# COMMISSION MEETING
# CITY OF ST. PETE BEACH

155 Corey Avenue

**Tuesday, December 14, 2010**
6:30 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

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## 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. **Support Our Troops & ESGR (Employer Support of the Guard and Reserve) - Terri Finnerty and Phil Speak, ESGR State Chairman**

3. **Audience Comments** - Comments shall be limited to 3 minutes per person on issues that are not on the agenda.

4. **Consent**
   a. **Minutes of the November 9, 2010 City Commission Meeting.**
   b. **Authorization for the City Manager to enter into an agreement with Hill York in an amount not to exceed**

**$275,000 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.**

c. **Authorize the City Manager to enter into an agreement with the State of Florida for grant assistance for the implementation of an Energy Efficiency Program.**
d. **Authorize the City Manager to enter into a purchase agreement with Sieg & Ambachtsheer for $14,480 for additional bridge repairs on Vina Del Mar Bridge.**
e. **Authorize the City Manager to enter into a purchasing agreement with LS Curb Service in the amount of $10,637.50 for the reconstruction of 8th Ave/Gulf Way sidewalk.**
f. **Authorize the City Manager to enter into a Construction Agreement with FDOT for the Don CeSar Street and Sidewalk Improvement Project.**
g. **Authorize the City Manager to enter into a three (3) year agreement with Luke Brothers at a cost of $49,330 per year for citywide tree trimming and maintenance.**
h. **Memorandum of Understanding -- Temporary suspension of Sections B2 and B3 of Article 23, Work Week and Overtime, of the FOP contract.**

5. **Resolutions – none for this agenda**

6. **Ordinances**
   a. **Ordinance 2010-36, Final Reading and Public Hearing, providing for an increase in budgeted monies in the general fund for fiscal year ending September 30, 2010 and providing for funding.**
   b. **Ordinance 2010-22, First Reading and Public Hearing amending Sections 6 and 31 of the City's Land Development Code related to temporary lodging uses in the Traditional Hotel District.**
   c. **Ordinance 2010-38, First Reading and Public Hearing, providing a supplemental appropriation for fiscal year 2011 to the General and Capital Projects Funds, providing for funding and providing for an effective date.**
   d. **Ordinance 2010-39, First Reading and Public Hearing, amending Chapter 50, Library, of the City of St. Pete Beach Code of Ordinance**

## 7. Action Items

a. **Case #20100041, application of Mike Anderson for property located at 645 Corey Avenue. Applicant requests modification of approved conditional use to increase outdoor restaurant seating from 12 to 22 seats. This is a quasi-judicial hearing.**

b. **Authorize the City Manager to enter into a purchasing agreement with Kloote Contracting in the amount of $244,225 to make street and sidewalk improvements in the Don CeSar area.**

## 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.*

CITY COMMISSION MEETING

December 14, 2010
6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Commissioner Al Halpern
Commissioner Marvin Shavlan
Vice Mayor Jim Parent
Mayor Mike Finnerty

NOT PRESENT

Commissioner Beverly Garnett

ALSO PRESENT

City Manager Mike Bonfield
City Attorney Mike Davis
Acting City Clerk Pamala Prell
Director of Community Development, Karl Holley

1. <u>Changes to the Agenda</u>

**Mr. Bonfield announced that Commissioner Garnett is ill and not able to attend the Meeting, however, she asked that Items 4.f. and 6.b. be continued until she is able to attend.**

Commissioner Shavlan sees no harm in delaying these items.

Vice Mayor Parent feels everything they act on involves the whole City.

Commissioner Halpern agrees to delay these items until Commissioner Garnett is able to attend.

**Mayor Finnerty agreed to continue items 4.f. and 6.b. until Commissioner Garnett is in attendance.**

**Mr. Bonfield advised the Commission that Item 4.b. was added to the Agenda because the vendor asked for Commission approval.**

**Item 6.e. was added to the Agenda as a result of the Meeting held yesterday.**

## 2. Presentations

a. Support our Troops & ESGR

Terri Finnerty acknowledged generous donations from individuals and businesses in the area. Mrs. Finnerty also reported on proceeds from various fund raising events in the area. Fifty (50) Christmas boxes were mailed last week; from October through today, they have sent out 207 boxes.

The "Golf Scramble" is scheduled for Monday, February 7, 2011, at 1:00 pm, at the St. Petersburg Country Club. All proceeds will go to "Support Our Troops".

Phil Speak, State Chairman of ESGR, is en route and will speak when he arrives.

## 3. Audience Comments

Bill Pyle, 6600 Sunset Way

Rick Falkenstein, 6441 2nd Palm Point

Debra Edney, 181 73rd Avenue

Mimi Gewanter, 265 Tessier

Bob Manning, 200 1st Avenue, Pass-a-Grille

Rusty Ercius, 111 12th Avenue

Joe Caruso, 1301 Gulf Way

**Mayor Finnerty closed audience comments.**

Mr. Bonfield made a statement regarding Mr. Pyle's remarks and drawings presented at the Meeting. He also stated his willingness to meet with Ms. Edney regarding her problems. Mayor Finnerty also agreed to meet with Ms. Edney. Commissioner Shavlan also commented on Dr. Pyle's remarks.

## 4. Consent

a. Minutes of the November 9, 2010 City Commission Meeting

b. Authorization for the City Manager to enter into an agreement with Hill York in an amount not to exceed $275,000 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.

c. Authorize the City Manager to enter into an agreement with the State of Florida for grant assistance for the implementation of an Energy Efficiency Program.

d. Authorize the City Manager to enter into a purchase agreement with Sieg and Ambachtsheer for $14,480 for additional bridge repairs on Vina Del Mar Bridge.

e. Authorize the City Manager to enter into a purchasing agreement with LS Curb Service in the amount of $10,637.50 for reconstruction of the 8th Avenue/Gulf Way sidewalk.

g. Authorize the City Manager to enter into a three (3) year agreement with Luke Brothers at a cost of $49,330 per year for citywide tree trimming and maintenance.

h. Memorandum of Understanding – temporary suspension of Section B2 and B3 of Article 23, Work Week and Overtime, of the FOP contract.

**Vice Mayor Parent made a motion to approve the Consent agenda, as amended. The motion was seconded by Commission Shavlan and unanimously approved.**

## 5. Resolutions

There were none listed on the Agenda.

## 6. Ordinances

a. Ordinance 2010-36, Final Reading and Public Hearing, providing for an increase in budgeted monies in the General Fund for Fiscal Year ending September 30, 2010 and providing for funding.

Mr. Bonfield explained that this is money for the extra legal costs.

**Vice Mayor Parent made a motion to approve on Final Reading Ordinance 2010-36, an Ordinance providing a supplemental appropriation to the General Fund for Fiscal Year ending September 30, 2010; providing for funding; providing for an effective date. The motion was seconded by Commissioner Halpern.**

**Mayor Finnerty asked for audience comments. Hearing none, he asked for a roll call. The motion was unanimously approved by roll call vote.**

c. Ordinance 2010-38, First Reading and Public Hearing, providing a supplemental appropriation for Fiscal Year 2011 to the General and Capital Projects funds, providing for funding and providing for an effective date.

Mr. Bonfield stated that this item relates to putting the St. Pete Beach Classic in the budget. They have budgeted equal expenditures with revenues.

The City has approximately $300,000 in the street improvement budget from last year that was not expended but is being carried forward to this year.

Mayor Finnerty asked for audience comments; hearing none, he asked for a motion.

**Commissioner Halpern made a motion to approve Ordinance 2010-38, an Ordinance of the City of St. Pete Beach, Florida providing a supplemental appropriation to the general and capital project funds for Fiscal Year ending September 30, 2011; providing for funding; providing for an effective date.**
**The motion was seconded by Vice Mayor Parent. The motion was unanimously approved by roll call vote.**

d. Ordinance 2010-39, First Reading and Public Hearing, amending Chapter 50, Library, of the City of St. Pete Beach Code of Ordinance.

Mr. Bonfield explained that this will bring the City's policies and rules in line with that of other libraries in the area; he does not feel there will be any budgetary impact on these changes.

Mayor Finnerty asked for audience comments; hearing none, he asked for a motion.

**Commissioner Shavlan made a motion to approve Ordinance 2010-39, an Ordinance of the City of St. Pete Beach, Florida providing for amendment of Section 50 of the Code of Ordinances of the City, pertaining to the library; providing for severability; providing for repeal of ordinances or parts of ordinances in conflict herewith to the extend of such conflict; and providing for an effective date. The motion was seconded by Commissioner Halpern. The motion was unanimously approved by roll call vote.**

e. Ordinance 2010-45, amendment of Section 7.04 of the City Charter Governing Initiative and Referendum Proceedings.

Mr. Bonfield reminded the Commission that this item was approved on First Reading at the Meeting held yesterday. There was a change made to allow items such as the length of time to collect the petitions, the timing of the elections and the results of the elections which can all be determined at the Final Reading.

**Mr. Davis suggested they make a motion to reconsider the Ordinance, and if that motion passes, then it's back before them and then he suggests they read this title.**

Commissioner Shavlan asked if they could make a petitioner pay for an election. Mr. Davis stated that he does not think they can make someone pay for an election.

Commissioner Halpern stated that the City needs to say that by the time the petitions are turned in, it will be voted on at the next scheduled election.

Vice Mayor Parent believes the City should advise the petitioner that if the petition is out of cycle, it will cost approximately $25,000 for a special election. He asked Mr. Davis to check this out and find out if this procedure is legal.

**Vice Mayor Parent made a motion to reconsider previously read Ordinance 2010-45. The motion was seconded by Commissioner Shavlan. The motion was unanimously approved by roll call vote.**

Mr. Davis then recommended that they should open it up again for Public Hearing.

Mayor Finnerty asked for audience comments.

Rick Falkenstein, 6441 Palm Point

Mayor Finnerty asked for additional comments; hearing none he closed the Meeting to audience comments and asked for a motion.

**Commissioner Halpern made a motion to approved Ordinance 2010-45, an Ordinance of the City of St. Pete Beach, Florida proposing, pursuant to Section 8.01 of the City Charter, an amendment to City Charter subsection 7.04 (b) and (f) which provide for initiative or referendum petitions; and results of election; to require that a certain percentage of the voters in each district of the City to sign a petition in order to initiate proceedings under this Section and to require referendum approval of an initiative or referendum measure by a certain percentage in each voting district of the City; to provide a time limit for gathering and submitting initiative or referendum petitions; to modify time periods for an election to be held; and providing for an effective date. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.**

At this point, Mayor Finnerty announced that Mr. Speak had arrived and asked him to come forward and give his presentation.

Col. Phil Speak, State Chairman of ESGR (Employer Support of the Guard and Reserve) on behalf of the Secretary of Defense, addressed the Meeting and stressed the need for support of the families of the military and the need of jobs for the returning military.

**Mayor Finnerty adjourned the Meeting for a short recess.**

**Mayor Finnerty called the Meeting back to order and asked Mr. Bonfield to proceed.**

**7. Action Items**

a. Case #20100041, application of Mike Anderson for property located at 645 Corey Avenue. Applicant requests modification of approved conditional use to increase outdoor restaurant seating from 12 to 22 seats. This is a quasi-judicial hearing.

Mr. Davis asked if any of the Commissioners had any ex parte contact on this matter; if so, they should disclose that now.

Commissioner Halpern stated that he spoke with one of the residents who lives in the vicinity of the applicant's property.

Mr. Davis went on to say that anyone in the audience who has a substantial interest that may be affected, other than the public at large; they can identify themselves now and request special status as a party in this proceeding.

There were two audience members that were recognized as affected parties and Mr. Davis asked the Commission to proceed.

Karl Holley presented Case No. 20100041 to the Commission.

Commissioner Halpern expressed concern over limited parking in the area.

Vice Mayor Parent asked if this property is a bar or a restaurant; with this increased capacity, will there be more people in the space as a result of an increase in seating or will there be fewer because there would be less room for people to stand around.

Commissioner Shavlan asked how many parking spots this property is supposed to have and Mr. Holley replied that as a restaurant it would be one parking space for 200 sq. feet of interior space in addition to any outdoor seating area.

Mayor Finnerty asked the applicant to appear before the Commission.

Mike Anderson, Terra Verde, presented information regarding his request.

Mr. Bonfield explained that basically the number of outside seating will be increased from twelve to fifteen, not twenty-two. There are seven seats inside which are not required to be included in this application.

Larry Myers, 636 Corey Avenue, expressed his concern about the lack of parking on Corey Avenue and is therefore against granting the application.

Patrick Higgins, 630 Corey Avenue, thinks there are enough bars on Corey Avenue; agrees with Mr. Myers. The big problem he has with this application is people standing around on the sidewalk drinking, waiting for tables, loitering and trash.

Rick Falkenstein, 6441 Palm Point, feels this is a chance to make some money for the City by putting meters along Corey Avenue.

A resident of 7141 Bay Street and the owner of Rip Tides on Blind Pass Road, states that hopefully this will be an easy decision for the Commission and is in support of Mr. Anderson's and his request.

Will Jacoby, 8100 Gulf Boulevard, a member of the Planning Board, pointed out that parking all over the City is limited. He urged the Commission to approve the application.

Larry Myers, 636 Corey Avenue, there's nothing wrong with Corey Avenue that can't be fixed. He went on to say Mr. Anderson has a reputation of fixing up a property and then selling it. He said there are enough bars in that area.

Mike Anderson (applicant) feels that when you have a vacant piece of property you are inviting vagrants; he is fixing up the property which will eliminate the vagrancy problem.

**Mayor Finnerty asked for additional audience comments; hearing none, he closed the Meeting to further comments.**

Mayor Finnerty thinks they should look into parking meters on Corey Avenue.

Mr. Bonfield reminded the Commission that a restaurant/bar is permitted use for the property; that is not what's before them tonight. The only thing before them tonight is do they want to allow three (3) more seats outside of the restaurant. They cannot expand the property without expanding parking due to increased occupancy.

Mayor Finnerty feels it is a reasonable request and is in favor of granting three additional seats outside.

Mr. Holley doesn't feel they can deny them the legitimate use of a properly zoned structure based upon the fact that parking was not previously required but they can require additional parking when there is a change of use.

**Commissioner Shavlan made a motion to approve the requested conditional use for additional outdoor restaurant seating from twelve (12) to fifteen (15) at 645 Corey Avenue. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.**

b. Authorize the City Manager to enter into a purchasing agreement with Kloote Contracting in the amount of $244,225 to make street and sidewalk improvements in the Don CeSar area.

Mr. Bonfield explained that this is a project they have been working on for several years.

Renee Cooper, CIP Construction Manager, briefly explained the project to the Commission and gave a power point presentation.

Mayor Finnerty asked for audience comments.

Debra Edney, 181 73rd Avenue, wants the same treatment as the rich and powerful people of St. Pete Beach.

Bob Manning, 200 1st Avenue, brought up the issue of people crossing underneath the overpass bridge at the Don CeSar there needs to be a fence that runs the length of the property line along the east side of Pass-a-Grille Way to stop people from crossing under the bridge.

Rick Falkenstein, 6441 4th Palm Point, thinks people crossing under the bridge are going to the spa.

**Commissioner Halpern made a motion to authorize the City Manager to enter into a purchasing agreement Kloote Contracting the amount of $244,225 to make street and sidewalk improvements in the Don CeSar area. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.**

## 8. Items for Discussion

There were none scheduled on this agenda.

## 9. Reports

City Manager Mike Bonfield reminded the Commission that the Meeting scheduled for December 28, 2010 has been cancelled. The next meeting will be a Special Meeting on January 4, 2011 at 6:30 pm to discuss and approve March ballot items. At the next regular Meeting on January 11th, there will be a couple final readings, one on the budget and one on the Library fees.

**Mayor Finnerty advised the Commission that he will be attending the Governor's Inaugural Ball on the 4th of January and asked if they could change the date of the Special Meeting. It was agreed that the Special Meeting will be on the 6th of January, 2011, at 6:30 pm.**

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.

Pamala A. Prell
Pamala Prell, Acting City Clerk

Mike Finnerty, Mayor
Mike Finnerty, Mayor

Minutes approved on: 1-11-11