City Commission Meeting
September 23, 2024
6:00 p.m.

ELECTED OFFICIALS PRESENT:
Adrian Petrila, Mayor
Joe Moholland, Vice Mayor, Commissioner, District 4
Karen Marriott, Commissioner, District 1
Lisa Robinson, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3

STAFF PRESENT:
Andrew Dickman, City Attorney
Frances Robustelli, City Manager
Amber LaRowe, City Clerk
Brandon Berry, Senior Planner
Jennifer McMahon, Acting Assistant City Manager
Camden Mills, City Engineer/Assistant Public Works Director
Nicole Kurant, Engineer I

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

1. PRESENTATIONS

a. Development Moratoria and Planning in Progress

Susan Trevarthen, Partner with Weiss Serota Helfman Cole + Bierman, presented to the City Commission on development moratoria and planning in progress stays on development within the context of comprehensive planning. The presentation included topics such as a moratorium and its scope, Statute 163.3161(10), judicial scrutiny depending on length of the moratorium, impact on current development proposals, and steps to adopt a moratorium. A copy of this presentation is made part of the record.

The Commission asked Ms. Trevarthen questions. She confirmed that the length of the moratorium should be supported with proper documentation. It was mentioned that the Comprehensive Plan review the City is undergoing is estimated to take 18 months; therefore, starting with a 12-month moratorium would be proper, with extensions if/when necessary.

b. Gulf Boulevard Utility Undergrounding Program Report

Camden Mills, City Engineer/Assistant Public Works Director, introduced this program and report, which is part of the Agenda. He also introduced Nicole Kurant, Public Works Engineer and Project Manager for this Program.

Nicole Kurant reviewed the presentation that is attached to the Agenda. A brief question and answer session followed.

2. APPROVAL OF THE AGENDA

Vice Mayor Moholland requested a discussion item on Ordinance 2024-06 [parking and wastewater fees].

City Manager Robustelli requested the removal of Consent item 4.e. and Action item 5.b. She stated that Ordinance 2024-03 is a companion to the quasi-judicial hearing and asked that it be heard after the hearing.

Commissioner Rzewnicki requested that Consent items 4.b. be moved to action items.

Mayor Petrila requested the addition of two discussion items: discussion on a moratorium and Planning Board supplies and resources.

Motion: **Vice Mayor Moholland moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to approve the modified September 23, 2024, City Commission Agenda.**

3. AUDIENCE COMMENTS

Resident Anne Borghetti commented on standing water and tidal flooding at her property and requested a priority on resiliency and flooding relief for the City.

4. CONSENT

a. Approve the September 9, 2024, City Commission Budget and Regular Business Meeting Minutes
b. ~~Authorize the City Manager to approve a revised purchase agreement for Pump Station 1 purchase with Xylem Water Solutions in the amount of $1,320,640~~ *moved to Action Item 5.h.*
c. Authorize the City Manager to execute the Seventh Addendum and Renewal with the Pinellas Transit Suncoast Authority for the Suncoast Beach Trolley Agreement for Fiscal Year 2025 transit service for $251,212.50
d. Authorize Mayor Petrila to sign the Amendment to the Interlocal Agreement for the Creation of the Pinellas County Metropolitan Planning Organization
e. ~~Authorize the City Manager to enter into a purchase agreement with All Roads Kenworth, LLC, utilizing the Florida Sheriff's Association Cooperative Purchasing Program, to purchase a 2025 Kenworth T480 with IMT Dominator III crane truck in the amount of $317,009~~ *removed*
f. Renewal of the Cybersecurity Insurance Agreement with Brown & Brown, covering the period of October 1, 2024, through September 30, 2025, in the amount of $45,588.00, and authorize the City Manager to execute the Agreement.

Motion: **Commissioner Marriott moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to approve the September 23, 2024, Consent Agenda with the amendments as outlined.**

5. ACTION ITEMS

a. Authorize the City Manager to execute the Pinellas County Sheriff's Office interlocal agreement with the Pinellas County Sheriff's Office for law enforcement services from October 1, 2024 to September 30, 2025, for $3,504,588.00

Ms. McMahon stated that this is the annual Agreement for law enforcement services.

Captain Leiner, Pinellas County Sheriff's Office, reviewed the attached Agreement and the amounts outlined in the service worksheet as part of the Agenda.

Motion: **Vice Mayor Moholland moved, Commissioner Marriott seconded, and the motion carried 5-0 to authorize the City Manager to execute the interlocal agreement with Pinellas County Sheriff's Office for law enforcement services from October 1, 2024, to September 30, 2025, for $3,504,588.00**

~~b. Approve construction activities in the amount not to exceed a $25,000 match in fundraising efforts to support the Veterans of Pinellas County efforts to construct a Medal of Honor Memorial at~~

~~**McKenney Park**~~ ***removed***

c. **Adopt Resolution 2024-07: authorize the City Manager to enter into an agreement with the Tampa Bay Beaches Chamber of Commerce to coordinate and oversee the Business Site Improvement Grant Program; and provide for an effective date.**

Ms. McMahon reviewed the presentation that is attached to the agenda. The program was reviewed, and applications received were discussed.

Commissioner Marriott acknowledged that she applied for the Business Site Improvement Grant for her business before she was elected Commissioner; she announced her withdrawal.

Vice Mayor Moholland stated that he is not a fan of this program and would rather the dollars invested in this program be transferred to assist with infrastructure issues.

Robin Miller, CEO of Tampa Bay Beaches Chamber of Commerce, acknowledged the Vice Mayor's opinions on the program and stated that if the Commission feels it is not serving the community as intended, then the City can sunset the program and always reopen it later if decided.

Mayor Petrila reviewed the list of applicants and recommended that the City honor the two businesses that applied and completed their work; he also recommended funding The Helm's application.

Commissioner Rzewnicki echoed the Vice Mayor's comments and agreed the funding could be better utilized.

Commissioner Marriott agreed with sunsetting the program and would like the City to honor the following applications: St. Pete Beach Produce, Casa Del Pane, Bay Palms, and The Helm.

Vice Mayor Moholland moved to deny Resolution 2024-07, authorizing the City Manager to enter into an agreement with the Tampa Bay Beaches Chamber of Commerce to coordinate and oversee the Business Site Improvement Grant Program and requested the City Manager reallocate the funds to Public Works maintenance plan (the funds from this denial).

City Manager Robustelli asked that the motion state that the funds from this program be reallocated to the Capital Improvement Fund towards capital projects. She will bring back which project it will be added to for discussion.

The motion on the floor died for lack of a second.

Motion: **Vice Mayor Moholland moved, Commissioner Rzewnicki seconded, and the motion carried 3-2 to deny Resolution 2024-07, authorizing the City Manager to enter into an agreement with the Tampa Bay Beaches Chamber of Commerce to coordinate and oversee the Business Site Improvement Grant Program. Mayor Petrila and Commissioner Robinson voted no.**

Motion: **Vice Mayor Moholland moved, Commissioner Marriott seconded, to reallocate the $50,000.00 from this program to the Capital Improvement Plan budget.**

Motion: **Mayor Petrila moved, Commissioner Marriott seconded, and the motion carried to amend the motion on the floor to include the $15,175.57 from the FY 2023 [Business Site Improvement Grant Program] funds.**

The main motion on the floor with the adopted amendment carried 5-0. [The total amount to be reallocated is $65,175.57].

d. Quasi-Judicial Public Hearing to approve Preliminary Plat No. 24042, requested by Ely Payne of Baysite Engineering, LLC., for SMILEY'S SNACK SHACK-ST PETE BEACH INC, to subdivide 3700 Gulf Blvd. [Parcel #07-32-16-21852-028-0001] to create four fee-simple parcels proposed for residential townhouses, with remaining land held in common homeowners' association ownership

City Attorney Andrew Dickman reminded the Commission of the quasi-judicial hearing process. Each elected official mentioned ex-parte communications as it related to this project.

The City Clerk duly swore all those who wished to address the City Commission.

Attorney Katie Cole of Hill Ward Henderson, representing the Applicant, gave a presentation to the City Commission, which is attached as part of the meeting record.

The Impervious Surface Ratio (ISR) was heavily discussed. Ely Payne, Baysite Engineering, explained how the ISR is defined.

Discussion ensued about the RFM Zoning District, the maximum height allowed, surrounding zoning, and heights. Mayor Petrila expressed trepidation about the height of these townhomes due to the height in the surrounding zoning; he opined that the RM Zoning District may be better suited, as the maximum height allowed is more in line with the surrounding properties. He questioned the Applicant on other options they have for this project, considering the City's discussions on a development moratorium.

Commissioner Rzewnicki spoke about the Don CeSar Property Owners' Corporation (DCPOC) Neighborhood and their fears of this property being built into a condominium that may allow transient use; the Applicant for this project would stipulate to a restrictive covenant that would place appropriate parameters on transient use, if any, of these homes.

Mayor Petrila opened the public hearing.

Kathy Garchow, resident and speaking on behalf of DCPOC, addressed the letter from the President of the DCPOC showing the DCPOC's support of this project.

Resident Cindy Perry discussed the zoning code and its restrictions acknowledging no requirement to limit transient lodging; the Applicant has expressed their commitment and stipulation to limiting transient use of this property.

Hearing no further public comment, the public hearing was closed.

Commissioner Rzewnicki understood the Mayor's concerns and stated that the surrounding properties are happy with this project and request.

Motion: **Commissioner Rzewnicki moved, Commissioner Marriott seconded, and the motion failed 2-3 to approve Preliminary Plat 24042 with the recommended staff condition and agreed-upon covenant. Mayor Petrila, Vice Mayor Moholland, and Commissioner Robinson voted no.**

Vice Mayor Moholland addressed his concerns with the decision today. He fears the precedent this would set for other developments and opined that approving this could create further hazards for the City, including the health, safety, and welfare of its residents.

Mayor Petrila expressed similar concerns to those expressed by the Vice Mayor; he is concerned about the project's height, density, and conformity.

Commissioner Robinson is concerned about rewriting the Land Development Code due to the current review; she echoed concerns about the precedent this could set. Ms. Robinson is concerned that this project could significantly impact the stormwater system and infrastructure, which could affect the safety of the residents.

Ordinance 6. a. Approve the first reading of Ordinance 2024-03: Permitting Attached Single-Family Residential in the Resort Facilities Medium Zoning District and Adjusting Subdivision Lot Coverage Standards

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE DIVISION 14 – RFM RESORT FACILITIES MEDIUM DISTRICT, SECTION 14.2 – PERMITTED PRINCIPAL USES AND STRUCTURES, AND DIVISION 24 – SUBDIVISIONS, SECTION 24.9 – DEVELOPMENT AND SUBDIVISION OF SINGLE-FAMILY ATTACHED DWELLINGS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Mayor Petrila opened the public hearing; after hearing no public comment, the public hearing was closed.

Motion: **Commissioner Marriott moved, Commissioner Rzewnicki seconded, and the motion failed 2-3 to approve the first reading of Ordinance 2024-03. Mayor Petrila, Vice Mayor Moholland, and Commissioner Robinson voted no.**

e. **Continue the Public Hearing on Ordinance 2024-04: Establishing the Millage Rate for Fiscal Year 2025**

Motion: **Commissioner Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2024-04 to September 24, 2024, at 5:01 p.m. in these Chambers.**

f. **Continue the Public Hearing on Ordinance 2024-05: Adopting the Budget for Fiscal Year 2025**

Motion: **Commissioner Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to continue the public hearing on Ordinance 2024-05 to September 24, 2024, at 5:01 p.m. in these Chambers.**

g. **Discussion for the Commission to provide direction to the City Manager regarding Interim appointment of a City Attorney and the process for regular appointment of a City Attorney**

The City Manager addressed the process the City took to solicit interest for an interim City Attorney. Seven responses were received and are attached to the Agenda. She asked the Commission to decide on 2 to 4 candidates that can be contacted to have individual interviews with the Commission over the next two weeks. This discussion and selection will be added to the October 8th agenda, followed by a contract to be placed on the meeting afterward.

The Commissioners provided their top selections as follows:

- Vice Mayor Moholland – Vose Law Firm, Trask Daigneault, and Vernis and Bowling
- Commissioner Rzewnicki – Vose Law Firm, Trask Daigneault, and Vernis and Bowling
- Commissioner Robinson – Vose Law Firm, Gray Robinson, and Trask Daigneault
- Commissioner Marriott – Vose Law Firm, Trask Daigneault, and Stokes
- Mayor Petrila – Vose Law Firm and Trask Daigneault

Since Vose Law Firm and Trask Daigneault LLP Attorneys were both in the top, they will be contacted for one-on-one interviews with each Commissioner in the next two weeks.

Wade Vose, managing partner at Vose Law Firm, thanked the City Commission for their selection and gave some brief information about the Firm.

Ralf Brooks, an Attorney with Vose Law Firm, stated that he served as the City Attorney for St. Pete Beach from 2007 to 2008 and shared some information on Vose Law Firm.

City Manager Robustelli informed the Commission of three options for selecting a City Attorney: use an executive recruiter to search for an in-house attorney, use a similar appointment procurement process to search for a long-term City Attorney as was done for the interim, or do both options concurrently.

Vice Mayor Moholland expressed some concerns about having an in-house attorney, which Commissioners Rzewnicki and Marriott echoed.

Commissioner Robinson is okay with doing both processes concurrently.

Mayor Petrila would like the City to explore both options.

Vice Mayor Moholland would like to know the executive search firm's search parameters before investing money in it; this will be brought back to the Commission on October 8th.

h. Authorize the City Manager to approve a revised purchase agreement for Pump Station 1 purchase with Xylem Water Solutions in the amount of $1,320,640 (*moved from Consent*)

Mr. Mills acknowledged that the City could revise the purchase order and contract originally signed for this purchase in November 2023.

Resident BJ Lawson complimented the Gulf Boulevard presentation given earlier this evening. He reviewed a June article regarding St. Pete Beach sewer issues. A copy of the news article is included in the record.

Motion: **Commissioner Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to authorize the City Manager to approve a revised purchase agreement for Pump Station 1 purchase with Xylem Water Solutions in the amount of $1,320,640.**

7. ITEMS FOR DISCUSSION

a. Discussion on Ordinance 2024-06 (Parking and Wastewater Fees) (*added*)

Vice Mayor Moholland explained his request to increase the parking fees before adoption at the October 8th meeting. A copy of his methodology is included in the record.

Discussion ensued on the rate increase, with the Commission recommending an increase to $4.50/hr on weekdays and $5.50/hr on weekends. The ordinance will include these fees when presented to the Commission at the next meeting.

Motion: **Commissioner Rzewnicki moved, Commissioner Marriott seconded, and the motion carried 5-0 to extend the meeting to 10:30 p.m.**

b. Moratorium *(added)*

Mayor Petrila discussed tonight's presentation on this topic and would like the City to start by adopting a 12-month moratorium. He expressed the reasons needed for the in-depth review of the City's Comprehensive Plan, which should be coupled with adopting a moratorium. Mayor Petrila wants to work with the Weiss Serota Helfman Cole + Bierman firm on this.

Commissioner Marriott expressed her opinions on the moratorium and its unintended consequences. She hopes that the details are given significant importance.

City Manager Robustelli will check with the special counsel within the next 30 days to see if a one-hour workshop is available.

c. Materials for Planning Board Members *(added)*

Mayor Petrila would like the City to offer the Planning Board members a printed copy of the Comprehensive Plan and the Land Development Code. A binder of the Land Development Code should also be made available to the Board of Adjustment members.

City Clerk LaRowe will check with Municode on the cost for 10 copies of the Land Development Code and 5 copies of the Comprehensive Plan.

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

Amber LaRowe, City Clerk – announced that the advertisement for the City's qualification period has been sent to the Tampa Bay Times and is on the City's election page of the website.

Frances Robustelli, City Manager – gave an update on the storm, stating it is predicted to be a hurricane by Wednesday.

Attorney Andrew Dickman, City Attorney– discussed an appeal to a Special Magistrate Order that requires a response from the appellate by September 27th, with the City required to respond within 30 days after that. He would like the latitude from the City Commission to respond to this order, and the Commission agreed.

Vice Mayor Moholland – commented on a recent sewer issue for a resident in Vina and complimented the Public Works staff who provided immediate service.

Commissioner Rzewnicki – announced the Belle Vista Community Meeting on October 10th and the DCPOC meeting on November 13th.

She asked neighbors to check on each other to prepare for the upcoming storm. She asked that a copy of the City's emergency plan be sent to the Commission.

Commissioner Robinson – said she recently placed a suggestion box at the Library to assist with her community meetings.

Mayor Petrila adjourned the meeting at 10:30 p.m.

MINUTES APPROVED: OCTOBER 14, 2024

AMBER LAROWE CITY CLERK	ADRIAN PETRILA MAYOR