

COMMISSION WORKSHOP SESSION
December 3, 2002

I. PUBLIC COMMENTS:

Ms. Susan DiBona thanked the Commission for granting permission to the Sunset Beach Civic Association for free use of the Community Center in March.

Ms. DiBona thanked the Fire Department for its assistance the previous evening.

Mr. Mike Daughtry commented regarding the land development regulation issue and comments previously made that changes would require a 51% vote of the registered voters. He indicated that the group holding discussions to reach a compromise have agreed that it should be vote of a simple majority of the registered voters.

Mr. Daughtry appealed to the Commission to rescind Ordinance 02-06 and enact a charter amendment regarding height and density. He read a suggested amendment.

Mr. Ray Green made it clear where he and Mr. Daughtry stand on the lawsuit explaining they are seeking an immediate injunction and plan to follow through with their litigation to negate the enacted ordinance. Mr. Green indicated if the Commission would rescind the ordinance they would work with the business community.

Mr. Ken Brown discussed his meeting with Mr. Green and his letter to him. Mr. Brown requested the Commission and litigants put the "partial fix" on hold until the people can present an entire package.

Mr. Ken Weiss presented copies of the proposed charter amendment to the members of the Commission.

Mr. Weiss urged the Commission consider putting the proposed amendment on the next agenda for discussion. He indicated that the amendment solves the majority issue.

Mr. Weiss discussed the pending lawsuit and the Attorney General's opinion regarding the purported substantial changes to the ordinance. He suggested the ordinance should have been re-advertised.

Mr. Weiss urged the Commission to obtain another legal opinion as to whether the Commission has acted legally on this issue.

II. APPROVAL OF MINUTES:

No minutes are ready for approval at this time.

III. DISCUSSION ITEMS

1. Acceptance of TOP's Grant –

The November 25th memo from the Public Works Director was noted and discussed. The Public Works Director explained that the Florida Department of Transportation is now ready to enter into a joint agreement and the Commission must pass a resolution to authorize the City Manager to sign contracts and other documents regarding the grant funding for the project.

A resolution will be on Tuesday's agenda for action.

2. Contract for Painting of City Buildings –

The City Manager's November 26th memo regarding this topic was noted and discussed. A resolution will be on Tuesday's agenda awarding the contract to Ganster & Co., Inc. in the amount of \$12,350.

3. Proposal for Expansion of Downtown Master Plan –

The November 26th proposal submitted by Jerry Dabkowski, PE for expanding the downtown master plan was noted and discussed.

The City Manager explained that the proposal is to make traffic flow more efficient and includes a pedestrian plan for crossing Gulf Boulevard. He indicated that Mr. Dabkowski would like to begin gathering the information after the first of the year.

The area covered by the master plan is that area from 104th Avenue to 112th Avenue and from the St. James Condominium to the beach trail.

Commissioner Ellsworth requested that while the study is being made, the timing of the traffic lights at 107th 112th and 117th Avenues on Gulf Boulevard be checked.

A resolution will be on Tuesday's agenda for action.

4. Purchase of Replacement Dumpsters –

Mr. Bruce's November 20th memo regarding this topic was noted and discussed.

The Public Works Director answered questions regarding the gauge of the steel used in the dumpsters.

A resolution will be on Tuesday's agenda accepting the low quote of Industrial Refuse in the amount of \$17,050.

5. Purchase of Portable Message Signs –

Mr. Bruce's November 19th memo on this topic was noted and discussed. A resolution will be on Tuesday's agenda authorizing the purchase of the signs from American Signal Company for a total cost of \$32,000.

6. Purchase of Replacement Pickup Truck –

Mr. Bruce's November 15th memo on this topic was noted and discussed. A resolution will be on Tuesday's agenda to authorize the purchase of one crew-cab pickup truck under state bid at a cost of \$21,380.

7. Ordinance – LDR Moratorium –

The City Manager indicated that the moratorium ordinance would be on for second reading and public hearing on the January 7th workshop and January 14th business meeting unless the Commission wished to have the ordinance published this Sunday and hold a special meeting on December 19th or thereafter.

The Mayor indicated he didn't see the need for a special meeting because the later adoption date would extend the moratorium time and would give the people more time to come to the Commission with a proposal.

Commissioner Ellsworth indicated he wants the Commission to go forward with the moratorium because there are adjustments that must be made to Ordinance 02-06. He agreed the moratorium should last for six months.

Commissioner Blush indicated she is comfortable to leave the moratorium as is to give the people time to come back with a proposal.

Mr. Ken Weiss indicated he doesn't know how to negotiate with the Commission without going to court and asked the City Attorney how they could try to negotiate.

Mr. Weiss noted the Attorney General's Opinion and urged the Commission to negotiate a settlement prior to the hearing

Commissioner Ellsworth suggested that Mr. Weiss could meet with each Commissioner individually.

Mr. Weiss indicated he would contact each member of the Commission this week to discuss the matter with them.

Mr. Hugh Ruckdeschel suggested that Mr. Weiss is a "hired gun" of the people opposing the Ordinance and thinks the City will pay him if the lawsuit is won.

Mr. Ruckdeschel commented regarding the Lands End Lawsuit and the fact that the Commission seated when the suit began didn't listen to the City Attorney's advice.

Mr. Ruckdeschel indicated that the City Attorney previously suggested that the constitutionality of the petition be challenged but the Commission didn't listen. He requested the Commission challenge the legality of the petition now.

Mr. Mike Daughtry indicated that Mr. Weiss is not being paid for his services; he and all of their attorneys are volunteering their time.

8. Memorial Trees –

Commissioner Lavino indicated she is willing to provide seedlings for memorial trees for Mrs. Stubbs and Mr. Smith. She indicated she wished to donate white orchid tree seedlings and would like the trees planted at Rosselli Park. She indicated she would discuss the matter further with the City Manager.

Commissioner Blush indicated she previously had a request for a memorial tree for Gerry Hayes but the family wanted to transplant a Norfolk Island Pine from Ms. Hayes yard and place it at the pavilion. She indicated that the tree was not appropriate for the proposed location.

Commissioner Blush indicated she would check with the family to determine whether they still wish to donate a tree in memory of Mrs. Hayes.

No Commission action is required at this time.

9. Rules of Procedure –

The Mayor indicated he placed this item on the agenda for discussion because he would like to go back to having one public comments section on the agenda and he would like it to appear at the beginning of the agenda so that people wishing to make public comments don't have to stay until the end of the meeting. He indicated he has received criticism over having two areas for public comment on the agenda. He indicated that Treasure Island is the only municipality that calls for public comments twice on an agenda.

The Mayor indicated he feels that one appearance of public comments would make the agenda friendlier.

The Mayor pointed out that if a resident has an issue to discuss, he/she should contact his/her commissioner.

Commissioner Blush agreed that the appearance of public comments once on the agenda is enough and agreed they should be heard at the beginning of the meeting.

Commissioner Ellsworth indicated that since this issue is being explored, he would like to further explore going back to afternoon Commission Meetings because having all of the meetings begin at 7:00 p.m. is hard on the Commission and staff.

Commissioner Ellsworth agreed with public comments appearing once per agenda.

Commissioner Lavino indicated she also agreed with having one set of public comments per meeting and agreed that the public comments should be at the beginning of the meeting.

Commissioner Maloof indicated she felt public comments should appear at the end of the meeting so people can comment on issues they have heard throughout the meeting.

Commissioner Maloof indicated she does not favor afternoon meetings but suggested cutting back to one workshop and one meeting per month.

The Mayor indicated he didn't have a problem moving the Commission Meetings back to 3:30 p.m. He indicated that in the beginning, the night meetings were a good idea but now the meetings are televised and rebroadcast later in the week and the public can still be informed. He further indicated he might favor one workshop and one meeting.

The City Attorney indicated he would like to be at all of the Commission's meetings if possible and when the time of the business meetings was changed to 7:00 p.m. he had a preexisting conflict with another city on the second Tuesday of the month.

The City Attorney suggested the Commission think about holding joint workshop/business meetings. He indicated that structuring the meetings in this manner would allow for efficient action.

The City Manager indicated it would afford more efficiency because some items could be acted on by consent agenda.

Commissioner Blush noted that several cities have combined meetings. She indicated she also feels the meetings should be held in the evening.

It was suggested the meetings could start at 6:00 p.m. on the first and third Tuesdays for a three-month trial period.

Ms. Heidi Horak voiced agreement with the combined meetings twice a month but indicated she feels that public comments should be heard at the beginning and end of the meetings. She indicated it is important to allow them at the end of the meeting so the public could comment on the City Manager/City Attorney Reports and Commission Reports.

Ms. Horak further suggested the public must be given their five-minute speaking allowance without interruption from members of the Commission.

Mr. Hugh Ruckdeschel commented regarding public comments being added to the beginning of the agenda. He indicated that was good during the LDR discussions.

Mr. Ruckdeschel indicated he feels the Commission holds too many meetings and would favor the two joint meetings per month.

10. Candidate Filing Deadline –

The memo from the City Clerk was noted and discussed. The City Clerk explained that the filing dates must be modified to accommodate the new voting technology. She explained that the absentee ballots must now be printed in California and State Law requires that overseas ballots be mailed 35 days before the election. She explained that previously the absentee ballots were printed in the Supervisor of Elections Office and could be mailed in a timely manner.

The City Clerk requested the Commission adopt an ordinance modifying the filing dates to be beginning at noon on January 2, 2003 and closing at noon on January 16.

An ordinance will be on Tuesday's agenda for action.

The Commission set a special meeting for 9:30 a.m. on Tuesday, December 19 to hear the second reading and hold the public hearing on the ordinance.

VI. CITY MANAGER/CITY ATTORNEY REPORTS & COMMENTS:

1. December Meeting Schedule –

The City Manager recommended that the workshop of December 17 and the business meeting of December 24 be cancelled for the Christmas Holiday. The Commission concurred.

Motion was made by Commissioner Maloof and seconded by Commissioner Blush to cancel the workshop of December 17 and business meeting of December 24, 2002. Upon roll call, vote was unanimous.

2. Summary of Grant Awards and Receipts –

The City Manager presented and discussed the Summary of Grant Awards and Receipts dated November 14, 2002.

The City Manager reported that the 2003 city calendars are now available.

The City Manager reported on the status of the playground refurbishment project and indicated the project should be completed by the Christmas Holiday if the equipment is sent to us in a timely manner.

Commissioner Ellsworth suggested that any serviceable and salvageable playground equipment that could be refurbished be donated to someone less fortunate. The City Manager will investigate.

IV. REPORTS AND COMMENTS BY COMMISSIONERS:

Commissioner Maloof noted she brought a memo in to the City Manager requesting discussion of an item regarding the possible televising of the candidates' debate and asked why it wasn't on the agenda.

The City Manager indicated he discovered her memo in his inbox at 4:00 p.m. this afternoon.

Commissioner Maloof indicated she would like to see if the Commission would approve televising the event so that a date could be set and candidates notified when they file their papers. She indicated that time is also needed for publicity.

The Mayor requested that the item be placed on the next agenda to give staff the opportunity to determine what dates would be available.

The City Manager indicated that staff could provide live broadcast, tape it and replay it but the staff should not run the debate.

This item will be on the next workshop for more discussion.

Commissioner Blush thanked the Public Works Department for installing the Holiday decorations.

Commissioner Blush indicated she has heard compliments on the potted bougainvillea in the area near the clock tower.

Commissioner Blush congratulated the newly elected Board of Directors of the Sunset Beach Civic Association.

Commissioner Lavino asked whether discussion regarding the televising of the debate could be on the December 19 agenda. After discussion, it was agreed to hold it over to the January 7th Workshop.

Commissioner Lavino noted there is a stop sign down at the intersection of Capri Circle and Second Street East. She further noted the Capri Circle North sign is missing. The City Manager indicated Public Works crews would replace the stop sign immediately.

VI. PUBLIC COMMENTS:

Mr. Hugh Ruckdeschel commented that the street sweeper does not spray water before sweeping and requested the operator be advised to do so.

Mr. Ruckdeschel commented regarding the 123 Avenue Boat Ramp and indicated that the gully is getting deeper.

Mr. Ruckdeschel noted that Mr. McConnell made his request to televise the debate at the meeting last week – not at the meeting two weeks ago as previously indicated by Commissioner Maloof.

Mr. Ruckdeschel stated he feels that televising the debate is using the equipment for politics and is a bad idea.

Mr. Ruckdeschel commented regarding the pending law suit and commended the Commission for standing tall on their beliefs.

Ms. Heidi Horak stated she felt 6:00 p.m. would be too early for the meetings to begin because it would be difficult for the public to get there at that time. She suggested the meetings begin at 6:30 for the convenience of the public.

VII. ADJOURNMENT: