COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, February 08, 2011

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. **Red Light Camera Program - Chief Dave Romine**

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 Minutes of January 6, 2011 Special Meeting; January 11, 2011 Regular Meeting and January 25, 2011 Regular Meeting.**
   b. **Authorize City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas**

Bayway at Granada Avenue for the Beach Goes Pops Concert.

c. Authorize the City Manager to purchase a PowerEdge R710 Server from Dell Corporation for the virtualization of the City's desktops in the amount of $11,376.70; as provided by under State Contract 250-WSCA-10-ACS.

5. Ordinances

a. Ordinance 2010-31, First Reading and Public Hearing, amending Divisions 6 and 31 of the City's Land Development Code relating to permitted ancillary uses and standards for development in Traditional Hotel District, excluding height.

b. Ordinance 2010-37, First Reading and Public Hearing amending the Special Area Plan establishing a special Future Land Use designation for Eighth Avenue, known as the Community Redevelopment District-Eighth Avenue.

c. Ordinance 2011-04, First Reading and Public Hearing, amending the Capital Improvements Element of the City's Comprehensive Plan to update the Five-Year Schedule of Capital Improvements.

d. Ordinance 2011-06, First Reading and Public Hearing, amending Chapter 66 Pensions and Retirement, Article IV, Firefighters' Pension Plan, Section 66-253(a) Conditions of Eligibility of the City of St. Pete Beach Code of Ordinances.

e. Ordinance 2011-08, First Reading and Public Hearing, eliminating the fee for discontinuing reclaimed water service to a property.

6. Resolutions

a. Resolution 2011-04, declaring items as surplus

7. Action Items

a. Authorize the City Manager to accept a professional service agreement from Woolpert, Inc for $75,840 to assist with establishing a functioning stormwater utility.

b. Authorize the City Manager to enter into a purchase agreement with Kloote Contracting in the amount of $85,085 for Alley Rehabilitation.

c. Recruitment process for open position for City Clerk

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

February 8, 2011
6:30 pm

MINUTES

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT

Commissioner Al Halpern
Vice Mayor Jim Parent
Commissioner Marvin Shavlan
Commissioner Beverly Garnett
Mayor Mike Finnerty
Steve Hallock, Director of Administration

ALSO PRESENT

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

1. Changes to Agenda

Mayor Finnerty stated that he would like to delay Ordinance 2010-31 until the election is over and the residents decide whether or not they want to individually vote on height. He believes it is in the best interest of the City to bring this up after the election on March 8th.

Commissioner Garnett stated she is prepared to move forward with this issue but will yield to the rest of the Commission.

Commissioner Shavlan is ready to discuss it.

Vice Mayor Parent was not in favor of putting it off.

Mayor Finnerty then requested that Ordinance 2011-08 be moved up from 5.e. to 5.b. All were in agreement. Mr. Bonfield asked that the Ordinance be heard after 5.a. but will remain 5.e.

2. Presentations

Mayor Finnerty called upon Chief Romine to discuss the Red Light Camera Program. Chief Romine explained that his purpose tonight is to put some education forward so that the Commission can understand what these cameras do and determine if there a viable need for that type of system in St. Pete Beach. Chief Romine introduced Brian Fluegeman and Brad Swanson of ATS (American Traffic Solutions) who conducted an engineering study for the City and they will give a presentation of those results.

Chief Romine reported that currently there are 13 intersections in St. Pete Beach that are red light traffic controlled. The neighboring jurisdictions that are using this type of system are Kenneth City, South Pasadena, and Gulfport; St. Petersburg is strongly considering it.

Chief Romine provided the Commission with a copy of the report from the Insurance Institute for Highway Safety which specifically addresses the effects of red light enforcement, camera enforcement and fatal crashes in the United States. This report was gleaned from statistics and research done on cities of over 200,000; cities in Florida that were included were Miami, Hialeah, Jacksonville, Tampa and St. Petersburg.

Brad Swanson and Brian Fluegeman then gave an explanation of the equipment and the program.

3. Audience Comments

Steve McFarlin, 2nd Palm Point, addressed the drawings that Dr. Pyle has presented at numerous Commission Meetings and correspondence from the owner of the property in those drawings.

Bill Pyle, 6600 Sunset Way, spoke regarding the Kadoura v. Garnett case.

Rick Falkenstein, 4th Palm Point, suggested residents contact a writer at the Neighborhood Times regarding mis-statements made by candidates of the upcoming election. He provided the email address.

George Moore, 406 41st Avenue, remarked about statements made by Commissioner Shavlan; he offered an apology.

Bruce Kadoura, 6650 Sunset Way, read a letter to the Commission, a copy of which is on file.

Mimi Gewanter, 265 Tessier, spoke about the candidates.

Mayor Finnerty asked for further audience comments.

City Attorney Davis asked if he could respond to some of the points that had been raised. He spoke about the Kadoura case that is on appeal; the City won that. Another one brought by Kadoura involving the referendum in 2008, there were 9 counts; Mr. Kadoura lost 7 of those 9 counts; that case is also on appeal. Mr. Davis wanted to set the record straight on these very costly lawsuits that Mr. Kadoura has brought against the City which, on the whole, have been losses for Mr. Kadoura.

4. Consent

a. Approval of Minutes of January 6, 2011 Special Meeting; January 11, 2011 Regular Meeting and January 25, 2011 Regular Meeting.

b. Authorize City Manager to hang banners over 75th Avenue at Boca Ciega Drive and over the Pinellas Bayway at Granada Avenue for the Beach Goes Pops Concert.

c. Authorize the City Manager to purchase a PowerEdge R710 Server from Dell Corporation for the virtualization of the City's desktops in the amount of $11,376.70; as provided by under State contract 250-WSCA-10-ACS.

A motion was made by Commissioner Garnett to approve the Consent Agenda as written. The motion was seconded by Vice Mayor Parent and unanimously approved.

5. Ordinances

a. **Ordinance 2010-31**, First Reading and Public Hearing, amending Divisions 6 and 31 of the City's Land Development Code relating to permitted ancillary uses and standards for development in Traditional Hotel District, excluding height.

Mr. Bonfield presented a brief history of this Ordinance. Karl Holley was called upon to give the staff report on the changes.

Mr. Holley stated that what is before the Commission is the Ordinance that represents the consensus opinion of the Historic Preservation Board and Planning Board joint meetings with respect to what is appropriate in terms of the standards for the Traditional Hotel District.

He went on to outline the changes that had been made and recommended by the Boards.

Commissioner Garnett proceeded with a presentation regarding Pass-a-Grille using information which she and Melinda Pletcher put together.

Catherine Hartley praised the two Boards for the hard work they did on the Ordinance.

Mayor Finnerty asked for audience comments.

Rick Falkenstein, 4th Palm Point, pointed out the FEMA requirements to raise the houses thereby losing the first floor.

Melinda Pletcher, 2281 East Vina Del Mar, asked for the Commission's support in approving Ordinance 2010-31.

Bob Fernandez, speaking for a group of people, stated that their biggest concern is one that the Commission cannot speak to tonight and that is height.

Jane Gottwald, 102 23rd Avenue, thanked the Commission for their efforts in keeping Pass-a-Grille's character; it's a charming place to live.

Jay Anderson, 202 Pass-a-Grille Way, asked the Mayor and the Commissioners to support the decision of both Boards and the people of Pass-a-Grille.

Joe Caruso, 1301 Gulf Way, stated that a property that can't re-invest in itself charges less and attracts less.

Rusty Ercius, 111 12th Avenue, disputed the number of times the police had been called to the Leroy Motel.

Will Jacoby, 8100 Gulf Boulevard, felt that the Mayor needs to keep the Meeting in order and on point.

Mayor Finnerty then closed the Meeting to audience comments.

Commissioner Shavlan asked Mr. Davis about Mr. Caruso's pending application and does it have to comply with this THD or would it go back to the other THD.

Mr. Bonfield advised that there is a pending zoning and land use change; there is no pending permit application.

Commissioner Shavlan thinks they can accomplish what they want to and combine the lots and it could be a positive thing if handled properly and controlled by a conditional use process.

Vice Mayor Parent brought up spas and hot tubs saying they were natural things. He went on to say he is not in total agreement with the maximum floor area because he feels there is no incentive to develop.

Commissioner Garnett addressed the spa issue and the noise element in the residential area.

Commissioner Halpern doesn't like the idea of combining lots.

Commissioner Shavlan asked the Commission to think about crafting something that would allow them to look at the bathrooms as to size; leave the rooms the same size but give them the ability and a bit of incentive to help them to come up with bigger bathrooms in these rooms. The Commission was in agreement.

Vice Mayor Parent thinks it's a mistake not to include hot tubs or spas and he likes the idea of increasing the size of the bathrooms.

Commissioner Halpern added that he thinks they should allow spas of some kind and that the whole section pertaining to maximum floor area could be taken out. He thinks that by keeping all these restrictions they are giving the message that they aren't encouraging anyone to expand or to keep a traditional hotel.

Commissioner Garnett made a motion to approve Ordinance 2010-31, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendment of the Land Development Code; providing for amendment of Division 31 of the Land Development Code as it relates to development standards for temporary lodging establishments in the Traditional Hotel District; amending Division 6 of the Land Development Code as it relates to temporary lodging establishments; providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict;

providing for severability; and providing for an effective date. The motion was seconded by Commissioner Halpern.

Commissioner Shavlan made a motion to amend the original motion by adding "plus 5% increase in square footage plus ADA requirements" to Section 31.12 and by adding "spas or hot tubs by conditional use" to Section 31.3 (b)(7). Commissioners Garnett and Halpern agreed to this amendment.

The amended motion was approved by unanimous roll call vote.

A ten minutes recess was called by Mayor Finnerty.

The Meeting was called back to order at 9:45 pm.

e. **Ordinance 2011-08,** First Reading and Public Hearing, eliminating the fee for discontinuing reclaimed water service to a property.

Mr. Bonfield explained that this was a charge that was added when the Reclaimed Water Ordinance was revised. He has been unable to get the detail of the cost from the County.

Steve Hallock reviewed why they needed to adjust the rates in the first place. They had to borrow money from the General Fund to keep the service running; this program will be debt free by 2015. Hard costs fluctuate greatly and until the work orders by the County are provided, he cannot be specific about the charges assessed by the County. All monies collected go back into the reclaimed water system.

Mr. Hallock asked the Commission to at least insure the recovery of the total cost of the disconnection, the average of which (as of this date) is around $100.

Vice Mayor Parent doesn't feel the rest of the users should have to pay for the disconnect however, he feels $250 is too much. He suggested $75 - $95 to cover the vast majority of the disconnects. He is in favor of reducing the disconnect fee.

Commissioner Shavlan asked if they know what other cities charge. Mr. Hallock asked if it really matters what others charge; they are trying to get their money back.

Commissioner Garnett thinks $75 is fine in order to recover the City's costs.

Mayor Finnerty thinks they should encourage using the reclaimed water system and at the same time, pay their debts. He is not in favor of reducing the fee at this time.

Mayor Finnerty asked for audience comments.

Rick Falkenstein, 4th Palm Point, stated that if the current amounts are in the annual budget, then they can't change it.

Mr. Hallock responded by saying they have to bring in enough revenue to cover expenditures.

Bill Brehm, 5920 Balao Way, has called around to other cities and presented those figures to the Commission. They are all considerably lower than what St. Pete Beach is charging. It needs to go to $ -0- to disconnect.

Vice Mayor Parent made a motion to change the reconnect/disconnect fee to $75.00. Commissioner Garnett seconded the motion. The motion was approved by 3 – 2 roll call vote. Mayor Finnerty and Commissioner Shavlan voted no.

b. **Ordinance 2010-37**, First Reading and Public Hearing amending the Special Area Plan establishing a special Future Land Use designation for Eighth Avenue, known as the Community Redevelopment District–Eighth Avenue.

Mr. Bonfield explained that this was done as part of establishing the new Land Use designation.

Ms. Hartley pointed out a couple of things that are being recommended for change.

Rick Falkenstein, 4th Palm Point,

Commissioner Halpern made a motion to approve Ordinance 2010-37, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Eight Avenue Special Area Plan, as written in Exhibit "A" attached hereto; providing for the repeal of ordinance or parts of ordinances in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date. The motion was seconded by Commissioner Shavlan and approved by unanimous roll call vote.

c. **Ordinance 2011-04,** First Reading and Public Hearing, amending the Capital Improvements Element of the City's Comprehensive Plan to update the Five-Year Schedule of Capital Improvements.

Mr. Bonfield advised the Commission that this is a State mandated requirement to update the City's capital improvement element each year.

Vice Mayor Parent made a motion to approve Ordinance 2011-04, an Ordinance of the City of St. Pete Beach, Florida, amending the Capital Improvements element of the Comprehensive Plan; providing for update of the five-year schedule of Capital Improvement; 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. The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

d. **Ordinance 2011-06**, First Reading and Public Hearing, amending Chapter 66 Pensions and Retirement, Article IV, Firefighters' Pension Plan, Section 66-253(a) Conditions of Eligibility of the City of St. Pete Beach Code of Ordinances.

Mr. Bonfield advised the Commission that currently the City meets the requirements of the Chapter 175 Plan for the Firefighters which provides that the City can allow their Fire Chief to opt out of the system if they choose; the same thing applies to the Police Officers. Now that the City is in the process of hiring a new Fire Chief, he would like to provide that option as well.

Phil Milner, Chairman of the Firefighters' Pension Board, why he feels it's better to keep the Fire Chief in the Pension Plan and not give that option.

Commissioner Garnett made a motion to approve Ordinance 2011-06, an Ordinance of the City of St. Pete Beach, Florida, amending the Code of Ordinances, Chapter 66 Pensions and Retirement, Article IV, Firefighters' Retirement System, Division 1, Generally, Section 66-253 (A) Conditions of Eligibility; 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. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

6. Resolutions

a. Resolution 2011-04, declaring items as surplus.

Mr. Bonfield explained that this is to dispose of some items the City no longer has use for. The two Life Packs go back to the County as part of a trade in on new ones and the couch and chairs will be disposed of properly.

Commissioner Garnett made a motion to approve Resolution 2011-04, A Resolution of the City of St. Pete Beach, Pinellas County, Florida, declaring as surplus the property listed herein. The motion was seconded by Vice Mayor Parent and unanimously approved by role call vote.

7. Action Items

a. Authorize the City Manager to accept a professional service agreement from Woolpert, Inc. for $75,840 to assist with establishing a functioning stormwater utility.

Steve Hallock gave a brief outline of what these charges represent.

Commissioner Halpern made a motion to authorize the City Manager to accept a professional agreement from Woolpert, Inc. for $75,840. to assist with establishing a functioning stormwater utility. The motion was seconded by Vice Mayor Parent and unanimously approved by roll call vote.

b. Authorize the City Manager to enter into a purchase agreement with Kloote Contracting in the amount of $85,085 for alley rehabilitation.

Mr. Bonfield explained that this is part of the City's budgeted Capital Improvement dollars.

Vice Mayor Parent made a motion to authorize the City Manager to enter into a purchase agreement with Kloote Contracting in the amount of $85,085. for alley rehabilitation. The motion was seconded by Commissioner Halpern and unanimously approved by roll call vote.

c. Recruitment process for open position for City Clerk.

Mr. Bonfield explained that there are three options to consider; one is to hire a "headhunter" that would work with the Commission which would cost $15,000 to $20,000; two would be to direct the City Manager and the Human Resource Administrator, Gary Behnke, to conduct the same process, and three would be to direct the City Manager and the Human Resource Administrator to handle the recruitment process and bring a number of candidates to the Commission.

Mayor Finnerty stated that he is against option one. Commissioner Halpern, Vice Mayor Parent and Commissioner Shavlan would like to use option three. Mayor Finnerty asked if it could be kept to two candidates.

Commissioner Halpern made a motion to direct the City Manager and the Human Resource Administrator to handle the recruitment process for the City Clerk position and bring no more than three candidates before the Commission for approval. Mayor Finnerty seconded the motion which was unanimously approved.

8. Items for Discussion

Commissioner Halpern asked what action has been taken in regard to retaining outside counsel on the Weiss case regarding imposition of sanctions. He wanted to know if the City has gone out and looked at some attorneys.

Mr. Bonfield has forwarded the matter to Mike Connolly. Mr. Davis remarked that he thinks the City Manager has done the right thing.

Commissioner Shavlan asked if they should be spending any money; they haven't even filed anything yet. Mr. Davis said there are some pending motions which are not yet set for hearing.

9. Reports

City Manager Mike Bonfield submitted his Report

It was agreed by all present that the regular Meeting scheduled for March 8th would be cancelled due to the election. Mr. Davis suggested a Shade Meeting after the election.

Commissioner Garnett submitted her report.

Commissioner Shavlan submitted his report.

Vice Mayor Parent submitted his report.

Commissioner Halpern submitted his report.

Mayor Finnerty submitted his report.

10. Adjournment

There being no further business to come before the Commission, the Meeting was adjourned at 11:57 pm.

Pamala Prell
Pamala Prell, Acting City Clerk

Mike Finnerty, Mayor
Mike Finnerty, Mayor

Minutes approved on: 2-22-11