

**CITY OF TREASURE ISLAND, FLORIDA  
BOARD OF COMMISSIONERS WORKSHOP MINUTES  
August 17, 2010**

The workshop was called to order at 6:40 p.m. by Mayor Minning.

**I. DISCUSSION ITEMS:**

1. Consideration of Resolution 10-68, Approving the Dental, Life, and Long-Term Disability Insurance Plans for FY 2010-11.

Ms. Valdes gave a brief explanation of this item. They were approached by two companies to provide quotes. Our current dental provider came in at a 14% increase, or a flat rate with a significant decrease in coverage. Her recommendation is to make a change to the company that offered a rate at a 14% decrease. The dental provider that services about half of our employees was not a participating provider, but has agreed to become a participating provider. Staff recommends that they go with Mutual of Omaha for dental, life, and long term disability. It is a package with the rates guaranteed for 24 months.

Commissioner Collins asked if we had to wait until October of 2011 to opt out. Ms. Valdes stated that the rates were guaranteed for 24 months, but we were not locked in.

Commissioner Bildz asked if the city paid for those benefits at 100%. Ms. Valdes answered in the affirmative. He stated that this would be good for the city's bottom line.

This item will move forward to the September 8<sup>th</sup> meeting agenda.

2. Consideration of Resolution 10-69, Approving the Property, Casualty, Workers Compensation and Miscellaneous Insurance Plans for FY 2010-11

Ms. Valdes introduced Mr. Sid Webber from Interisk Corporation who is here to explain his recommendation. Mr. Webber gave a brief explanation of the process that was followed to issue the RFP and make their recommendation. Each proposal had slight variations, but none were significant. He gave a brief explanation of the coverage offered by each carrier. He noted the flood coverage offered by each provider. He explained that all of the limits in the recommended plan would adequately cover the city. He explained the reason for the increase in Worker's Comp coverage. There is a difference of \$500 between the current carrier and PRM. He doesn't feel that it is enough of a difference to warrant changing providers. He suggested that they stay with PGIT for the upcoming year.

Commissioner Collins asked for an explanation of what Public Officials and Employment Practices Liability was. Mr. Webber explained that it covered action that they take as a board. The employment practices liability is an adjunct to the public officials' liability.

Commissioner Caldwell asked what they based the damages by flood and wind on. Mr. Webber explained that 40% of all of the city's property would have to be damaged in order to exhaust the coverage. It has been their experience with similar governmental entities that this is adequate. He stated that flood insurance is not affordable, so he doesn't recommend that they insure for more than that. Commissioner Bildz clarified that if it was affordable they should purchase more. Mr. Webber stated that it isn't readily available or affordable, but if it was he would recommend purchasing more. Commissioner Bildz asked about some of the coverage and the differences

between the three proposals. Mr. Webber gave a brief explanation of the coverage and the differences.

Mayor Minning asked about the open claims and the cost that could be charged if they change providers. Mr. Webber gave a brief explanation of how that would be calculated.

This item will move forward to the September 8<sup>th</sup> meeting agenda.

3. Consideration of Resolution 10-70, Approving the Renewal of an Interlocal Agreement with the Pinellas Planning Council for Planning and Mapping Services.

Ms. Rosetti gave a brief explanation of this item. We have had an ongoing agreement with the Pinellas Planning Council for at least fifteen years. This year they are proposing a four year term instead of a three year term. There is no cost to the city unless we use their services. They have not raised the prices.

Commissioner Collins asked for a definition of mapping services. Ms. Rosetti explained that it was any kind of map that we need prepared. It could be for a case, or for a legal ad. Mr. Silverboard explained that there are base maps available, and then there are levels of information that can be put on them. Ms. Rosetti explained that it is very inexpensive. This year we will have to update the maps when the Comprehensive Plan is updated.

Mayor Minning asked if this would carry forward when the PPO was merged with the MPO. Ms. Rosetti stated that she felt that it would.

This item will move forward to the September 8<sup>th</sup> meeting agenda.

4. Consideration of Resolution 10-66, Approving a Supplemental Budget Appropriation and Authorizing the Purchase of a Used Vehicle for Police CID.

Sergeant Boudreau gave a brief explanation of this item. This vehicle would replace two vehicles that were sold at auction. They had anticipated revenue of \$7,000, but received \$8,120. They are requesting that the Commission approve a budget amendment allowing them to use the excess funds from the sale of the cars, in addition to the \$7,000 that was already appropriated. They would also like to use \$3,880 from the police forfeiture fund for a total of \$12,000. They want to purchase a mid-sized domestic vehicle that they can use for several years. They would also like permission to be granted to the City Manager to purchase a car as soon as one is located.

Commissioner Collins asked if a vehicle had been chosen. Sergeant Boudreau stated that one had not. Commissioner Collins then asked if a vehicle from another department could be used. Mr. Silverboard explained that there wasn't another one available.

This item will move forward to the September 8<sup>th</sup> meeting agenda.

5. Consideration of Resolution 10-65, Approving an Amendment to a Work Authorization with Cardno TBE for Force Main Inspection and Cleaning.

Mr. Murphy gave a brief explanation of this item. He handed out a larger copy of the matrix that they received in their packet. This force main has been in operation for over 25 years, and it is due for inspection and cleaning. Money was budgeted for this project. To date the items done on the project include the piping and repiping work, and the subaqueous inspection. The work

was completed for less than the not-to-exceed amount. He gave a brief explanation of the inspection results. There were no exposed sections of pipe. The city needs to monitor the areas that had minimum cover and plan to implement work as needed. He suggested that they install warning signs in the areas of concern.

Commissioner Bildz asked if now was the time for the armoring. Mr. Murphy explained that there were other issues that need to be considered first.

Mr. Murphy continued with his explanation of the process. He explained that the city doesn't have the expertise or the resources to complete the project. He gave the not-to-exceed cost of the project and stated that the City of St. Pete Beach will share the cost of the project. He explained what the survey would look for and how issues that could be found should be addressed.

Mr. Murphy stated that the last time the force main was cleaned was 12 years ago. When it was cleaned the efficiency increased by 35%. They had decided in the past to do this every seven years. We will piggy back on a contract with Pinellas County for the pricing to do this work.

Mr. Murphy explained that the matrix lays out the project and the costs for each aspect of the project.

Commissioner Bildz asked what the normal pressure was on the force main. Mr. Murphy stated that it is approximately 40 to 45 psi. Commissioner Bildz asked if they could shut it down for a few minutes and detect leaks that way. Mr. Murphy explained how they would detect leaks and also air and gas pockets. Commissioner Bildz asked what would happen if they found the hydrogen sulfide gas in a section that is under water. Mr. Murphy stated that it wasn't included and they would have to deal with it if found in that area, but it wasn't likely.

Mayor Minning asked if this line has been videoed. Mr. Murphy stated that the only thing they could do is the interior leak detection. It can't be videoed inside without shutting it down and draining it.

Mr. Silverboard then passed out a revised resolution that indicated what Treasure Island's portion of the cost was.

This item, with the revised resolution, will move forward to the September 8<sup>th</sup> meeting agenda.

**6. Consideration of Resolution 10-64, Awarding a Bid for the Sand Sharing Project and Approving a Supplemental Budget Appropriation for the 1<sup>st</sup> Year Cost.**

Mr. Murphy gave a brief explanation of this item. He provided the Commission with a hand out. He introduced Mr. Cliff Truitt, who gave a brief presentation. Mr. Truitt explained that he has worked with the Beach Stewardship Committee on the city's beach management plan. He suggested that they have a contractor available in the event that they need to do an interim beach restoration project. He then explained the areas that could be affected by sand sharing projects and gave a power point presentation.

Commissioner Collins asked how they could arrive at a price until they know how much the damage is going to be. Mr. Truitt stated that they were given a range based on what they were allowed to excavate by permit. Commissioner Collins asked how they would know how much was used. Mr. Truitt explained that his firm would be available to manage the project, and would be there to advise the city's DPW. It would be calculated by surveys and cut size.

Commissioner Collins then asked about the city paying for the performance bond. Mr. Murphy explained that the DPW went out to bid for the work. They received two bids. The lowest response was from Gator Dredging. The staff recommendation is to award a contract with Gator Dredging, and pay for the performance bond. We are asking them to be ready to do the work and keep them locked in. The performance bond locks them in for the two years. Mr. Murphy explained how the performance bond would work. The money would be paid to the contractor who would secure the performance bond through a bonding company. Mr. Silverboard stated that a performance bond is required by our ordinances. We would be paid the amount of the contract by the insurance company in the event that Gator defaults on the agreement. A brief discussion regarding the performance bond ensued.

Commissioner Caldwell asked why the sand sharing area doesn't extend further to the north, and what it will look like if the area stops at the beach area owned by St. Pete Beach. Mr. Murphy explained that it would be a smoothed out wedge. The beach would eventually accrete over time and restore itself. Ms. Kiefer stated that they tried to get the City of St. Petersburg to agree to a renourishment project but they refused to agree to any beach renourishment. We needed their participation to get the permit from DEP, and after a year we were able to come up with a solution to move forward without them. Mr. Silverboard explained that in a few months the area will smooth itself out.

Commissioner Bildz stated that he agrees with Commissioner Collins. He can't see paying someone \$22,000 for something that we may use, but may not use. He wondered if they should go with the other company because they are only asking for a \$10,000 bond. He asked how long it would take to get Gator out there in the event of a problem. Mr. Truitt stated that their mobilization time is 30 days. Commissioner Bildz asked how long it would take to get through the permitting process. Mr. Truitt explained that the goal was to get through a project in 60 to 90 days. Commissioner Bildz commented that 90 days was lightning speed compared to the Army Corps of Engineers after a storm, but he has a problem with paying \$22,000 a year for something that may not be necessary. Mr. Truitt stated that if a performance bond is required to issue a contract and a contractor has to pay out of pocket for the bond he may never be reimbursed for the expense of the bond if work is not needed. Commissioner Bildz asked if they could change the ordinance to say that the bond is due when the work begins. Ms. Kiefer stated that they could change it to waive it. Mr. Murphy stated that if there is an emergency and there is a large call for this type of work the prices will likely go up and will be at a premium. If we contract now we have them and have the price locked in. Commissioner Collins stated that he hates to be spending that money for something that you may never use. Could the city put money into an escrow account guaranteeing the job if it is ever needed, and if it isn't needed, the contractor would get the money in the escrow account? Mr. Silverboard asked what would happen if they didn't show up. Mayor Minning stated that this would not be for a normal renourishment project. It would only be for an emergency and only affects Treasure Island. Any time they did a project it would be with the full intent of it being reimbursed by another agency. We are in a far better position than any city in the state because we have a permit. We are one of two cities in the state that has a permit. He doesn't see why we would need a performance bond in the event of an emergency hot spot. We would be ready to go far faster than anyone else.

Mr. Silverboard stated that it appears that there is a consensus among the Commission to enter into a contract with Gator, but would like to circumvent the performance bond requirement. He suggested that they put an ordinance on for first reading at the next Commission meeting that would allow them to waive the bond requirements, and they accept the contract subject to the ordinance passage. Commissioner Collins asked if that would cause a problem in the event of something happening. Mr. Silverboard stated that they would only have to wait two weeks. Ms.

Kiefer suggested that they agree now to add an agenda item to discuss this now so that they can be in compliance with their rules.

Commissioner Bildz stated that all he wanted to add was that the bond would be required when the project begins. He doesn't think that they should waive it. Mr. Silverboard asked if they could think about this at the staff level.

Ed Gayton stated that they had answered his concerns regarding the \$40,000 cost just to have someone available. The Corps of Engineers will be on our beach for about five months, and then hurricane season will be over. Maybe they should consider having the contract start next year.

This item will move forward to the September 8<sup>th</sup> meeting agenda.

7. Discussion Regarding the Surcharge for Strong Wastewater From the City of St. Petersburg (requested by the City Attorney)

Ms. Kiefer stated that this was a joint request with Mr. Murphy regarding the technical data. It looks like the City of Treasure Island has been assessed and has paid for strong waste penalties in the amount of approximately \$300,000 over three years. Mr. Murphy presented the Commission with a handout to explain why these fees should be credited back. He then gave a presentation on the data that he has been collecting regarding the flow blending since 2008 and what was happening before that between 2004 and 2008. He discovered that flows were being measured from both the main lift station and lift station #4, but the testing for chlorides was only being measured from the main lift station. Further testing revealed that the chloride levels were significantly lower from lift station #4, but the city was being charged based on the levels taken from the main lift station. He approached St. Petersburg asking for a credit based on the calculations. The City of St. Petersburg has recently denied the request for credit. He doesn't feel that they would get the entire amount in negotiations, but should get some consideration.

Ms. Kiefer asked if any one month revealed readings over the 500 milligrams per liter limit during the 18 months of data collection. Mr. Murphy stated that it did not. Ms. Kiefer stated that there is nothing to lead us to believe that we would have met the 500 parts per million levels prior to 2008. The area in question is a stable residential area that should not have any significant changes. She feels that based on the data it is more likely than not that there was not a strong waste coming from that area.

Commissioner Collins stated that he is very impressed by Mr. Murphy's work on this. He feels that they have a preponderance of data that shows that this is accurate. Ms. Kiefer stated that it is well documented, and she suggested that they make a formal legal demand, and if they refuse then they proceed to mediation. Mr. Murphy gave credit to his staff for the work that they did on this.

Commissioner Bildz asked for clarification as to how the testing is done. Mr. Murphy explained that the testing is done at the lift stations before the flow is blended. Commissioner Bildz asked if the City of St. Pete Beach is assessed for strong waste. Mr. Silverboard explained that they have a different method of calculation based on their prior law suit. Ms. Kiefer stated that they would check on whether St. Pete Beach had tested their water. Mr. Murphy stated that it is being metered and tested here, so we are not paying for St. Pete Beach. Commissioner Bildz stated that it would be interesting to see what was being dumped off at South Pasadena. Ms.

Kiefer stated that Commissioner Bildz's comment is an apt one because each city is supposed to pay their fair share. Mr. Silverboard stated that they will request that the testing be done there.

Mayor Minning asked if a formal request has been made yet. Mr. Murphy stated that it had not. It had been done by e-mail thus far. Mayor Minning suggested that they send a formal letter of request and wait for the response before they start legal proceedings. Ms. Kiefer stated that they could do that. Mr. Silverboard stated that they could draft a letter to Mayor Foster from Mayor Minning.

Ed Gayton expressed concern that this would be another law suit. We have not been getting charged since 2008. Whose responsibility was it to test prior to that? He feels that the City of Treasure Island had some responsibility. He sees no problem with making the formal request for reimbursement, but he feels that as long as we are involved in the surcharge law suit it will not be considered. We have enough law suits right now. What is the cost/benefit analysis for this for \$300,000? Mr. Murphy has done an excellent job with this. We should be concentrating on that, not going back to 2004 to pursue a lawsuit. He feels that it is a waste of the city's time and money.

Mayor Minning stated that they have not committed to litigation at this time. They are only agreeing to send a letter of request. Mr. Silverboard stated that he wanted it made clear that staff was not requesting a law suit at this time, they were asking to send a formal request and if it was denied they enter into Chapter 164 mediation.

**8. Consideration of Resolution 10-67, Approving an Increase in the City Attorney's Hourly Rate.**

Mayor Minning requested that this item be tabled until the next meeting when Commissioner Coward will be back.

Commissioner Bildz stated that this was only the workshop and she would be allowed to speak at the meeting. Commissioners Collins and Caldwell agreed.

Ms. Kiefer explained that there are several lawsuits going on at this time, and she feels that it will be more cost effective for her to be more involved in them. It is her goal to bring in revenue to the city, and to safeguard the city against financial liability. She explained her suggested rates.

Commissioner Bildz commented that the suggested rates are reasonable. He pointed out that the rate increase would not increase her requested budget for the next fiscal year.

This item will move forward to the September 8<sup>th</sup> meeting agenda.

**II. OLD BUSINESS:**

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

Ms. Kiefer explained that Mr. Loeb is representing Caddy's. He filed a motion to move it to the federal court. The federal court moved it back down to the state court. She has been told that the Becker's will be dropping Caddy's as a defendant in the case and will make the city the sole defendant in the case.

Ms. Kiefer discussed the noise citations that have been issued to the Sloppy Pelican. They are stating that the City of Treasure Island has no jurisdiction as the Sloppy Pelican is located in St.

Pete Beach. Ms. Kiefer feels that we do have jurisdiction because the people being affected are in Treasure Island.

Ms. Kiefer reported that in the Schwarz case they are scheduled for trial in November. She has been trying to schedule a date certain but has been unable to do so.

Mr. Silverboard reported that he has received an update from Progress Energy regarding the installation of the new feeder line. He read the schedule. It should be finished by the end of the year.

Mr. Silverboard showed the flag that is being put out by DOT at the crosswalks along Gulf Blvd. Pedestrians are being requested to pick up a flag when they cross the street and return it to the container on the other side. He stated that pedestrians should still use caution when crossing the street as motorists might not be paying attention. The flags will be used from Pass-A-Grill to Clearwater Beach.

Mr. Silverboard reported that the DOT has approved five locations for crosswalks on Gulf Blvd.

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

Commissioner Collins commented that the flags would disappear within a week. Mr. Silverboard stated that the program has been in effect at Clearwater Beach for a few months and they are losing very few of them. Ms. Kiefer stated that legally cars on the other side of the street do not have to stop until the pedestrian has reached the middle of the street.

Commissioner Caldwell stated that the Sunshine Beach Homeowners' Association is active again. She urged residents in that area to participate. She was approached at their meeting regarding putting in a crosswalk at the intersection near the ice cream shop. Mr. Silverboard stated that he will look into it.

Commissioner Bildz reported that there is a Beach Stewardship Committee meeting tomorrow and urged people to attend.

Mayor Minning reported on the event in the park that was held to benefit the Visioning Committee. Several hundred dollars were raised, and they collected 50 surveys. The jazz band was paid for by Tony Amico. He urged citizens to fill out and return the surveys.

#### **V. PUBLIC COMMENTS:**

Ed Gayton commended the Rays for their performance in last night's game. He then stated that he wanted to comment on the Commission's proposed budget, but it was not available online. The next meeting will be the public hearing. He asked when they would get the Commission's proposed budget. Mr. Silverboard stated that he would try to get it completed by the end of the week and it will be posted after that. They have lost the Finance Director, and he is working hard to complete the budget. Mr. Gayton stated that he knows that it is tough, but how are they supposed to get input if people don't have the information. It is the largest budget that they have ever had, and they are hiring employees. He doesn't know what the purpose of the financial advisor is. Mr. Silverboard stated that it is not an employee, but a consultant.

#### **VI. ADJOURNMENT:**

The meeting was adjourned at 9:23 by Mayor Minning.

**ATTEST:**

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Dawn M. Foss, City Clerk