

**CITY COMMISSION
ATTORNEY-CLIENT SESSION**

MINUTES

November 2, 2011

10:30 a.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Steve McFarlin, Mayor
Beverly Garnett, Vice Mayor
Al Halpern, Commissioner
Marvin Shavlan, Commissioner
Jim Parent, Commissioner

NOT PRESENT: None

ALSO PRESENT:

Rebecca C. Haynes, City Clerk

1. Attorney/Client Session

Mayor McFarlin announced that this is an Attorney-Client Session that is being held in accordance with F.S. 286.011(8) regarding the following lawsuits:

Kadoura v. Huhn, et al., Case No.: 08-12498-CI-19
Anderson v. St. Pete Beach, Case No. 11-1319CI-11
SOLV and St. Pete Beach v. Kadoura, Case No. 2D11-503
Kadoura v. St. Pete Beach, Case No. 09-002732-CI-19 and
Kadoura v. Commissioner Garnett, 2D10-4253.

Mayor McFarlin announced that the Attorney-Client Session will be attended by some or all of the following persons, one or more whom may participate telephonically: Mayor Steve McFarlin; City Manager Mike Bonfield; Commissioner Al Halpern; Commissioner Jim Parent;

Commissioner Marvin Shavlan; Vice Mayor Beverly Garnett; Suzanne Van Wyk, Esquire; Mike Davis, Esquire; and an official court reporter as provided by law.

Mayor McFarlin announced that the length of the Attorney-Client Session, in the aggregate, is estimated to be approximately one hour.

At 10:34 a.m., Mayor McFarlin adjourned the meeting to the closed session.

At approximately 11:58 a.m., Mayor McFarlin reopened the public session of the Attorney-Client Session. The entire City Commission was in attendance.

1. Consideration of Settlement Offer

Commissioner Shavlan made a motion to reject Mr. Kadoura's offer and propose the following counter-offer:

Mr. Kadoura and Mr. Anderson will dismiss the following suits:

**Kadoura v. Huhn, et al., Case No. 08-12498-CI-19
Anderson v. St. Pete Beach, Case No. 11-1319-CI-11
SOLV and St. Pete Beach v. Kadoura, Case No. 2D11-503
Kadoura v. St. Pete Beach, Case No. 09-002732-CI-19 and
Kadoura v. Commissioner Garnett 2D10-4253.**

The City and SOLV will dismiss the appeal of the Kadoura case. All parties will withdraw pending motions for attorney fees and costs, including sanctions. All parties will assume all costs and fees.

The City and SOLV will pay \$30,000 to Mr. Kadoura and Mr. Anderson in total, in consideration of their costs.

In addition, in order to address the concerns of Mr. Kadoura and Mr. Anderson, regarding the costs of redevelopment being passed on to residents, the City will initiate and support a Comprehensive Plan Amendment to clarify the following, even though we believe these items have already been addressed in the Comprehensive Plan: the community improvement fee, and waivers thereof, does not apply to any infrastructure impact fees imposed by the City or County; the purpose of the community improvement fee is to finance additional improvements such as streetscaping and landscaping; no waivers or variances may be granted for maximum height allowed under the plan.

Additionally, the City agrees to hire a consultant to conduct a study necessary to support the imposition of impact fees in the City and begin the process of adopting an impact fee ordinance. This study will include the feasibility of assessing a transportation impact fee in the event that Pinellas County repeals its impact fee ordinance, which is currently assessed in the City.

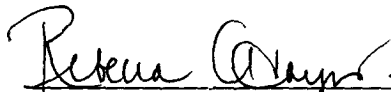
The City will also agree not to repeal the transportation concurrency ordinance although it is no longer mandatory state-wide as long as it meets State approval.

This offer is good until 4:00 p.m. Thursday, November 3, 2011.

The motion was seconded by Vice Mayor Garnett and approved by a unanimous roll call vote.

At approximately 12:15 p.m., Mayor McFarlin announced the termination of the Attorney-Client session and adjourned the meeting.

Attest:


Rebecca C. Haynes, City Clerk


Steve McFarlin, Mayor

Minutes approved on: 1/10/2012