City Commission Meeting
January 9, 2024
6:00 p.m.

ELECTED / APPOINTED OFFICIALS PRESENT:
Adrian Petrila, Mayor
Karen Marriott, Commissioner, District 1
Nick Filtz, Commissioner, District 2
Vacant, District 3
Rich Lorenzen, Commissioner, District 4

STAFF PRESENT:
Andrew Dickman, City Attorney – appeared via Zoom
Wayne Saunders, City Manager
Amber LaRowe, City Clerk
Matthew McConnell, Assistant City Attorney
Jennifer McMahon, Chief Operating Officer
Mike Clarke, Public Works Director
Jim Kilpatrick, Fire Chief

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

1. PRESENTATIONS

a. Recognition of Colette Graston's over 30 years of service with the City

The Mayor and Commission recognized and thanked Colette Graston for her service to the City. City Manager Saunders highlighted Ms. Graston's service with the City since the '90s.

2. APPROVAL OF THE AGENDA

Mayor Petrila requested that Consent Agenda items 5.b. through 5.i. be moved to Action Items beginning as 6.c. [consecutively].

Assistant City Attorney McConnell suggested that the verbiage for item 3 be amended to include "possible action" and commented on the intent and the scrivener's error. Attorney Dickman echoed Attorney McConnell's comments and reiterated what the intent and direction was at the December 28, 2023, City Commission meeting. Mayor Petrila stated that this could be further discussed when the Commission gets to that item.

Assistant City Attorney McConnell requested to add the selection of a Vice Mayor to the agenda; Mayor Petrila added this to item 6, before the Softball Agreement Action a.

Motion: **Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve the [January 9, 2024, City Commission] Agenda as discussed.**

3. DISCUSSION OF DISTRICT 3 VACANCY

Attorney Dickman recapped what transpired on December 28th during the 7:30 a.m. Special City Commission meeting and the subsequent resignation of Commissioner Ward Friszolowski on December 30th. Betty Rzewnicki registered and qualified with the City Clerk for the March 2024 elections and was the only resident to do so; therefore, she will take office for a two-year term after the March 19th City election.

Commissioner Lorenzen would like there to be consistency and fill this vacancy with the individual [Ms.

Rzewnicki] who will be taking office in March. Filling the vacancy with her now will provide continuity going into March.

Commissioner Marriott agreed with Commissioner Lorenzen's statement and thoughts.

James Kearney, resident and one of the interested individuals who submitted a resume, informed the Commission of his residency, and his interest, recognized the benefit of Ms. Rzewnicki taking the seat now as he would not be interested in filling the seat from now until March when she would take over, and his interest in serving on a City advisory board if needed.

J. Lance Sherrill, resident and one of the interested individuals who submitted a resume, spoke of his tenure here in the City, his interest in local government, and his understanding of the benefit of Ms. Rzewnicki being seated for the vacancy.

James Bailey, resident, spoke on safety issues in the City, his perspective on those issues, and asked the Commission to help improve the issues.

City Clerk LaRowe confirmed an email that she sent after the December 28th City Commission meeting to all those who submitted interest in the District 3 Vacancy reminding them of today's meeting; a subsequent email was sent this morning. James Kearney, J. Lance Sherrill, and Betty Rzewnicki were present tonight.

Mayor Petrila expressed his opinions, stating that consistency would mean the Commission interviewing all those interested in filling the vacant seat.

Commissioner Filtz reviewed the list of interested individuals, noting the three withdrawals.

Attorney Dickman mentioned some comments he was receiving regarding this item being a discussion item and not an action item; he informed the Commission that they could put this action/discussion/selection off for another two weeks [to the next regularly scheduled City Commission meeting] and interview everyone and make the item an action on the agenda as opposed to the mistaken word choice of discussion.

The Commission and Mayor discussed the vacancy.

Commissioner Filtz motioned to move the number 3 Discussion of District 3 Vacancy to an action item.

Attorney Dickman stated that if the intent was for this item to be just a discussion, it would have been added under the Discussion Items section on tonight's Agenda.

The motion died.

Motion: **Commissioner Marriott moved, Commissioner Lorenzen seconded, and the motion carried 3-1 to appoint Betty Rzewnicki as the interim Commissioner for District 3. Mayor Petrila voted no.**

4. AUDIENCE COMMENTS

Resident John Kurzman mentioned the following: an email he sent to the Commission, his thoughts on public meetings, and the Commissioner for District 2.

5. CONSENT

a. City Commission Meeting Minutes: December 5th, December 12th, December 18th, December 21st, December 26th, December 27th, and December 28th
~~b. Ellis Automated Sole Source~~ *moved to Action Items*
~~c. Gulf Boulevard Undergrounding Ph 1 Change Order 4, 5, 6, and 7~~ *moved to Action Items*
~~d. Planning Services Agreement~~ *moved to Action Items*
~~e. Halff Associates Inc. Professional Service Contract Renewal~~ *moved to Action Items*
~~f. Hyatt Survey Services, Inc. Professional Service Contract Renewal~~ *moved to Action Items*
~~g. George F. Young, Inc. Professional Service Contract Renewal~~ *moved to Action Items*
~~h. Kimley-Horn and Associates Inc. Professional Service Contract~~ *moved to Action Items*
~~i. Stantec Consulting Services, Inc. Professional Service Contract~~ *moved to Action Items*

Motion: **Commissioner Marriott moved, Commissioner Lorenzen seconded, and the motion carried 4-0 to approve the meeting minutes from December 5th, 12th, 18th, 21st, 26th, 27th, and 28th.**

6. ACTION ITEMS

Selection of Vice Mayor (*added*)

Commissioner Marriott opined that Commissioner Lorenzen would make a good vice mayor.

Mayor Petrila asked Commissioner Lorenzen if he would be available on the last Wednesday of every month at 9:00 a.m. to represent the City [at the BIG-C]; Commissioner Lorenzen confirmed.

Motion: **Commissioner Filtz moved, Commissioner Marriott seconded, and the motion carried 4-0 to appoint Commissioner Lorenzen as the Vice Mayor.**

a. Southwest Little League Agreement

Jennifer McMahon, Chief Operating Officer, discussed the history of the League and the use of the City fields.

Nick Bongiorno, Southwest Little League, is excited to bring the League back to the City. He stated that Southwest Little League never dissolved, he did his research and determined that they can reconvene.

Brandon Owens, Southwest Little League, is interested in having a new Agreement with the City. Attorney McConnell stated that once drafted, the Agreement will come before the Commission.

Mrs. McMahon confirmed that an email was sent to the agent who signed the Madeira Beach Baseball and Softball Boosters Agreement at the City of Madeira Beach and has received no response; they were made aware of the meeting tonight.

Motion: **Vice Mayor Lorenzen moved, Commissioner Filtz seconded, and the motion carried 4-0 to authorize the City Manager to terminate the agreement with Madeira Beach Baseball and Softball Boosters, Inc.**

b. IAFF 4966 Rank and File Wage Re-Opener Agreement

Adam Poirrier, Deputy Fire Chief, gave a presentation on this Agreement which is made a part of the record. The presentation addressed the timeline, pay plan outline, proposed step plan, other agreed-upon amendments, and other proposed amendments.

Motion: **Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to execute the International Association of Firefighters (IAFF) Local 4966 Article 24: Pay Plan**

with an effective date as of October 1, 2023.

c. Ellis Automated Sole Source (as moved from tonight's Consent Agenda)

Mayor Petrila explained that he wanted this item as well as items d through i to be moved from the Consent Agenda so that there could be further discussion and understanding.

Mike Clarke, Public Works Director, explained the need for Ellis Automated and the sole source process. Ellis Automated maintains the City's Supervisory Control and Data Acquisition (SCADA) system that is integrated at each lift and pump station. The notice of intent regarding the sole source is attached to the Agenda.

The pricing of Ellis Automated was discussed with Mr. Clarke stating that the price is hourly fees as necessary.

Attorney McConnell asked that, if the Commission would like to approve this, they approve it contingent on an updated agreement and proposal as approved by the Attorney's Office [for fees].

Motion: **Commissioner Marriott moved, Vice Mayor Lorenzen seconded, and the motion carried 4-0 to approve the SCADA system ongoing support services agreement with Ellis Automated Corporation as amended by the City Attorney and authorize the City Attorney to amend the contract as discussed.**

d. Gulf Boulevard Undergrounding Ph 1 Change Order 4, 5, 6, and 7 (as moved from tonight's Consent Agenda)

Mr. Clarke reviewed each change order as made a part of the Agenda packet. Duke will begin their role this month; Mr. Clarke has not heard of any changed plans to that schedule.

Motion: **Vice Mayor Lorenzen moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve Gulf Boulevard Undergrounding Phase 1 Change Order[s] 4, 5, 6, and 7.**

e. Planning Services Agreement (as moved from tonight's Consent Agenda)

Mrs. McMahon stated that this agreement will assist the City with local mitigation, Community Rating system, Certificates of Appropriateness for the Historic Preservation Board, assist in FEMA variance to historically designated properties, and complete historic designations. This contract is not to exceed $25,000.

Resident John Kurzman commented on the State flood map error that only the floodplain manager can correct; he opined this person might be able to assist with that.

Motion: **Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve a Professional Services Agreement with Lynn Rosetti on an as-needed basis.**

f. Halff Associates Inc. Professional Service Contract Renewal (as moved from tonight's Consent Agenda)

Attorney McConnell reminded the Commission of Florida Statute 287.055 that governs this [and the other Professional Service Contracts that follow] as they are considered under the Consultant's Competitive Negotiation Act (CCNA).

Mr. Clarke outlined the subcategories of the CCNA and the proposal process that the City underwent. He listed the projects that Halff currently has in the City regarding stormwater and building renovations. He addressed the process with the professional services including the City defining a project, sending a scope of work to the contractor, and the contractor providing the City with a task order that the City confirms. Mr. Clarke stated that a

timeline will be provided in the task order along with a list of the team that will be on the project and their expected hours with rates. He opined that approximately $600,000 to $700,000 were spent on projects last fiscal year with Halff.

Motion: **Vice Mayor Lorenzen moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve Halff Associates, Inc. Professional Service Contract Renewal.**

g. Hyatt Survey Services, Inc. Professional Service Contract Renewal (as moved from tonight's Consent Agenda)

Mr. Clarke stated that Hyatt Survey does surveying for the City. When asked if they would be the ones to assist with surveying if/when in Pass-A-Grille for alleyways, Mr. Clarke stated that he would recommend using George F. Young for that due to their historical data and knowledge. Mr. Clarke estimated that the City spent less than $100,000 last fiscal year on projects with Hyatt.

Motion: **Commissioner Filtz moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve the amendment to the Professional Service Agreement with Hyatt Survey Services, Inc. to extend the agreement for the first one (1) year extension past the original three (3) year term.**

h. George F. Young, Inc. Professional Services Contract Renewal (as moved from tonight's Consent Agenda)

Mr. Clarke explained George F. Young's services and their resources, and that the City spent approximately $100,000 on projects with them in the last fiscal year.

Motion: **Vice Mayor Lorenzen moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve the George F. Young, Inc. Professional Services Contract Renewal.**

i. Kimley-Horn and Associates Inc. Professional Services Contract Renewal (as moved from tonight's Consent Agenda)

Mr. Clarke stated that Kimley-Horn and Associates' primary roles in the City recently have been the sanitary sewer system, the Inflow and Infiltration (I&I) program, and road rehabilitation.

Commissioner Marriott stated that she has received some inquiries from her constituents regarding conflict of interest. Attorney McConnell addressed this by stating that there is a conflict-of-interest language in the agreement; the contract template for all CCNA contractors has been modified with a conflict box asking yes or no and explain. Mr. Clarke stated that each task order contains similar language.

Attorney Dickman stated that he had extensive conversations with Kimley-Horn last year regarding conflict of interest and the appearance of a conflict of interest.

Regarding projects with Kimley-Horn, Mr. Clarke displayed a map with some detail; this is made a part of the record. Mayor Petrila expressed his discomfort with Kimley-Horn being used for planning services in the City. He would like to see the City not assign any further task orders to them from this point going forward that entail that type of support.

Resident John Kurzman commented on conflicts, contractors, and the projects.

Mr. Clarke estimated that the City spent approximately $1M with Kimley-Horn on projects last fiscal year.

Motion: **Commissioner Marriott moved, Vice Mayor Lorenzen seconded, and the motion carried 3-1**

to approve the amendment to the Professional Service Agreement with Kimley-Horn and Associates, Inc. to extend the agreement for a one (1) year extension.

j. Stantec Consulting Services, Inc. Professional Service Contract Renewal (as moved from tonight's Consent Agenda)

Mr. Clarke stated that Stantec was formally Cardno and is primarily used for marine projects. The City spent approximately $500,000 on projects with Stantec in the last fiscal year.

He stated that Stantec was assigned the Don CeSar boat ramp feasibility study that has been completed. Mr. Clarke and City Manager Saunders are reviewing it and would like to bring it to a City Commission workshop soon.

Motion: **Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve the amendment to the Professional Service Agreement with Stantec Consulting Services, Inc. to extend the agreement for a one (1) year extension.**

7. RESOLUTIONS

a. Resolution 2023-26: Special Election and Qualifying Period

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA ESTABLISHING THE DATE FOR THE 2024 SPECIAL MUNICIPAL ELECTION AND THE QUALIFICATION PERIOD FOR THE COMMISSIONER FOR DISTRICT 2 AND DISTRICT 4.

City Clerk LaRowe informed the Commission that she drafted this Resolution to mirror the resolution she created, with the help of the City Attorney's Office, for the special election in 2021. There is one week for qualifications, in May, which is consistent with a one-week qualification that was conducted in 2021. She reminded the Commission of the Supervisor of Elections schedule that was made a part of the December 18, 2023, City Commission Agenda with the option of the City holding an election in August or November; this Resolution will allow the City to participate in the August 20, 2024, election with the Supervisor of Elections. Once adopted, Mrs. LaRowe will update the City's website accordingly and proceed with the next steps for qualifications.

Attorney Dickman touched on the conversations that Legal has had with the Supervisor of Elections.

Motion: **Vice Mayor Lorenzen moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve this Resolution 2023-26.**

8. ITEMS FOR DISCUSSION

a. Floodplain Ordinance Community Meeting

City Manager Saunders stated that this item was added to the Agenda to seek clarification from the Commission on what type of meeting they want to have with Mike Twitty (Pinellas County Property Appraiser) and the residents.

Mayor Petrila stated that the intent is to create a space where the community can come and ask their questions and get an understanding of the amendment, what it means, etc. The Commissioners agreed with Commissioner Filtz requesting at least 3 hours.

City Clerk LaRowe will send out a meeting Doodle Poll to the Commission with various dates and City Manager Saunders will work with Mr. Twitty on his attendance.

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

Amber LaRowe, City Clerk – mentioned that normally when the City Commissioners change, the Clerk's Office adds the appointment of advisory board members to the following agenda for discussion and the Commissioners alert the Clerk's Office of any changes to those boards. She opined that it would probably be best, for now, to leave that alone until after the March election; however, any elected official can make a change to their appointees on any board/committee at any time. On the next agenda, she will include appointments of the elected officials to outside agencies/boards.

Attorney Dickman, City Attorney – updated the Commission on Merry Pier and the pilings/moorings that were moved. There was a dispute about why and how; the Attorney's Office initiated the Chapter 558 process (notice of claim).

Attorney Dickman announced the attorney representing the applicant for the Sirata Conditional Use Permit submitted a letter requesting a continuance of tomorrow's, January 10th public hearing scheduled at 4:00 p.m. The City Attorney is recommending the Commission agree to the continuance.

Mr. Dickman briefly mentioned the lawsuit filed by Attorney Jane Graham against the City regarding the filling of the Commission vacancies. He requested an Executive Session on January 23, 2024, at 4:30 p.m. to discuss litigation strategy and expenditures or a possible settlement if that can be done. He then gave a history and timeline of what transpired regarding the resignations, stating that he only found out mere hours before the December 12, 2023, City Commission meeting. He expressed the importance of accurate information being distributed and will be setting up office hours at City Hall during different days and hours to meet with the public if they're interested.

Vice Mayor Lorenzen – thanked the Mayor for his patience tonight with the new Commissioners and expressed appreciation to the other Commissioner and the Attorney.

Commissioner Filtz – announced that the District 2 Town Hall will be held on January 25, 2024, at 5:30 p.m. in the City Hall Commission Chambers. He will make himself available to the public as needed and can be reached via email or phone as provided on the City's website.

Commissioner Marriott – echoed the same appreciation for the Mayor's patience this evening as the new Commissioners navigated the meeting. She asked residents to reach out to her and share their needs, questions, comments, etc.

Mayor Petrila – reminded the public of his commitment to serve the City as he stated he would when he campaigned for Mayor and was elected. He will continue to uphold the oath he took when elected and sworn in to serve as Mayor.

Mayor Petrila adjourned the meeting at 8:51 p.m.

MINUTES APPROVED: FEBRUARY 13, 2024

GINNY KEETER-BODKIN
DEPUTY CITY CLERK

ADRIAN PETRILA
MAYOR