ST. PETE BEACH COMMISSION MEETING

MINUTES

Tuesday, April 13, 2010
6:00 p.m.

1. CHANGES TO THE AGENDA

THOSE PRESENT:

Commissioner Garnett
Commissioner Halpern
Commissioner Shavlan
Vice Mayor Parent
Mayor Finnerty

ALSO PRESENT:

City Clerk Theresa McMaster
City Attorney Mike Davis
City Manager Mike Bonfield

2. PRESENTATIONS

a. Light Rail - Jeff Danner

Mr. Danner was not present and there was no presentation.

b. Proclamation - PPLC 20th Anniversary

Proclamation

Mayor Finnerty proclaimed Pinellas Public Library Cooperative 20th Anniversary Celebration throughout the month of April, 2010 and proceeded to present a Certificate of Proclamation to Chris Bullett, Board member of PPLC.

Mr. Bullett addressed the Commission.

c. Proclamation - Arbor Day

Arbor Day Proclamation

Mayor Finnerty proclaimed April 30, 2010 as Arbor Day.

d. Proclamation - National Public Works Week

Proclamation - National Public Works Week

Mayor Finnerty proclaimed the week of May 16, 2010 as National Public Works Week.

e. Reclaimed Water Rate Study - Presented by Rob Ori of PRMG

Nancy Biesinger addressed the Commission and presented a PowerPoint presentation regarding the reclaimed water rate study.

Robert Ori, Public Resources Management Group, addressed the Commission and presented a PowerPoint presentation.

The Commission commended Mr. Ori on his accomplishments for the City.

Currently residents who are using reclaimed water are paying a flat rate. Staff was instructed to bring forward two options: one, every resident shall pay a base fee and two, charges based on usage.

3. AUDIENCE COMMENTS

Paul Pfister, 8090 Gulf Boulevard.
Mimi Gewanter, 265 S. Tessier Drive.
Shawn McQuaid, Suncoast Chapter of Make a Wish Foundation.
Jason Rigatoni, 3214 East Maritana Drive

4. **CONSENT**

a. Minutes of the February 10, 2009 City Commission Meeting and the Minutes of the February 18, 2009 City Commission Workshop Meeting.

Minutes of the February 10, 2009 City Commission Meeting
Minutes of the February 18, 2009 City Commission Workshop Meeting

b. Authorization for the City Manager to enter into a contract with Cairns Corporation for the installation of a Vessel Sanitary Pump-Out System for the Merry Pier in the amount of $22,195.00.

Pump Out Agenda Report
Pump Out Proposal
Pump Out Purchasing Agreement

This item was pulled from the Consent Agenda and moved to the Items for Discussion, designated 7.e.

c. Authorization for the City Manager to enter into a construction contract for the South Maritana & West DeBazan seawall and Sunset Park seawall cap replacement with Marine Contracting Group Inc in the amount of $44,466.00.

Seawall Repair Agenda Report
Seawall Repair Proposal
Seawall Repair Purchasing Agreement

d. Approval of permit for consumption of alcoholic beverages on the Public Beach as required by Section 6.5(f)(1) of the St. Pete Beach Municipal Code.

Sirata Permit Report
Special Event Application

e. Authorization for the City Manager to sign a First Amendment of the Lease Agreement for the Merry Pier with Dolphin Landings, A Charter Boat Center Inc.

Vice Mayor Parent moved to approve the Consent Agenda. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. RESOLUTIONS

a. Resolution 2010-15, amending Resolution 2010-04 declaring items as surplus.

Resolution 2010-15 agenda report

Resolution 2010-15
City Manager Bonfield explained that the City surplused a fire rescue vehicle and later realized that they had surplused the wrong vehicle (VIN) so this Resolution is correcting the VIN.

Commissioner Garnett moved to approve Resolution 2010-15, amending Resolution 2010-04 declaring items as surplus. Commissioner Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. ORDINANCES

a. Ordinance 2010-04, Final Reading and Public Hearing, providing for amendment of paragraph (8) of subsection (b) of section 2-254 of chapter 2 of the code of ordinances pertaining to charges for off duty police officers and associated administrative fees.

Ordinance_2010-04_memo
Ordinance_2010-04

Mr. Bonfield explained to the Commission that the City, from time to time, provides off-duty police service to various establishments and events and currently charge a rate of $43.00 per hour, but with the increase in pension costs, that does not cover our cost for the officers. The City, in this Ordinance, is increasing the rate to $49.00 per hour and establishing a $15.00 administrative fee to cover the City's cost for processing the application for such service.

Commissioner Garnett moved to approve Ordinance 2010-04, Final Reading and Public Hearing, providing for amendment of paragraph (8) of subsection (b) of section 2-254 of Chapter 2 of the code of ordinances pertaining to charges for off duty police officers and associated administrative fees. Commissioner Shavlan seconded the motion.

There was no public comment on this ordinance.

The motion was unanimously approved by individual roll call vote.

b. Ordinance 2010-05, Final Reading and Public Hearing, providing for an amendment of the Attachment A, Section 2-254 (b) (8) fee schedule of the code of ordinances pertaining to charges for off duty police officers, adding an administrative fee and charges for police vehicles and vessels.

Ordinance_2010-05_memo
Ordinance_2010-05_Appendix_A_Amendment_Ord
Amended APPENDIX A

There being no questions or discussion, Mayor Finnerty asked for a motion.

Commissioner Shavlan moved to approve Ordinance 2010-05, Final Reading and Public Hearing, providing for an amendment of the Attachment A, Section 2-254 (b) (8) fee schedule of the code of ordinances pertaining to charges for off duty police officers, adding an administrative fee and charges for police vehicles and vessels.

Commissioner Garnett seconded the motion.

There was no public comment on this Ordinance.

The motion was unanimously approved by individual roll call vote.

c. Ordinance 2010-03; First Reading and Public Hearing amending Sections 20 and 28 of the City's Land Development Code and Chapter 22 of the City Code of Ordinances.

Ordinance 2010-03 Report
Ordinance 2010-03 and Attachments

Mr. Bonfield summarized the issue. Catherine Hartley provided an overview of the Ordinance and it's purpose.

Commissioner Garnett moved to approve Ordinance 2010-03, First Reading and Public Hearing amending Sections 20 and 28 of the City's Land Development Code and Chapter 22 of the City Code of Ordinances. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

d. Ordinance 2010-11, First Reading and Public Hearing, dissolving the Environmental Stewardship Committee.

Ordinance 2010-11 agenda report
Ordinance 2010-11

Mr. Bonfield summarized the issue by stating that the Committee was formed with the idea of residents bringing forth environmental issues; the Board hasn't met in over a year. He recommended that the Committee be dissolved.

Commissioner Shavlan moved to approve Ordinance 2010-11, First Reading and Public Hearing, dissolving the Environmental Stewardship Committee. Commissioner Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. ACTION ITEMS

a. Case #20100006, application of Key Note Inc. for property located at 432 75th Avenue for approval under Section 30.4(d) of the Land Development

Code for a Conditional Use for Outdoor Restaurant Seating. Applicants also request variance from Section 23.5 to reduce required parking from 28 spaces to five spaces.

Case #20100006 Report
Case #20100006 Staff Analysis
Case #20100006 Application

City Attorney Davis addressed the Commission and stated that this is a quasi judicial matter and suggested that each Commission member disclose any ex parte contacts that they may have had in connection with this matter. Following that, anyone presenting evidence on any side should be sworn in.

Mr. Davis proceeded to swear in all persons in attendance who will be presenting evidence.

Karl Holley, Community Development Director, addressed the Commission and presented the staff report.

John Phlllips, Jr., 8601 Gulf Boulevard, Attorney for Key Note Inc., owners of the property, addressed the Commission.

Commissioner Shavlan asked Mr. Bonfield if it was normal to consider an application such as this when it is not known what kind of business will be going in.

Joe Delvacio, of Key Note, Inc., a restaurateur for 45 years, addressed the Commission.

Commissioner Shavlan asked Mr. Bonfield that if there was one business in that district that had no hardship or has the parking, then the City would have to say no to this application. Is that correct?

Cathy Hanson, spoke in favor of the application.

Dr. Wolowick, and his wife Jane, are the owners of the property at 401-421 Corey Avenue, (The Wine Shop) spoke against the application. They are concerned about liability and about parking.

Mr. Davis stated that if someone is parked on Dr.Wolowick's property illegally, does he have responsibility? Mr. Davis said Dr. Wolowick has a legitimate concern about liability.

Attorney Phillips responded to the comments.

Jane Wolowick addressed the Commission.

Mayor Finnerty closed public hearing.

Commissioner Halpern stated that looking at the building diagram, it looks like the cooler storage takes up two (2) parking spaces.

Commissioner Parent stated that in clarifying this, the owners want to rent it out as a restaurant and add outside seating to the approved use. Without the patio, they would still be 17 parking spaces short, but there wouldn't be a need for a conditional use nor a parking variance.

Commissioner Garnett asked Dr. Wolowick if he had “no parking” signs in his lot.

Jane Wolowick said they have signs up but it is not desirable to have people towed.

Mayor Finnerty stated that the measuring stick here is what is in best interest of the City. The family that owns the property is more than willing to work with the City any way they can It has been a restaurant for quite some time. It’s a very difficult location and something like a good restaurant would be good for the City.

A motion was made by Commissioner Halpern to approve the conditional use for the outdoor restaurant seating as provided for by Section 30.4 for property located at 432 75th Avenue. The motion was seconded by Mayor Finnerty. The motion was approved by a 4 to 1 vote. Commissioner Parent voted no.

A motion was made by Commissioner Halpern to approve the requested variance from Section 23.5 to reduce required parking from 28 spaces to 5 spaces for the property located at 432 75th Avenue. The Motion was seconded by Commissioner Shavlan. The motion was approved by a 4 to 1 vote. Commissioner Parent voted no.

Mayor Finnerty announced a brief recess.

The Meeting was called back to order at 10:00 p.m.

b. **Case #20100007, application of JP Morgan/Chase, agent for Dolphin Village Partners LLC, for property located at 4625 Gulf Boulevard. Applicants request approval of building façade design, landscaping plan, lighting plan, environmentally sustainable construction design and modification of building placement on site.**

Case #20100007 Report
Revised Site Plan
Revised Landscape Plan
Proposed Lighting Plan
Revised Building Facade Plan

Mr. Holley addressed the Commission.

The applicant has agreed to reimburse the City in an amount not to exceed $3,000 for street furniture, lighting, trash receptacles, etc.

Chris Kirshner, Architect on behalf of applicant, presented the re-submittal and introduced Mr. Robert Finnigan, who is the landscape architect on the project.

Robert Finnigan reviewed the landscape plan for the Commission.

Commissioner Shavlan thanked Mr. Kirshner, Mr. Finnigan and the applicant for working with staff.

Commissioner Shavlan moved to approve Case #20100007, application of JP Morgan/Chase, agent for Dolphin Village Partners LLC, for property located at 4625 Gulf Boulevard, for approval of building façade design, landscaping plan, lighting plan, environmentally sustainable construction design and modification of building placement on site. Commissioner Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

c. Installation of 30 Gulf Beaches Museum banners throughout the City

Gulf Beaches Museum banner agenda report
Museum Banner locations

Mr. Bonfield summarized the issue, noting that none will go on State Roads.

Spencer Lucas, "Friends of the Gulf Beaches Historical Museum", addressed the Commission.

Vice Mayor Halpern moved to approve installation of 30 Gulf Beaches Museum banners throughout the City Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

d. Appointment to the General Employees Pension Board of Trustees.

Mr. Bonfield advised the Commission that there were two applicants, Richard German and Mike Cohen.

Commissioner Garnett moved to nominate Mike Cohen to serve as the Commission's representative on the General Employees Pension Board. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by roll call vote.

4 b. Authorization for the City Manager to enter into a contract with Cairns Corporation for the installation of a Vessel Sanitary Pump-Out System for the Merry Pier in the amount of $22,195.00.

Vice Mayor Halpern moved to authorize the City Manager to sign a contract with Cairns Corporation for installation of a Vessel Sanitary Pump-Out System for the Merry Pier in the amount of $22,195.00. The motion was seconded by Commissioner Garnett.

The motion was unanimously approved by individual roll call vote.

9. City Manager, City Attorney and City Commission Reports

City Manager Mike Bonfield's presented his Report.
City Attorney Mike Davis presented his Report.
Commissioner Garnett presented her Report.
Commissioner Shavlan presented his Report.
Vice Mayor Parent presented his Report.
Commissioner Halpern presented his Report.
Mayor Finnerty presented his Report.

10. ADJOURNMENT

There being no further business to come before the Commission, the Meeting was adjourned.

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Theresa B. McMaster, City Clerk Mike Finnerty, Mayor

Minutes approved on_________________