



MINUTES

BOARD OF COMMISSIONERS REGULAR MEETING FEBRUARY 8, 2023 2:00 P.M.

The City of Madeira Beach Board of Commissioners held a regular meeting at 2:00 p.m. on February 8, 2023, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: John B. Hendricks, Mayor
Doug Andrews, Vice Mayor/Commissioner District 3
David Tagliarini, Commissioner District 1
Ray Kerr, Commissioner District 2
Dave Hutson, Commissioner District 4

MEMBERS ABSENT:

CITY STAFF PRESENT: Robin Gomez, City Manager
Clara VanBlargan, City Clerk
Lara Hooley, Executive Assistant to City Clerk
Thomas Trask, City Attorney

1. CALL TO ORDER

Mayor Hendricks called the meeting to order at 2:00 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Tom Trask gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

City Clerk Clara VanBlargan called the roll.

4. APPROVAL OF THE AGENDA

The Board of Commissioners did not vote on approval of the agenda.

5. PROCLAMATIONS

There were no proclamations.

6. PRESENTATIONS (limited to 10 minutes each)

A. Helen Price, Gulf Beaches Public Library Board

Helen Price gave an update on the upgrades to the Gulf Beaches Public Library and requested clarification of a clause in Section 5.1 (c) of the Interlocal Agreement from the Board. She interpreted it to mean any excess funds in the library's bank accounts would be capped at 10% of the annual budget. Mayor Hendricks said she was correct. Ms. Price said the Board of Trustees would have their proposed budget to the Board in April.

7. PUBLIC COMMENT

There were no public comments.

8. CONSENT AGENDA

A. Approval of Minutes

- **2022-12-14, BOC Regular Workshop Meeting Minutes**
- **2022-12-14, BOC Regular Meeting Minutes**
- **2023-01-11, BOC Regular Meeting Minutes**
- **2023-01-25, BOC Regular Workshop Meeting Minutes**

Commissioner Hutson asked if the section of January 11, 2023, minutes on pages 38 and 39 of the packet where the public spoke in favor of or against Ordinance 2023-01 could be reworded or removed. City Manager Gomez said it could be reworded to state the names and addresses of the individuals that spoke. The Board agreed.

Vice Mayor Andrews motioned to approve the Minutes with the change suggested in the January 11, 2023 minutes. Commissioner Hutson seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Commissioner Tagliarini	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

9. PUBLIC HEARINGS

A. Ordinance 2023-04, Prescribing the Manner of Holding the March 14, 2023 Municipal Election and providing for the Polling Locations – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-04 by title only:

ORDINANCE 2023-04

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, CALLING FOR A MUNICIPAL ELECTION ON MARCH 14, 2023, FOR THE PURPOSE OF ELECTING A MAYOR; PROVIDING FOR TWO CHARTER AMENDMENTS; PROVIDING FOR PUBLICATION; AUTHORIZING LECTION EXPENDITURES; IDENTIFYING THE PINELLAS COUNTY CANVASSING BOARD AS THE CANVASSING BOARD FOR THE MARCH 14, 2023 MUNICIPAL ELECTION; PROVIDING FOR POLLING PLACES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hendricks opened the floor for discussion. There was no discussion by the Board.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Hutson motioned to pass Ordinance 2023-04, Prescribing the Manner of Holding the March 14, 2023 Municipal Election and providing for the Polling Locations after second reading. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Commissioner Hutson	"YES"
Commissioner Tagliarini	"YES"
Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

B. Ordinance 2023-08, Article V – Re-Adoption of Purchasing Code and Repeal of Ordinance 2021-03 – 2nd Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-08 by title only:

ORDINANCE 2023-08

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CERTAIN SECTIONS OF ARTICLE V – PURCHASE AND CONTRACTS OF CHAPTER 2 – ADMINISTRATION OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO PROVIDE FOR AN INCREASE OF THE \$15,000.00 SEALED BIDS THRESHOLD TO \$30,000.00; TO PROVIDE THAT NOTICE TO BIDDERS SHALL BE PUBLISHED ON THE CITY'S WEBSITE; TO PROVIDE THAT NOTICE FOR ALL

BIDS MAY BE GIVEN BY POSTING A REQUEST FOR PROPOSALS ON A WEB-BASED NOTIFICATION AND DELIVERY SYSTEM USED FOR PUBLIC SOLICITATIONS; TO PROVIDE FOR THE DELETION OF PRINTED ADVERTISEMENT, POSTING OR PUBLICATION IN THAT PORTION OF A NEWSPAPER NORMALLY GIVEN TO LEGAL ADVERTISEMENTS AND FOR THE REQUIREMENT THAT ALL BIDS, WHETHER POSTED OR ADVERTISED, BEAR THE TITLE "REQUEST FOR BIDS;" TO PROVIDE FOR DELETION OF THE REQUIREMENTS OF A PENAL BOND, A PERFORMANCE BOND AND THAT ALL BIDDERS SHALL POSSESS A MUNICIPAL OR COUNTY OCCUPATIONAL LICENSE; TO ADDRESS NON-RESPONSIVE BIDS; TO ADDRESS THE AMOUNT OF A BID BOND; TO PROVIDE REVISIONS REGARDING THE ACCEPTANCE OF BIDS; TO PROVIDE REVISIONS REGARDING THE EVALUATION OF BIDDER RESPONSIBILITY; TO PROVIDE THAT CHANGE ORDERS SHALL BE APPROVED BY THE CITY MANAGER; TO PROVIDE FOR AN INCREASE TO THE DOLLAR THRESHOLDS IN THE REGULATIONS GOVERNING THE PURCHASE AND SALES CRITERIA; CREATING SECTION 2-194 TO PROVIDE FOR CONTRACTS AND ENGAGEMENTS FOR PERSONAL AND PROFESSIONAL SERVICES OF ATTORNEYS AT LAW, FINANCIAL CONSULTANTS, EXPERTS AND OTHER PERSONAL AND PROFESSIONALS SERVICES WITHOUT COMPETITIVE BIDDING; REPEALING ORDINANCE 2021-03; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

Mayor Hendricks opened the floor for discussion.

Commissioner Tagliarini said he contacted the City Managers of St. Pete Beach, Treasure Island, and Clearwater Beach and confirmed they were in the ballpark at the \$30,000 threshold.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to pass Ordinance 2023-08, Article V – Re-Adoption of Purchasing Code and Repeal of Ordinance 2021-03, after second reading. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

C. Ordinance 2023-11, Amending the Comprehensive Plan of the City of Madeira Beach to adopt the changes identified in the regularly scheduled Evaluation and Appraisal of the Comprehensive Plan – 1st Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-11 by title only:

ORDINANCE 2023-11

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ADOPT THE CHANGES IDENTIFIED IN THE REGULARLY SCHEDULED EVALUATION AND APPRAISAL OF THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Jerry Murphy, University of Florida, Planning Consultant to Madeira Beach, presented Ordinance 2023-11 and responded to questions and comments from the Board. If approved, the recommendations for changes would go to the State.

Commissioner Kerr referenced Policy 4.1.9.8 on page 118 of the agenda packet and said he wanted to make sure policies were in place to keep the fishing village theme and character. Mr. Murphy said that was the intent of the Policy. Commissioner Kerr said he wanted to bring the discussion to a workshop to make sure they did not lose the character. The Mayor said it was addressed in Policy 4.1.9.6.

Commissioner Hutson referenced pages 107 and 108 of the agenda packet and said he was struggling with the document's purpose. He did not feel like it was a plan going forward, but rather it was all the available options. Mr. Murphy said that particular area of the plan was directed toward land use.

Commissioner Hutson said if the Impervious Surface Ratio (ISR) for temporary lodging would be 0.95, then there would not be enough room for vegetation. He asked if they could decrease the ISR. Mr. Murphy said he would not suggest doing it as part of Ordinance 2023-11 because it was an updated ordinance.

Commissioner Hutson asked if they should discuss Policy 4.1.4.3 on page 113 of the agenda packet regarding opportunities for public land acquisition. The City Manager said they would have conversations and discussions going forward.

Commissioner Kerr asked if the Comprehensive Plan could be accessed on the City's website. The City Manager said it was on the Development Services page.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Tagliarini motioned to pass on first reading Ordinance 2023-11, Amending the Comprehensive Plan of the City of Madeira Beach, to adopt the changes identified in the regularly scheduled Evaluation and Appraisal of the Comprehensive Plan. Commissioner Hutson seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

D. Ordinance 2023-14, Amendment to Chapter 54, Solid Waste - 1st Reading & Public Hearing

City Attorney Tom Trask read Ordinance 2023-14 by title only:

ORDINANCE 2023-14

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING CHAPTER 54 (SOLID WASTE) OF THE CODE OF ORDINANCES OF THE CITY OF MADEIRA BEACH TO AMEND THE DEFINITIONS OF COLLECTION CENTER, CURBSIDE COLLECTION PROGRAM, GARBAGE CAN AND TRASH CAN; TO DELETE "REFUSE" AS A MANDATORY SERVICE SUBSCRIPTION; TO ADD "DEBRIS ACCUMULATION FROM CONTRACTORS" AS WASTE TO BE REMOVED BY THE OWNER; TO AMEND REFERENCES TO "TRASH CONTAINER;" TO ADD "TRASH" TO THE ITEMS PROHIBITED TO BE BURIED OR BURNED AS GARBAGE; TO REQUIRE THAT A GARBAGE CAN OR TRASH CAN SHALL HAVE A 64 GALLON CAPACITY AND THAT SUCH RECEPTACLE SHALL BE PROVIDED BY THE CITY; TO PROVIDE FOR PLACEMENT OF CONTAINERS FOR TRASH COLLECTION; TO PROVIDE FOR EXCLUSIONS THEREFOR; TO REQUIRE CONCEALMENT OF GARBAGE AND TRASH CANS AFTER COLLECTION; TO PROVIDE FOR TIMING OF CURBSIDE PLACEMENT AND REMOVAL OF TRASH CANS; TO DELETE SEC. 54-62 REGARDING INSPECTION AND CONDEMNATION OF CONTAINERS; TO PROVIDE FOR CONFLICT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Hendricks opened the floor for discussion. There was no discussion by the Board.

The City Manager said the City would provide the 64-gallon containers; previously, it was 32-gallon containers provided by the residents, and residents could not put them out before 5:30 p.m., previously it was sunset.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to pass on first reading Ordinance 2023-14, Amendment to Chapter 54, Solid Waste. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Commissioner Tagliarini	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

10. UNFINISHED BUSINESS

11. CONTRACTS/AGREEMENTS

A. King of the Beach Fishing Tournament Contract with Old Salt Fishing Foundation

The Item was placed on the March 8, 2023, BOC Regular Meeting Agenda.

B. Extension of Engineering Services Contract

Public Works Director Megan Wepfer explained the item and responded to questions and comments from the Board.

Mayor Hendricks said they had asked for it to be reviewed and put out for an RFP over a year ago. The City Manager said an RFQ would be issued within the next couple of weeks. They let it go too long and were making the corrections. They were asking for continuity for the existing projects.

The Mayor asked if it was a 30-day out. Director Wepfer said yes. The Mayor said it would be a one-year extension with a 30-day out. Attorney Trask said it was an extension until January 7, 2024. The Mayor said he was not happy and thought it should have come before the Board a while ago.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to approve the extension of the Engineering Services Contract. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"NO"

The motion carried 4-1.

C. Shumaker Advisors FL Services Agreement

The City Manager requested that the agreement be approved to continue utilizing Shumaker Advisors. The fees would increase to \$4,500 a month with up to \$250 for out-of-pocket expenses. The City Code allows them to proceed without obtaining competitive bids.

The Mayor said they had done a good job for the City.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to approve Shumaker Advisors FL Services Agreement. Commissioner Kerr seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

D. State of Florida Department of Environmental Protection (DEP) – John's Pass Dredging Grant Agreement for \$1,556,000

The City Manager explained the item and responded to questions and comments from the Board.

The Mayor opened the floor for discussion. There was no discussion by the Board.

Mayor Hendricks opened to public comment. There were no public comments.

Vice Mayor Andrews motioned to approve the State of Florida Department of Environmental Protection (DEP) – John's Pass Dredging Grant Agreement for \$1,556,000. Commissioner Tagliarini seconded the motion.

ROLL CALL:

Vice Mayor Andrews	"YES"
Commissioner Tagliarini	"YES"
Commissioner Hutson	"YES"
Commissioner Kerr	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

E. APTIM Environmental & Infrastructure, LLC Agreement to perform various John's Pass Dredging Work

The City Manager said the item was to approve the contractor used for the dredging project. APTIM is a coastal management contract, and the City would piggyback with Pinellas County.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Kerr motioned to approve the APTIM Environmental & Infrastructure, LLC Agreement to perform various John's Pass Dredging Work. Commissioner Hutson seconded the motion.

ROLL CALL:

Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Commissioner Tagliarini	"YES"
Vice Mayor Andrews	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

F. Duke Energy's Binding Cost Estimate for the final Phase III of Gulf Blvd. Undergrounding Utilities

Director Wepfer explained the item and said it came in about \$600,000 higher than the expected \$2,100,000 or \$2,200,000. The cost covers the materials, equipment, and removal of the poles at the end of the project. It also included Gulf Lane, which was not included in the original estimate. She asked for direction from the Board.

The Mayor asked if they could take Gulf Lane out of it. Director Wepfer said they were trying to do the undergrounding and roadway projects at the same time. Mark Porter, Utility Consultants of Florida, LLC, said the BCE (Binding Cost Estimate) was a lengthy process. If they start removing things, Duke Energy would need to go back and redesign. The County is providing the funding for the project, and he suggested getting that funding to Duke so they could try to get the remaining amount down to something reasonable. The Mayor said he did not want to spend money just because it was there and would rather see 150th Ave. worked on instead of Gulf Lane. If Gulf Lane was not in the project, the amount would be close to the original amount. Director Wepfer said Penny for Pinellas money was paying for the majority of Gulf Lane, and the City would pay for the remaining two blocks. The Mayor said the Penny for Pinellas money would not come in for several years so the City would be paying for the project directly out of its budget. The Mayor asked the City Manager if he would have a discussion with the County on getting the Penny for Pinellas money. The City Manager said he would.

Mr. Porter said the tariff required Duke Energy to apply a \$1.4 million credit because there is a benefit to the power company. Director Wepfer said they have a meeting scheduled with Duke Energy to discuss the cost.

Vice Mayor Andrews said he was in favor of waiting until after they met with Duke Energy to vote. He was against pulling anything out of the project because their long-term goal was to get the entire City undergrounded. He thought they could negotiate with Duke Energy a five to seven-year budget plan and dedicate the Penny for Pinellas money.

Commissioner Kerr asked what Mr. Porter meant by partial approval. Mr. Porter said they wanted to find out from Duke Energy if there was anything the City could do to improve the numbers, and he did not want to see the project get delayed. Commissioner Kerr hoped they could put some RFQs together and get some grants.

The consensus of the Board was to move Item 11.F. to a Special Meeting scheduled for Monday, February 13, 2023, at 2:00 p.m.

Mayor Hendricks opened to public comment.

Bob Bello, 13301 Gulf Lane, asked what the cost benefit would be if they did not do the project now. They would end up paving during the paving project and then have to redo it later.

G. Stormwater Station Generator Replacement located at 14101 N. Bayshore Dr.

Director Wepfer said the diesel generator at 141st Ave. and N. Bayshore Dr. is rusting, and she is asking for Board approval to replace it with a natural gas generator. She would like to rehab the diesel generator and put it at another facility.

The Mayor asked if they could keep the diesel generator and put a stainless steel or fiberglass tank on it. Director Wepfer said she would need to get back to him.

Commissioner Hutson asked when the generator gets used. Director Wepfer said it depended on the power outages, but it did get used often. Commissioner Hutson said he would go with natural gas because it would be less likely to have problems.

Vice Mayor Andrews said having the generator fixed and up to speed was very important.

Mayor Hendricks said the generator would get redone regardless. Director Wepfer said they were running a natural gas line to the station in preparation for the generator.

Commissioner Kerr asked if the natural gas generator was more reliable and how old the diesel generator was. Director Wepfer said gas was more reliable, and they got the diesel generator in 2007. Commissioner Kerr asked if it was in the budget. Director Wepfer said she budgeted \$125,000, which was way under budget.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Tagliarini motioned to approve the Stormwater Station Generator Replacement located at 14101 N. Bayshore Drive. Vice Mayor Andrews seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Vice Mayor Andrews	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Mayor Hendricks	"NO"

The motion carried 4-1.

12. NEW BUSINESS

A. Resolution 2023-01, FY 2023 Budget Amendment #1

RESOLUTION 2023-01

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE BUDGET FOR FISCAL YEAR 2023 (OCTOBER 1, 2022 THROUGH SEPTEMBER 30, 2023) BY INCREASING APPROPRIATIONS FOR EXPENDITURES IN THE GENERAL FUND, THE LOCAL OPTION SALES TAX FUND, THE BUILDING FUND, THE STORMWATER FUND, AND THE PARKING FUND; AND PROVIDING FOR AN EFFECTIVE DATE

Financial Consultant Andrew Laflin said part of the budgeting process was rolling over the unspent purchase orders into the new fiscal year.

Commissioner Tagliarini asked if there were any changes to the resolution from what was discussed in detail at the workshop. Mr. Laflin said no.

Mayor Hendricks opened to public comment. There were no public comments.

Commissioner Tagliarini motioned to approve Resolution 2023-01, FY 2023 Budget Amendment #1. Commissioner Kerr seconded the motion.

ROLL CALL:

Commissioner Tagliarini	"YES"
Commissioner Kerr	"YES"
Commissioner Hutson	"YES"
Vice Mayor Andrews	"YES"
Mayor Hendricks	"YES"

The motion carried 5-0.

13. STAFF REPORTS

There were no reports.

14. AGENDA SETTING

A. February 22, 2023, BOC Workshop Meeting

- 1. Update (Ord 2020-05), Slow Speed – Minimum Wake Zone**
- 2. Parking Enterprise Update**
- 3. City Manager's Monthly Report – January 2023**
- 4. Update on Fireworks RFP**

Items added to the workshop agenda:

Commissioner Kerr

1. Discuss maintaining the fishing village concept at John's Pass Village. Attorney Trask said that could be handled when the Land Development Regulations come back in six to eight months. The Mayor said there will be a change in the Commission in six weeks. Commissioner Kerr agreed to wait for the new Board to discuss it.

Vice Mayor Andrews

1. Discuss dogs on the beach. The City Manager said they would be putting up more signs. Director Wepfer said they purchased 70 signs to be installed at condo buildings along the beach. The City Manager suggested posting a notice on the message boards at the entrances to the City. Recreation Director Jay Hatch said it was not just against City Ordinance; it was also a violation of the Florida Health Department and could be another enforceable option.

Commissioner Hutson asked when the Building Department software was going to be available. The City Manager said he thought it would be March or April.

15. REPORTS/CORRESPONDENCE

A. Board of Commissioners

Commissioner Tagliarini thanked the Board for changing the time of the meeting.

B. City Attorney

The City Attorney had no report.

C. City Manager

The City Manager said he would be absent from the March 8, 2023, regular meeting.

D. City Clerk

City Clerk Clara VanBlargan said the certification of the election results would be done the Friday of the week of the election. She tentatively scheduled the swearing-in ceremony on March 22, 2023, at 5:00 p.m. and the workshop meeting at 6:00 p.m.

16. ADJOURNMENT

Mayor Hendricks adjourned the meeting at 3:24 p.m.

John B. Hendricks, Mayor

ATTEST:

Clara VanBlargan, MMC, MSM, City Clerk