

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP
January 15, 2008**

The workshop was called to order at 6:44 p.m. by Mayor Maloof.

I. DISCUSSION ITEMS:

1. Res. 08-09 Voter's Watch Debate (Requested by Frank McConnell)

Mr. McConnell spoke on behalf of Voters' Watch. They have tentatively scheduled the debate for the weekend of the 23rd of February, specific date subject to the availability of the candidates, and city approval of the use of the auditorium for the debate. He requested the use of the auditorium for the debate. If there will be two full debates they will start at 6:30. If all candidates do not participate, it will likely start at 7:00. Commissioner Minning suggested that if all participants do not choose to participate, that all candidates be given the opportunity to speak regardless of whether their opposition participates. Commissioner Gayton stated that he is a candidate for re-election and is willing to participate in the debate.

2. Res. 08-05 Acceptance of the Bascule Bridge

Mr. Silverboard gave a brief explanation of this item. The bridge was turned over to the City as of December 31, 2007. The auditors have suggested that we pass a resolution approving formal acceptance of the bridge.

Commissioner Collins asked how we would evaluate the different components of the bridge and whether they are operating properly. Mr. Silverboard stated that E.C. Driver has gone over everything with the appropriate companies involved. Mr. Raus explained that there are only a few very small issues that are left. The reasoning behind the December 31st date is that DOT wanted to get their books for 2007 closed. Commissioner Collins stated that E.C. Driver does not have a vested interest in this bridge, but we do. Do we have anyone in our City that is able to ask the appropriate questions? Mr. Raus explained that E.C. Driver has been very thorough. He and Hal Bruce have gone over everything with them and they are satisfied with their findings. Commissioner Collins asked about how the performance bond comes under a warranty. Mr. Silverboard stated that they would check the bid documents and report back.

Commissioner Gayton stated that we seem to have a persistent problem with the bridge not closing properly. He asked if E.C. Driver could tell us when that problem would be resolved. Mr. Raus stated that each problem has been investigated, and it is not always the same problem. He gave an explanation of the latest problem, and how the issues are being investigated and resolved. Commissioner Gayton asked if we should accept the bridge as complete while we are still having these problems. Mr. Raus stated that it is a "state of the art" bridge with "state of the art" problems. Commissioner Gayton asked again if we should accept the bridge before these problems are resolved. Mr. Raus stated that we really are not having a lot of problems with the bridge. Sunday's problem was a major one. Mr. Silverboard stated that there have been some software glitches, and they should be resolved over the next year during the warranty period. It is a different problem each time. The bridge

is complete, and the software is functioning correctly 99% of the time. We need to correct the bugs as they come up and learn the manual. Commissioner Collins clarified that it is not one problem but several. Mr. Silverboard explained that things are coming up that we are learning about the operation of the bridge. Commissioner Collins asked if there was a charge to the city when these items are addressed. Mr. Raus stated that if it is a default in the equipment then there is no cost to the city. Mr. Raus stated that Mark Santos has also been working with them to enable the software person for the bridge to be able to access the computers remotely in order to resolve problems more quickly. Commissioner Minning asked if maintenance was covered under the one year warranty. Mr. Silverboard stated that they are clarifying what is included. Commissioner Gayton stated that he wanted to know this information before signing off on the completion. Mr. Silverboard stated that it is all in the contract, and we would have to accept it under the terms of the contract. Mr. Bildz stated that the bridge has already been turned over to the City, and this is a formality requested by our Auditors. The warranty started on December 31st. Commissioner Gayton asked if that was correct. Mr. Silverboard stated that it is his understanding that Commissioner Bildz is correct. He was asked to review the contract documents and report back.

3. Res. 08-08 Appointment of a Planning and Zoning Board Member

Commissioner Minning explained that we have had a citizen step forward to volunteer to serve as a District 3 representative on the Planning Board, and introduced Mr. Dayvault.

Commissioner Gayton stated that they had a District 2 member resign due to health reasons. He told her at the time that if her health issues were resolved and there were no other applications on file that he would be willing to allow her to withdraw her resignation. He asked the Commission if they would be willing to allow that without going through the nomination process again. There was no meeting in December, so she has not missed a meeting. Commissioner Collins stated that he has no problem with it. Commissioner Minning asked if she had submitted a formal request to withdraw her resignation. Commissioner Gayton stated that she had.

Attorney Kiefer commented that it would be her recommendation to reappoint her as she did not know if she had missed three meetings, and thought that it could prevent future problems.

Commissioner Bildz stated that he would be concerned about voting issues if she were not reappointed. Mr. Silverboard suggested that she be appointed in order to attend next month's meeting. Commissioner Gayton requested that she be placed on the resolution for appointment at the next meeting. It was agreed by consensus to do so.

4. Res. 08-07 Consideration of Appointing a Special Magistrate

Ms. Kiefer introduced Attorney Tom Reynolds. She stated that the Commission had asked her to find an alternate Special Magistrate for use as necessary. This appointment would not replace the Code Enforcement Board. Mayor Maloof asked about the language stating that the City Attorney would be the person requesting the Special Magistrate. Ms. Kiefer stated that this was per City Ordinance. Commissioner Collins stated that he felt she should come before the board for approval. Ms. Kiefer stated that the ordinance would have to be changed in order to do that. Mr. Silverboard stated that doing so would only delay the process further. Ms. Kiefer stated that these were quasi-judicial issues, therefore should not

be discussed before the hearing. Commissioner Collins clarified that this was common practice throughout the state. Ms. Kiefer stated that she was not aware of any municipality that brought that issue to its Commission. Commissioner Minning asked if we had already appointed a Special Magistrate. Ms. Kiefer answered in the affirmative, and stated that it is a good idea to have more than one appointed. Ms. Kiefer suggested that they have three or four at hand in case of emergency, as there are sometimes conflicts. Commissioner Minning asked Ms. Kiefer to give them the wording of the ordinance. Commissioner Gayton asked that the Commission be informed in the event that the City Attorney requests that a case go before a Special Magistrate. Ms. Kiefer stated that often it would be because there was a possibility of litigation. Commissioner Gayton stated again that he didn't want to see all cases going before a Special Magistrate, and wanted the City Manager involved in the decision. Mr. Silverboard stated that he was sure that Ms. Kiefer would consult with him, and he didn't see a problem with them being advised when those situations occur.

Commissioner Collins asked if we would be putting ourselves in a vulnerable position if we put all of these issues before the Commission. Ms. Kiefer answered in the affirmative. She stated that they would run the risk of violating due process by discussing these items. Commissioner Collins asked if they would have to change the ordinance to add language including the City Manager in the decision process. Ms. Kiefer stated that it would require a change, and said that she does nothing without consulting the City Manager. Commissioner Minning asked Ms. Kiefer to explain the roles that everyone would play in the event that a Special Magistrate was used. Ms. Kiefer gave the explanation. The Special Magistrate would rule in lieu of the Code Enforcement Board. The City Attorney would represent City staff. The City would be entitled to a reimbursement of the costs of the Special Magistrate. Commissioner Gayton requested that the Commission be notified in the event that a Special Magistrate was used.

Commissioner Bildz asked for clarification on how partial hours would be charged after the first hour. It would be for actual time.

Attorney Reynolds gave the Commission some background information on himself. He disclosed that the primary client of his firm is the St. Petersburg Times. He felt it important that the Commission know that, and stated that in rare cases he may have to excuse himself if there is a conflict.

5. Ord. 08-01 Amend the Election Ordinances

Ms. Kiefer gave a brief explanation of this item. Our ordinance states that we are allowed to have the ballots canvassed according to state law, which allows the County to canvass in place of the local canvassing board. This would bring our ordinance in line with state law.

6. Res. 08-06 Supporting the Florida League of Cities Key Priority Issues

Mr. Silverboard gave a brief explanation of this item. These are the issues that have been identified by the Florida League of Cities for 2008.

II. OLD BUSINESS:

Commissioner Collins discussed a request that he had received from a citizen to put our meetings on the internet. Mr. Silverboard stated that they are looking into it and will report back.

Commissioner Collins asked about the issue that has come up about home occupation licensing. Mr. Silverboard explained that Mr. Wade had gone to a website that was not the City's official website and downloaded a form that we are not using. Our regulations have been in effect since before 1995. The points that he argues are addressed in the ordinances. He has sent him an explanation today. He believes that are regulations are similar to all other cities' regulations.

Commissioner Collins asked about signs to instruct people to clean up after their pets in T.I. Park. Mr. Silverboard stated that this has been referred to Cathy Hayduke for further investigation.

Commissioner Collins asked about a Fish and Wildlife sign at John's Pass. He also asked about a sidewalk being installed across T.I. Park. Commissioner Collins stated that there is one area where signs have been either taken down, or are laying down in the sea oats, and need to be replaced. He volunteered to show public works employees where they are.

Commissioner Collins commented on the problem with putting trash out on non-trash days. He feels it is a problem particularly with rental properties. He asked if the hangers for the trash cans were going to be done. Mr. Silverboard stated that the hangers were ordered and they are being put out. Commissioner Collins asked that the public works employees keep a list of recurring problems.

Commissioner Gayton asked about the resolution for support of the 5k race. Mr. Silverboard explained that Cathy Hayduke has met with the woman who is volunteering to help with the race, and has not received sufficient information back to present the resolution. It will be done as soon as she receives the information.

Commissioner Gayton asked why the utility billing issue wasn't on the agenda. Mr. Silverboard explained that they had received the price, and it was much higher than anticipated. They heard from Pinellas County Utilities today. They are offering to negotiate a better price. They will report back when more information is available.

Commissioner Gayton asked about the status of the negotiations with St. Petersburg regarding the surcharge. Ms. Kiefer stated that negotiations have broken down. Short of proceeding with the investigation and filing a legal complaint she does not know what to advise other than to pay the surcharge. There are questions being raised. She would like to have a resolution placed on the next workshop allowing her to file a complaint and consult an expert in this field for advice. Commissioner Gayton asked for clarification of the cost of this surcharge. Commissioner Bildz asked if they wanted this on the workshop, or should we take it directly to the meeting. Commissioner Gayton stated that he wanted to workshop it and see what the numbers are and how it affects each resident.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer stated that she received an e-mail from the Assistant City Attorney from St. Pete regarding the resolution on the ECL. She was promised the resolution within two weeks. DEP is not going to issue the permit until they receive the resolution.

Mr. Silverboard explained that he and Commissioner Minning had met with Mr. Ordaz from Progress Energy, and an arborist to discuss the palm trees in the area of Treasure Bay. There is a power transmission line that runs down the center median in that area. The palm fronds are starting to get into the wires that power the street lights. They are going to let us know if there are plans to trim the trees, and also get us ball park figures to underground the wires, and to relocate the wires. Mr. Ordaz reported yesterday that there is no immediate urgency to make a decision, and that we have at least a year. They did notice three or four palms where the fronds were in the wire and being damaged by the current. They felt that they could prune the trees without damaging them. There is no scheduled pruning for 2008, and they will notify the city when they plan to come out. A non-binding estimate for undergrounding this area would be approximately 1.8 million. They would give us a binding estimate for approximately \$3,000. They would do the engineering and investigation and come up with a fixed price. In terms of moving the lines there is more volatility in that estimate, but is less expensive. His ballpark was somewhere between \$100,000 and \$360,000, depending on the number of guide wires and poles needed.

Mr. Silverboard stated that the Commission has been copied on responses to several requests by citizens in the past few days. He will look into Ms. McIntyre's request, and will get a response out to her and the Commission.

Mr. Bildz asked if there were funds available for the undergrounding of the wires. Mr. Silverboard stated that there were not, and they would have to look into how we would pay for it, and suggested that it might be a special assessment district. Treasure Bay would be part of the district, so the city would be required to pay part of that.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Collins stated that the Isle of Capri Civic Association would be having their annual garage sale on February 9th, and has asked for the use of tables. Mr. Silverboard stated that part of the problem is that it would require overtime, and the budget was reduced. Commissioner Collins stated that he was under the impression that it was a lack of tables available. If it is strictly the overtime the association can deal with that. John Burke clarified that the tables were already being used on that date, so were not available. Commissioner Minning offered to check with PICA to see if their tables were available to be loaned to the Civic Association.

Commissioner Collins thanked Rick Raus for his assistance with an issue with a trash pick up issue.

Commissioner Collins stated that Mr. & Mrs. Nolan and John Burke organize the beach clean ups each month. He thanked them for their work on that.

Commissioner Collins stated that he is available to attend condo association or civic association meetings upon request.

Commissioner Gayton commented on the e-alert that he received on December 31st. He gave an explanation of the alert. Fraudulent checks have been sent to residents stating that they are for payment for being a secret shopper. If the checks are deposited the residents are liable for the charges. He suggested that residents subscribe to the e-alerts, as they provide valuable information from the Police Department.

Commissioner Minning stated that there is a vacancy in District 3 on the Beach Stewardship Committee.

Commissioner Minning stated that there will be a volunteer beach planting on February 9th.

Commissioner Minning stated that for the 2009 renourishment, Blind Pass as well as John's Pass will be used.

Commissioner Minning stated that the state task force will be issuing a report on fertilizer. The state ordinance will supersede local ordinances. The report will go to the state legislature.

Commissioner Minning reported on the Beach Stewardship Committee meetings. Several of our members met with the St. Pete Beach committee.

Commissioner Minning asked Mr. Silverboard about the status of the medallions on the bridge. Mr. Silverboard stated that some are already installed, and some are being installed. It is necessary to make some of them fit the bridge by widening the receptacle. Commissioner Collins asked how much it costs, and who is paying for it. Mr. Silverboard stated that the work is being done by City employees. Commissioner Collins asked why it was not being paid for by the manufacturer. Mr. Silverboard stated that they are hand made and therefore not all uniform in size. We agreed that we would install them. Commissioner Minning stated that the previous Public Works Director had told them that Johnson Brothers would be paying for the work. Mr. Silverboard stated that circumstances changed and we are now paying for the work.

Commissioner Bildz reported that the Sunset Beach Civic Association had a presentation about solar panels at their meeting. It was a nice presentation.

Commissioner Bildz reminded people that the vote on Amendment 1 would be on the ballot on January 29th.

Mayor Maloof reported that the Suncoast League of Cities would be meeting at the Bilmar, and the Commission is invited to attend. Lars Haffner is the speaker.

Mayor Maloof stated that she had received a letter from someone in the Villages of Paradise Island asking why Treasure Bay is being closed earlier now. She explained that we had to make cuts due to budget shortfalls due to the roll back required by the legislature.

Mayor Maloof mentioned the manatee that was seen behind the homes in the area that she lives in.

Mayor Maloof reported on the letter that she had received from the Clothes to Kids program. The donations that were made at the Mayor's Council Holiday Luncheon were enough to provide complete wardrobes to twelve children. In 2007 they contributed 7500 complete wardrobes, and ninety two cents of every dollar received went directly to the clothing for the children. She encouraged citizens to donate outgrown clothing to the program.

IV. PUBLIC COMMENTS:

None

VI. ADJOURNMENT:

The workshop was adjourned at 8:18 p.m. by Mayor Maloof.

Mary Maloof, Mayor

Phil Collins – District 1

Ed Gayton – District 2

Bob Minning – District 3

Alan Bildz – District 4

ATTEST:

Dawn M. Foss, City Clerk