proposed development would alter any portion of the dune, the Applicant shall file a plan in accordance with the requirements of the Florida Department of Environmental Protection for dune restoration. Any new design or restoration of the dune system shall be completed prior to the issuance of a certificate of occupancy;
12. All vehicular use areas viewable from adjacent property shall be screened in accordance with the landscaping standards of LDC Sec. 22.7(b), with interior landscaping provided in accordance with LDC Sec. 22.7(c)&(d). The expanded pedestrian beach walkway specified in condition #8 may be credited toward the required width of the landscaping buffer located along the southern end of the site. However, under no circumstance shall the landscape portion of said buffer be reduced below three (3) feet in width, unless the parking is screened by an intervening structure such as a fence or wall. When hardship exists, interior landscaped areas of the site can be consolidated and/or relocated with the approval of the Community Development Department, but under no circumstances shall the total required area of interior landscaped areas be reduced below the total required for the site;

13. All amplified music shall come from the onsite installed equipment and speakers. Amplified music will have no bass. Live music or bands shall be prohibited on the dining deck and rooftop area. The Music Level Limits (dBA) shall not exceed the following levels:

- Rooftop Location: 83 dBA between (7:00 a.m. – 10:00 p.m.),
73 dBA between (10:00 p.m. – 11:00 p.m.),
50 dBA between (11:00 p.m. – 1:00 a.m.), and
No amplified music after 1:00 a.m.

The Sound Level Limitations outlined in Section 46-132 are in addition to the limits set above;

14. Construction of the temporary lodging use shall incorporate at least two (2) of the eight (8) energy and environmental design features listed in LDC Sec. 39.9 as are appropriate to this use. Other emerging green building standards, and other certifications for building design such as wellness, may be considered in lieu of those listed following review and approval by the Community Development Department;
15. All impact fees and the wastewater connection fees, as may be applicable to this project at the time of building permit issuance, shall be collected prior to issuance of any building permit approval associated with this subject development. The density and intensity of the existing use at this site may be credited against the collection of any new impact fees if provided for in the law regulating such fee(s);
16. Concurrency Management Statements shall be submitted for potable water, sanitary sewer, solid waste, transportation facilities, and stormwater, and a Transportation Management Plan shall be submitted, prior to building permit approval. Approval of these statements and plan shall take place prior to issuance of any site plan associated with this request;
17. Any violation of these conditions shall entitle the City Commission to modify or revoke the Conditional Use Permit.

Mayor Johnson is pleased to see the dunes incorporated into the conditions.

Vice Mayor Friszolowski discussed Condition 7 as it relates to the beach walk on the south side; he wants to make certain that there is a legal easement that is 10-feet wide; he would like to remove the words “if viable” from Condition 7. Overall he is pleased with the changes made and encourages more landscape along Gulf Boulevard.

Commissioner Grill discussed the parking for the site and redevelopment versus new development seeing as this is a tear down rebuild.

Concerns were expressed regarding traffic pileup along Gulf Boulevard; City Manager Rey reminded the Commission that they can add more conditions at this time before approval to make anything a requirement to alleviate concerns.

Attorney Dickman specifically discussed Conditions 7 and 8 as they go hand in hand. He drafted conditions 7 and 8 to read:

7. The existing public beach access located adjacent the subject property to the south shall be expanded to approximately ten feet in width along the entirety of the southern portion of the subject property from Gulf Boulevard to the water mark determined in Condition 8 herein. A permanent pedestrian access easement shall be supplied to the City for the portion of this beach access that expands onto the Applicant's property and water mark determined in Condition 8 herein, and the easement shall be approved by the City Attorney prior to the issuance of any site plan approval associated with this request.

8. The Applicant shall dedicate to the City an unimproved public access easement on the sandy beach landward of the mean high-water line, high watermark, or existing watermark, whichever is determined to achieve the intent of this condition, for any portion of private property which extends to said line. This unimproved public

access easement shall be a minimum of 10-feet in width. This unimproved public access easement shall be dedicated to the City prior to the issuance of any site plan approval for the redevelopment. The form and contents of the public access easement shall be acceptable to the City Attorney.

Brian Sykes, Attorney for the Applicant, discussed the easement. He stated it is the Applicant's intent to provide public access and dedicate 3-feet of easement for length of property. It is unclear, at this time, who owns the norther part along the sandy beach; he and the Applicant are continuing to work on that.

Istran Peteranecz, Architect for the project, discussed the parking concerns mentioned by the Commission. He also addressed the setback and height questions.

Patrick Roberson, Landscape Architect for the project, discussed the landscaping along Gulf Boulevard. Once the undergrounding takes place, larger palm trees can be planted.

The following people spoke in opposition of the project:

- Deborah S.
- Robert F.
- Colleen M.
- Tom B.

The following individual spoke in favor of the project:

- Rob C.

Attorney Dickman addressed the comment regarding parking lot definition. He stated that the definition for parking lot is irrelevant to tonight's project, this is a property and the project is a defined use in the Code.

Commissioner Grill asked to discuss the definition of height and measurements. Mr. Rey stated that measuring for height starts with the Base Flood Elevation (BFE). At BFE there are no other uses than parking; the building is essentially on stilts for the first 9 feet. There is one foot of freeboard after the BFE as required; this starts the measurement of height for the building. The height of the building is not started at ground level; this is a consistent form of measurement.

Attorney Dickman discussed the comments regarding additional landscaping. In Condition 4, language will be added to say that "additional enhanced landscaping shall be required wherever possible. Enhanced landscaping shall be installed upon completion of the undergrounding of power lines along Gulf Boulevard in front of the subject property".

Commissioner Pletcher is concerned about approving this project when there are many concerns regarding parking and off-site available parking. She opined the project does not have enough parking for the restaurant and hotel guests.

Kevin Boden, Applicant, discussed the concerns regarding parking. He is comfortable that there will not be any issues with parking and discussed his other hotel at Madeira Beach and the parking there.

Motion: Commissioner Graus moved, Commissioner Grill seconded, and the motion carried 5-0 to adopt Resolution 2021-04 with the conditions outlined by staff and the changes made to Conditions 4, 7, and 8 as read by the Attorney.

Motion: Vice Mayor Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to adopt Ordinance 2021-04.

c. Resolution 2021-10: Moratorium Pass-A-Grille Overlay

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF THIS RESOLUTION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF ANY DEVELOPMENT PERMITS, AS THE TERM IS DEFINED IN FLORIDA STATUTES SECTION 163.3164(16), FOR ONLY THOSE WATERFRONT PROPERTIES LOCATED WITHIN THE PASS-A-GRILLE OVERLAY ZONING DISTRICT, THAT IMPLEMENT RESIDENTIAL REAR AND SIDE YARD SETBACK LAND DEVELOPMENT CODES OF THE PASS-A-GRILLE OVERLAY ZONING DISTRICT, TO DETERMINE THE CORRECT CALCULATION OF SAID SETBACKS AND MAKE AMENDMENTS TO THE LAND DEVELOPMENT CODE, IF NECESSARY; AND PROVIDING AN EFFECTIVE DATE.

This Resolution was drafted to address the concerns as mentioned at the last Commission meeting.

Commissioner Pletcher confirmed that this only affects the overlay, not the underlay.

Commissioner Grill questioned if there were any projects already in queue; Mr. Wright confirmed there are not any projects pending.

Motion: Vice Mayor Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to adopt Resolution 2021-10.

7. ITEMS FOR DISCUSSION

No items.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY AND CITY COMMISSION REPORTS

Attorney Dickman—discussed the memorandum he handed out prior to the meeting; a copy of this memo is made a part of the minutes. The memorandum addresses the allocation of City funds for legal services and the hourly rate of the City Attorney, Assistant City Attorney, and other key members of this litigation team. He is requesting the hourly rate for the City Attorney increase from \$220 an hour to \$225 an hour, the hourly rate for Matthew McConnell, Assistant City Attorney increase from \$165 an hour to \$180 an hour, and an increase for Ody Dickman, from \$185 an hour to \$190 an hour. If the Commission agrees, he asked that a motion is made authorizing the Mayor to sign the new retainer agreement.

Going forward, Commissioner Grill asked for comparison rates, to the best of staff's ability, regarding legal services. Attorney Dickman will obtain some information for other city attorneys and provide that to the Commission.

Motion: Commissioner Pletcher moved, Commissioner Graus seconded, and the motion carried 5-0 to approve the changes to the hourly rates as identified and authorize the Mayor to sign.

Mayor Johnson adjourned the meeting at 9:54 p.m.

MINUTES APPROVED: MAY 25, 2021

AMBER LAROWE
CITY CLERK


ALAN JOHNSON
MAYOR