

CITY OF TREASURE ISLAND
BOARD OF COMMISSIONERS WORKSHOP MEETING
May 20, 2003
7:00 p.m.

A. SILENT ROLL CALL BY DEPUTY CITY CLERK:

Mayor Mary Maloof		Present
Commissioner Phil Collins		Present
Commissioner Irving S. Ellsworth		Present
Commissioner Richard Kraus		Present
Commissioner Barbara Blush	Vice-Mayor	Present

B. MINUTES:

Motion was made by Commissioner Blush and seconded by Commissioner Collins to approve the minutes from the meetings of May 6th and May 8th as written. Upon roll call, the vote to approve was unanimous.

C. PUBLIC COMMENTS:

None

D. DISCUSSION ITEMS:

1. Public Hearing – Wastewater Sewer Rate Increase –

City Manager Chuck Coward stated that the volume of potable water usage will decrease with the implementation of the reclaimed water project. He also stated that the sewer fund revenues have a direct relationship to the volume of potable water used. The City Manager said that because wastewater sewer revenues are expected to decrease that a revenue-neutral rate adjustment will be necessary. He said that the Commission had asked City Staff to look into alternatives for such a rate increase for residents that do not plan to use the reclaimed water system. The City Manager asked Finance Director Darren LaFrance to present the Commission with the Staff's recommendations.

The Finance Director explained that there are two alternatives to imposing a universal volumetric rate as follows:

- A separate (and lower) volumetric rate for those that do not hook up to reclaimed water.

The Finance Director stated that this option had not been selected because it

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would detract from the incentive to tap into the reclaimed water system. He said it also would require initial implementation steps and be difficult to maintain once implemented.

- A cap on the amount of potable water consumption that would be billed as the sewer volumetric fee.

The Finance Director stated that the City's billing system could accommodate this option but it would require software programming during the initial implementation. He said that while the volume to be used as a cap is based on some analysis and averaging, it is still basically a guess. The Finance Director stated that he felt 10,000 gallons would be an average cap but that there would be large swings on both sides.

Commissioner Blush stated that there are a significant number of residents that will not use the reclaimed water system (especially in Sunset Beach) and that these residents will be charged \$7.00 by the County as well as a rate hike by the City.

The City Manager stated that the addition of a new utility system will cause the need for rate adjustments that will not necessarily have the same impact on each resident since not all residents will hook up to the reclaimed water system. He said that the City of St. Petersburg has reclaimed water available only in certain areas but that all residents pay the same wastewater rate.

Commissioner Blush requested that the Finance Director prepare some examples of billings using a cap on the potable water consumption for Sunset Beach residents that will not be using reclaimed water.

Mayor Maloof stated that the City could hold off on making any adjustments but that the City would lose funds from the estimated 25% decrease in potable water usage that is expected to occur when the reclaimed water project is activated.

The City Manager stated that if the City waits to make adjustments to the wastewater sewer rate that the capital money for upgrades to the system would be lost.

Mayor Maloof stated that she was under the impression that there would be a \$7.00 charge by the County and an additional \$12.00 charge by the County if a person connected to the reclaimed water system. The City Manager indicated that it would be an either/or scenario.

Commissioner Kraus asked if it would be possible to have an amount that is not charged a volumetric fee rather than placing a cap on the amount of usage that is

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charged a volumetric fee.

The Finance Director stated that it is possible to adjust the base charge to include the first 2,000 to 3,000 gallons of water and charge a volumetric rate for usage above that amount.

Commissioner Blush asked the Finance Director to work up some examples with a 2,000 to 3,000 base.

The City Manager stated that the examples could include the first 2,000 to 3,000 gallons of water and an adjusted volumetric rate based on an estimate of the average consumption.

The Finance Director stated that the City could adjust the base fee for the first 3,000 gallons and have the fee based on volumetric at the current rate. He said this would amount to an initial \$9.90 on the base fee.

Ms. Susan Givens stated that she felt it was premature to make any adjustments to the wastewater sewer rate because the City does not know how many residents will hook up to the reclaimed water system. She asked what the funds from the sewer runoff fee have been used for.

The City Manager stated that the tax for the storm water fee has been implemented and is shown in the surface water runoff account as an enterprise fund. No funds can be transferred from this account.

2. Ordinance 03-04 – Ordinance Rescinding LDR Ord. 02-06 –

The City Manager stated that Ordinance 03-04 is scheduled for first reading and hearing on May 27th.

City Attorney Jim Denhardt stated that the Commission has indicated that it would like to reverse and undo Ordinance 02-06 as expeditiously as possible. He said that he had a meeting with Mr. Ken Weiss (one of the attorneys for the Daughtry/Greene litigation) where both sides agreed to a 90-day extension of the 180-day temporary injunction entered by Judge Penick. Attorney Denhardt stated that a trial is scheduled for June 20th and 23rd and if Ordinance 03-04 is passed it will not be effective until shortly before the trial. He said that there is a judicial remedy available that would involve having Ordinance 02-06 declared invalid by the court and asked the Commissioners if they would like him to proceed with Ordinance 02-06 being declared invalid.

Mayor Maloof asked the Commissioners if they were in agreement with Attorney

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Denhardt proceeding with Ordinance 02-06 being declared invalid.

Commissioner Ellsworth stated that he would be abstaining from voting on any ordinance changes relating to Ordinance 02-06 due to a pending ethics charge.

Commissioner Blush asked the City Attorney to clarify what grounds that Ordinance 02-06 would be found invalid.

The City Attorney stated that the court has already found that there was a substantial and material change in the proposed ordinance on October 8th at the first reading and hearing and that the court most likely would rule the same at the hearing for a permanent injunction.

Commissioners Collins, Blush, Kraus and Maloof agreed that Attorney Denhardt should proceed with Ordinance 02-06 being declared invalid.

Mr. Chris Hearn spoke in favor of setting aside Ordinance 02-06. He also commented that the Referendum could be dealt with by voting in November (if there is an election in November) or at a special election. He mentioned that there are a lot of other LDR issues that also need to be addressed relating to parking in the downtown area and residential housing.

3. Board & Commission Reimbursement for Legal Matters –

The City Attorney stated that the Commissioners requested that he advise them on the rights and entitlement of elected and appointed officials for reimbursement of legal expenses incurred while acting in their capacity. He said that there are three scenarios where an elected or appointed official can be provided legal coverage by the City as follows:

1. An officer or board member is sued or named as a defendant for something arising out of his/her scope of duties.
2. An ethics complaint is made against an officer or board member and it is resolved in their favor.
3. A recall petition is brought against an officer or board member and later dismissed or declared invalid.

Attorney Denhardt explained that Resolution 93-22 covers the first scenario and the new resolution will supersede it to provide legal coverage to officers or boards members for ethics complaints and recall proceedings. He said that in both ethics complaints and recall proceedings; if the officer or board member is found innocent of any wrongdoing that the City will reimburse them for legal fees. Attorney Denhardt stated that the complainant may also be held responsible.

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Commissioner Collins asked if a litigant has to pay the legal fees if he/she is unsuccessful.

The City Attorney stated that an officer or board member will be required to recover as much from a third party as is possible.

Attorney Denhardt explained that the City would provide reimbursement to an officer or board member for "reasonable" legal fees.

The Commission will consider this resolution on Tuesday, May 27th.

4. City Attorney Evaluation -

Mayor Maloof asked the Commissioners to contact the City Attorney individually to discuss their evaluations of him.

Commissioner Collins suggested that the Commissioners discuss their evaluations publicly.

Mayor Maloof asked the City Manager for advice.

The City Manager said that the Commissioners could choose to discuss evaluations at an open session or individually in private.

Mayor Maloof asked the Commissioners if they would like to discuss their evaluations individually with the City Attorney or as part of the Commission meeting.

Commissioner Collins suggested that the Commissioners discuss their evaluations with the City Attorney individually and then discuss the evaluations with each other publicly.

Mayor Maloof requested that the Commissioners meet with the City Attorney during the week to discuss their evaluations with him individually.

6. Channel 15 Replay Schedule –

Commissioner Collins had presented a proposed replay schedule for TITV at the Commission Meeting on Tuesday, May 13th.

The City Manager stated that he suggested a 50/50 tape replay/scrolling schedule. For regular meetings and a modification to the schedule for special meetings such

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as the Hurricane Workshop, Bridge Meetings, etc.

Commissioner Ellsworth asked about overlapping play time with scroll time then playback.

Information Technology (IT) Coordinator Mark Santos stated that the City would have that capability once the relocation of the equipment takes place in January, 2004. He stated that the City would be able to play a tape during any time frame.

Commissioner Kraus asked if scrolling could be added to the tapes.

The IT Coordinator stated that it would be difficult because the scrolling content changes so frequently.

Mayor Maloof stated that she liked the fact that replays are taking place during the day as well as in the evening

Commissioner Kraus asked if there is a schedule of the tape replays

The IT Coordinator stated that it is posted on Channel 15.

Commissioner Kraus suggested that the schedule be placed on the crawl so that it would be seen more frequently.

The IT Coordinator suggested that the small frame on the left of the screen be dedicated to showing the tape playback schedule.

Mr. Chris Hearn suggested that the City show more replays of meetings and keep the scrolling up-to-date as well as posting a schedule of tape replays so that people can set their VCR's to record the meetings.

Mr. Jim Dobyms suggested that the tapes include some scrolling at the beginning. He said that replays should start before 10:00 am and over again at 2:00 pm. Mr. Dobyms felt that if the staff waits until 4:00 pm to put in a new tape; the auto repeat button may not be on which would cause dead air.

Mr. Frank McConnell felt that an 80/20 playback schedule is more viable than a 50/50 playback schedule. He said that replaying meetings should be the principle purpose of Channel 15.

Commissioner Blush asked how much it will cost to upgrade the equipment.

The IT Coordinator stated that it would cost approximately \$4,200 for high-end hard

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drives to capture meetings in "real time".

Commissioner Blush stated that she would like to see the Beach Stewardship and Planning & Zoning meetings played more frequently.

The IT Coordinator stated that Commission meetings are played Tuesdays and Thursdays and all other meetings are played around that schedule. He said that Commission meetings are re-played twice and all other meetings are re-played once.

Commissioner Collins volunteered to meet with the IT Coordinator to discuss the tape replay schedule.

Mayor Maloof thanked Commissioner Collins for taking the time to meet with the IT Coordinator and she asked Commissioner Collins to report back to the Commission at the meeting on May 27th.

E. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

The City Manager reported that the Florida League of Cities will be holding an annual conference August 14th – 16th in Orlando. He asked the Commissioners to get their registrations in early to ensure they are able to stay at the hotel where the conference is taking place.

Mayor Maloof said that this conference provides a wealth of information and also has workshops geared towards first time attendees.

The City Manager reported on a meeting with City Planner Lynn Rosetti, Mr. Ken Brown and Mr. Nick Christodoulou of Nick's SeaBreeze. He stated that they are working on modifying Mr. Christodoulou's request so that a parking variance may not be necessary.

The City Manager reported that there will be temporary crosswalks at the north side of the east bridge and during the second phase of the west bridge. He said that three out of four elements have been covered and that he would be working with Commissioner Kraus and report back to the Commission on Tuesday, May 27th regarding the fourth element.

The City Manager complimented Public Works Director Don Hambidge and Staff for providing for temporary crosswalks for three out of the four elements

The City Attorney reported that the St. Pete Times made a public records request to the Police Station that almost became a lawsuit but it was averted.

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F. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Blush reported that she went to the Hotel/Motel Association Meeting on Wednesday, May 14th. She said a presentation was made by The Pier regarding the facilities and changes that are being made to it.

Commissioner Blush reported that she attended the Beach Stewardship Committee Meeting on Wednesday, May 14th. She stated that Dr. Truitt sent an update via e-mail regarding the Sandsharing Project. She said that the project is currently in the permit review stage by the Freshwater Fish & Wildlife Commission to evaluate the effects the project may have on beach animals.

Commissioner Blush reported that she attended the Pinellas County Gulf Boulevard Beautification presentation at the Community Center on Wednesday, May 14th. She said the presentation was on the revised project by Phil Graham & Company and the Pinellas County Public Works Director. She said that funding would come from a proposed gas tax hike. Commissioner Blush requested that anyone with concerns or questions contact Phil Graham & Company in writing.

Commissioner Blush reported that she attended Commissioner Morroni's dinner honoring Police, Fire and EMS personnel in Pinellas County. She said the dinner was a benefit for the Gold Shield Foundation and that it was a lovely, heartwarming event.

Commissioner Blush thanked Commissioner Ellsworth for hosting the Suncoast League of Municipalities Meeting on Saturday, May 17th. She said that the members enjoyed the venue and they are looking forward to scheduling another meeting in Treasure Island in the near future.

Commissioner Blush stated that she spoke with County Commissioner Ken Welch regarding a status on the fireworks ordinance. She said that Commissioner Welch indicated that the ordinance will be presented to the County Commission on Tuesday, June 24th. Commissioner Blush commented that Commissioner Welch is very appreciative of Treasure Island's support of this ordinance.

Commissioner Blush stated that she received a letter from the Recreation Department regarding the Pirate Days Softball Tournament. She said that in the past few years Sunset Beach has not participated but if someone is interested to contact her about setting up a team. Commissioner Blush said that the tournament will take place on June 28th at Roselli Park.

Commissioner Kraus stated that he also attended the Suncoast League of Municipalities Meeting and the Pinellas County Gulf Boulevard Beautification

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Meeting.

Commissioner Kraus stated that he is also putting together a Pirate Days softball team for Paradise Island.

Commissioner Ellsworth thanked Commissioner Blush for attending the Suncoast League of Municipalities Meeting and for taking over in the absence of the Mayor and himself.

Commissioner Ellsworth thanked the Public Works Director for putting "mutt mitts" for collecting dog refuse on 7th Street and on the Causeway. He said that the message that "no basket means no drop off" was not working.

Commissioner Ellsworth stated that after taking the Reclaimed Water Project under his wing for a period of time he would like people to contact their respective Commissioners with any restoration problems they may have.

Mayor Maloof thanked Commissioner Ellsworth for handling the residents' reclaimed water concerns.

Mayor Maloof stated that she also attended the Gold Shield Dinner and the Pinellas County Gulf Boulevard Beautification Meeting.

Mayor Maloof stated that she attended the groundbreaking ceremony of the Tampa Bay Regional Planning Council's new building on Monday, May 12th.

Mayor Maloof stated that Ms. Barbara Sheen Todd of the Tampa Bay Regional Planning Council is scheduled to present at the Commission Meeting on Tuesday, May 27th.

Mayor Maloof urged everyone to come out and attend the Sun, Sand & Symphony that will take place on Saturday, May 24th at 7:30 pm with fireworks at 9:30 pm.

The City Manager stated that the third and final Commission Orientation Workshop will take place on Friday, May 23rd at 1:00 pm.

G. PUBLIC COMMENTS:

Mr. Hearn suggested that City Staff scan the agenda packet items and post them on the Web site.

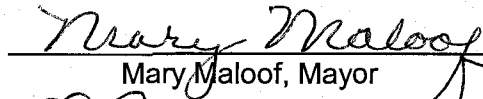
Mr. Hearn volunteered to help with establishing a softball team for Sunset Beach.

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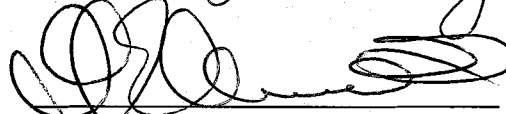
H. ADJOURNMENT:



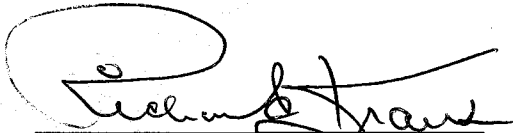
Phil Collins - District 1



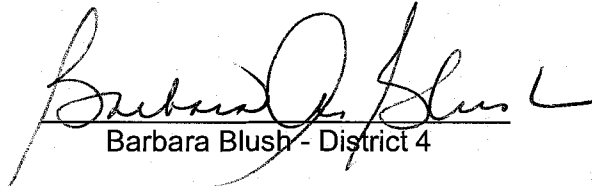
Mary Maloof, Mayor



Irving S. Ellsworth - District 2

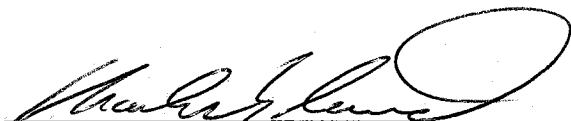


Richard Kraus - District 3



Barbara Blush - District 4

ATTEST:



Charles S. Coward, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME OSWORTH IRVING STARR JR		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE TREASURE ISLAND CITY COMMISSION	
MAILING ADDRESS 11285 45TH EAST		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY TREASURE ISLAND	COUNTY PINELLAS	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED 5/20/03		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Travis S. Eusworth, hereby disclose that on 20 MAY 2005.

(a) A measure came or will come before my agency which (check one)

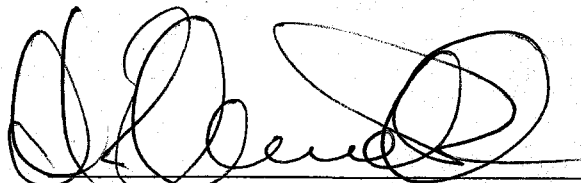
- inured to my special private gain;
- inured to the special gain of my business associate, _____;
- inured to the special gain of my relative, _____;
- inured to the special gain of _____, by whom I am retained; or
- inured to the special gain of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Due gain of boss of my employer
because of AD on going complaint w/
THE COMMISSION ON ETHICS #02-108

5/23/05

Date Filed



Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.