CITY COMMISSION MEETING

MINUTES

September 25, 2012

6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

PRESENT:

Steve McFarlin, Mayor
Marvin Shavlan, Vice Mayor
Lorraine Huhn, Commissioner
Jim Parent, Commissioner
Bev Garnett, Commissioner

ALSO PRESENT:

Mike Bonfield, City Manager
Mike Davis, City Attorney
Rebecca C. Haynes, City Clerk
Elaine Edmunds, Finance Director
Steve Hallock, Public Services Director
George Kinney, Community Development Director
Jennifer McMahon, Recreation Director
Catherine Hartley, Senior Planner

1. **Changes to the Agenda**

City Manager Bonfield requested to move Items 6(b) and 6(c) to directly after Audience Comments, and to pull items 6(f) and 6(g) from this agenda.

Commissioner Huhn requested to add a proposed resolution to the agenda. This item is listed as Item 7(b), Resolution 2012-14.

2. **Presentations**

a. Recognition of the Suntan Arts Center award from the Florida Recreation & Park Association

Recreation Director McMahon displayed a video highlighting the recognition from the Florida Recreation & Parks Association. Ms. McMahon then presented the award which was accepted by Ms. Pat Chase on behalf of the Suntan Art Center.

3. Audience Comments

Rosemary Manning, 200 1st Avenue, commented that the island and tree installation work on Gulf Boulevard was taking too long to complete.

Deborah Schechner, Boca Ciega Isle Drive, spoke about the street condition of Boca Ciega Isle Drive and activities of West Corey Avenue.

Dick Livingston, Vina del Mar, spoke against the transfer of law enforcement services to the Pinellas County Sheriff's Office.

Bill Pyle, Sunset Way, spoke as president of the Silver Sands Condominium 'B', against changing the coastal construction line.

Paul Kastensia, Sunset Way, noted that the former speaker does not represent the residents of Silver Sands and requested a copy of the petition Mr. Pyle discussed.

6. Ordinances

b. Ordinance 2012-18, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida, adopting the millage rate for the fiscal year ending September 30, 2013; providing for an effective date.

City Manager Bonfield noted the proposed operating millage is 3.2819 and will generate approximately $6,290,454 in ad valorem taxes. The millage partly funds general fund operations including police, fire, library, recreation, streets, finance, community development and administration. No additional monies are allocated to the reserve fund.

Commissioner Garnett made a motion to approve Ordinance 2012-18, an ordinance of the City of St. Pete Beach, Florida; adopting a final millage rate for the fiscal year ending September 30, 2013; providing for an effective date and reading the ordinance in its entirety. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for audience comments.

Rick Falkenstein, 4th Palm Point, supported the increase noting he believes the Commission is doing the right thing.

Bill Pyle, Sunset Way, objected to the millage rate increase and accused the Commissioners of being in the pockets of the hotel owners.

Paul Kastansia, Sunset Way, spoke in support of the increased millage rate.

Deborah Schechner, Boca Ciega Isle Drive, spoke about the history of lawsuits in the City.

Steve Reardon, Vina del Mar Boulevard, questioned pension returns, funding levels and retirement plans.

Rosemary Manning, 200 1st Avenue, spoke in favor of raising taxes to support and improve the City's infrastructure.

Mayor McFarlin called for Commission comments.

Vice Mayor Shavlan proposed an alternative to raising the millage rate.

Mayor McFarlin noted that St. Pete Beach has the lowest taxes of any full-service beach community.

Commissioner Parent commented that the last six budget cycles did not see an increase in revenues.

Commissioner Huhn stated that the infrastructure problems can only be addressed with an increase in revenues.

Commissioner Garnett noted that increasing the millage is the right thing to do in order to solve the infrastructure problems.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

c. Ordinance 2012-19, Final Reading and Public Hearing, an ordinance of the City of St. Pete Beach, Florida adopting a budget for the fiscal year ending September 30, 2013; providing appropriations; providing for an effective date.

City Manager Bonfield reported the total budget for all funds is $23,540,489. The General Fund is increased by 6.8% to $15,719,188; Wastewater Fund is $4,277,258; Reclaimed Water Fund is $1,190,817; Storm Water Fund is $605,376; and Capital Improvement Fund is $1,747,850.

Vice Mayor Shavlan made a motion to approve Ordinance No. 2012-19, an ordinance of the City of St. Pete Beach, Florida adopting a budget for the fiscal

year ending September 30, 2013; providing appropriations; providing for an effective date. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for audience comments.

Deborah Schechner, Boca Ciega Isle Drive, commented on taxes that could be generated through our tourism industry.

Rick Falkenstein, 4th Palm Point, noted a lack of fiscal responsibility by former commissioners.

Steve Reardon, Vina del Mar Boulevard, stated the Commissioners are looking at all sides of the budget and supported their decision.

Michael Lehman, 88th Avenue, spoke in support of allocating money to develop a master plan which could raise property values and bring more revenue to the City.

Bill Pyle, Sunset Way, expressed opposition to the increased budget.

Paul Kastansia, Sunset Way, noted that increased taxes attract development and businesses, and also support the smaller businesses already in existence.

Mayor McFarlin called for the vote.

The motion was approved by a unanimous individual roll call vote.

h. Ordinance 2012-23, First Reading and Public Hearing, rescinds and repeals all prior ordinances or resolutions assessing or imposing the premium tax authorized by Section 175.101, Florida Statutes and withdrawing from participation under Chapter 175, Florida Statutes.

City Manager Bonfield explained that the proposed ordinance is resultant from the Impasse Hearings between the City Commission and the IAFF Union representatives, and ratifies the action with regards to Chapter 175 monies.

Commissioner Huhn made a motion to approve Ordinance 2012-23, an ordinance of the City of St. Pete Beach, Florida rescinding and repealing all prior ordinances or resolutions assessing or imposing the premium tax authorized by Section 175.101, Florida Statutes; withdrawing from participation under Chapter 175, Florida Statutes; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Commissioner Garnett.

Mayor McFarlin called for audience comments.

Phil Milner, IAFF Union President, discussed Chapter 175 monies and the finality of withdrawing from the pension plan.

Deborah Schechner, Boca Ciega Isle Drive, commented on the use of Chapter 175 money.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

i. Ordinance 2012-24, First Reading and Public Hearing, amending Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; and amending the deferred retirement option plan.

City Manager Bonfield explained that this proposed ordinance modifies the changes made during the Impasse Hearing.

Vice Mayor Shavlan made a motion to approve Ordinance 2012-24, an ordinance of the City of St. Pete Beach, amending Chapter 66, Pensions and Retirement, Article IV, Firefighters Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the deferred retirement option plan; providing for applicability; providing for codification; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Commissioner Garnett.

Mayor McFarlin called for audience comments.

Phil Miler, Vice President, IAFF, noted that a representative of the State Division of Retirement informed him if the retirement plan is frozen, the Chapter 175 monies would not be available.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

j. Ordinance 2012-25, First Reading and Public Hearing, amending Chapter 66, Pensions and Retirement, Article II, General Employees' Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions; revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; and amending the deferred retirement option plan.

City Manager Bonfield noted the proposed ordinance covers general employees and is not linked to Chapter 175 monies.

Commissioner Garnett made a motion to approve Ordinance 2012-25, an ordinance of the City of St. Pete Beach, amending Chapter 66, Pensions and Retirement, Article II, General Employees Retirement System; implementing a benefit freeze; providing for modifications of certain benefits for future service; amending certain definitions, revising employee contributions; revising the vesting period; amending benefit amounts and eligibility; amending the deferred retirement option plan; providing for applicability; providing for codification; providing for severability; providing for repeal of ordinances in conflict; providing an effective date. The motion was seconded by Vice Mayor Shavlan.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

7. Resolutions

a. Resolution 2012-13, Authorization for the City Manager to implement the Defined Contribution Retirement Plan for the City Employees.

City Manager Bonfield explained that this Resolution authorizes him or his designee to process the paperwork needed to establish a Defined Contribution Retirement Plan for the General Employees.

Commissioner Parent made a motion to approve Resolution 2012-13, a resolution of the City Commission of the City of St. Pete Beach, Florida, relating to the adoption of a Defined Contribution Retirement Plan for city employees; providing for the selection of ICMA Retirement Corporation as plan administrator; adopting the ICMA 401 Governmental Money Purchase Plan and Trust; providing for execution of Trust Agreement and all other necessary documents incidental to administration of the Defined Contribution Plan, providing for acknowledgement

regarding assets; providing for administration of the plan; providing for severability; providing for full force and effectiveness; providing for repeal of conflicting resolutions; and providing an effective date. The motion was seconded by Commissioner Huhn.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

Mayor McFarlin called for a ten minute recess at 7:47 p.m. Mayor McFarlin reconvened the meeting at 7:57 p.m. with the entire City Commission present.

b. Resolution 2012-14, A Resolution of the City of St. Pete Beach Florida, in opposition to Governor Rick Scott's veto of the funding for the Tampa Bay Regional Planning Council; and providing an effective date.

Commissioner Huhn made a motion to approve Resolution 2012-14, a resolution of the City of St. Pete Beach Florida, in opposition to Governor Rick Scott's veto of the funding for the Tampa Bay Regional Planning Council; and providing an effective date.

The motion was seconded by Commissioner Garnett.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

5. Action Items

a. Request from Friends of the Gulf Beaches Historical Museum to name the City street-end park on 90th Avenue after Margaret "Peg" Creed.

Mr. Bonfield explained that Peg Creed was a longtime volunteer in the community.

Mr. Lance Peterson explained that Peg Creed was a longtime volunteer for the Gulf Beaches Museum, City Hall and several other organizations and was honored eight times as the City's Volunteer of the Year.

Mr. Peterson stated that the 90th Avenue street end was a good choice because it was near her home of 50 years, near the park named after her dear friend Ron McKinney and it faces west towards the sunset. Mr. Peterson pointed out that Peg Creed was 90 years old when she passed away and asked the Commission for their approval.

Commissioner Garnett made a motion to approve the request from the Friends of the Gulf Beaches Historical Museum to name the City street end park on 90th Avenue after Margaret "Peg" Creed. The motion was seconded by Commissioner Parent.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

b. Authorize the City Manager to enter into a one year agreement for fiscal year 2012-2013 with PSTA for trolley and DART Services with the proposed changes.

City Manager Bonfield pointed out that this agreement will include a fixed rate fee which is much less complicated than the formula used in past agreements.

Commissioner Huhn made a motion to authorize the City Manager to sign a one year agreement with PSTA for trolley services. The motion was seconded by Vice Mayor Shavlan.

Mayor McFarlin called for audience comments.

Rosemary Manning, 200 1st Avenue, inquired about the status of replacing the bus stops near 55th Avenue and Dolphin Village Shopping Center and stated that the bus stop in Pass-a-Grille is not large enough.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

c. Authorize the City Manager to accept a proposal from L. S. Curb Service, Inc., in the amount of $25,021.50 to install curb at the 20th Avenue street end.

City Manager Bonfield explained that this is the final stage needed after the seawall replacement, the repairs to the lift station and the relocation of the sewer line. Mr. Bonfield also stated that there will be more green space including palm trees.

Commissioner Huhn made a motion to authorize the City Manager to accept the proposal from L. S. Curb Service, Inc. in the amount of $25,021.50 to

install curb at the 20th Avenue street end. The motion was seconded by Vice Mayor Shavlan.

Mayor Mcfarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

d. Authorize the City Manager to waive the bid requirements and contract with Hennessy Construction Services for exterior remediation of Fire Station 22 and Fire Station 23 in the amount of $329,745.

Mr. Bonfield explained both stations have roof leaks and mold damage from years of use and Tropical Storm Debby.

City Manager Bonfield pointed out that Hennessy Construction will bid for their sub-contractor's work and provide the City with a copy of those bids. He advised that Hennessy is a very reputable company and funding will be through the Capital Improvement Projects budget.

Commissioner Parent made a motion to authorize the City Manager to waive the bid requirements and contract with Hennessy Construction Services for exterior remediation of Fire Station 22 and Fire Station 23 in the amount of $329,745. The motion was seconded by Commissioner Huhn.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

e. City Commission's Position on November Charter Amendment relating to contracting of police services.

City Manager Bonfield reported that Vice Mayor Shavlan requested this item be on the agenda. Mr. Bonfield advised that absentee ballots will be sent out next week and the Sheriff will be at the Community Center on October 2, 2012 and October 16, 2012, to give presentations.

City Manager Bonfield reported that the City has not sent any information out to the citizens because he was waiting for guidance from the City Commission.

City Attorney Mike Davis advised that Florida State Law prohibits the City from spending public funds for any communication or media advocating a position on a local referendum question. Mr. Davis advised that the Commissioners can send out information expressing their opinions.

Mayor McFarlin called for audience comments.

Dick Livingston, Vina del Mar, suggested that a meeting be held with the Pass-a-Grille and Vina del Mar residents including representatives from the Fraternal Order of Police, the Sheriff and City officials to allow citizen to discuss why we should retain the police department and to offer funding options.

Deborah Schechner, Boca Ciega Isle Drive, stated that she did not feel that the City held enough public meetings to gather the citizens input prior to their decision to consider contracting out the police department.

Mayor McFarlin expressed his opinion, based on a strict business standpoint, that he supported contracting out the police services.

Commissioner Parent stated that he is still gathering the facts and he hasn't found any reason to oppose the idea.

Commissioner Huhn stated that, based on the City's financial situation, she felt this is a good opportunity.

Commissioner Garnett stated that she supported keeping the police department but will cast her vote as her constituents in the Fourth District wish her to vote.

Vice Mayor Shavlan stated that, based on the information he received from other City Officials who contract with the Sheriff, he has not found anything negative about the services provided.

Mayor McFarlin urged the citizens to watch the video on the City's web site to become informed about the Sheriff's proposal.

Mayor McFarlin asked, "If the Charter is changed by the voters, would the City Commission support contracting with the Sheriff's Department?" Each individual Commission Member stated that s/he would support contracting with the Sheriff's Department, if the voters approve the Charter change.

Mayor McFarlin suggested that the City send a letter to the residents listing facts regarding the Commission's opinions, the Fraternal Order of Police's vote, and the Sheriff's synopsis of his services.

6. Ordinances

a. Ordinance 2012-15, Final Reading and Public Hearing, providing for amendments to Division 14 of the Land Development Code to allow for outdoor seating as a permitted use in the RFM Zoning District.

City Manager Bonfield explained that this ordinance will allow outdoor seating as a permitted use rather than a conditional use.

Vice Mayor Shavlan made a motion to approve Ordinance 2012-15, An Ordinance of the City of St. Pete Beach, Florida providing for amendments to the Land Development Code as it relates to outdoor seating in the RFM Zoning District; amending Division 14 to permit outdoor seating for eating and drinking establishments in the RFM Zoning District; 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 Parent.

Mayor McFarlin called for audience comments.

Deborah Martohue, Attorney, 3030 N. Rocky Point Drive West, Tampa, Florida, advised that she was representing the Dueset family, 52nd Avenue, who is concerned about the impact of excessive noise and music in a residential neighborhood. Ms. Martohue suggested the use be considered on a case by case basis by the Commission.

Mayor McFarlin closed audience comments.

City Manager Bonfield suggested that the Commission express their concerns with the ordinance and table it until staff can provide the suggested amendments.

City Attorney Davis suggested if the Commission has concerns with the content of the ordinance that they defer it until the next meeting.

Senior Planner Hartley suggested the Commission vote to deny the ordinance and consider each property on a case by case basis for a conditional use.

Mayor McFarlin called for the vote.

The motion was unanimously denied by individual roll call vote.

d. Ordinance 2012-20, Final Reading and Public Hearing, prohibiting bicycle riding on the city sidewalk that is west of the private properties on Sunset Way between 28th and 30th Avenue.

Commissioner Parent made a motion to approve Ordinance 2012-20, an ordinance of the City of St. Pete Beach, Florida; providing for an amendment of Chapter 74, Streets and Sidewalks, Article I, In General, Section 74-2 of the Code of Ordinances of the City; prohibiting bicycle riding on the City sidewalk that is west of the private properties on Sunset Way between 28th and 30th Avenue; providing for severability; providing for the repeal of ordinances in conflict herewith, to the extent of such conflict; and providing an effective date. The motion was seconded by Commissioner Garnett.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

e. Ordinance 2012-17, First Reading and Public Hearing, amending instructor fees Section 58-3 (F)(5) of the fee ordinance.

City Manager Bonfield explained that this ordinance will allow the City to collect the fees and pay the instructors their portion.

Vice Mayor Shavlan made a motion to approve Ordinance 2012-17, an ordinance of the City of St. Pete Beach, Florida; providing for amendment of Section 58-3 of Article I of Chapter 58 the Code of Ordinances; pertaining to parks and recreation; providing for severability; providing for the repeal of all ordinances in conflict herewith to the extent of such conflict; and providing for an effective date. The motion was seconded by Commissioner Garnett.

Mayor McFarlin called for audience comments; there were no audience comments.

Mayor McFarlin called for the vote.

The motion was unanimously approved by individual roll call vote.

City Manager Bonfield advised that Mr. Michael Sorrento, a representative for the Hotel Zamora developer, was in attendance and would like to address the Bayou Residential ordinances.

Mr. Michael Sorrento advised that the developer will be meeting with funding sources and he would like to know the regulations for that district so they can begin the project.

Mr. Bonfield pointed out that the ordinances will not be effective until after their final readings.

f. Ordinance 2012-21, First Reading and Public Hearing, amendment to the Comprehensive Plan, amending the Bayou Residential Character District to allow for commercial uses to be mixed with temporary lodging uses, removing the two-acre minimum developable site limitations, removing setbacks, removing temporary lodging unit per-project cap, and removing the minimum commercial floor area ratio.

This item was pulled from the agenda.

g. Ordinance 2012-22, First Reading and Public Hearing, amendment to the Land Development Code, amending the Bayou Residential Character District to allow for commercial uses to be mixed with temporary lodging uses, removing the two-acre minimum developable site limitation, removing the temporary lodging unit per-project cap, and removing the minimum commercial floor area ratio.

This item was pulled from the agenda.

4. <u>Consent</u>

There were no consent agenda items.

8. <u>Items for Discussion</u>

There were no discussion items.

9. <u>City Manager, City Attorney and City Commission Reports</u>

City Manager Bonfield stated that the Pinellas Planning Council representative is up for re-appointment and suggested that Vice Mayor Shavlan continue as the appointee; the Commission was in agreement. Mr. Bonfield reported that the City's Building Official will be on an extended leave and a private contractor will be hired on a temporary basis. City Manager Bonfield announced the October 'Concert in the Park' dates and provided an update on the Gulf Boulevard sewer project and the repairs to Sunset Park. Mr. Bonfield stated that he will be out of the office for two weeks and Finance Director Edmunds will attend the October 27, 2012 Special Meeting.

Commissioner Garnett reported that she is registered to attend a Citizens Academy Program sponsored by the Pinellas County Sheriff. Ms. Garnett asked if the pool could open an hour earlier during the winter months, and stated that she received a resident complaint about a garbage truck waking him at 4:00 a.m. Commissioner Garnett announced the Pass-a-Grille Association meeting date, her monthly citizen meeting date, the 8th Avenue quarterly festival, the Sunday Market at the Don Vista Building, and the 82nd Annual Fish Broil in Hurley Park.

Commissioner Garnett expressed her sympathy for the loss of residents Kay Peterson and Jim Baulk, and praised them for their efforts and contributions to the community.

Vice Mayor Shavlan announced the Lido and Don Cesar Civic Association meeting dates and advised that a representative of the Fraternal Order of Police will attend.

Commissioner Parent reported that the crosswalk at 55th Avenue is blocked by the construction barriers and suggested that a temporary crosswalk be used during the construction. Mr. Parent announced that he will attend the Big C meeting on Wednesday and provided the date for his meeting at the Library.

Commissioner Parent congratulated the Tampa Bay Beaches Chamber of Commerce for being awarded the 2012 Chamber of the Year for the State of Florida, and Chamber President Robin Sollie for the 2012 Chamber Professional of the Year award.

Commissioner Huhn announced the dates for the Corey Avenue Food Truck Festival, St. John and St. Albans' Blood Drive, Corey Fresh Market, Glass Studio events, and a Halloween Dog event.

Mayor McFarlin thanked everyone for their participation at tonight's meeting.

10. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 9:50 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Steve McFarlin, Mayor

Minutes approved on: 11-13-2012