

City Commission Meeting

August 27, 2024

6:00 p.m.

ELECTED / APPOINTED OFFICIALS PRESENT:

Adrian Petrilu, Mayor

Karen Marriott, Commissioner, District 1

Lisa Robinson, Commissioner, District 2

Nick Filtz, Outgoing Commissioner, District 2

Betty Rzewnicki, Commissioner, District 3

Joe Moholland, Commissioner, District 4

STAFF PRESENT:

Andrew Dickman, City Attorney

Frances Robustelli, City Manager

Amber LaRowe, City Clerk

Matthew McConnell, Assistant City Attorney

Mike Clarke, Public Works Director

Jim Kilpatrick, Fire Chief

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

Commissioner Filtz gave his final remarks on his time spent in office. He thanked the residents who supported him, the City staff for their time, and his family.

Amber LaRowe, City Clerk, read the Pinellas County Supervisor of Elections Canvassing Board Certified Results for the August 20, 2024, Municipal Election for District 2 into the record. A copy of the results is made a part of the record.

Nick Filtz received 206 votes.

Lisa Robinson received 509 votes.

1. PRESENTATIONS

a. Oath of Office

City Clerk LaRowe administered the Oath of Office to Commissioner Lisa Robinson, District 2, and Joe Moholland, Commissioner, District 4.

b. Recognition of the Employee of the 3rd Quarter

City Manager Robustelli recognized the following individuals who their peers nominated for Employee of the 3rd Quarter:

- Rita Bishop, City Manager's Office
- Gretchen Johnson, Parks & Recreation Department
- Frank Scrivani, Parks & Recreation Department
- Ginny Keeter-Bodkin, City Clerk's Office
- Ariana Wilson-Romo, City Clerk's Office
- Alexa Sawyer, Library
- Patty Kordis, Community Development Department

Mrs. Robustelli commented on Rita Bishop's nomination, acknowledging Ms. Bishop's contributions to the City

and various departments. She was proud that Rita was selected as Employee of the Quarter, which is well deserved.

2. APPROVAL OF THE AGENDA

City Clerk LaRowe requested the removal of item 4.c. as the August 20, 2024, Certified Election Results were read into the record. A copy of the Certified Election Results is available on the City's website.

Mrs. LaRowe corrected the address for item 4.e., to read 3526 Belle Vista Dr. E.

Commissioner Moholland made the following requests:

- Remove items 4.i., 4.j., and 4.k.; these became new action items 5.e., 5.f., and 5.g. respectively.
- Additional discussion item on the City Attorney Contract; this became discussion item 6.d.

Commissioner Robinson made the following requests:

- Remove item 4.b.; this became an action item 5.h.
- Additional discussion items on lobbyist registration and Technical Review Committee (TRC) streaming; these became discussion items 6.e. and 6.f. respectively.

Motion: Commissioner Rzewnicki moved, Commissioner Marriott seconded, and the motion carried 5-0 to approve the August 27, 2024, City Commission Agenda with the changes.

3. AUDIENCE COMMENTS

Resident Ed Stapor presented events to the City Commission in December and early January that led to the resignation and appointment of a newly elected official body (except for the Mayor). He expressed his opinions and requests for change; a copy of the presentation is part of the record.

Pinellas County resident Doug Speeler requested clarification from the City Commission on the proper and permitted use of the boat ramps for marine contractors' business needs; he provided a copy of a City notice he received, which is part of the record.

Pinellas County resident Ian Ryan echoed Mr. Speeler's sentiments and outlined an email from Code Enforcement Manager Dewar. He requested further clarification from the marine contractors, who have been told they are in possible violation.

Resident and Planning Board Member David Hubbard, presenting to the City Commission and representing the Planning Board as directed at a recent Board meeting, discussed the Planning Board's Comprehensive Plan review timeline and responsibilities. He requested assurance that this review will continue moving forward expeditiously with the help of the City's selected consultant.

4. CONSENT

- August 13, 2024, City Commission Meeting Minutes
- ~~Resolution 2024-05: Adopting the Gulf Boulevard Conceptual Alternatives and Safety Study~~ moved to Action Item 5.h.
- ~~Resolution 2024-06: Election Results~~ removed

- d. Sanitary Sewer Lateral at 8200 Boca Ciega Dr. Repair
- e. Stormwater Gravity Main Repair at 3526 Belle Vista Dr. **E** (*corrected address*)
- f. Amendment to IT Support Services Contract – JBurdine
- g. Pump Station 1 – Duke Energy 3 Phase Power Transformer
- h. Frontier VOIP Phone Services Contract
- i. ~~Landscaping Service Agreement for Districts 3 and 4~~ moved to Action Item 5.e.
- j. ~~PAG Seawall Emergency Change Order #4~~ moved to Action Item 5.f.
- k. ~~PAG Seawall Emergency Change Order #5~~ moved to Action Item 5.g.

Motion: **Commissioner Marriott moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to approve the August 27, 2024, Consent Agenda with the amendments as outlined.**

5. ACTION ITEMS

a. Election of Vice Mayor

City Clerk LaRowe pointed the Commission to the list of previous vice mayors per district for the last five years. A copy of this list is included in the record.

The Commission discussed the current process of selecting a vice mayor.

Motion: **Commissioner Robinson moved, Commissioner Marriott seconded, and the motion carried 5-0 to elect Commissioner Joe Moholland as Vice Mayor.**

b. Appointments to Outside Agencies

Appointment designations are as follows:

Barrier Islands Government Council (BIG-C): Mayor Petrila (Representative) and Vice Mayor Moholland (Alternate)

Florida League of Cities (FLC): Commissioner Rzewnicki (Representative) and Mayor Petrila (Alternate)

Mayors Council of Pinellas County (MCPC): Mayor Petrila (Representative) and Vice Mayor Moholland (Alternate)

Pinellas County Flood Insurance Committee (PCFIC): Commissioner Rzewnicki (Representative) and Commissioner Robinson (Alternate)

Suncoast League of Cities (SLC): Commissioner Marriott (Representative) and Commissioner Rzewnicki (Alternate)

Tampa Bay Regional Planning Council (TBRPC): Commissioner Marriott (Representative) and Commissioner Robinson (Alternate)

Motion: **Commissioner Marriott moved, Vice Mayor Moholland seconded, and the motion carried 5-0 to approve the board appointment(s) as discussed.**

c. Appointments/Re-Appointments to the City of St. Pete Beach Advisory Boards/Committees

Each Elected Official verified their appointments to the Advisory Boards/Committees.

Mayor Petrila, Commissioner Marriott, and Commissioner Rzewnicki have no changes to make to their current appointees.

Commissioner Robinson has made the following changes **only**:

- Board of Adjustment: Chris Core
- Library Advisory Board: Maggie Milton
- Parks & Recreation Advisory Board: Jayne Stitik
- Planning Board: Cindy Perry

Vice Mayor Moholland has made the following changes **only**:

- Finance & Budget Review Committee: Jerry Sarubbe
- Library Advisory Board: Shelli Neuhoff
- Planning Board: Terri Grocott

No action is required.

d. Discussion with Possible Action: Voting District Boundaries

City Clerk LaRowe reminded the Commission of the direction she was given at the July 9, 2024, City Commission Meeting. The City's GIS Coordinator prepared the map of District boundaries, attached to the Agenda, outlining the number of voters per District as the Pinellas County Supervisor of Elections provided. The GIS Coordinator also identified the number of voters in Districts 3 and 4 that belong to the Don CeSar Place Neighborhood. Mrs. LaRowe requested direction from the City Commission on the next steps, if any.

The City Commission's consensus was to take no action and continue the review process as outlined in the City's Code.

e. Landscape Service Agreement for Districts 3 and 4 (moved from the Consent Agenda)

Vice Mayor Moholland mentioned reviewing the Agreement attached to the Agenda and noticed that the vendor's Certificate of Insurance was expiring. City Manager Robustelli stated that a valid Certificate of Insurance was received and forwarded to the City Commission, also included in the record.

City Manager Robustelli asked that if the City Commission intends to approve this Agreement, it should do so on the condition that it meets all legal requirements.

Motion: Vice Mayor Moholland moved, Commissioner Marriott seconded, and the motion carried 5-0 to adopt the service agreement [for landscaping services in Districts 3 and 4] with the condition that the Contractor provides a valid Certificate of Insurance and [the Agreement] meets all legal requirements.

f. PAG Seawall Emergency Change Order #4 (moved from the Consent Agenda)

g. PAG Seawall Emergency Change Order #5 (moved from the Consent Agenda)

Vice Mayor Moholland discussed both Change Orders, stating that he understood the City should receive a "credit" for the seawall not being constructed to 6 feet.

Public Works Director Mike Clarke discussed the history and scope of this project. The Contractor bid on and constructed the seawall to meet the 5-foot criteria. Mr. Clarke mentioned a miscommunication on his end and assured the Commission and the public that the Contractor had completed the project correctly, as expected.

Motion: Commissioner Marriott moved, Mayor Petrila seconded, and the motion carried 5-0 to approve PAG Seawall Emergency Change Order #4.

Motion: Commissioner Marriott moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to approve PAG Seawall Emergency Change Order #5.

h. Resolution 2024-05: Adopting the Gulf Boulevard Conceptual Alternatives and Safety Study (moved from the Consent Agenda)

In response to Commissioner Robinson's inquiry, Fire Chief Kilpatrick assured the Commission that the Fire Department would be involved in the design phase.

Motion: Commissioner Marriott moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to adopt Resolution 2024-05, the Gulf Boulevard Conceptual Alternatives and Safety Study.

6. ITEMS FOR DISCUSSION

a. Pause on Development

Mayor Petrila gave a brief history of the process that the Commission went through beginning in April 2023 on an extensive review of the City's Comprehensive Plan and selecting a consulting firm to conduct it. He would like to see the City pause development projects during this review.

When asked what his thoughts were on the scope or length of the moratorium, Mayor Petrila recommended 12 months to allow the consultant to review the Comprehensive Plan and make recommendations. He would also like to allow time for public participation and any studies that may be necessary; he does not anticipate the moratorium affecting residential uses.

Attorney Dickman stated that when a City is undergoing a Comprehensive Plan review, it would be valid to place a moratorium on development to allow time to do it. He opined that the City could work with the consultant to narrow down the scope of the moratorium and where it would apply.

The consultant on the Comprehensive Plan review will attend the September 9th City Commission meeting.

A possible joint workshop regarding the moratorium will be scheduled with the City Commission and the Planning Board. The City Attorney stated that the consultant works with an attorney specializing in this and asked the Commission to also consider working with them.

b. Customary Use for the Beach

Attorney Dickman briefed the City Commission on the history of customary use, the Statute, what has transpired in the City, and what the City can do now. He highlighted Statute 163.035 and stated that if the City wants to move forward, this Statute outlines that. Part of the process would be to solicit from the members of the public all historical artifacts that support customary use. This is not done in an ordinance format; it would be done by issuing a notice of intent to adopt the customary use doctrine [Statute 163.035].

The following residents spoke in favor of the City moving forward with the customary use of its beaches:

- BJ Lawson
- Dana Richardson
- Ruta Hance

Attorney Dickman requested that the City begin by seeking an attorney who specializes in this, as it is a very niche law, and asking them to render an opinion. The City Commission agreed with that and would like the Attorney to solicit names and costs; a joint meeting with the Beach Stewardship Committee will be forthcoming.

c. Discussion on Advisory Boards/Committees Code of Ordinances

Vice Mayor Moholland noted his observations of the City's boards and committees over the last year. He provided an outline for the Beach Stewardship Committee, Board of Adjustment, Historic Preservation Board, and Planning Board; this outline is part of the record. His requests for changes are shown for each board and touch on accountability, clear expectations, and a focus on these boards/committees being utilized more efficiently and effectively. This item will be on the next agenda for discussion and possible action.

d. City Attorney Contract (added)

Vice Mayor Moholland expressed his lack of confidence in the City Attorney's Office and would like to exercise the right to terminate the Attorney as outlined in his Agreement [he will remain on for 90 days after notice of termination]. He would like to begin the search and, hopefully, have a new City Attorney or interim on board within 90 days.

Commissioner Marriott expressed her concerns about terminating the City Attorney at this juncture with a new City Manager, as well as several goals and directives that the City would like to undergo but would need the City Attorney's participation.

Commissioner Rzewnicki has not heard displeasure about the City Attorney from the residents in her District, and she echoed sentiments similar to Commissioner Marriott's. She requested time to review the City Attorney's contract and to speak to her constituents; she is ill-prepared to decide tonight.

Commissioner Robinson stated that she has heard from several residents in her District about the lack of confidence in the City Attorney; she opined the City should be looking for a staff attorney instead.

The following residents spoke in favor of terminating the City Attorney's Agreement:

- BJ Lawson – displayed information regarding the City's legal division spending years 2021-2023 compared to Madeira Beach, Clearwater, Tampa, and Marco Island; a copy is part of the record.
- Ruta Hance – mentioned her research on attorney fees in various Florida cities.
- Dana Richardson commented on the associated costs and the residents' feelings of not being heard.

Motion: Vice Mayor Moholland moved, Commissioner Robinson seconded the motion to exercise the 90 days per the City Attorney's Contract and additionally recommended the City Manager begin immediately searching for another option with another legal firm or an [staff] attorney and paralegal.

Commissioner Marriott mentioned her meeting with three residents regarding the costs of the Attorney's fees; these individuals she spoke with are also part of the pending litigation with the City. She opined this is irresponsible.

The motion on the floor carried 3-2. Commissioners Marriott and Rzewnicki voted no.

Mayor Petrila would like to discuss the City Attorney's withdrawal from all active litigation pending the appointment of a new attorney. He requested a summary from the City Attorney of all active lawsuits and other attorneys working on those cases. Attorney Dickman will have that to the Commission before the end of the week.

Attorney Dickman stated if the Commission requests, he will issue a notification to the court to withdraw from active cases. He will also implement an appropriate exit strategy and work with the City Manager on a transition.

Resident BJ Lawson stated that with the Attorney withdrawing from cases, the City can issue motions to the court for a stay.

Motion: Mayor Petrila moved, Commissioner Robinson seconded, and the motion carried 5-0 to ask the City Attorney to withdraw from all active litigation.

e. Lobbyist Registration (added)

Commissioner Robinson complimented the City Clerk on uploading current lobbyist registrations and the contact logs for reporting individuals. She discussed her review of what the lobbyists file with the Clerk and opined most of them are incomplete, meaning they are vague in their area of legislative intent.

Discussion about the ordinance, the registration, and the Clerk's role was had; the City Clerk was asked to work with Commissioner Robinson to identify those registrations that were not complete and work with the lobbyist to have them corrected.

f. Technical Review Committee (TRC) Meeting Streaming (added)

Commissioner Robinson asked if the City could livestream the TRC meetings like the board and committee meetings. Mrs. LaRowe stated that the current process involves recording the meeting via Microsoft Teams, and she uploads that recording within 24 hours. If the Commission would like to have it live-streamed, that would need to be discussed with the City Manager to understand the capacity of IT to do that.

It was decided to keep the process as it is now.

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

Amber LaRowe, City Clerk – mentioned the following joint workshops to schedule: Beach Stewardship Committee, Historic Preservation Board, and Planning Board. Due to the termination of the City Attorney, Mrs. LaRowe was asked to pause scheduling the joint workshops with the Beach Stewardship and Planning Board and to wait until after the September 5th Historic Preservation Board meeting to plan.

Attorney Andrew Dickman – congratulated Commissioner Robinson and Moholland and expressed his well wishes to the new Commission.

Commissioner Moholland – thanked the residents who encouraged him to run for office. He also thanked the City Manager, Jennifer McMahon, and Kristin Coman for removing the parking discs in Pass-A-Grille.

Mr. Moholland announced that his first community meeting will be held on September 5th at Warren Webster, 6:00 p.m., and the District 4 Town Hall will be held on September 18th at Warren Webster, 5:30 p.m.

Commissioner Rzewnicki – mentioned her attendance at the Florida League of Cities conference. She gave a shout-out to Dune Savers and their recent sea oat planting event on August 24th.

Commissioner Rzewnicki touched on issues facing Boca Ciega, Lido, Belle Vista, and Don CeSar Neighborhood.

Commissioner Robinson -- thanked all District 2 voters for their support. She is working on dates for community

meetings that will be hosted at the Library and will be posted on the website shortly.

Commissioner Marriott – thanked the Attorney for his years of service to the City. She touched on her interactions with him over the years and is hopeful that the City can transition well to a new attorney. She expressed her opinions on why the Attorney was asked to leave.

Mayor Petrila -- mentioned the Labor Day holiday and praised the City Manager for working diligently with the Pinellas County Sheriff's Office. She and PCSO coordinated a trial run on how to navigate the Holiday. He mentioned how the City is looking to improve the Code; however, having staff and the Sheriff work together to enforce current laws helps enhance the quality of life here.

Mayor Petrila adjourned the meeting at 9:21 p.m.

MINUTES APPROVED:



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR