COMMISSION MEETING
CITY OF ST. PETE BEACH

155 Corey Avenue

Tuesday, March 22, 2011

6:30 PM

Call to Order
Pledge of Allegiance
Invocation
Roll Call

INSTALLATION MEETING

Call to Order

1. **Installation of District 2 Commissioner Jim Parent**

2. **Installation of District 4 Commissioner Bev Garnett**

Adjourn

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. **Introduction of Dan Graves, Fire Chief**
   b. **National Public Works Week Proclamation "Serving you and your community."**
   c. **Update on litigation cases - 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 Minutes of February 10, 2011 City Commission Workshop, February 22, 2011 Regular Meeting and March 9, 2011 Special Meeting**
   b. **Authorization for the City Manager to retain Wells, Houser & Schatzel, P. A. for Auditing Services**
   c. **Authorize the City Manager to enter into a purchasing agreement with Altec Industries for the purchase of an F-550 Altec bucket truck in the amount of $87,460.00 for the Public Services Department.**
   d. **Authorize the City Manager to enter into a purchasing agreement with Alan Jay Automotive Network in the amount of $45,062.00 for the purchase of a Ford F-350 with crane for the Public Services Department.**
   e. **Authorize the City Manager to enter into an agreement for $23,749.60 per year with USA Services of Florida, Inc., for a two (2) year contract extension for street sweeping services.**
   f. **Ratification of the City Manager's decision to authorize beer sales at the Kiwanis Mardi Gras celebration on March 5th and 6th at Pass-A-Grille Beach.**

5. **Ordinances**
   a. **Ordinance 2011-07, Final Reading and Public Hearing, amending Chapter 98 of the Code of Ordinances, Article I regarding buildings and building regulations to require all new municipal buildings to be constructed to be "LEED" or "FGBC" certified.**
   b. **Ordinance 2011-10, Final Reading and Public Hearing, amending Section 38-14 of the Code of Ordinance to provide for a runoff election not later than sixty (60) days after the regular election.**
   c. **Ordinance 2011-09, First Reading and Public Hearing, amending Chapter 82 of the City of St. Pete Beach City Code by creating Article V entitled "traffic light safety;" providing for recorded image monitoring and**

enforcement of red light violations consistent with general law.

6. **Resolutions**
   a. **Resolution No. 2011-08, Accepting March 8, 2011 Election Results**
   b. **Resolution 2011-09 declaring as surplus three (3) City vehicles.**

7. **Action Items**
   a. **Case #20110006 Conditional Use. Applicant requests approval of Conditional Use for Operation of a Commercial Parking Lot for property located at 3855 Gulf Boulevard as provided for in Section 14.4(j) of the Land Development Code. Applicant requests Variance to Section 23.4 to allow for unpaved parking area. Applicant requests Variance to Sections 22.3 and 22.6 to delete required landscaping.**
   b. **Appointment to the General Employees' Pension Board of Trustees**
   c. **Appointment to the Police Officers' Pension Board of Trustees**
   d. **Appointment to the Firefighters' Pension Board of Trustees**
   e. **Authorize the City Manager to enter into a purchasing agreement in the amount of $24,713.00 with Smith Fencing for new tennis court fencing, concrete block backboard and dog park fencing at Vina Del Mar Park.**
   f. **Authorization to seek an Attorney General opinion on the proper method to approve the 2008 Community Redevelopment District comprehensive plan amendment and land development regulations following repeal of City Charter sections 3.15, 3.17 and 3.18.**
   g. **Pinellas Safe Harbor Donation**
   h. **Alcalde & Fay - Agreement for Lobbyist Services**

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
MINUTES

March 22, 2011
6:30 pm

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENT

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

ALSO PRESENT

Don Burkhardt
Mike Bonfield, City Manager
Mike Davis, City Attorney

ABSENT:

Pamala Prell, Acting City Clerk

INSTALLATION MEETING

1. Jim Parent, Commissioner from District 2, was installed for a second two-year term by Colette Graston, Executive Assistant and Notary Public.

2. Beverly Garnett, Commissioner from District 4, was installed for a second two-year term by Colette Graston, Executive Assistant and Notary Public.

Mayor Finnerty asked for comments and Commissioner Parent offered his thanks to all his supporters.

Commissioner Garnett thanked all who had helped in her campaign and all her supporters.

Mayor Finnerty then adjourned the Installation Meeting.

REGULAR MEETING

Mayor Finnerty called the Regular Meeting to order.

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

Commissioner Garnett asked to add an item to the Agenda regarding political signs. **It was agreed to add Item 7.I. to the Action Items Agenda.**

Commissioner Shavlan asked to add an item to the Agenda regarding Run Off Elections. **It was agreed to add item 7.J. to the Action Items Agenda.**

Mr. Bonfield moved both matters to 8. Items for Discussion.

2. <u>Presentations</u>

a. Introduction of Dan Graves, Fire Chief.

City Manager Mike Bonfield introduced the new Fire Chief Dan Graves and gave a brief outline of his service in Pinellas County.

The City Commission welcomed Chief Graves to St. Pete Beach.

b. National Public Works Week Proclamation "Serving You and Your Community".

Mr. Bonfield explained that Steve Hallock could not be at the Meeting due to some serious health issues with his mother.

Mayor Finnerty read the Proclamation proclaiming the week of May 15th through May 21st, 2011, as National Public Works Week.

Renee Cooper, CIP Construction Manager, accepted the Proclamation on behalf of Mr. Hallock and the Public Services Department.

Mr. Bonfield and Mayor Finnerty thanked Ms. Cooper and all public works employees for their dedication and hard work in keeping the City and Parks looking so nice.

c. Update on litigation cases

City Attorney Mike Davis stated that the Referendum that recently occurred where the voters put approval of the Comp Plan and Land Development Regulations back into the hands of the elected officials is the beginning of the turning of the tide to stem the flow of litigation in this community.

He advised that later in the meeting he will be seeking approval from the Commission to seek an Attorney General's opinion with respect to the exact process to be followed to re-confirm the Comprehensive Plan and the Land Development Regulations and put them in effect, which will automatically moot the two big cases that are pending regarding these matters. The other cases which are ancillary, but related, are the Shade Transcript cases of which there are two. He stated that he filed a motion with the Court asking to unseal those transcripts so that they can be made public. The more recent case is a similar case filed by Mr. Anderson again seeking access to transcripts contending that things were discussed that were improper. In that matter, Mr. Davis stated that he has already released those transcripts and made them public and he will seek to resolve that matter since the transcripts are now a matter of public record.

The Woods' case involving the construction of an elevated property in Pass-a-Grille has now been basically resolved because of an amendment to the Ordinance. The Woods' attorney has now informed the Court that he will be dismissing that case; however the same matter is now being raised in a case filed by the Fletchers. Mr. Davis reported that he filed a Motion to Dismiss which will be heard shortly and he will keep the Commission apprised on that case.

4. <u>Audience Comments</u>

Mayor Finnerty opened the Meeting to audience comments.

<u>Deborah Edney, 181 73rd Avenue</u>, complimented Commissioner Garnett on a great campaign. She then asked Mr. Davis about a pending bill introduced in the Senate by Dennis Jones; and questioned if it would overrule the City's Ordinance that requires gambling to be approved by 65% of the voters.

<u>Mimi Gewanter, 265 So. Tessier Drive</u>, asked if it was the duty of the City Clerk to check the domicile of anyone running for office in St. Pete Beach.

Michael Castleman, 632 Boca Ciega Isle, congratulated the Commissioners on their re-election and thanked them for their dedication to the City. He also thanked Mayor Finnerty for his service in the community.

Mayor Finnerty asked for additional comments. Hearing none, the Meeting was closed to audience comments.

Commissioner Garnett read a letter from a resident in Vina Del Mar to our Police Department thanking them for their high degree of service and their professionalism exhibited during an incident which took place on February 1st.

3. Consent

a. Approval of Minutes of February 10, 2011, City Commission Workshop, February 22, 2011, Regular Meeting and March 9, 2011, Special Meeting.

Mayor Finnerty pointed out an error on page 22 of the February 22, 2011 Minutes in that the motion was approved by 4-1 roll call vote, Mayor Finnerty voting no.

Vice Mayor Parent asked that item c. be pulled from the Consent Agenda regarding replacement of the bucket truck and placed at the end of Action Items.

b. Authorization for the City Manager to retain Wells, Houser & Schatzel, P.A. for Auditing Services.

d. Authorize the City Manager to enter into a purchasing agreement with Alan Jay Automotive Network in the amount of $45,062 for the purchase of a Ford F-350 with crane for the Public Services Department.

e. Authorize the City Manager to enter into an agreement for $23,749.60 per year with USA Services of Florida, Inc., for a two (2) year contract extension for street sweeping services.

f. Ratification of the City Manager's decision to authorize beer sales at the Kiwanis Mardi Gras celebration on March 5th and 6th at Pass-a-Grille Beach.

Mayor Finnerty asked for a motion approving the Consent Agenda with the correction on page 22 of the February 22, 2011 Minutes and also moving Item 3.c. to the Discussion Agenda.

Vice Mayor Parent made a motion to approve the Consent Agenda with the changes Mayor Finnerty made on the February 22, 2011, Minutes and removal of Item 3.c. regarding replacement of a bucket truck The motion was seconded by Commissioner Garnett and unanimously approved.

5. Ordinances

a. Ordinance 2011-07, Final Reading and Public Hearing, amending Chapter 98 of the Code of Ordinances, Article I, regarding buildings and building regulations to require all new municipal buildings to be constructed to be "LEED" or "FGBC" certified.

Mr. Bonfield advised the Commission that this is an item being recommended by staff in order to receive the points necessary in our application to be recognized as a "Green City". This affects only municipal buildings and only new construction of municipal buildings.

Karl Holley explained that St. Pete Beach would be the first barrier island to receive the designation of a "Green City" if successful in moving this forward.

Commissioner Halpern asked what, if any, cost increase would be realized in order to meet the "LEED" and/or "FGBC" requirements. Mr. Holley replied there would be somewhere in the area of a 10% increase in the cost of new construction.

Commissioner Garnett made a motion to approve Ordinance No. 2011-07, an Ordinance of the City of St. Pete Beach, Pinellas County, Florida, providing for amendments to the Code of Ordinances; amending Chapter 98 of the Code of Ordinances, Article I, regarding buildings and building regulations; adding Section 98-5 requiring all new construction for municipally owned buildings to be "LEED" or "FGBC" certified; 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.

b. Ordinance 2011-10, Final Reading and Public Hearing, amending Section 38-14 of the Code of Ordinances to provide for a runoff election not later than sixty (60) days after the regular election.

Mr. Bonfield explained that this is an item that came up as a result of the Mayor's race whereby a runoff has been scheduled. Advertising requirements and the requirements of the Supervisor of Elections did not allow the City to meet the 35 days that was in our previous ordinance so the City Attorney has recommended that the Ordinance be amended to allow up to 60 days after the general election for the runoff to be held.

Mr. Davis recommended that the Commission go ahead and pass this Ordinance in order to get it in affect prior to the runoff election so that the Code is consistent with what is happening. The policy issue could be decided at a later date to decide if they want to have runoffs at all.

Mayor Finnerty asked for public comment; there was none.

Commissioner Halpern made a motion to approve Ordinance 2011-10, an Ordinance amending Section 38-14, St. Pete Beach City Code, to provide that if any runoff election is necessitated it shall be held not later than sixty (60) days after the regular election instead of thirty-five (35) days; providing findings of fact and providing an effective date; repealing conflicting ordinances to the extent of conflict with this ordinance; and providing for an effective date.

The motion was seconded by Commissioner Garnett and unanimously approved by roll call vote.

c. Ordinance 2011-09, First Reading and Public Hearing, amending Chapter 82 of the City of St. Pete Beach City Code by creating Article V entitled "Traffic Light Safety"; providing for recorded image monitoring and enforcement of red light violations consistent with general law.

Mr. Bonfield reminded the Commission a presentation was made several meetings ago concerning the installation of red light cameras in certain locations in the City. The Commission was favorable to moving forward with establishing an ordinance which would allow them to be installed.

Mr. Bonfield pointed out that assuming this is approved at the final hearing, the City will, at that Meeting, have an agreement with the provider to actually outline the method and responsibilities and how that would work.

Mr. Davis advised the Commission that he drafted the Ordinance and it's based upon the City of Sarasota's Ordinance. This is word for word what they did and it tracks the statute so he feels it is the appropriate vehicle to use.

Police Chief Romine stated that he understood some of the Commissioners had questions about some recent publications and articles on the red light camera systems throughout the State of Florida. He believes the areas that the Commissioners are concerned about dealt with Broward County, Palm Beach County and Miami-Dade County, the southeast section of Florida. There is a group down there called the "Ticket Clinic". Chief Romine went into a review of how the system works and results from Kenneth City and So. Pasadena reported thus far.

Chief Romine explained there is a very significant engineering formula that is used to determine how long those lights are.

Commissioner Halpern brought up the fact, from the previous presentation, that the sensitivity could be adjusted. Chief Romine stated that the program can be set so that their sensitivity to the citation is whatever they want it to be.

To clarify, Vice Mayor Parent asked if an automobile can legally enter the intersection on yellow and exit on red. Chief Romine confirmed that is correct.

Commissioner Shavlan asked if, down the road, they decide they don't want the cameras, is there a way out without any further cost. Chief Romine would defer that to the City Attorney, but feels there is an "exit clause" in the contract. The representative stated there is a 30-day cancellation clause in their contract, no questions asked. No additional cost, only outstanding violations that were issued.

Mayor Finnerty asked for audience comments.

A resident asked what the City will receive on this.

The fine is $158 per violation. $83 goes to the State and $75 comes back to the City. After that, $4,750 per camera, per month, goes to the supplier. After that everything of that $75 goes to the City.

Jack Freed, 3820 Gulf Boulevard, asked about the timing on the yellow lights. He understands that there must be a difference of the yellow lights depending on each intersection. Chief Romine understands that to be correct from the engineers.

Commissioner Shavlan made a motion to approve Ordinance 2011-09, an Ordinance of the City of St. Pete Beach, Florida, amending Chapter 82 of the City of St. Pete Beach City Code by creating Article V entitled "Traffic Light Safety"; providing for recorded image monitoring and enforcement of red light violations consistent with general law; providing for the severability of parts hereof; providing for reading by title only; and providing an effective date.

The motion was seconded by Commissioner Garnett and approved by unanimous roll call vote.

6. Resolutions

a. Resolution No. 2011-08, Accepting March 8, 2011, Election Results

Vice Mayor Parent made a motion to adopt Resolution 2011-08, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, providing for the acceptance of the votes cast in the General Election held March 8, 2011.

The motion was seconded by Commissioner Halpern and approved by unanimous roll call vote.

b. Resolution No. 2011-09, Declaring as surplus three (3) City vehicles.

Commissioner Halpern made a motion to adopt Resolution 2011-09, a Resolution of the City of St. Pete Beach, Pinellas County, Florida, declaring as surplus three (3) City vehicles.

The motion was seconded by Vice Mayor Parent and approved by unanimous vote.

7. <u>Action Items</u>

a. Case #20110006 Conditional Use. Applicant requests approval of Conditional Use for Operation of a Commercial Parking Lot for property located at 3855 Gulf Boulevard as provided for in Section 14.4(j) of the Land Development Code. Applicant requests Variance to Section 23.4 to allow for unpaved parking area. Applicant requests Variance to Sections 22.3 and 22.6 to delete required landscaping.

Mr. Bonfield read the Case, announced Karl Holley would present the case, and reminded the Commission that this is a Quasi Judicial Hearing.

Mr. Davis asked if any of the Commissioners had any ex parte communications, either by telephone, in person, by email, or whatever, with the applicant, and if so, to please disclose that now.

Vice Mayor Parent admitted that read a lot of emails on the City's email system about this.

Commissioner Garnett advised that she had received a couple of phone calls in favor of it; Mike Cohen & Deborah Martohue.

Commissioner Shavlan declared that he bumped into Chad (Nelson) who told him he was putting this forward. He also met with Mr. Martynow of the Palm Crest Motel and Roman from the Long Key Beach Resort adjacent to the property who expressed their concerns about problems they have with people trespassing on their property.

Mayor Finnerty revealed that he had a couple phone calls and read a lot of emails.

Mr. Davis asked if there was anyone (in the audience) who would be potentially affected by this application more so than the general public who wishes to be afforded the status of a substantially affected party, to identify themselves at this point.

Robert Jones, attorney for the Martynow family. They are the owners of the hotels across the street.

Karl Holley addressed the Commission and advised that in addition to the conditional use request they are also requesting a variance to the Land

Development Code that waives specific requirements related to improvements of parking surfaces and landscaping requirements.

Mr. Holley addressed a letter dated March 15, 2011, from Mr. Robert Jones, addressed to him regarding the position of his clients on this matter.

Mr. Holley reviewed a recently adopted different analysis and review format for conditional uses and variances that came before the Board.

Mayor Finnerty called a 10 minute recess.

After a 10 minute recess, Mayor Finnerty called the Meeting back to order.

Commissioner Shavlan stated that he talked to Joanne Melodayo and Robert from the Plaza Beach during the recess about this matter.

Vice Mayor Parent also admitted that he talked to several people during the recess regarding this matter.

Commissioner Garnett stated that she talked to some of the audience members during the recess.

Mr. Holley continued his representation. Upon completion, Mayor Finnerty called upon the applicant, Beth Morean, 3618 El Centro Street, to address the Commission. She proceeded to read a letter that was previously provided to the Commissioners that explained why she wants the variance and a brief history of what has been going on in the area of the property of interest.

Mr. Robert Jones, attorney for the Jack & Mary Martynow, owners of the Palm Crest Resort, and also the owners of the Long Key Beach Resort addressed the Commission. He referred to a letter which the Commissioners had in hand during his presentation. He disclosed that his clients and their guests are frightened and harassed by the people using the property which is the topic of this application and are not in favor of granting a variance or conditional use to the applicant. His clients feel their properties are going to be adversely affected if this conditional use is approved.

Mayor Finnerty then opened the Meeting for public comment

The operator of the Free Beach Ride spoke in favor of the applicant.

Robert Czyszczon, 4506 Gulf Boulevard, owner of the Plaza Resort spoke in favor of the applicant, but with various improvements to the property as it is an eyesore in its present condition. He read comments from Rick of the Sand Cove,

who is out of town and couldn't make this meeting. His comment was that he is completely opposed to the parking lot.

George Sallis, Manager of the "Undertow" spoke in favor of the parking lot.

Jack Freed, 3820 Gulf Boulevard, spoke against the variance.

George Moore, 406 41st Avenue, stated that he owned a parking lot for years and it has to be policed and have lights. He is in favor of the variance with improvements, lighting is very important. St. Pete Beach needs parking.

Mayor Finnerty then closed the Meeting to public comments.

Mr. Davis advised that each of the two main parties may have up to five (5) minutes for cross-examination starting with the applicant. Questions must be stated to the Mayor and the Mayor will in turn pose the questions to the appropriate party.

The applicant, Beth Morean, addressed the Commission but did not ask any questions.

Mr. Davis advised her that since she didn't ask any questions, she is entitled to make a closing statement and could this be considered her closing statement. She was fine with his suggestion and affirmed that this was her closing statement.

Robert Jones, attorney for the opponents, made his closing statement. He finds it surprising that they are at this stage of discussing this proposed change in use without any plan or specification for what is to be done. He asked the City to consider strongly their objection. He had no cross-examination of the applicant.

Chad Nelson, 309 39th Avenue, agent for the applicant, addressed the Commission and stated that they don't want to make this a permanent parking lot; they only want to use it for spring break, weekends during the summer, and holiday special events. Eventually they want to build a big, beautiful hotel on that property but in the meantime, they would like to utilize this property on a temporary basis as a parking lot.

Mr. Davis asked if the opponent had anything additional to say. Mr. Jones declined.

Commissioner Halpern stated that this may be a temporary solution to a long term problem and that we need parking on the beach. He advised that he would rather re-zone the property as a parking lot, make improvements, meet the Code for a parking lot, and then the property could be re-assessed at that point for a different value and maybe the City would see a higher tax base for it. He stated that he is afraid to open the door for the entire City.

Mr. Bonfield advised the Commission that they could approve the conditional use but not approve variances; which would require them to meet the Code for landscaping, lighting, and paid parking. He stated that there was not a need for a zoning change because this would be allowed under the current zoning as a conditional use.

Vice Mayor Parent asked how this lot works. The applicant responded by saying she has four (4) attendants at the parking lot, one collects the money ($10.00). Attendants are at the lot after sunset and if there are cars left, the lot is locked up and in the morning the lot is then opened. The other three (3) attendants out in the parking lot use walkie-talkies. They know exactly how many cars they can have in there and where they have to park. It's very orderly; they have never had any fights or anyone drunk giving them a "hard time".

Commissioner Halpern asked the applicant how many cars they can get in the lot. Ms. Morean replied about 250 cars.

Mayor Finnerty asked the applicant to be clearer about when the lot will be used for parking. He was advised the lot is typically opened on Saturday morning about 10:00 am and closed at sunset and the same times apply on Sunday. The only time they have been open on Friday is for special events. They would like to be open every weekend from the 1st of March when Spring Break starts to at least Labor Day.

Mayor Finnerty asked if there is any willingness to put any landscaping in. She responded that she doesn't want to sink any more money into this if she doesn't have to. If that's going to be a condition of granting her request, then that's what she will do. She would like to be able to use it as a temporary parking lot the way it is until such time as she can build something really beautiful there.

Vice Mayor Parent asked Chief Romine if he sees any impact on the Police Department regarding this parking lot. Chief Romine replied that there are parking lots all over the place that do not require police presence if they are properly set up and properly maintained and if the personnel there are trained and know what they are doing.

Vice Mayor Parent stated that he felt with some "softening", some landscaping, this would not be a bad thing on a temporary basis.

The applicant is not averse to putting up PVC-type fence across the front. Mr. Bonfield advised that he will check with the Building and Fire Departments regarding fence requirements by docks.

Commissioner Shavlan agreed that landscaping would be very costly. Since this is a temporary situation, he felt they should try to figure something out to accommodate the applicant. He pointed out that his biggest concern is a safety issue and they may not get the new crosswalk until the end of the year. He advised that he would like to have a schedule from the applicant reciting exactly what weekends or what days she wants to be open, what the hours would be, and a rough drawing of the parking plan she has in place. He also suggested that the applicant put up signs saying there is no beach access across the street and where the access is, stating no coolers allowed, etc. His stated that he felt the City should work with the applicant and acknowledged that there is a need for parking on the beach. He stated that he would like the Commission to consider this and to ask the applicant to work with staff regarding the details of hours, layout, fencing, etc and bring the issue back for consideration.

Commissioner Garnett agreed that the Commission should work with the owners to get this done and also agreed that it is currently an eyesore. She stated that she would like to look at this again in the fall.

Mayor Finnerty stated he felt they have made great progress, there has been a lot of good discussion and hopefully it can be worked out. He felt they may need to hold a workshop and get more detail such as the hours, how it will be controlled, how it will impact the hotels and their concerns and if there is any way they can take the fence down and put some landscaping in to make it more presentable.

Mr. Bonfield explained that the City has a provision under the Code for temporary use permits that authorize him to issue temporary use permits. From his standpoint, they can continue to use this lot for holidays and special events. If they want to use it on a more permanent basis they need to come forward, which is what they are doing. It the Commission doesn't feel it's in the City's best interest to use the temporary provision he will stop that all together. He advised that holidays and special events require these temporary lots.

Vice Mayor Parent proposed that they resolve this at their next meeting and until then, issue them a temporary permit which would give the Commission time to observe the activity on the lot.

Mr. Davis advised they can make a motion to continue this until the next Meeting and to assure that Mr. Bonfield is given enough direction on what the Commission is asking for.

Mr. Bonfield stated that as long as the Commission is comfortable with him issuing a Temporary Use Permit, until the next Meeting, he will proceed to do that.

Mr. Davis suggested they move to defer this issue until the next Meeting, thereby avoiding additional advertising.

Vice Mayor Parent made a motion to continue Conditional Use Case #20110006 until the next regular Meeting, April 12, 2011. The motion was seconded by Commissioner Shavlan and unanimously approved by roll call vote.

Mr. Bonfield announced that this is the only notification of the hearing date of April 12, 2011, at 6:30 pm. No other notices will be sent out.

b. Appointment to the General Employees' Pension Board of Trustees.

Mr. Bonfield advised that one of the City's appointees' term is up in March of this year, that is Mr. William Schroeder, and he has expressed an interest in being reappointed. He advised that they also received a letter of interest from Richard Brogan who offered to serve on any of the three Pension Boards.

Commissioner Halpern felt that Mr. Brogan is a likely candidate for any of the Pension Boards and he is qualified to do it.

Mayor Finnerty recommended that they keep the three residents that are currently on the Board.

Commissioner Garnett made a motion to approve the three current members of each Pension Board, i.e. Mr. Schroeder, Mr. Terry and Mr.

Rogers, to remain on their respective Boards and to retain Mr. Brogan's offer to serve when a future opening arises. Vice Mayor Parent seconded the motion.

Mayor Finnerty asked for audience comments; hearing none, the motion was unanimously approved.

e. Authorize the City Manager to enter into a purchasing agreement in the amount of $24,713.00 with Smith Fencing for new tennis court fencing, concrete block backboard and dog park fencing at Vina Del Mar Park.

Mr. Bonfield explained that this is a budgeted project and originally they were just considering fencing and the wall and then they received a request from the Vina Del Mar Association to consider a dog park. As part of this, they agreed to include it in the bid to see what kind of pricing they received. He reported that based on the bid that was received they are able to include all three items and still be within budget. He advised that Renee Cooper is present and she will put show an aerial of the Park to give an idea of what they are talking about in terms of improvements.

Renee proceeded to give a brief explanation of the proposed improvements outlined by Mr. Bonfield.

Mayor Finnerty asked what the residents think about these improvements. Mr. Bonfield advised that it has all been discussed by the Vina Board and they were unanimously in favor of the improvements.

Commissioner Garnett stated that there are a number of residents in Pass-a-Grille that would use the Dog Park.

Mayor Finnerty asked if they had looked at any grants for the Dog Park. Mr. Bonfield said the fencing for the Dog Park is roughly $5,000.

Commissioner Garnett stated that she felt that is was great, the residents want it and she feels the Commission should approve it. She reported that she has not heard anything negative comments, only positive.

Commissioner Halpern asked if they were replacing the existing fence. Renee Cooper replied "yes" with a heavier gauge and galvanized fence.

Mayor Finnerty agreed with Commissioner Garnett and stated that he felt it was a great idea and an improvement.

Commissioner Garnett made a motion to authorize the City Manager to enter into a purchase agreement in the amount of $24,713. with Smith Fencing for new tennis court fencing, concrete block back and dog park fencing at Vina Del Mar. Commissioner Halpern seconded the motion.

Mr. Bonfield asked Mayor Finnerty if he wanted to take any public comment as Mr. Heiges was present to represent the Vina Del Mar Board.

Mr. Lynn Heiges thanked the Commission for the support they have given to the Vina Del Mar Association over the years. He stated that they will be the first neighborhood on the island to have a Dog Park.

The motion was approved by unanimous roll call vote.

f. Authorization to seek an Attorney General opinion on the proper method to approve the 2008 Community Redevelopment District Comprehensive Plan Amendment and Land Development Regulations following of referendum changing the City Charter Sections 3.15, 3.17 and 3.18.

Mr. Bonfield explained that this is a request from the City Attorney and he asked Mr. Davis to address the Commission.

Mr. Davis set forth the reasons for his request. He explained that this is an effort to try to reduce the Commission's possible legal expenses because the Commission needs to consider re-adopting or ratifying the Land Development Regulations and the Comprehensive Plan approved by referendum in 2008 which no longer are required to be approved by referendum. He stated that he feels that it is appropriate to ask the Attorney General what the appropriate course of action is.

Specifically, Mr. Davis proposed three questions. The first question is whether an ordinance found to be enacted in violation of the City's Charter provisions may be ratified by the City following amendment of the City Charter to remove the provisions which were initially violated?

The second question is if the answer to question one is "no", may the City Commission re-adopt an ordinance adopting a Comprehensive Plan Amendment which has previously been found to be in compliance pursuant to Section 163.3184 which ordinance was declared invalid under a now defunct Charter provision without triggering the notice and review procedures of the Growth Management Act?

And if the answer to number two is "yes", whether an ordinance adopting a Comp Plan Amendment which has been previously found in compliance pursuant to Section 163.3184 may be noticed and advertised pursuant to Section 166.0413(a) or whether it has to be advertised pursuant to the notice provision of Section 166.0413(c) Florida Statutes.
The third question is what type of public notice is required? Do we just use the normal ordinance provision for this type of ordinance adoption or do we have to go through the whole elaborate process laid out in the Growth Management Act?

Mr. Davis stated that he has talked to the Attorney General's office and he believes the probability is that you can get an answer within thirty (30) days and he will certainly see, if approved, that everything is done to expedite it.

Commissioner Garnett asked when they get an answer on this; does it set them up for another round of lawsuits? Mr. Davis replied that he thinks this will help the City.

Mayor Finnerty agreed that this is a cautious way to proceed and pointed out that it will not cost the City anything.

Commissioner Shavlan made a motion to authorize the City Attorney to seek an Attorney General opinion on the proper method to approve the 2008 Community Redevelopment District Comprehensive Plan Amendment and Land Development Regulations following repeal of City Charter Section 3.15, 3.17 and 3.18. Commissioner Garnett seconded the motion.

Mayor Finnerty called for audience comments; hearing none, the motion was unanimously approved by roll call vote.

g. Pinellas Safe Harbor Donation.

Mr. Bonfield explained that last year the County and the Sheriff's Office in several of the larger cities and some non-profit groups worked together to establish what is called the "Safe Harbor Homeless Shelter" on 49th Street north of the Court House and jail. This is something that is relatively new and somewhat on the cutting edge in dealing with the homeless situation. He believes it is something that is being watched around the Country. The County and the City of St. Petersburg have been encouraging local communities to contribute to help underwrite the Safe Harbor Operation. This is something that benefits St. Pete Beach; the police department does use it. They only take people that volunteer to go; they can't force someone to go but in dealing with the homeless individual this is something they can offer to them and if they are in agreement, the City can arrange for transportation to get them relocated at the facility. Mr. Bonfield encouraged the Commission to make the commitment; this would be an annual contribution.

Commissioner Garnett spoke in favor of the cause. She suggested a donation of $5,000.

Commissioner Halpern asked the City Manager for a number. Mr. Bonfield replied that $5,000 is generous compared to what other communities have done for a community of our size.

Vice Mayor Parent pointed out the population of the various contributing communities. He suggested $5,000.

Commissioner Shavlan suggested $2,500.

Mayor Finnerty suggested $50,000. He feels this would be a way to let the other communities know that St. Pete Beach cares about this kind of issues. It would be a clear statement that the people in St. Pete Beach really care about what is going on and they shouldn't be that conservative with this.

Vice Mayor Parent stated he is in favor of $5,000.

Mayor Finnerty made a motion to put $10,000 towards funding the Pinellas Safe Harbor project. Commissioner Halpern seconded the motion.

Mayor Finnerty asked for comments. Commission Shavlan was not in agreement with a $10,000 donation.

Mr. Bonfield proceeded with the roll call vote. By a 4-1 vote, the motion was "defeated".

Commission Garnett made a motion to authorize the City Manager to provide $5,000 for the operation and maintenance of Pinellas Safe Harbor Homeless Shelter. Vice Mayor Parent seconded the motion. The motion was unanimously approved by roll call vote.

h. Alcalde & Fay – Agreement for Lobbyist Services

Mr. Bonfield reminded the Commission that in the current budget, they included six months of funding (through March) for lobbying services. He pointed out that Alcalde only does strictly federal lobbying. It was agreed that they would revisit this to decide if they wanted to provide some additional funding to extend the time beyond March of 2011 or if they wanted to notify them of their intent to cancel the agreement.

Vice Mayor Parent asked Mr. Bonfield if this would be the end of the three year "trial period". Mr. Bonfield replied yes.

Vice Mayor Parent advised the Commission that he had written to Alcalde & Fay and asked for a brief synopsis of what they had done for the City in the last three years. He then went over his questions and their answers. He concluded that he doesn't feel he can ascribe anything that the City has gained to anything they have done directly. He felt it was a good experiment.

Commissioner Garnett feels this is something they can always revisit if they decide at a later date that it would benefit us to have a lobbyist in Washington.

Commissioner Halpern stated that they have Jones, Young and Frisch and he thinks in today's climate, they should call upon them and do their own lobbying.

Mayor Finnerty thinks the lobbyists were very effective and he knows that if the climate in Washington hadn't changed the way it did, they could have gotten a lot more but they didn't. He personally believes they took a leap of faith and it's worked out and may continue to work out.

Vice Mayor Parent thinks there is an opportunity to do a lot more with the Florida League of Cities as they do lobbying too. And they designate delegates to talk to other representatives and the Florida Legislature. He feels this is a good opportunity for St. Pete Beach, as a smaller city. This may not be the best route to go for grants but the trick is to find a lot of grants.

Commissioner Halpern feels they were hired to lobby, not write grants. He asked if there are companies out there that write grants and if there are, what are their fees.

Vice Mayor Parent stated that his is really conflicted on this and that he understands it takes a while to build up relationships.

Commissioner Garnett wants to terminate the relationship at this point and later on, if the political climate changes or if we have some ready projects, that they feel they can work on and have a better chance of getting money, they can do that. She stated that just because we terminate them today doesn't mean we can't revisit the issue in a year or so.

Mayor Finnerty stated that he thinks if we severe this relationship now and then go to hire another lobbyist, he doesn't think we can hire them again.

Commissioner Halpern made a motion to authorize the City Manager to terminate the agreement with Alcalde & Fay for lobbyist services. The motion was seconded by Commissioner Garnett.

Mayor Finnerty then asked for audience comments.

A resident of 2940 Alden Drive, stated that he has written grants in the past and he felt the City needs to have somebody that knows people inside the government to get things done. He felt that the chances of getting grants without professional help are pretty low.

The motion was approved by a 4-1 roll call vote. Mayor Finnerty voted no.

i. (from 4.c.) Authorize the City Manager to enter into a purchasing agreement with Altec Industries for the purchase of an F-550 Altec bucket truck in the amount of $87,460 for the Public Services Department.

Vice Mayor Parent pointed out that in the second to last paragraph it says "the Finance Department is confident we can find the money in the budget to pay for it in full and noted we have approximately $390,000 more revenue budgeted than expenditures this year so it could come out of fund balance if needed."

Vice Mayor Parent stated that he was concerned that if that's the reserve money that was discussed and approved, the taxes could have been lowered. He felt that the responsible thing to do was to add to our reserves. He stated that he felt it was a bold step and they tried not to have an impact to the residents because they didn't go past the roll-back rate, so the dollar taxes stayed the same.

Commissioner Garnett agreed; that was her concern as well.

Mr. Bonfield agreed and suggested they just put a period after the word "full".

Vice Mayor Parent reiterated that the Finance Department is confident that they can find the money in the budget to pay for it in full, thanks to the Public Works Department for being under budget all the time.

Commissioner Shavlan remarked that it appears they can do tree trimming with this truck and asked if it was big enough to trim the Washingtonians. Mr. Bonfield responded no. He then asked how much more it would cost to get a truck large enough to do this because it costs the City $25,000 to trim the trees.

Mr. Bonfield stated that he didn't know what such a truck would cost. Renee Cooper informed the Commission that once they get above the F-550, things just dramatically increase in price.

Vice Mayor Parent made a motion to authorize the City Manager to enter into a purchase agreement with Altec Industries for the purchase of an F-550 Altec bucket truck in the amount of $87,460. for the Public Services Department. The motion was seconded by Commissioner Garnett and unanimously approved.

8. Items for Discussion

a. Commissioner Garnett brought up the topic of political signs. During the recent election there were signs placed in areas that were not permitted. She feels the Commission should take a more proactive role in this issue. She reported that when residents complain and the Police have to go out on the weekends to remove the illegal signs. She suggested that perhaps signs could be erected to warn people the campaign will be fined if they put signs where they don't belong. She believes it's up to the candidate to make sure that signs are placed in the right places.

Commissioner Halpern remarked that someone may pick up a sign and put it in the wrong place just so the candidate would be fined.

Vice Mayor Parent feels they made a mistake when they changed the sign code. He believes that less than 10% of the signs that were out were legal. Before looking at fines he thinks they should understand what it is they are asking them to do.

Mr. Bonfield stated that if it is a blatant violation, that the Code Enforcement Officer is pretty aggressive with it.

Commissioner Garnett disagreed. She stated that her opponent in the recent election was guilty of clear violations and nothing was done. She felt that there needs to be some sort of action taken to resolve this matter.

Vice Mayor Parent suggested the City hire someone part time during the election period to take the load off staff and the police officers.

Mr. Bonfield advised that he will talk to staff and see if there anything they can do regarding the regulations.

c. Run-Off Elections.

Commissioner Shavlan advised the Commission that he asked the Acting City Clerk Pamala Prell do some research for him to see how many people have run-off Elections; and it appears that it is only St. Pete Beach and Madeira Beach. He pointed out that Indian Rocks Beach and Seminole have a run-off election if there is a tie vote but other than that, the other twenty municipalities don't have any provision and Treasure Island just eliminated theirs. He pointed out that the cost to hold a run-off election is approximately $15,000. He felt eliminating the runoff was worth considering.

Mayor Finnerty thinks it should be changed but believes it should be at least fifty (50%) percent for whomever wins whatever position. There are other ways to do it; he referred to an article relating to an election in San Francisco who used a "re-count system".

Commissioner Halpern observed that they would have to have run-offs if they require better than 50%.

Mr. Davis advised the Commission that they can specify how they want to do it on a local level; he doesn't think the State would mandate that. Right now they have a run-off because that's what the Ordinance says not their Charter. The can change the Ordinance. For example, they could say someone has to get forty (40%) percent of the vote and if it's less than 40%, then they have a run-off.

Vice Mayor Parent stated that he would be in favor of plurality; whoever gets the most votes and not try to justify some specific percentage.

Mr. Bonfield said this was the first time this has happened in nine years.

Mayor Finnerty thinks this is something they can re-visit and change it in the future; and it's a way to save $15,000.

c. Commissioner Halpern asked for an update on the Homer Still Park memorial. He advised that there has been some confusion regarding the sign; he pointed out that the City staff moved a bench that was at Upham Beach (with his name on it) and put it in the Park. He stated that he and Mr. Still's family thought the City was going to put a sign in the park that reads "Homer Still Park". He asked for clarification.

The Commission agreed that they would get a sign; Mr. Bonfield asked if they wanted it to say "Homer Still Veteran's Park"? Commissioner Halpern stated that he would discuss the matter later with Mr. Bonfield.

9. Reports

City Manager Bonfield submitted his report. The Corey Avenue Merchants Association asked about having an event on the second and fourth Friday of the month which would require street closure, generally between Blind Pass Road and Gulf Boulevard. He pointed out that the request will come to the Commission on the 12th of April, but they would like to hold the first event on April 8th to try to catch the end of the tourist season. He stated that the approval on the 12th would ratify what had already occurred on the prior Friday night.

Renee Roos, President of Corey Merchants Association, thanked the Commission for supporting Corey Avenue and their endeavors in trying to raise awareness for the downtown district. She went on to say they will bring in vendors, some food people, to bring more of a "festival celebration" to the street. They are going to call it either "Corey's Sunset Celebration" or "Sunset Celebration on Corey".

Commissioner Garnett submitted her report.

Commissioner Shavlan submitted his report.

Vice Mayor Parent 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 11:30 pm.

Pamala Prell
Pamala Prell, Acting City Clerk

Mike Finnerty Mayor
Mike Finnerty, Mayor

Minutes Approved on:

4-12-11