

**City Commission Meeting
February 28, 2023
6:00 p.m.**

ELECTED OFFICIALS PRESENT:

Alan Johnson, Mayor
Chris Graus, Vice Mayor, Commissioner, District 1
Mark Grill, Commissioner, District 2
Ward Friszolowski, Commissioner, District 3
Melinda Pletcher, Commissioner, District 4 – (entered at 6:03 p.m.)

STAFF PRESENT:

Alex Rey, City Manager
Matthew McConnell, Assistant City Attorney
Amber LaRowe, City Clerk
Jennifer McMahon, Chief Operating Officer
Mike Clarke, Public Works Director
Jim Kilpatrick, Fire Chief

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

1. APPROVAL OF THE AGENDA

Mayor Johnson mentioned a recent fire on the pier; Fire Chief Kilpatrick explained that the fire started in the garbage can but escalated. His team was able to put the fire out quickly without damage to the new pier.

Commissioner Grill requested item d. from the Consent Agenda be moved to Action Item c. for discussion and added electric vehicle charging stations as a discussion item.

Motion: Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 4-0 to approve the February 28, 2023 City Commission Agenda with the modification to the Consent Agenda and the addition of a Discussion Item. Commissioner Pletcher walked in as vote was taken.

2. AUDIENCE COMMENTS

The following members of the public spoke in favor of keeping the Don CeSar Boat Ramp in the same location:

- Daniel Barsky
- Karen Strykowski
- Richard Lorenzen
- Tenley Noone – submitted voice recording
- Bryan B.
- Brandon Wright

The Commission reiterated the comments from the February 13th City Commission meeting whereby it was discussed and decided that nothing would be done regarding the boat ramp until after the study was completed and that several public meetings will be held to discuss the results of the study.

John Kurzman, a resident, submitted a video presentation on customary use. A copy of the presentation is made a part of the record.

Assistant City Attorney McConnell mentioned the process that legal and staff can go through in relation to

customary use that will involve the use of a consultant to conduct historical research. The Commission agreed to allow legal to gather some quotes and decide the next steps at a future meeting.

Laura Travison, a resident, commented on unsafe roads for bicyclists and pedestrians. She opined that the City is not doing enough to help.

Amy Auerbach, a resident, also commented on the Don CeSar boat ramp but questioned the comprehensive plan amendment comment that was made at the last meeting as well as what research has been done on the ramp.

Lisa Robinson, a resident, commented on the lack of City officials complying with their own codes and policies. She opined that the City Commission should ask legal for an opinion regarding recent conditional use permits that were approved for developments.

3. CONSENT

- a. February 13, 2023 City Commission Meeting Minutes
- b. Request authorization of expenditures in the amount of \$64,740.80 under the continuing engineering services contract with Halff Associates, Inc. for 45th Avenue Drainage Improvements Pumping vs Gravity Evaluation.
- c. Request authorization of expenditures not to exceed the annual reclaimed water lateral replacement program budget, as may be amended, to QRC, Inc., approving the services agreement and authorizing the City Manager to execute the original contract and all renewal options for Annual Water and Reclaimed Water Repair and Extensions. Suntan Memorandum of Understanding Renewal
- d. Request authorization of expenditures in the amount of \$32,629.91 CIAC, and \$10.50 monthly rental increase under the Duke Energy Lighting Proposal WO# 44583090 for streetlight replacements on the west side of Pass-a-grille Way from 1st Ave through 11th Ave. (*moved to Action Items as c.*)
- e. Request authorization of expenditures in the amount of \$34,865.00 with K.B. Industries, Inc. and \$8,269.20 with Gilliam Construction LLC for Perma-Drive installation.

Motion: Commissioner Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to approve the February 28, 2023 Consent Agenda as presented by the City Manager.

4. ACTION ITEMS

a. Joint Generator Purchase for use in Secondary EOC

City Manager Alex Rey explained that as part of the equipment sharing interlocal agreement that the City entered into with Treasure Island in November 2021, the cost for this generator will be shared by all three participating municipalities. Staff from all three cities (Treasure Island, South Pasadena, and St. Pete Beach) are working to obtain a formal grant to get a different facility for use during emergencies.

Chief Kilpatrick stated that he has been in contact with Pinellas County to find a secondary EOC location; they have been doing tours of various locations with no real suitable location discovered at this time.

Motion: Commissioner Grill moved, Commissioner Pletcher seconded, and the motion carried 5-0 to authorize the expenditure of \$52,183 for the City's portion (1/3 of project cost) of a joint generator purchase with the cities of Treasure Island and South Pasadena for use in the secondary Emergency Operations Center (EOC).

b. Emergency Valve Replacement

City Manager Rey gave a brief history of the emergency repair for this valve. Design modifications were requested by staff to Kimley-Horn to replace all 93 linear feet of this section. After the redesign, a revised scope of work was provided by Rowland, amounting to \$657,943. Based on the magnitude of the change, the City administration directed staff to evaluate options. In turn, three cost estimates were obtained and are outlined on the agenda memorandum in the packet; Kamminga & Roodvoets, Inc. (K&R) was the lowest bidder of the three. Mr. Rey stated that if the City Commission approves this expenditure tonight, Attorney McConnell will need to modify the motion to waive the formal bid process.

Mike Clarke, Public Works Director, stated that K&R is ready to proceed and can mobilize soon after approval; the estimated start time after receipt of materials would be about four weeks.

Attorney McConnell modified the motion as follows:

Motion to waive the requirements of City Code 2-286 and award Kamminga & Roodvoets, Inc. for emergency valve replacement.

Commissioner Grill expressed his concerns about not going through the formal process due to little known about K&R. He opined that if staff has/had more information on K&R it should have been provided or outlined in tonight's agenda packet.

Commissioner Friszolowski moved to waive the requirements of City Code 2-286 and award Kamminga & Roodvoets, Inc. for emergency valve replacement and direct staff to do reference checks before signing the requirement and for the procurement department to do their due diligence. Vice Mayor Graus seconded the motion. The motion carried 4-1 with Commissioner Grill voting no.

c. Request authorization of expenditures in the amount of \$32,629.91 CIAC, and \$10.50 monthly rental increase under the Duke Energy Lighting Proposal WO# 44583090 for streetlight replacements on the west side of Pass-a-grille Way from 1st Ave through 11th Ave. (moved from consent agenda)

Mr. Clarke reminded the Commission of the removal of the lights at this location and the replacement process that the City is in now. It was stated that the Historic Preservation Board reviewed this and agreed.

Commissioner Grill explained that he spoke with the Chair of the Historic Preservation Board, and he stated that the Board did not discuss these lights on the west side, only the east side. Commissioner Grill wants to be sure that the residents in the area are okay with these lights and want them.

Commissioner Pletcher confirmed that she has had conversations with the residents in the area and they are wanting lights there.

Motion: Commissioner Pletcher moved, Vice Mayor Graus seconded, and the motion carried 5-0 to authorize the expenditure in the amount of \$32,629.91 CIAC, and \$10.50 monthly rental increase under the Duke Energy Lighting Proposal WO#44583090 for streetlight replacements on the west side of Pass-A-Grille Way from 1st Ave through 11th Ave.

5. ORDINANCES

a. First Reading Ordinance 2023-02: Beach Ordinance

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF

ORDINANCES, CHAPTER 6 –ALCOHOLIC BEVERAGES, ARTICLE I – IN GENERAL; SECTION 6-5 – CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES; CHAPTER 14 – ANIMALS, ARTICLE I – IN GENERAL; SECTION 14-2 – FEEDING WILD BIRDS IN PUBLIC PLACES, ARTICLE II – DOGS, REMOVING SECTION 14-35 – PROHIBITED ON SAND BEACHES; CHAPTER 58 – PARKS AND RECREATION, ARTICLE I - RECREATION; AMENDING SECTION 58-1 – DEFINITIONS; CHAPTER 58 – PARKS AND RECREATION, ARTICLE II – CITY PARKS AND FACILITIES; REMOVING SECTION 58-23 – VENDING IN CITY PARKS; AMENDING SECTION 58-25 – PROHIBITED ACTIVITIES IN CITY PARKS; ESTABLISHING SECTION 58-31 – SLEEPING DURING NIGHTTIME PROHIBITED; CHAPTER 62 – PEDDLERS AND SOLICITATORS, ARTICLE II – COMMERCIAL SOLICITATIONS; DIVISION 2 – PERMIT; REMOVING SECTION 62- 59 – APPLICATION; QUALIFICATIONS; CONTENTS; DIVISION 3 – REGULATIONS; REMOVING SECTION 62-93 – SPECIFIC RESTRICTIONS ON SOLICITATION ON SAND BEACH AREAS; CHAPTER 94 – WATERWAYS, ARTICLE III – BEACHES, DIVISION 1 – GENERALLY; SECTION 94-66 – DEFINITIONS; SECTION 94-67 – PENALTIES; REMOVING SECTION 94-68 – CHAIRS, TABLES, UMBRELLAS; REMOVING SECTION 94-69 – PICNICS AND FOOD CONSUMPTION; REMOVING SECTION 94-70 – SLEEPING DURING NIGHTTIME PROHIBITED; REMOVING SECTION 94-71 – TIKI HUTS; REMOVING SECTION 94-72 – TEMPORARY STRUCTURES; REMOVING SECTION 94-73 – VEHICLE PERMITS; DIVISION 2 – BEACH MAINTENANCE REGULATIONS; REMOVING SECTION 94- 101 – REQUIREMENTS; REMOVING SECTION 94-102 – PROHIBITIONS; REMOVING SECTION 94-103 – EXEMPTIONS; AMENDING THE LAND DEVELOPMENT CODE DIVISION 25 – COASTAL PROTECTION AND CONSERVATION; REMOVING SECTION 25.9 – PERMIT REQUIRED; DIVISION 44 – MARINE TURTLE PROTECTION; REMOVING SECTION 44.3 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; ESTABLISHING CHAPTER 95 – BEACHES; SECTION 95-1 INTENT AND PURPOSE; SECTION 95-2 – DEFINITIONS; SECTION 95-3 – PENALTIES; SECTION 95-4 – CHAIRS, TABLES, UMBRELLAS; SECTION 95-5 – PICNICS AND FOOD CONSUMPTION; SECTION 95- 6 – TIKI HUTS; SECTION 95-7 TEMPORARY STRUCTURES; SECTION 95-8 – VEHICLE PERMITS; SECTION 95-9 – BEACH MAINTENANCE REGULATIONS; SECTION 95-10 – PROHIBITIONS ON SAND BEACH; SECTION 95-11 – ANIMALS PROHIBITED ON SAND BEACHES; SECTION 95-12 – DISTRIBUTION OF HANDBILLS AND OTHER ADVERTISING; SECTION 95-13 – FISHING ON THE BEACH; SECTION 95-14 – FEEDING WILD BIRDS AND SEABIRDS; SECTION 95-15 – FIREWORKS; SECTION 95-16 – MICRO-MOBILITY; SECTION 95-17 – VENDING IN CITY PARKS; SECTION 95-18 – SOLICITATION; SECTION 95-19 – PROHIBITION OF ACTIVITIES DISRUPTIVE TO MARINE TURTLES; SECTION 95-20 – PERMIT REQUIRED; SECTION 95-21 – SPECIAL EVENTS ON THE BEACH; AND SECTION 95-22 – TRANSIENT LODGING FACILITIES; RENUMBERING SECTIONS ACCORDINGLY; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Jennifer McMahon, Chief Operating Officer, discussed the changes in the Ordinance. The Ordinance that is attached to the agenda packet includes language that is stricken to show removal and language that is underlined to show additions.

Assistant City Attorney McConnell clarified that in the Ordinance where it says, “public beach” it will be modified to just read “beach”. He touched on page 16 of the Ordinance “definitions”.

The following were items discussed:

- 95-6 – remove (3)
- 95-7 – modify (a) to read “any commercial operation must get a permit from the City and provide the proper insurance” and modification to (c) to remove “publicly” and “privately”.

- Discussion continued with staff adding some language about occupied or reserved.
- 95-8 – discussion about permits for bicycles
- 95-8 – (d) staff to work on better wording for this section
- 95-8 – exemptions – to be removed
- 95-8 – electric vehicles – remove “unless exempted by the City Manager”
- 95-10 – combine (1) & (2) and add to (a)
- 95-20 – (d) reword “wanting”
- 95-21 – (b) more clarification
- 95-22 – (i) remove “current room”
- Discussion continued about boundary markers mentioned in (j)

Mayor Johnson opened public comment on Ordinance 2023-02:

John Kurzman, a resident, prepared a video presentation. A copy of the presentation is made a part of the record.

Resident Deborah Schechner commented on the beach ordinance in relation to sleeping on the beach and encouraged staff to give warnings before the fine is imposed. She also suggested large signage to educate visitors on the rules of the beach.

Resident Amy Auerbach commented on the timeline of presenting the beach ordinance over the last year questioning why it was first discussed at a hotelier’s meeting before being discussed with the public.

Jeremy DaSilva, General Manager of Postcard Inn, encourages residents to come to the hotel and use its services. He shared his opinions on cabana and chair zones.

Due to the discussion, no action was taken. Staff and legal will work on making the changes to this Ordinance and plan to bring it to the second meeting in March.

b. First Reading Ordinance 2023-03: Schedule A Beach Fees

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENTS TO APPENDIX A OF THE CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

This is a companion to Ordinance 2023-02 and will be brought forward to the same meeting as Ordinance 2023-02. There was no public comment.

6. ITEMS FOR DISCUSSION

a. Electric Vehicle Charging (added to the agenda)

Commissioner Grill expressed his opinions about staff using the electric vehicle charging stations for personal use. He stated that this is a taxable benefit and should cease until, at a minimum, the Commission discusses a policy. The policy is planned to be discussed at the next meeting, on March 7th.

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

Amber LaRowe, City Clerk—reminded the Commission and public that the next meeting is next week, March

7th, not the second Tuesday as usual. [This is due to the March 14th election].

Alex Rey, City Manager—mentioned the quote the City received for Duke Energy to do undergrounding along with the hardening. They stated that 73rd Avenue between Gulf Boulevard and Blind Pass cannot be underground due to the existing transforming configuration. The cost estimate for undergrounding along 73rd Avenue between Blind Pass and Boca Ciega is \$900,000. The cost estimate for undergrounding along 64th Avenue between 1st and 2nd Palm Point is \$450,000. The City Manager recommends that the City does not move forward on the undergrounding between Blind Pass and Boca Ciega but move forward along 64th Avenue.

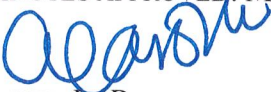
The Commission discussed the City Manager's recommendation. The Commission is not in favor of proceeding with the undergrounding, just the hardening. A budget amendment will be brought forward to the Commission on the budgeted funds for undergrounding that are not being utilized.

City Manager Rey discussed the report that he distributed today on the reclaimed water lateral repairs. The City is now down to three potholes in the entire City from some sort of reclaimed water repair.

He discussed a code enforcement case on 191 East 73rd Avenue that is a property maintenance case. The resident is handicapped and expressed that to code enforcement today; the City is seeking volunteers to help this resident bring their property into compliance.

Mayor Johnson adjourned the meeting at 9:59 p.m.

MINUTES APPROVED: MARCH 28, 2023



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR