

ST. PETE BEACH COMMISSION MEETING

MINUTES

**Tuesday, June 22, 2010
6:00 p.m.**

THOSE PRESENT:

**Commissioner Shavlan
Commissioner Halpern
Commissioner Garnett
Vice Mayor Jim Parent
Mayor Mike Finnerty**

ALSO PRESENT:

**City Manager Mike Bonfield
City Attorney Mike Davis
City Clerk Theresa McMaster
Nancy Biesinger, Utility/Permit Administrator
Steve Hallock, Public Service Director
Karl Holley, Community Development Director
Edlaine Edmunds, Finance Director**

1. [Changes to the Agenda](#)

Mayor Finnerty added a discussion item regarding the BP oil spill as Item 8b.

2. [Presentations](#)

a. [Certificates from the Florida Institute of Government for Vice Mayor Parent and Commissioner Halpern.](#)

Mayor Finnerty presented certificates to Vice Mayor Parent and Commissioner Halpern for attending the Florida Institute of Government's Advanced Institute of Municipal Officials.

b. [Update on litigation cases relating to Pyle, Kadoura, etc. - City Attorney](#)

Mayor Finnerty called upon City Attorney Davis to bring the Commission up to date on the pending lawsuits. Mr. Davis advised that the Pyle lawsuit is set for trial on August 19 & 20, 2010. The Kadoura lawsuit is set for trial on September 24, 2010.

Mr. Davis reported that two new cases were filed against the City involving the same subject area; one of them was an effort to try to stop the election that was going to be held in August. Since the decision was made at the last Commission Meeting to not hold that election, the issue is rather moot at this point.

The other one is an effort to try to get access to the transcripts of some of the City's Shade Meetings.

Commissioner Shavlan suggested that the Commission bring another Charter amendment to the voters.

After discussion, City Manager suggested that this matter be placed on the next Agenda and Mayor Finnerty was in agreement.

c. [Project close out of the Wastewater Lift Station #7 Rehabilitation Capital Improvement Project.](#)

Nancy Beisinger presented the report on the close out of Lift Station 7. Lift Station 7 is complete, the problematic system is now rebuilt, and the C.I.P. funding provided total rehab and it came in just slightly under budget. The new pumps and the new electrical systems are running very smoothly.

3. [Audience Comments](#)

Bruno Falkenstein, attended a meeting with the Army Corps of Engineers. He presented a report regarding the BP oil spill. After the Army Corps meeting, there was another meeting last week with BP and Bruno was invited. The BP representative gave a presentation and stated that everyone who was affected by the oil should be paid.

Mr. Falkenstein suggested to the Commission that it be very pro-active and ask to have the Jones Act removed. He also suggested that the City ask for a bail out for the entire county.

Mayor Finnerty feels that the Commission should have a workshop ASAP to see what the City can do.

Vice Mayor Parent agrees that the first step is proactiveness. He suggested getting someone from the County to tell them where St. Pete Beach fits in the plan, what is the plan for the City and what does the County think they are doing for us.

Mr. Bonfield offered to get someone from the County Emergency Management to attend a workshop if that is the Commission's wish.

Mimi Gewanter stated that the City is on its own and we must do it on our own.

Bruno Faulkenstein suggested that at this point, the City should not only be inviting Pinellas County but should be inviting local representatives from Tallahassee or at least a staff member and they should also be inviting local congressional and senate representatives. We should also invite someone from Treasure Island to be here. Send out invitations to everyone they can think of because we need them here to tell our residents what their plans are to help us out.

Mayor Finnerty asked Mr. Faulkenstein about the turtle nests. He said he witnessed a turtle come ashore and the first thing he looked for was oil and she had none but proceeded to build a nest and lay her eggs.

Vice Mayor Parent announced that the BIG C Meeting is next Wednesday.

Maggie Caruso announced that she is organizing several events for "Hands Across the Sand" and they are meeting on Saturday at Paradise Grille. This event is in conjunction with the environmental group. They will also be helping with the sea oat planting.

Mayor Finnerty announced that he had some information to share regarding the early release program and he proceeded to read a letter from Michael Jasalow, of "Pinellas Ex-Offender Re-Entry Coalition" who is in charge of the Early Release Program. He feels that he will be met with pretty heavy resistance from the community where the properties are located. Perhaps transitional would be better served in a different area.

Audience Comments

Mimi Gewanter, 265 Tessier Drive South

Rosemary Manning, 200 First Avenue

Mike Bonfield responded to the question raised about utility poles which were installed by Progress Energy, who had lost a major subaqueous feed and these poles were installed to provide back-up power. Progress Energy is developing paperwork that they have agreed if the time comes and the poles are still there, the City will not have to pay

to have them removed or undergrounded however, there is a possibility that they may come down anyway.

4. Consent

a. [Approval of the Minutes of the June 8, 2010 City Commission Meeting.](#)

Vice Mayor Parent moved to approve the Minutes of the June 8, 2010 City Commission Meeting. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. Authorization for the City Manager to enter into a one year extension with Wells, Houser & Schatzel, P. A. for Auditing Services in the amount of \$32,100.

Mayor Finnerty requested that this item be moved to 7.c. The Commission was in agreement.

5. [Resolutions](#)

There were none for this Meeting.

6. [Ordinances](#)

a. [Ordinance 2010-09, Final Reading and Public Hearing amending Chapter 90 of the St. Pete Beach Code of Ordinances relating to Public Conveyances.](#)

City Manager Mike Bonfield explained the Ordinance and recommended that they change the word "policy" to "certificate" and to state that the certificate shall identify that the insurance is covering the operation of a public conveyance as defined in this ordinance.

Community Development Director Karl Holley addressed the Commission and pointed out that they had recommended an effective date of August 16, 2010, and the reason they are suggesting a slight delay in the implementation of the Ordinance is that they have to go get stickers, create some additional forms to be prepared to issue the IDs and vehicle identification that are called for by this Ordinance. He asked for an additional eight weeks from this date to give them time to have everything in order.

Mr. Holley then brought up Section 90-67 Application - Under a. (1), - The last part of that now reads "including a number for inquiries regarding lost passenger items." That would be a requirement of the application.

As to 90-69 Bond Insurance Required – They added the language "which clearly states or identifies that said insurance is provided with the express intent of insuring the operation of public conveyances as defined by this Ordinance."

Commissioner Shavlan mentioned that under 90-67 when they apply they have to give a list of all the vehicles, notarized statement, etc. If they add another vehicle, is that provided for in this Ordinance.

Mr. Shavlan recommended that they add "The operator of the public conveyance shall provide the City with information in 90-67 (2) and (3) and 96-69 for any vehicle added subsequent to the date of the application."

After discussion it was decided that 90-2 Compliance covered the addition of any vehicle.

Commissioner Shavlan made a motion to approve Ordinance 2010-09, AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 90 OF THE ST. PETE BEACH MUNICIPAL CODE; PROVIDING FOR AMENDMENT OF THE DEFINITION OF PUBLIC CONVEYANCE; PROVIDING FOR LICENSING REQUIREMENTS FOR PUBLIC CONVEYANCES, PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTEND OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE, AS AMENDED BY ATTACHMENT A. The motion was seconded by Mayor Finnerty.

Mayor Finnerty then opened the Meeting for public comments.

Luke Larou, 2240 Belleair Road, Clearwater, on behalf of Free Beach Rides

Vice Mayor Parent said that they have defined central dispatch in the Ordinance.

Mayor Finnerty pointed out to the individual owner that dispatching from a private residence is against the City laws and if it continues, the City will stop it.

This is a code enforcement issue.

It was agreed by the Commission that paragraph (6) under 90-32 be stricken.

Any changes to the application, under 90.67, must be filed within seven days.

Steve McFarlin, 2nd Palm Point

Carol Valle, Bats Taxi,

Mr. Bonfield stated that some people think we are trying to regulate something that can not be done.

Carol Valle, Bats Taxi stated that her insurance certificate comes from her insurance agent in the form of a signed and notarized form and is turned over to Risk Management.

Commissioner Halpern moved to approve Ordinance 2010-09, Final Reading and Public Hearing amending Chapter 90 of the St. Pete Beach Code of Ordinances relating to Public Conveyances, as amended by the handout this evening. Vice Mayor Parent seconded the motion.

The motion was approved by individual roll call vote of (4-1) with Mayor Finnerty voting no.

- b. [Ordinance 2010-17, Final Reading and Public Hearing, adjusting reclaimed water rates to recoup all necessary operating costs.](#)

Steve Hallock, Public Services Director, addressed the Commission and answered questions from the Commission.

Mayor Finnerty said he had received calls from some of the elderly residents who are on fixed incomes and the increase would cause a hardship on them.

Mr. Bonfield stated that they had to be very careful granting any exemptions; any shortfall has to be made up by the General Fund. The recommendation is that they do not grant exemptions.

Vice Mayor Parent suggested that if anybody drops off the service, they should be charged the availability fee. Further, if a house is sold, the new owner would pay the availability fee.

Mr. Hallock responded that procedure would be very difficult to follow.

Commissioner Halpern stated that he feels an availability fee would encourage people to participate.

Mr. Hallock reviewed the two options for the Commission.

Audience Comments

Steve McFarlin, 2nd Palm Point

Joanne Tomoci - 82nd Avenue

Mayor Finnerty stated that he doesn't want to vote on this. He would like to send it to the Planning Board.

Steve Hallock stated that both options will work and he would not be opposed to these options.

Vice Mayor Parent stated that after talking to people and getting input, he feels their prime objective here is get this fund out of the red and get it operating in the black. He is in favor of option 1.

Vice Mayor Parent moved to approve Ordinance 2010-17, AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 86 UTILITIES ARTICLES IV OF THE CODE OF ORDINANCES PERTAINING TO THE RECLAIMED WATER SYSTEM; PROVIDING STAFF RESPONSIBILITIES; PROVIDING FOR CHANGE OF THE RECLAIMED WATER SYSTEM FROM A SPECIAL REVENUE FUND TO AN ENTERPRISE FUND; PROVIDING FOR THE ADJUSTMENT OF RECLAIMED WATER RATES TO PROMOTE FULL COST RECOVERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE, in accordance with Option 1 Chart.

Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. [Action Items](#)

- a. [Case #20100018, Conditional Use request for 595 Corey Avenue. Applicant requests Conditional Use approval under Section 30.4\(d\) for Outdoor Restaurant Seating.](#)

Karl Holley, Community Development Director, presented the staff report and answered questions from the Commission.

Commissioner Garnett moved to approve Case #20100018, Conditional Use request for 595 Corey Avenue. Applicant requests Conditional Use approval under Section 30.4(d) for Outdoor Restaurant Seating. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

- b. [Appointing a voting delegate for the 84th Annual Florida League of Cities Conference.](#)

Mayor Finnerty volunteered to attend; Commissioner Garnett moved to approve the Mayor to attend the 84th Annual Florida League of Cities Conference. The motion was seconded by Commissioner Halpern. The motion was unanimously approved.

- c. [Authorization for the City Manager to enter into a one year extension with Wells, Houser & Schatzel, P. A. for Auditing Services in the amount of \\$32,100.](#)

Mayor Finnerty expressed concern about the \$2400 increase and stated that he felt the City should retain a different firm.

Elaine Edmunds, Finance Director, answered questions from the Commission.

Commissioner Shavlan asked if there were other bids received.

Ms. Edmunds stated that the bid went out in December of 2007, a three year bid with a two year extension. They received one other bid; Wells, Houser & Schatzel bid \$26,400 and Moore, et al, was \$48,500.

Ms. Edmunds suggested that the City exercise this one year extension but then go out for proposals for the next fiscal year. She explained that if they go out for bids at this time, it will not be awarded until the first part of September, which will delay the audit.

Commissioner Garnett moved to authorize the City Manager to enter into a one year extension with Wells, Houser & Schatzel, P. A. for Auditing Services in the amount of \$32,100. Commissioner Shavlan seconded the motion.

The motion was approved by individual roll call vote of (4-1) with Mayor Finnerty voting no.

8. [Items for Discussion](#)

a. [Extending alcohol sales until 3 a.m.](#)

City Manager Bonfield explained the reason this matter is up for discussion.

Audience Comments

Steve Phalor, 7141 Bay Street, Riptides Bar

Commissioner Halpern stated that the change in hours may affect some bars but not all establishments.

Mr. Davis advised the Commission that the change has to be made by ordinance and it will be brought to them in the near future.

b. Oil Spill Discussion

Mayor Finnerty asked Mr. Bonfield to put this matter on the agenda for the next meeting. Mr. Bonfield advised that he will contact someone from Pinellas County Emergency Management to at least cover that aspect of this matter at the July 13, 2010 Meeting.

Mayor Finnerty shared a letter with the Commission from Michael Stephens, PHD.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield's Report

City Attorney Davis' Report

Commissioner Garnett's Report

Commissioner Shavlan's Report

Vice Mayor Parent's Report

Commissioner Halpern's Report

Mayor Finnerty's Report

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

Theresa B. McMaster, City Clerk

Mike Finnerty, Mayor

Minutes approved on
