



COMMISSION MEETING CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, November 23, 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. Pass-A-Grille Civic Association annual presentations - Ann Michael**
 - b. Southwest Little League - Lance Ellis**
 - c. Walk wise, crosswalk presentation - Jennifer Bradford, USF**
 - d. Presentation of Web Design by Steve Schwalb with Digital Eel.**
 - e. 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 October 20, 2010 Workshop Meeting, the October 26, 2010 Regular Meeting and the November 8, 2010 Attorney/Client Session.**
- b. Case #20100040; Request for Special Permit Approval under Section 6.5(f)(1) of the Municipal Code for Consumption of Alcoholic Beverages on the Public Sidewalk.**
- c. Authorization for the City Manager to enter into a landscape reimbursement and maintenance memorandum of understanding agreement with the Florida Department of Transportation to reimburse the City for up to \$60,000.00 annually for five years in citywide landscape rehabilitation projects along state highways within the City.**

5. Resolutions

- a. Resolution 2010-31, encouraging the Police and Fire Pension Boards to adopt a lower rate of assumed earnings.**

6. Ordinances

- a. Ordinance 2010-32, Final Reading and Public Hearing amending Division 26 of the City of St. Pete Beach Land Development Code.**
- b. Ordinance 2010-36, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, providing for a supplemental appropriation to the General Fund for Fiscal Year ending September 20, 2010.**

7. Action Items- none for this agenda

8. Items for Discussion-none 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

Tuesday, November 23, 2010

6:00 p.m.

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

**Mayor Michael Finnerty
Vice Mayor Jim Parent
Commissioner Al Halpern
Commissioner Marvin Shavlan
Commissioner Beverly Garnett**

ALSO PRESENT:

**City Attorney Mike Davis
City Clerk Theresa McMaster
City Manager Mike Bonfield
Finance Director Elaine Edmunds
Community Development Director Karl Holley**

1. CHANGES TO AGENDA

Vice Mayor Parent requested that Item 4.b. (Case #20100040) be pulled from the Consent Agenda and be placed under 7. Action Items.

2. PRESENTATIONS

a. Pass-a-Grille Civic Association

Ann Michael, Treasurer of the Pass-a-Grille Civic Association, presented checks to the City to cover the costs of two concerts and the cost of refurbishments to planters on 8th Avenue.

b. Southwest Little League

Mr. Lance Ellis presented the City Commission with a framed photograph of all the Little League teams in appreciation for all the hard work, dedication and support that the City gives the League.

c. Walk Wise

Jennifer Bradford, USF, addressed the Commission and presented a PowerPoint program outlining the Walk Wise Crosswalk Program and answered questions asked by the Commission.

d. Web Design

City Manager Bonfield introduced Steve Schwalb who spoke about his company *Digital Eel* with regard to a Web Design for the City and answered questions by the Commission and City Manager Bonfield.

e. Update on Litigation Cases

City Attorney Michael Davis reported that Judge Demers' office has contacted both sides of the litigation case and said that he expects to have a decision in the Pyle case (the ballot summary case) by Thanksgiving. At that time, a Meeting can be scheduled.

3. Audience Comments

Patricia Peldys, 7338 Coquina Way – Asked the Commission if they could consider having a *Nuisance Abatement Board* to address the ongoing crime activity on and around west Corey Avenue.

Deborah Schechner, 710 Boca Ciega Isle Drive – Asked everyone to work together and stop drug sales, crime, etc. in and around the Corey Avenue area. She asked the Commission to consider forming a *Nuisance Abatement Board*.

Mayor Finnerty closed the Audience Comments portion of this Meeting.

4. Consent

- a. Approval of the Minutes of the October 20, 2010 Workshop Meeting, and the November 8, 2010 Attorney/Client Session Meeting. (The October 26, 2010 Regular Meeting Minutes were removed from this Agenda.)**

Commissioner Halpern moved to approve the October 20, 2010 Commission Workshop Meeting Minutes and November 8, 2010 Attorney/Client Session Minutes. Vice Mayor Parent seconded the motion.

The motion was unanimously approved by voice roll call vote.

- c. Authorization for the City Manager to enter into a Landscape Reimbursement and Maintenance Memorandum of Understanding Agreement with the Florida Department of Transportation to reimburse the City for up to \$60,000.00 annually for five years in Citywide landscape rehabilitation projects along state highways within the City.

Commissioner Halpern moved to authorize the City Manager to enter into a Landscape Reimbursement and Maintenance Memorandum of Understanding Agreement with the Florida Department of Transportation to reimburse the City for up to \$60,000 annually for five years in Citywide landscape rehabilitation projects along State highways with in the City. The motion was seconded by Vice Mayor Parent.

The motion was unanimously approved by voice roll call vote.

Agreement

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

The motion was unanimously approved by individual roll call vote.

5. Resolutions

- a. Resolution 2010-31, encouraging the Police and Fire Pension Boards to adopt a lower rate of assumed earnings.

Resolution 2010-31 Agenda Report

Resolution 2010-31

Mr. Bonfield presented a brief overview of the Resolution. He advised that the Pension Plans are governed by Florida Statutes and they are not governed by the Commission however, this Resolution is simply asking that they reduce the assumption rate from 8.5% to 8%.

Vice Mayor Parent felt that it's a small incremental change and because it will not impact their benefits that they should reduce it to be more realistic.

Commissioner Shavlan agreed with Vice Mayor Parent's remarks and asked if they should consider suggesting 8.25% this year and then 8% next year.

Mayor Finnerty liked the suggestion with the understanding that they would agree to continue in that direction.

Commissioner Halpern felt that the assumption rate should be reduced until the investments start paying more and then if the 8.5% is appropriate to reconsider it at that time.

Mayor Finnerty stated that he agreed that 8% would be the best way to go.

Commissioner Garnett asked Elaine Edmunds, the Finance Director, if she had any remarks regarding this matter.

Elaine Edmunds stated that she felt that the sooner they face up to it and make a decision, the sooner they can get in a better financial position. She pointed out that the State is presently at 7.75% and it would make sense if all the Plans went to 8%. She disclosed that the General Pension reduced their assumption rate to 8%. She stated that the Pension Boards are aware of the fact that the contributions will impact the City and they know the City is facing some pretty rough times.

Commissioner Garnett suggested a uniform figure of 8% for all of the Plans.

Mayor Finnerty opened the Meeting to audience comments.

Phil Milner, Chairman of the Fire Pension Board, agreed with the Commission 100%. He had a question about the way the Resolution was written. Mr. Milner made the suggestion that they wait until next September or October to make the change.

Bruno Falkenstein, 2401 Pass-a-Grille Way agreed with the suggestion that they wait until September to make the change.

Commissioner Garnett asked Elaine Edmunds if she agreed with the 14% loss, the "smoothing" process. She thought these changes would be in the 2011-2012 fiscal year.

Vice Mayor Parent suggested going ahead with the change as soon as possible.

Mrs. Edmunds suggested they wait until the end of the year then see what they have left and appropriate money to the pension funds.

Vice Mayor Parent made a motion that Resolution 2010-31, a Resolution of the City of St. Pete Beach, encouraging the Police and Fire Pension Boards to adopt a lower rate of assumed earnings. For clarification, it's the new version of the Resolution that has extra "Whereases" added to it that indicate that there is no cost change to the City overall nor is there any impact to the recipient and the recommendation is from 8.5% to 8% and that it be implemented 9/30/2010. Commissioner Halpern seconded the motion.

The motion was unanimously approved by individual roll call vote.

6. Ordinances

- a. Ordinance 2010-32, Final Reading and Public Hearing amending Division 26 of the City of St. Pete Beach Land Development Code.**

Ordinance 2010-0032 Report

Ordinance 2010-32

Mr. Bonfield reminded the Commission that these are the recommended changes to the sign ordinance and that Karl Holley is present to discuss the document.

Mr. Holley stated that this is the second reading of the Ordinance and the changes that were recommended at the first reading have been incorporated in the document presented to the Commission tonight.

Vice Mayor Parent suggested that on page 49, 5th line from bottom, it read "set back 3 ft from the sidewalk or if no sidewalk, 3ft off the pavement."

Vice Mayor Parent felt that it should be 10 feet overall in all cases and should read "set back at least 10 feet from edge of pavement."

Vice Mayor Parent moved to approve Ordinance 2010-32, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of Division 26 of the Land Development Code; providing for amendment of the City of St. Pete Beach Sign Ordinance; providing for amendment of standards relating to sandwich board signs, designer signs, window signs, and banners; providing for amendments to Sections related to fees; providing for severability; providing for the repeal of ordinances or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date, with the change agreed to on page 49. Commissioner Garnett seconded the motion.

The motion was unanimously approved by individual roll call vote.

- b. Ordinance 2010-36, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, providing for a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2010.

Memo Ord. 2010-36

Ordinance 2010-36

Mr. Bonfield briefly outlined the Ordinance for the Commission.

Mrs. Edmunds stated that the total for the City Attorney expenses were \$549,176 which was short \$235,000.

Vice Mayor Parent stated that they should pay special attention to what they budget for legal fees next year; they seem to be under budgeting.

Bruno Falkenstein, 2401 Pass-a-Grille is not happy with the legal representation the City is receiving. He feels the City is getting "fleeced".

Commissioner Halpern moved to approve Ordinance 2010-36, First Reading and Public Hearing, an Ordinance of the City of St. Pete Beach, Florida, providing for a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2010; providing for funding; providing for an effective date. Commissioner Shavlan seconded the motion.

The motion was unanimously approved by individual roll call vote.

7. Action Items

- b. Case #20100040; Request for Special Permit Approval under Section 6.5(f)(1) of the Municipal Code for Consumption of Alcoholic Beverages on the Public Sidewalk.

Case # 20100040 Report

Indemnification and Hold Harmless Agreement

City Manager Bonfield briefly explained the request.

Vice Mayor Parent said that serving alcohol on a public sidewalk must be approved by ABT.

Mr. Davis said the City approves it first then it goes to the State.

Bruno Falkenstein, 2401 Pass-a-Grille, stated that he did not think that is was that simple.

Commissioner Shavlan moved to approve Case #20100040; Request for Special Permit Approval under Section 6.5(f)(1) of the Municipal Code for Consumption of Alcoholic Beverages on the Public Sidewalk at 363 Corey Avenue . Vice Mayor Parent seconded the motion.

The motion was unanimously approved by individual roll call vote.

8. Items for Discussion

None at this time.

9. City Manager, City Attorney and City Commission Reports

City Manager Bonfield presented his Report. **He suggested canceling the Dec 28, 2010 Meeting. All were in agreement.** He also suggested a Workshop for next

City Commission Meeting

November 23, 2010

Page 8 of 8

Tuesday (November 30, 2010, at 5:30 pm) to discuss the March ballot and potential ballot questions. All were in agreement.

Mr. Bonfield thanked City Clerk Teri McMaster for her service to the City, as this would be her last Commission Meeting (Ms. Master resigned from the City).

Commissioner Garnett presented her report and thanked City Clerk McMaster for her service.

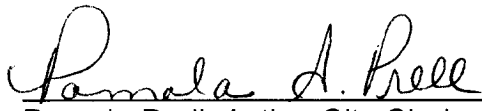
Commissioner Shavlan presented his report and asked Bruno Falkenstein if they could meet and discuss his dissatisfaction with the City Attorney.

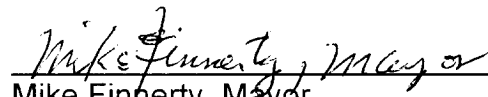
Vice Mayor Parent presented his report

Commissioner Halpern presented his report

Mayor Finnerty presented his report and wished City Clerk McMaster the best of luck.

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


Pamala Prell, Acting City Clerk


Mike Finnerty, Mayor

Minutes approved on 1-11-11