

COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, September 28, 2010

6:30 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

REGULAR MEETING

- 1. Changes to the Agenda** - Any agenda items to be added, moved, or deleted will be addressed at this time. Added items will be assigned agenda item numbers and moved items should remain with the same item numbers. Notation will be made that those items will be taken out of order. Consent items may be removed for discussion, changes, and/or anticipation of a non-unanimous vote and considered separately on the request of anyone on the Commission or by a majority vote of the City Commission upon request of an audience member.
- 2. Presentations**
 - a. Pinellas Transportation Task Force Project - Mayor RB Johnson, Indian Rocks Beach**
 - b. Support Our Troops Update - Terri Finnerty**
 - c. Update on litigation cases relating to Pyle, Kudora, etc. - City Attorney**
- 3. Audience Comments** - Comments shall be limited to 3 minutes per person on issues that are not on the agenda.
- 4. Consent**
 - a. Approval of the Minutes of the August 24, 2010 Regular Meeting and the Minutes of the September 15, 2010 Regular Meeting.**

- b. Authorize the Mayor and City Manager to sign the Pinellas County First Responder Agreement**
- 5. Resolutions**
 - a. Resolution 2010-24, providing for reimbursement of fees and costs incurred by Commissioner Beverly Garnett.**
 - b. Resolution 2010-25, declaring items as surplus**
- 6. Ordinances**
 - a. Ordinance 2010-24, Final Reading and Public Hearing, setting the millage Rate for Fiscal Year 2011**
 - b. Ordinance 2010-25, Final Reading and Public Hearing, Budget Ordinance for FY 2011**
 - c. Ordinance 2010-26, Final Reading and Public Hearing, amending and restating Chapter 66, Pensions and Retirement, Article II, General Employees' Retirement System of the Code of Ordinances**
 - d. Ordinance 2010-27, Final Reading and Public Hearing, amending and restating Chapter 66, Pensions and Retirement, Article III, Police Officers' Retirement System of the Code of Ordinances**
 - e. Ordinance 2010-28, Final Reading and Public Hearing, amending and restating Chapter 66, Pensions and Retirement, Article IV, Firefighters' Retirement System of the Code of Ordinances**
 - f. Ordinance 2010-30, Final Reading and Public Hearing, providing for an amendment of Chapter 82, Article II, Division 1, Section 82-31, One Way Streets, adding the alley between 16th Avenue and 17th Avenue and making it one way southbound.**
 - g. Ordinance 2010-33, First Reading and Public Hearing, amending Chapter 58 of the Code of Ordinances.**
- 7. Action Items**
 - a. Appointment to the Police Pension Board of Trustees.**
 - b. Accept a proposal from Hill York to provide energy efficiency consulting for the design and implementation of an Energy Efficiency Program as required by the Florida Energy and Climate Commission Grant Agreement.**
- 8. Items for Discussion – no items submitted for this agenda.**
- 9. City Manager, City Attorney and City Commission Reports**

10. Adjournment

APPEALS

If a person decides to appeal any decision made at this hearing, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the meeting. In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact Public Services at (727) 363-9243 no later than four (4) days prior to the proceeding for assistance.

**ST. PETE BEACH COMMISSION MEETING
MINUTES**

Tuesday, September 28, 2010

THOSE PRESENT:

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

ALSO PRESENT:

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

1. Changes to the Agenda

City Manager Bonfield requested that items 6.a. and 6.b. be heard first. Hearing no objections, Mayor Finnerty asked Mr. Bonfield to continue.

6. Ordinances

a. Ordinance 2010-24, Final Reading and Public Hearing, setting the millage Rate for Fiscal Year 2011

Ordinance 2010-24 Memo
Ordinance 2010-24

Mr. Bonfield summarized the Ordinance reciting the millage rate of 2.6718 for the the Fiscal Year 2010/2011, which is an increase of .1884 mills.

Commissioner Shavlan spoke to the issue of a typical tax bill.

Commissioner Garnett pointed out the services that are given to the residences

Mayor Finnerty stated that he disagrees with the increase in the millage. The City

Manager provided the Commission with a balanced budget without the need of an increase.

Vice Mayor Parent stated that they still have a balanced budget.

Mayor Finnerty then asked for audience comments.

Mimi Gewanter, 265 Tessier Drive, addressed the Commission concerning the \$30,000 allocated for Christmas decorations and urged residents to vote "no" on Amendment 4.

Mayor Finnerty closed the Meeting to audience comments.

Vice Mayor Parent moved to approve Ordinance 2010-24, an Ordinance of the City of St. Pete Beach, Florida; establishing the ad valorem tax levy and debt service levy for the general fund for the fiscal year beginning October 1, 2010 and ending September 30, 2011; providing for an effective date be approved on final reading. Vice Mayor Parent proceeded to read the Ordinance in its entirety. Commissioner Halpern seconded the motion.

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

b. Ordinance 2010-25, Final Reading and Public Hearing, Budget Ordinance for FY 2011

Ordinance 2010-25 Memo

Ordinance 2010-25

Budget Summary

Mr. Bonfield summarized the ordinance.

Commissioner Garnett requested that trimming of the Washingtonians be added back into the budget \$25,000

Vice Mayor Parent talked about what they might want to add or take out of the budget at this meeting. One of those issues is the amount budgeted for litigation which is currently \$200,000; next year is projected to reach \$225,000 due to new lawsuits.

Vice Mayor Parent feels they should increase litigation budget by \$35,000; Commissioner Garnett agreed.

Commissioner Halpern asked Mr. Bonfield how often the numbers are checked during the year. He suggested they be vigilant and check the numbers on a regular basis.

Commissioner Garnett agrees to budget sufficient monies to cover legal expenses; they must protect the citizen's right to vote.

Mayor Finnerty stated that he wants to leave the budget as it is. He then called on the City Attorney for an update on all pending cases.

Susan Churuti proceeded to present an update all pending litigation.

Mayor Finnerty asked Mr. Bonfield where they stand. Mr. Bonfield responded that he has heard the Commission wants to add \$25,000 for tree trimming and \$35,000 to legal expenses.

Commissioner Shavlan spoke to an events budget which will help the City's businesses that are suffering.

Vice Mayor Parent wants \$35,000 from reserves to be added for legal expenses

Commission Halpern agreed.

Commissioner Garnett agreed and again asked the Commission to reconsider the tree trimming.

Mayor Finnerty supports \$35,000 to be taken from reserves and designated as legal expenses.

Commissioner Halpern moved to approve Ordinance 2010-25, an Ordinance of the City of St. Pete Beach, Florida adopting a budget for the fiscal year beginning October 1, 2010 and ending September 30, 2011, providing appropriations and providing an effective date on final reading, including \$35,000 to be added to legal expenses and reduced from the reserve. Vice Mayor Parent seconded the motion.

Mayor Finnerty asked for audience comments; hearing none, the voting proceeded.

The motion was unanimously approved by individual roll call vote.

2. PRESENTATIONS

a. City Manager Bonfield introduced Mayor R.B. Johnson of Indian Rocks Beach, who gave a presentation regarding the **Pinellas Transportation Task Force Project**.

b. City Manager Bonfield introduced Terri Finnerty who acknowledged donations from individuals and businesses for the **"Support Our Troops"** program.

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

Mayor Finnerty presented a proclamation to Friends of the St. Pete Beach Library designating the week of October 17th to October 23rd, 2010 as "Friends of the Library Week".

3. AUDIENCE

Hayward Chapman, 3000 Pass a Grille Way, spoke regarding parking on 30th Avenue in Pass a Grille and beach access.

Paul Pfister, 8090 Gulf Boulevard, supports the events budget.

Virgil Rittacco, 2917 Sunset Way, spoke about the improvements he has made to the City made comments regarding Mr. Chapman's earlier discussion at this meeting.

Joe Caruso, 1301 Gulf Way, would like to donate a vacation to Support Our Troops.

Deborah Schechner, 710 Boca Ciega Isle Drive, mentioned a NY Times article.

4. Consent

- a. **Approval of the Minutes of the August 24, 2010 Regular Meeting and the Minutes of the September 15, 2010 Regular Meeting.**

08-24-2010CommMtg

09-15-2010CommMtg

- b. **Authorize the Mayor and City Manager to sign the Pinellas County First Responder Agreement**

First Responder Agreement Agenda Report

First Responder Agreement

Vice Mayor Parent moved to approve the Consent Agenda with the change to the Minutes as directed. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

5. Resolutions

a. **Resolution 2010-24, providing for reimbursement of fees and costs incurred by Commissioner Beverly Garnett.**

Resolution 2010-24 Agenda Report

Resolution 2010-24

City Attorney memo

Commissioner Garnett's reimbursement request

Mr. Bonfield summarized the issue and gave a brief history.

Ms. Churuti addressed the Commission and provided an opinion regarding this Resolution which includes the Florida Elections Commission and a civil action, Harry Metz vs Beverly Garnett and the City of St. Pete Beach.

Ms. Churuti advised the Commission to "stay the course" on these matters and that the amounts shown are reasonable.

Matthew Garnett, Commissioner Garnett's stepson and attorney, addressed the Commission and explained that he could answer questions regarding this matter and also advised that Commissioner Garnett is his step-mother.

Mayor Finnerty stated that originally there was no problem with the amount requested.

Vice Mayor Parent stated that he doesn't believe this is about the money; he feels it's about all of them. It's an attack on the City.

Commissioner Shavlan said it is his opinion that this action is a classic example of harassment and intimidation.

Mayor Finnerty asked for audience comments.

Ward Friszolowski, 3566 Belle Vista Drive, spoke in support of Resolution 2010-24.

Vice Mayor Parent moved to approve Resolution 2010-24, providing for reimbursement of fees and costs incurred by Commissioner Beverly Garnett. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

b. **Resolution 2010-25, declaring items as surplus**

City Manager Bonfield outline the resolution.

Commissioner Halpern moved to approve Resolution 2010-25, declaring items as surplus. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. ORDINANCES

- c. **Ordinance 2010-26, Final Reading and Public Hearing, amending and restating Chapter 66, Pensions and Retirement, Article II, General Employees? Retirement System of the Code of Ordinances**

City Manager Bonfield addressed the Commission regarding Ordinances 2010-26, 2010-27 & 2010-28, combining the Ordinances since they all pertain to Employee Pensions.

Mayor Finnerty called on Phil Milner, Chairman of the Fire Department Pension Board, to discuss the pending Ordinances.

Commissioner Halpern moved to approve Ordinance 2010-26, amending and restating Chapter 66, Pensions and Retirement, Article II, General Employees Retirement System of the Code of Ordinances. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

- d. **Ordinance 2010-27, Final Reading and Public Hearing, amending and restating Chapter 66, Pensions and Retirement, Article III, Police Officers? Retirement System of the Code of Ordinances**

Commissioner Garnett moved to approve Ordinance 2010-27, amending and restating Chapter 66, Pensions and Retirement, Article III, Police Officers Retirement System of the Code of Ordinances with the changes recommended by the City Manager. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

- e. **Ordinance 2010-28, Final Reading and Public Hearing, amending and restating Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System of the Code of Ordinances**

Vice Mayor Parent moved to approve Ordinance 2010-28, amending and restating Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System of the Code of Ordinances with the recommended changes from the City Manager. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

- f. Ordinance 2010-30, Final Reading and Public Hearing, providing for an amendment of Chapter 82, Article II, Division 1, Section 82-31, One Way Streets, adding the alley between 16th Avenue and 17th Avenue and making it one way southbound.

Commissioner Garnett moved to approve Ordinance 2010-30, providing for an amendment of Chapter 82, Article II, Division 1, Section 82-31, One Way Streets, adding the alley between 16th Avenue and 17th Avenue and making it one way southbound. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

- g. Ordinance 2010-33, First Reading and Public Hearing, amending Chapter 58 of the Code of Ordinances.

Ordinance 2010-33 Agenda Report

Ordinance 2010-33

Fee Schedule

City Manager Bonfield briefly outlined the proposed Ordinance.

Commissioner Shavlan moved to approve Ordinance 2010-33, First Reading and Public Hearing, amending Chapter 58 of the Code of Ordinances. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. Action Items

- a. Appointment to the Police Pension Board of Trustees.

Agenda Report

Mr. Bonfield advised the Commission that there were three applicants; Mr. Stewart is up for re-appointment.

The Commissioners voted by written ballot and selected Mr. Gorup for appointment to the Police Pension Board of Trustees.

Vice Mayor Parent moved to approve the Appointment of Mr. Jerry Gorup to the Police Pension Board of Trustees. Commissioner Garnett seconded the motion.

Written ballots were submitted with commissioner Garnett, Commissioner Halpern and Vice Mayor parent voting for Jerry Gorup and Mayor Finnerty and Commissioner Shavlan voting for Steve Stewart.

- b. **Accept a proposal from Hill York to provide energy efficiency consulting for the design and implementation of an Energy Efficiency Program as required by the Florida Energy and Climate Commission Grant Agreement.**

Energy RFQ Agenda Report

Hill York RFQ

Mr. Bonfield introduced the proposal to the Commission.

Steve Hallock explained the process to the Commission.

Robert Hulsifer, a representative of Hill York, gave a presentation and explained the program.

Vice Mayor Parent moved to accept the proposal from Hill York to provide energy efficiency consulting for the design and implementation of an Energy Efficient Program. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

8. Items for Discussion

There were none submitted for this meeting.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield presented his Report.

City Attorney Churuti presented her Report.

Commissioner Garnett presented her Report.

Commissioner Shavlan presented his Report.

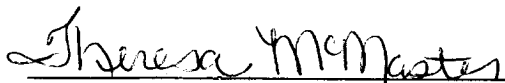
Vice Mayor Parent presented his Report.

Commissioner Halpern presented his Report.

Mayor Finnerty presented his Report.

ADJOURNMENT

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
10-26-2010