ST. PETE BEACH COMMISSION MEETING
MINUTES

Tuesday, April 27, 2010
6:30 p.m.

THOSE PRESENT:

Mayor Finnerty
Vice Mayor Parent
Commissioner Garnett
Commissioner Shavlan
Commissioner Halpern

ALSO PRESENT:

City Manager Mike Bonfield
City Clerk Theresa McMaster
City Attorney Susan Churuti

1. Changes to the Agenda

City Manager Mike Bonfield requested that the Mayor add Resolution 2010-17 to the agenda. The Commission agreed and added the item as Item 5c. There were no other changes to the Agenda.

2. Presentations

a. Beach Walk for Wishes - Make-a-Wish Foundation Special Event Representative

Robert Chapman, Batagglia and Batagglia, representing Walk for Wishes, addressed the Commission. He explained the purpose of the Walk for Wishes Program. He noted that there will be a fund raising walk on Saturday, May 15, 2010 beginning at the Tradewinds Hotel. He encouraged others to participate.

b. Support Our Troops Update - Terri Finnerty

Dr. Terri Finnerty presented a report on the SPB Support Our Troops Program.

c. Update on litigation cases relating to Pyle, Kadoura, etc. -- City Attorney.

City Attorney Churuti noted that there were three things that she wished to update the Commission regarding.

1. Pyle/Kadoura Lawsuits: Scheduled these for a client/attorney session for Tuesday, May 11, 2010 which is your next meeting at 4:30pm. She read the announcement into the record. It was noted that a settlement agreement had been received at 4:30 on that date with a short deadline to respond. The City Attorney recommended that the Commission not seriously consider that agreement as provided due to the short deadline for response.

2. Woods Lawsuit: Scheduled this for client/attorney session for Tuesday, May 11, 2010 at 5:30pm. Ms. Churuti read the announcement into the record.

3. She discussed Ordinance 2010-10 which was item 6c on the agenda. The hearing on the agenda for this meeting was a first hearing. She recommended that the Commission allow the public to speak on this issue, but not have a lengthy policy discussion among themselves on this issue. She suggested that the Commission wait until the second public hearing, after the client/attorney session, to have detailed discussion on this matter, due to the pending litigation with the Woods.

A motion was made by Mayor Finnerty to continue Item 6c (Ordinance 2010-10) to the May 11, 2010 Regular City Commission Meeting. The motion was seconded by Commissioner Shavlan. The motion was unanimously approved.

4. Ms. Churuti requested that the Commission schedule an client/attorney session for the Chmielewski case for May 25, 2010 at 5:00pm

Discussion was held regarding Attorney fees. It was noted that the labor attorney for the City is not a part of the Olive, Bryant, Miller firm. It was noted that $184,072.32 in extra litigation had been spent at that time during the FY2009/2010 Budget.

3. Audience Comments

Ann Michael, 113 4th Avenue noted that the Community lost someone who was a volunteer for many years for the City. She served on City Boards and Committees and worked at a volunteer in the Building and Zoning Departments. Jari Mogavaro passed on April 17, 2010.

Paul Pfister, 8090 Blind Pass Road

William Pyle, 6600 Sunset Way

4. Consent

a. Authorization to allow the City Manager to waive associated fees and permit the Gulf Beaches Kiwanis Club to conduct child swimming safety and drowning prevention program at the Community Center Pool in May 2010.

agenda_report_kiwanis_pool_request

b. Authorization for the Mayor to enter into an agreement with the Florida

Department of Law Enforcement accepting an Edward Byrne Memorial, Non-Matching, U.S. Department of Justice Assistance Grant in the amount of $5853.00.

Agenda Report Police JAG Grant 04.27.10
5853 JAG CERTIFICATE OF ACCEPTANCE
5853 JAG GRANT APPLICATION

Police Chief David Romine addressed the Commission regarding the Kiwanis Club Drowning Prevention Program.

Vice Mayor Parent moved to approve the Consent agenda. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. Resolutions

a. Resolution 2010-11, adopting procedures to be used during quasi-judicial proceedings.

Resolution 2010-11 agenda report
Resolution 2010-11

Mr. Bonfield summarized the issue.

There was considerable discussion regarding the issue of procedures during quasi-judicial proceedings.

Discussion was held about the criteria of being considered as a substantially affected party.

It was noted that the issuance of an oath is required for state agency quasi-judicial proceedings.

The City Commission decided that they will issue an oath to participants.

Commissioner Parent asked that quasi-judicial proceedings be noted as such on the agenda so that the members of the Commission would know that they should not speak to affected parties prior to the hearing.

It was decided that the Resolution would be postponed until a later date to allow for revisions that had arisen from the discussion at that meeting.

b. Resolution 2010-16, adopting guidelines for naming public facilities for individuals or groups.

Resolution 2010-16 agenda report

Resolution 2010-16

Mr. Bonfield summarized the issue.

Ann Michael, 113 4th Avenue.

Bob Manning, 200 First Avenue.

Will Jacoby 8100 Gulf Boulevard

Sentence regarding group was revised to allow not-for-profit groups who make a significant community impact to be included. The sentence regarding subject being deceased was removed.

Commissioner Garnett moved to approve Resolution 2010-16, adopting guidelines for naming public facilities for individuals or groups. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

c. Resolution 2010-17, declaring items as surplus

Commissioner Halpern moved to approve Resolution 2010-17, declaring items as surplus Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. Ordinances

a. Ordinance 2010-03, Final 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
Ordinance 2010-03 Attachment A
Ordinance 2010-03 Attachment B
Ordinance 2010-03 Attachment C

Mr. Bonfield summarized the issue.

Catherine Hartley, Senior Planner, addressed the Commission and answered questions.

Commissioner Garnett moved to approve Ordinance 2010-03, Final 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. Vice Mayor Parent

seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. <u>Ordinance 2010-11, Final Reading and Public Hearing, dissolving the Environmental Stewardship Committee</u>

<u>Ordinance 2010-11 agenda report</u>
<u>Ordinance 2010-11</u>

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

The motion was unanimously approved by individual roll call vote.

c. <u>Ordinance 2010-10,First Reading and Public Hearing, amending Section 3.10 of the City's Land Development Code to provide for additional height for the elevation of existing residential structures.</u>

<u>Ordinance 2010-10 Report</u>
<u>Ordinance 2010-10</u>

This Item was continued to the May 11, 2010 Regular City Commission Meeting.

7. <u>Action Items</u>

a. <u>Case #20100011, Conditional Use application of Nick Skiadiotis for property located at 5799 Gulf Boulevard to allow enclosure of an outdoor seating area.</u>

<u>Case #20100011 Report</u>
<u>Case #20100011 Staff Analysis</u>
<u>Case #20100011 Application</u>
<u>Case #20100011 Picture 1</u>
<u>Case #20100011 Picture 2</u>

Community Development Department Director Karl Holley addressed the Commission and read the staff report. He noted that the applicant was requesting approval of modification of a Conditional Use granted under Development Order #20070023 which approved the outdoor restaurant seating with the condition that there be "no enclosure of the seating area and other covered area.

Mr. Skiadiotis, the applicant addressed the Commission.

<u>Joe Klingle, 345 46th Avenue</u> -- spoke in support of the application.

<u>Millard Gamble, 1 Pass-A-Grille Way</u> -- spoke in support of the application.

Pat Anderson, 6500 Sunset Way -- spoke in support of the application.

Rosemary Manning, 200 1st Avenue -- spoke in support of the application.

Mary Fernandez, 12th Avenue -- spoke in support of the application.

Tom Broderson, 6500 Sunset Way -- spoke in support of the application.

Carol Walker, 5396 Gulf Boulevard -- spoke in support of the application.

It was noted by staff that there are no planning issues regarding this request. If this application is approved, no additional parking will be required and there is no increase in the number of seats.

Commissioner Halpern moved to approve Case #20100011, Conditional Use application of Nick Skiadiotis for property located at 5799 Gulf Boulevard to allow enclosure of an outdoor seating area. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. Authorization for the City Manager to enter into an Agreement with the Florida Institute of Government for consulting services to develop a Citywide Records Management Plan for the City of St. Pete Beach in an amount of $12,000.

Agenda Report
Proposal
Resume

Commissioner Shavlan moved to approve Authorization for the City Manager to enter into an Agreement with the Florida Institute of Government for consulting services to develop a Citywide Records Management Plan for the City of St. Pete Beach in an amount of $12,000. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

c. Appointment to the Firefighters' Pension Board of Trustees
Appointment to Fire Pension Agenda Report

Commissioner Garnett made a motion to reappoint Bruno Falkenstein to the Firefighters' Pension Board of Trustees Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

8. Items for Discussion

There were no discussion items on this agenda.

9. City Manager, City Attorney and City Commission Reports

a. Public Services Quarterly Report

Public Services Quarterly Report

b. 2010 Fire Department Qtrly Report
2010 Fire Dept. Qtrly Report

c. City Clerk's Quarterly Report for the first quarter of 2010.
Agenda Report

d. 1st Quarter 2010 Report for the Community Development Department
1st Quarter 2010 Report

e. Police Quarterly Report

Police Quarterly Report

City Attorney Bonfield's report

City Attorney Churuti's Report

Commissioner Garnett's Report

Commissioner Shavlan's Report

Vice Mayor Parent's Report

Commissioner Halpern's Report

Mayor Finnerty's Report

Pamala Prell for T.M.
Theresa B. McMaster, City Clerk

Mike Finnerty, Mayor

Minutes approved on
5-25-10