

**CITY OF TREASURE ISLAND, FLORIDA
BOARD OF COMMISSIONERS WORKSHOP
March 4, 2008
IMMEDIATELY FOLLOWING THE COMMISSION MEETING**

The workshop was called to order at 6:50 p.m. by Vice-Mayor Bildz.

I. DISCUSSION ITEMS:

1. Res. 08-17: Final Plat Approval – 119 99th Avenue (Quasi-Judicial Item – No Discussion)

Vice Mayor Bildz explained that there would be no discussion on this item until the hearing at the March 18th meeting. Commissioner Gayton asked where the back up information for this item was. It was explained that it would be in the packet before the next meeting.

2. Res. 08-14: Award of Bid For Fireworks

Recreation Director Cathy Hayduke gave a brief explanation of the bids that she had received. She received three bids this year. Staff is recommending Bay Fireworks due to the amount of shells that they would provide.

Commissioner Minning asked if there was a provision in the contracts to cover circumstances such as last year's issue. Ms. Hayduke stated that there was not. That was a fluke and not a common occurrence. None of the contracts stated that, but they did receive a rebate last year. In the event that something happens we could negotiate this.

Commissioner Gayton asked what the purpose of a rain date was. Ms. Hayduke gave an explanation of how a rain date show would be handled. We could choose not to have a rain date. Commissioner Gayton stated that they would be charging \$2,200 to have it on a date that nobody would show up. Commissioner Gayton asked if we would be charged if it were rained out. Mr. Silverboard stated that we would, and would have to negotiate that. He asked that these questions be answered and this item be brought to another workshop for further discussion. Ms. Hayduke stated that she will find out when the last possible date to sign contracts would be. Commissioner Gayton stated that he wants the full commission to discuss and vote on this issue. Commissioner Bildz suggested that they not move the item forward at all and cancel. It is \$15,000 that could be saved. He asked if anyone had contacted Madeira Beach. Ms. Hayduke stated that she had, and for this year they want their own show, but would consider a joint effort next year. This item will appear on the workshop of March 18, 2008.

3. Res. 08-15: Appointment of a Library Board Member

Vice Mayor Bildz gave a brief overview of this item. This item will move forward to the March 18, 2008 workshop agenda.

4. Res. 08-16: Appointment of Code Enforcement Board Members

Vice Mayor Bildz gave a brief overview of this item. City Staff recommends promoting John Watters to a full time member and appointing Steve Gingrich as the alternate member. This item will move forward to the next workshop agenda.

5. Consideration of Commencing Mediation with the City of St. Petersburg on Wastewater Treatment Pursuant to the Requirements of F.S. Chapter 164. (Requested by City Attorney)

City Attorney Kiefer gave a brief explanation of this item. She and the City Manager feel that they have exhausted the negotiation process however; the City of St. Petersburg does not. They will be meeting to discuss this further with them this week. There are two levels of dispute – the rate itself, and the surcharge and its relationship to the rate structure. St. Pete has taken the position that the surcharge is legal and is part of offsetting costs. Our position is that it is not legal. She is in the process of compiling federal documents to show the discussions that happened when Treasure Island first tied in to their system. Our position is that we are equity partners in this, and there are arguments that it is discriminatory treatment to charge Treasure Island when St Pete Beach is not charged.

Ms. Kiefer explained that all of our meetings are being monitored by St Petersburg. She is hesitant to discuss strategy in these meetings. If they pass the resolution she will be authorized to commence mediation. St. Pete can waive mediation if we agree to waive it. We can ask for a complaint for declaratory relief. We would be asking the court to render an opinion that the surcharge is illegal.

Commissioner Gayton stated that we have two separate issues. He asked if Ms. Kiefer agreed with that. She stated that she does not. He stated that we contracted with a consultant last fall to discuss rates, and asked where we stood with that. Ms. Kiefer stated that he is waiting for some financial information from Treasure Island to complete his study. Commissioner Gayton stated that the increase from 2006 to 2007 was 4.5%. The City of St. Petersburg has the right to increase those fees. His problem with this rate argument is that it is the opinion of that firm that we have no argument. Why are we entering into litigation over a 4.5% increase? He doesn't think we should get into litigation over the rate. The 25% surcharge is a different issue. Ms. Kiefer stated that as far as the rate goes, the letter says that they still have the right to increase rates, but they have to justify the rates. She is leaving it up to the consultant to decide if they have the proper justification. The surcharge is assessed to offset the cost of the treatment, which has an effect on the rate. She stated that she is not the utility expert, and wants the study finished before that decision is made. The fact remains that they did make an exception for St. Pete Beach. Commissioner Gayton stated again that the 25% surcharge has nothing to do with the bulk rate. He stated that our rate was lower than St. Pete Beach's rate. Every other city gets the same rate as ours. Ms. Kiefer stated that there is no way to know that, that even St. Petersburg does not know that. Commissioner Gayton stated that he does not want to make a decision to litigate without Mr. Ori's study. Ms. Kiefer stated that a question about the rates should not stop them from litigating the surcharge. If they get the study and want to litigate the rates later they can amend the complaint. Commissioner Gayton stated again that he is only talking about the rates. They are allowed to make a profit on their utilities. He does not feel that a 4.5% increase is out of sight. Ms. Kiefer stated that his interpretation could confuse the public. They can not separate the two issues. She has never said that they should litigate on the

rates. It is the surcharge. The rate is secondary. At a minimum they are looking at declaratory relief on the surcharge. Ms. Kiefer read a portion of a letter from Ms. Streeter, an attorney from St. Petersburg, in the letter. She stated that she advises the city that the surcharge is illegal. Commissioner Gayton stated that until he gets an opinion from Mr. Ori he will not move forward with litigation on the rates. Ms. Kiefer asked about mediation on the surcharge. He agrees with that. Ms. Kiefer stated that she is willing to speak with Commissioner Gayton privately regarding this issue, but feels that it would hurt the city if discussions continued at this point.

Commissioner Minning stated that he didn't see that the rate was an issue, but is anxious to see the study results. The City of St. Pete has offered to justify their rates. Ms. Kiefer stated that we will be taking them up on this. Commissioner Minning stated that the only tie in between the rate and the surcharge is a sentence in a letter. If that is the only tie in then they still have chapter 180 behind them. Their position is that they do not agree with the opinion of the attorney that they hired. He asked if the first step in litigation between cities is mediation. Ms. Kiefer stated that both parties can waive mediation and proceed straight to litigation. We are unable to have an executive session without litigation being filed.

Commissioner Bildz asked if we had an idea when we would have this report. Ms. Kiefer stated that she will arrange a conference call with him tomorrow. She hopes to have more detail for them within the next two weeks.

Commissioner Gayton asked where the City now stands on the issue of St. Pete's attending a meeting. Ms. Kiefer stated that we are meeting with them tomorrow and will discuss that at the meeting. Commissioner Gayton stated that he does not want to see a presentation until we get the study results from Mr. Ori. Ms. Kiefer stated that she has reasons for wanting to see the information. Ms. Kiefer asked if we could move this to the next meeting. Commissioner Minning read an excerpt from the above mentioned letter relating to the surcharge. Ms. Kiefer will provide them with more information and two proposed resolutions at the meeting. This process will take several months.

Commissioner Bildz confirmed that the money in question is going into an escrow account. Ms. Kiefer stated that we should pass a resolution to that effect.

II. OLD BUSINESS:

Commissioner Gayton asked about the status of the boat ramps. Mr. Silverboard gave an update. We are now ready to go to bid.

Commissioner Bildz asked about whether we could get the dune walkover structures done before turtle season, and do the decks later during turtle season. Mr. Silverboard answered in the affirmative.

Commissioner Gayton asked about the parking for the dune walkovers. The Beach Stewardship committee has issued recommendations. He asked how we should bring it up. Mr. Silverboard stated that there is a capital program to install parking meters at those locations in next year's budget.

III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer stated that we have oral arguments set for April or May in Atlanta on the federal case.

Mr. Silverboard stated that the Isle of Capri Civic Association is moving ahead with the installation of a flag at Roselli Park. We can take electricity off of the scoreboard. We have advised them to get an electrician and a permit for that project.

Mr. Silverboard reported that we have been contacted by Woods Consulting to ask if we were interested in public benefit money for public projects. We do have some projects that we would like to do, such as removal of pine trees at 128th Avenue. A property owner on 101st Avenue has also requested removal of pine trees. Mr. Silverboard stated that we have asked for money to plant native vegetation in the pond at Treasure Bay to improve the water quality.

Mr. Silverboard reported that we have been contacted by the producer of a reality television show, asking for permission to film their opening of the show on our beach. It would be minimal impact, with only about 25 people filming for about two hours. It would not involve heavy equipment, but probably hand held cameras. He recommends that they be allowed to film.

Mr. Silverboard discussed the Elnore Island project. We have received information from the contractor that they will be starting the project as soon as the weather warms up, probably the end of March or beginning of April. They will spray the Brazilian Peppers, and then will respray annually for the next three years.

Mr. Silverboard stated that we have gotten notice from the ISO Flood Insurance people. This is going to affect approximately 170 properties in Treasure Island. They are changing their rules effective May 1st, so that any structure that is even one foot out of compliance with the flood elevation rules, will be paying a substantially increased premium for flood insurance. They have put us on notice because we run a community flood insurance program and provide information to people that are interested in flood insurance. We can direct them to some information on the web, but they will have to get most of their information from their own carriers. It only affects properties that have been built since flood insurance went into affect, and were built in non-conformance. Commissioner Gayton asked if we had a list of those properties. Mr. Silverboard stated that due to privacy laws it is not available to the public, but someone can call in and ask if their property is on the list. Commissioner Minning asked for some clarification about who would be affected.

Commissioner Bildz asked about the reality show. He stated that he hopes that Treasure Island, Florida will be mentioned.

Commissioner Minning suggested that they dredge the pond at the golf course before they revegetate it.

IV. REPORTS & COMMENTS BY COMMISSIONERS:

Commissioner Gayton announced that the Isle of Palms would be having their garage sale on Saturday from 8 a.m. to 2 p.m.

Commissioner Minning asked if there has been a break through with St. Pete on the sand sharing project. Ms. Kiefer stated that Nicole Elko has offered her assistance in speaking with the attorneys in St. Petersburg. Ms. Kiefer asked if we have inquired as to whether we can proceed without St. Petersburg. Commissioner Minning stated that the County has taken the position that they would prefer not to do that.

Commissioner Bildz stated that he received a phone call regarding the special exception given to Publix for the docks. The caller requested a slow speed zone in that area. Mr. Silverboard stated that it is a complex process involving other agencies. He suggested that they get the opinion of several people before going forward with something like this. Commissioner Gayton stated that they have been trying to get "No Wake" signs in several areas. We have applications completed for several areas, and perhaps we could get this area piggy backed on those applications. He requested that we check in with Chief Casey about how we were doing with the areas that we have already applied for. Mr. Silverboard stated that we have a request from Madeira Beach that we set up a slow speed no wake area in the area of John's Pass. There will be an ordinance coming before you at the first workshop in April for that area. Madeira Beach has already passed their ordinance and they are waiting for us to get our portion done. Commissioner Minning asked for clarification of what area they were referring to.

Commissioner Bildz reported that the Sunset Beach Civic Association meeting was held last night. The Mayor gave a State of the City address. Due to the recent legislation there may be some fund raisers coming up to fund city activities.

Commissioner Bildz stated that the Sunset Beach garage sale will be held on March 22nd.

Commissioner Bildz made an announcement about "Green Day in the Park" on March 15th. There will be many activities.

IV. PUBLIC COMMENTS:

Heidi Horak gave a report from the conference that she attended recently. It was an environmental law conference. The theme was "Reducing Florida's Footprint and Stepping Up To the Global Challenge". The overriding theme was global sea rise due to thermal expansion and what that will do to Florida. We are under more pressure than any other area of the United States. She encouraged them to take note of the P&Z's recommendations in reference to storm water as it will become an economic issue as well as well as an environmental one. She commented that in the future there will be no flood insurance subsidies on the barrier islands, or no insurance available. Density pressures on barrier islands were discussed as well. There was discussion about public health issues due to storm surges.

VI. ADJOURNMENT:

The workshop was adjourned at 8:06 p.m. by Vice-Mayor Bildz.