

**CITY OF TREASURE ISLAND, FLORIDA**  
**BOARD OF COMMISSIONERS WORKSHOP MINUTES**  
**February 17, 2009**

The workshop was called to order at 6:15 p.m. by Mayor Maloof.

**I. DISCUSSION ITEMS:**

1. Consideration of Res. 09-04, Real Estate Services (Purchasing Manager)

Hal Bruce presented an explanation of this item. He asked all three realtors to look at the property again and re-evaluate based on new information presented to them.

Commissioner Minning asked if the realtors were going to present updated information on the value of the property. Mr. Bruce explained that he had asked all three realtors to attend tonight's meeting. Ms. Dania Perry, who works with Jim White, was present to answer questions.

Commissioner Collins asked about the commission percentage. Ms. Perry made a suggestion regarding the commission structure, and restated her suggested listing price of \$175,000. She feels comfortable with her price, and explained that if it was priced too low the market will speak and they will receive multiple offers, and will sell for above the listing price. She feels that they are in the right range, and doesn't feel that they will see a full price offer due to the condition of the house. Her explanation was to explain what would happen if it was not priced correctly.

This item will move forward to the March 3, 2009 meeting agenda.

2. Consideration of Res. 09-06, Continuing WPC Engineering Services (Public Works Director)

Public Works Director Jim Murphy gave a brief explanation of this item. They currently have a contract with an engineer on a month to month basis. In order to do this correctly they needed to go out for proposals for a continuing contract. They did so in November, and received seven bids. They interviewed the four top firms out of the seven. He explained the ranking that they came up with. He suggested that they negotiate contracts with at least two of the firms. Funds are not requested for the negotiation of these contracts. Once the contracts are negotiated they would present the information to the Commission when the amounts needed for a project exceed the amounts that the City Manager can approve. This will speed up the process when they have projects. Commissioner Minning clarified that they would have two firms that they can work with on projects, and the procedure that they would follow.

Commissioner Collins asked if both firms would know that they are both working with the City. Mr. Murphy stated that they would know, and all four firms know that they are in competition and are being scored and ranked in order. Mr. Murphy explained the process that they used to rank the firms. The initial screening was not based on cost data; it was only based on their qualifications. The top four firms were asked to come in and give a presentation. The total score determined their ranking in the process.

Commissioner Minning asked what criteria would be used to determine who would be selected. Mr. Murphy explained what would be required for them to provide services. We would be looking for firms that have employees experienced to do the work, their ability to assist in writing grants, their ability to speed up the permitting process, and also cost. When a second successful contract is negotiated they will stop the negotiations. It may take negotiating with all four firms. This will involve not only negotiating a contract, but ensuring that the scope of work is appropriate.

This item will move forward to the March 3, 2009 meeting agenda.

### 3. Quarterly Update of Current Year Budget (Finance Director)

Finance Director Jim Keranen provided the Mayor and Commission with some additional hand-outs. Commissioner Gayton clarified that page 1-8 were what they were e-mailed yesterday, and page 9 is the only addition.

Mr. Keranen explained that what is on the first page is a quick snap shot of where the City is as of January 31<sup>st</sup>. He stated that he is open to changes or requests for the reporting that they would like to see. He explained the rest of the items on the handout. Page one contains the totals by fund. It reflects budget adjustments through January 31<sup>st</sup>.

Commissioner Bildz commented on the percentage of the Police Contraband Fund. Commissioner Collins asked for clarification on the over/(under) line of the revenues and expenditures. Commissioner Minning asked if there was significance in the fact that they were not at 33.3% in each fund. Mr. Keranen explained that each fund was different and it is still early to look at that. He stated that Ad Valorem tax collections are slightly ahead of last year's at this time. Mr. Keranen then explained the new purchase order system that he is implementing. It will allow us to keep better track of the budget.

Commissioner Minning asked for an explanation of the Beach Improvement Department and Clubhouse Operations. Mr. Keranen explained that the costs to process fees and fines were not budgeted in these lines, but the expenditures had to be charged to that department. The parking fines are receipted against the revenue source and the costs booked here. In the past they were netted, but this is more proper accounting. Mr. Silverboard explained that in the past those two departments were in separate funds. We will need to make an internal adjustment.

Mr. Keranen then explained the two graphs in the report. One shows the Ad Valorem revenues, and the other expenditures. The last three pages are the enterprise funds. He gave a brief explanation of the change in the Solid Waste billing change over to the County.

Commissioner Gayton asked about the Charges for Services on page 3. He asked what the source of "Other Funds – Transfers In" was in the detail. Mr. Keranen explained that part of it is the administrative cost that is transferred from the enterprise funds. Commissioner Gayton stated that we would be short at the end of the year if the full transfers are not made monthly. Mr. Silverboard stated that they would have to transfer it in at the end of the year. Mr. Keranen said he would see if there were other sources going into that account and report back. Commissioner Gayton went over some of the other services in that category. Some are very short. Mr. Silverboard explained that in the parking meter line, the meters have not been installed yet. There was also a change in the beach parking permit system. Instead of

the new stickers it was decided to stay with the system that was used in the past for this year. Mr. Silverboard explained that it is not the high collection season for some of these items. You have to be aware of the seasonality of the different items. He feels that the next quarterly report will be the telling one. We are watching all expenditures. We are aware that the revenues may not pan out. Commissioner Gayton stated that he is trying to bring to the attention of the Commission that there are some things that they should be concerned about. There will be shortages that we will have to make up. There are some things that we can't make up. He asked Mr. Keranen to report back on the \$177,000 shortfall.

They will review again in two months so that they will be on a quarterly review cycle.

4. Consideration of Ord. 09-01, Priority of Liens (City Attorney)

Ms. Kiefer gave a brief explanation of the draft ordinance. They learned through the Wells Fargo and the Cornerstone foreclosures that in the absence of a provision in our local code to declare the superiority of our liens we don't have a legal leg to stand on. There is no guarantee that at the time of a foreclosure we will receive funds. She feels that this is a prudent thing to do, in good faith, and in accord with the law. She recommends that they pass the ordinance. There needs to be a minor Scribner's change in the ordinance. She wants to ensure the clarity of the ordinance. There was a recent case in Florida on this issue. There is a five year statute of limitations on these liens. We are coming up on a three year mark. We should note that we want to initiate foreclosure action before the five year mark comes up on any liens.

Commissioner Minning stated that he is impressed that by passing an ordinance we can place ourselves first. Ms. Kiefer stated that if we are not prohibited by state or federal law then we can do it.

Commissioner Collins asked how we would keep track of the dates for the statute of limitations. Ms. Kiefer stated that we would have to set up a tracking system. Mr. Silverboard stated that we can foreclose after 90 days, and we should do so. That would get the violation corrected, and would not get lost. Ms. Kiefer explained that we can not force foreclosure on homesteaded property. If there is no equity in the property there is no point in foreclosing, so a fiscal analysis should be done before foreclosing after 90 days. Mr. Silverboard explained that the City Attorney is right that the fiscal analysis should be done. Up until recently most of the properties involved in the code enforcement liens were not properties in distress.

This will move forward to the March 3, 2009 meeting agenda for first reading.

5. Consideration of Ord. 09-02, Vehicle Repairs In Residential Areas (City Manager)

Mr. Silverboard explained that there have been complaints about people doing major repairs in their front yards. They have presented an ordinance that would allow minor repairs such as changing belts and fluids, but disallow major repairs such as transmissions or body work, unless they are in a closed garage. This would add a new article to Chapter 18 of the code.

Commissioner Collins stated that any fluids used in a car are toxic and should not be allowed. Mr. Silverboard stated that it is common for people to change their own oil, and if

they are doing it properly they should be allowed. Commissioner Collins stated that these fluids should not be flushed down the street. Commissioner Collins read an excerpt of the statute regarding personal vehicles, and asked if it should apply to all vehicles. Mr. Silverboard stated that it was to ensure that people were only working on their own personal vehicles and not vehicles that belonged to someone else. Commercial vehicles are prohibited. Commissioner Collins stated that he feels that it is unacceptable for people to change their fluids in their driveway. Commissioner Gayton agreed with Commissioner Collins on that subject.

Commissioner Minning stated that there are laws in place prohibiting the discharge of fluids into the water basin. He asked Mr. Silverboard to take a look at the existing laws. He asked Commissioner Collins if those laws are in place would that be sufficient. Commissioner Collins stated that it would not. Commissioner Gayton agreed with Commissioner Collins.

Commissioner Gayton asked if they should allow brake repairs. Commissioner Bildz stated that he didn't like the ordinance at all. He likes the intent of not having a vehicle taken apart for weeks on end, but if the repair takes one day, who cares what it is. He feels it should be limited to one day repairs, and prohibit the spillage of fluids. Commissioner Gayton asked about putting vehicles on blocks. Commissioner Bildz stated that they should be allowed to work on them on private property, and only be on blocks for the one day.

Jeff Warner asked where this would stop. Could he put windshield wiper fluid in his car, or add a quart of oil, or add transmission fluid? Commissioner Collins said it would only apply to changing it. Mr. Warner stated that fluid could be spilled while adding it as well. He feels that this is too restrictive for something done on private property. There are people that do still work on their own vehicles. Commissioner Collins stated that his opinion remains unchanged. Mayor Maloof explained that people are doing major repairs and leaving the cars there for long periods of time. Mr. Warner stated that he understands that and feels that the ordinance is a good idea, but is too restrictive. He asked who would be enforcing this. Mr. Silverboard stated that it would be Code Enforcement or the Police. Commissioner Collins stated that people would not be prohibited from changing their fluids in an enclosed garage.

Commissioner Gayton asked for an explanation of Item H. Mr. Silverboard explained that it would be taking parts of your car off and rebuilding it.

John Burke stated it is common practice for people to put their cars up on blocks while they are away for the summer. If you don't allow blocks you will be restricting people from protecting their tires.

Ms. Kiefer stated that she was asked to review this ordinance. She can see a potential challenge on this. She feels that there is ambiguity to what the repairs really mean and what is major and minor. Commissioner Gayton stated that any ordinance can be challenged. The intent is good. He doesn't think that neighbors want to see cars up on blocks for months on end. It is subjective as to who likes what. Mr. Silverboard stated that the reason that the blocks were included was because it was not an uncommon complaint. People feel that it affects their property values. Ms. Kiefer stated that she just wanted to insulate it from challenge and suggested that they assign a value limit to it. Commissioner Bildz suggested that they take the major/minor out of it, put a one day limit to it, and maybe restrict impact wrenches. He feels that they are going too far. Commissioner Minning commented that this was due to people abandoning vehicles on blocks. Commissioner Collins stated again that

they should restrict the fluids. Small repairs such as touching up paint would not be considered body work. Ms. Kiefer stated that the ordinance didn't define that. She suggests that they define what is minor and what is major. They should assign a value to the repair. Mr. Silverboard stated that it would complicate it. If we run into problems we can change it. He has looked at ordinances from other cities, and this is similar. We just want to decide whether or not we want to allow vehicle repairs. If someone has a problem with the interpretation of an ordinance there is always a process for an administrative interpretation. They need to decide whether they want to do it or not. Ms. Kiefer stated for the record that she just wanted to state her concerns. She isn't saying that it is the perfect solution. Mr. Silverboard stated that staff was going to use common sense in enforcing the ordinances. They would be able to tell the difference between a major engine repair and changing a spark plug. Even with a major repair there is not a 100% total prohibition. They can do it in their garage and shut the door. Mayor Maloof stated that there are alternatives, and we have to have something on the books so that the recent complaints that we have don't occur.

Commissioner Minning stated that he is still concerned with prohibiting changing fluids. He does not want them discharged into the water supply, but he feels that the amount concerned is insignificant. This problem was not initiated due to the changing of fluids. It is due to vehicles left on blocks. He has a problem with telling people that they are not allowed to change their fluids and must take their vehicle somewhere and pay for it. If we have to say "what if", then we will have to say that leaking vehicles are not allowed either. Commissioner Bildz agreed with Commissioner Minning. Commissioner Collins stated that he still disagrees. Commissioner Bildz stated that he still feels that they should remove major/minor from it, restrict it to one day, and restrict the use of impact wrenches. Commissioner Collins stated that we have noise ordinances and that would be going too far.

This item will move forward to the March 3, 2009 meeting for first reading.

6. Discussion Regarding a Letter of Support for the Gulf Beaches Elementary Charter School

They have asked for a letter of support for the Charter School. Commissioner Minning stated that he has spoken with someone who told him that the chance of it passing is pretty good. A letter of support will be sent.

7. Discussion Regarding Reducing the Number of Members on the Planning & Zoning Board/Local Planning Agency (Requested by Commissioner Bildz)

Commissioner Bildz explained that there is currently a vacancy on the Planning & Zoning Board, and no applicants. Fifteen members is a lot of members. It is difficult to keep the board filled with no applicants.

Commissioner Collins stated that we should see if the Planning & Zoning Board wants to see changes. Mayor Maloof stated that they would not want changes, but the Commission had to look at what was best for the City. Commissioner Minning asked AJ about the number of absences for last year. There was never a meeting that there was not at least one absence. One meeting had six. There was an average of three absences per meeting. It is obvious that they can carry on their business with less than fifteen people. He suggests that they at least consider having each Commissioner drop their appointments down from three per

district to two per district. That would bring the board down to eleven. He got input from the three members from his district, and would like to get the input of the rest of the board. Mayor Maloof asked Frank McConnell, who was in the audience and is a member of the Planning & Zoning Board, for his opinion. Mr. McConnell stated that the Commission should consider what the purpose of the board was for both the Planning & Zoning Board and the LPA. You are trying to get a diverse view, and if you cut it down too far you will lose that. One advantage of the current size is that even if a few people are away you still have a reasonable jury. You want the group to represent enough of the interests of the city and have a broad enough education that they can represent the city. One of the problems with dividing this into two boards is that you will preclude some people from serving on both boards. Think about the purpose and who they are representing before making a change that could cause a different problem.

Commissioner Bildz stated that he didn't bring this up because District 2 doesn't have an applicant; he brings it up because there are no applicants. Commissioner Gayton stated that the community has supported this since 1995. Commissioner Bildz stated that if they are supporting it they should come out and volunteer. Commissioner Gayton stated that fifteen is not too many to have on a board as important as they are. Commissioner Bildz agrees, but we do not have the applications to back it up.

Commissioner Collins stated that it is not lack of interest; it is lack of advertisement that the positions are available. The remedy is getting the word out. If people knew about it there would be volunteers. Mayor Maloof stated that we could get the word out to people in several different ways.

Commissioner Gayton stated that he would like to hear from the Planning & Zoning Board and supports keeping the board as is. Commissioner Collins agreed with Commissioner Gayton, and stated that if they want to make it smaller he thinks Commissioner Minning's suggestion was a good one.

#### 8. Consideration of Engaging a Lobbyist for State of Florida Issues (City Manager)

Mr. Silverboard asked to withdraw this item as he is still waiting for information.

## II. OLD BUSINESS:

Commissioner Collins asked if HDR would be at the Planning & Zoning meeting. Mr. Silverboard answered in the affirmative. The meeting will be this Thursday, February 19th at 1:00 p.m.

Commissioner Gayton stated that they have received a summons for a law suit and the Florida League of Cities has been copied in. He asked Mr. Silverboard if the Florida League of Cities was going to represent us. Ms. Kiefer stated that it is already being worked on and is being covered.

## III. CITY MANAGER/CITY ATTORNEY REPORTS AND COMMENTS:

Ms. Kiefer reported that they have a status conference on February 25<sup>th</sup> regarding the Gulf Coast federal case. The purpose of this is to decide what the next step will be.

Ms. Kiefer reported that she has learned about a pending bill at the state level requiring a registry system for foreclosures. She will keep track of that and report back.

Ms. Kiefer requested an executive session with the City Commission regarding financing the litigation with St. Petersburg. She suggested March 3<sup>rd</sup> at 5:00. Commissioner Gayton stated that he doesn't like to be rushed. Ms. Kiefer suggested that they meet individually with her before the executive session to save time and money for the executive session. She will still need to meet with them as a group unless there is a consensus. If so she would report that there would be no need for the executive session. Commissioner Bildz suggested that they phone her individually with questions so that they don't spend the time during the executive session asking questions. Ms. Kiefer stated that she could meet with them individually if they told her when they would be in the building.

Mr. Silverboard has received a question regarding rain guards from Commissioner Gayton. We currently have no rain guards. We are in the process of compiling a list of manholes that would benefit and they will be budgeted for in the next budget.

Mr. Silverboard stated that we were notified today by Tara Alford with the Fish and Wildlife Commission that she has approved our permit for installing the new swim buoys along portions of Sunset Beach. We expect to have them in place by the end of March. We are waiting for a repair to the barge.

Mr. Silverboard stated that the question has come up about the status of the "Penny" money that the County has pledged for the Gulf Boulevard undergrounding project. The money is still being allocated to the beach communities, and is going to be allocated on a linear mile basis. We will get somewhere between three and three and a half million dollars. There is not a formal written agreement yet. There is a series of agreements of understanding. There will be a more formalized agreement coming that will address what types of projects we will be allowed to spend that money on. Redington Beach got an estimate for their one mile along Gulf Boulevard in the neighborhood of six million dollars. We will not be able to do undergrounding due to the cost. We do have to come up with a list of projects that will be consistent with the Phil Graham plan of approved projects. There will be an item on the next agenda to discuss acceptable projects that would be more than just beautification. They will address public safety and drainage issues.

Mr. Silverboard gave a reminder of the public meeting on February 24<sup>th</sup> to discuss the proposed bike trail. There will be a representative from HDR at the meeting. We checked with St. Petersburg to see when they will be ready with their part of the linkage. They will be four or five years out as they are concentrating on their trails that are in the northern part of the city and along the bay front. They will put in markings until they are able to secure federal money for the project. They plan on doing a separate concrete trail. We are looking at using existing facilities where possible to hold the cost down.

#### **IV. REPORTS & COMMENTS BY COMMISSIONERS:**

Commissioner Collins gave a reminder about the Mardi Gras event being held this weekend. There will be slight delays on the Isle of Capri due to the 5k race. There will be a classic car show, and bands playing on the beach. On Sunday there will be a poker run and more bands out on the beach. The proceeds all go to charities.

Commissioner Collins offered to attend condo association meetings to answer questions.

Commissioner Bildz commented on the K-9 mask that was used in the house explosion in Dunedin. The Suncoast Animal League is looking for donations for fifteen sets. We have a mask for our dog.

Commissioner Bildz gave a report on the Ad Hoc committee for the library. He feels that they are making progress on the agreement. He does not think that the other cities are willing to give us the 10% discount. If it is in there for a good reason he will defend it. Mayor Maloof explained that it was in there because we did not have the number of residents using the library that the other communities did. Commissioner Bildz explained that Madeira Beach owns the land and building, but the library owns the contents. If a city chooses not to fund they will lose their ownership in the library. Mr. Silverboard stated that one thing that would come up if we withdraw is that our residents have helped to pay for the books and materials there. We did not withdraw from the cooperative, we chose not to fund for that year. We will have to address the ownership of the assets upon withdrawal in the next agreement.

Commissioner Bildz reported that last year the library deposited a total of \$7,916 from last year's Food For Thought event. Commissioner Collins has purchased his ticket, and he expects Mayor Maloof, Commissioner Gayton, and Commissioner Minning to purchase their tickets. The event will be held on March 7<sup>th</sup> from 6:00 to 8:00.

Commissioner Minning gave a reminder of the Gulf Beaches Rotary Golf and Tennis Challenge being held this weekend. The spaghetti dinner and silent auction will be held on Friday evening. The golf and tennis challenge will be held on Saturday. The proceeds of the event are split with the City and used for scholarships for children for summer camp.

Mayor Maloof gave a reminder of the Spaghetti luncheon being held on March 6<sup>th</sup> to support Team T.I. in their Relay for Life event. This past Saturday a Zumba event was held.

Mayor Maloof announced that on February 27<sup>th</sup> the Mayor's Council will be having a breakfast with the Legislative delegation. She invited the Commission, City Manager, and City Attorney to attend.

Mayor Maloof reported on her trip to Tallahassee last week with the Suncoast League. They went during the committee sessions. They met with Representatives Cooper, Heller, and Long, and Senators Jones, Justice, and Fasano. The talk at the time was the possibility of a one cent sales tax, and also increasing some of the "sin" taxes. Senator Fasano said that he was going to try to do something about the "double dipping". The Governor is recommending further property tax cuts. She doesn't know how we can continue to provide the service that we provide with more cuts. There is also a bill going before the legislature that will take away our right to do small projects over a certain dollar limit without going out for bid. The lobby from the construction people has been active there. There is also a bill to make the permitting process easier, which can wipe out the wetlands. It is in favor of the developer and construction people. They want to take away impact fees. Right now there is very little money coming in from doc stamps, which pays for our beach renourishment because there is so little building going on. The state of Florida is 49<sup>th</sup> out of 50 in what it spends on mental health. We are at the bottom on many of the lists. Citizens need to contact their legislators and let them know what you think.

**IV. PUBLIC COMMENTS:**

None

**VI. ADJOURNMENT:**

The workshop was adjourned at 8:33 p.m. by Mayor Maloof.

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Mary Maloof, Mayor

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Phil Collins – District 1

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Ed Gayton – District 2

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Bob Minning – District 3

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Alan Bildz – District 4

**ATTEST:**

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Dawn M. Foss, City Clerk