

Attorney Ed Armstrong of 600 Cleveland Street, Suite 800, Clearwater representing Sylvia Tzekas in the matter reflected on the agenda to be tabled. Mayor Bujalski advised the public will be allowed to speak on the item when it comes up on the agenda.

Gennaro Diana of 1160 Palm Boulevard expressed concern regarding the meeting last week and referenced Ordinance 16-25. City Attorney Trask pointed out that item was on the agenda and Mayor Bujalski requested Mr. Diana hold his comments until the agenda item.

Mike Jones of 1311 Overcash Drive commended City staff for their work during the recent storm, they did a great job.

### **CONSENT AGENDA**

**1. APPROVE THE MINUTES** for:

- a. The August 9, 2016 Budget Workshop
- b. The August 16, 2016 Agenda Review Session
- c. The August 18, 2016 Commission Meeting
- d. The August 23, 2016 Agenda Review Session
- e. The August 25, 2016 Commission Meeting

**2. APPROVE "PIGGYBACKING" ON A HILLSBOROUGH COUNTY CONTRACT WITH C & S CHEMICALS, INC., OF MARIETTA, GA, FOR THE SUPPLY OF SODIUM ALUMINATE.**

Mayor Bujalski pointed out the correction noted at the Agenda Review Session for the minutes of August 25, 2016 commission meeting was done.

**MOTION:** Motion was made by Commissioner Tornga and seconded by Commissioner Gracy to approve the Consent Agenda, as presented.

**VOTE:** Motion carried unanimously.

### **PUBLIC HEARINGS**

**1. FIRST READING OF ORDINANCE 16-25 REGARDING DOWNTOWN PARKING** that explains the new Parking Management System designed to increase turnover and provide new parking inventory over the long term.

City Attorney Trask read Ordinance 16-25 by title only.

**MOTION:** Motion was made by Vice-Mayor Livingston and seconded by Commissioner Tornga to approve Ordinance 16-25.

Planning and Development Director Rice advised Ordinance 16-25 codifies the Parking Management System designed to increase turnover and provide new parking inventory over the long-term. He provided information from the staffing that listed the changes in the ordinance since the Local Planning Agency meeting, a summary of the ordinances moving to Resolution including adjustments since the Agenda Review Session, input from the Disability Advisory Committee and review a list of question and answer items for clarification.

**In the first "WHEREAS" clause** "Pilot Program" is added to this part of the ordinance.

**105-24.7.2.1 – Generally** No changes.

**105-24.7.2.2 – Parking Management System**

- 1. Section 105-24.2.3(C)3 was added to show the paid parking hours of operation to be from 10:00 a.m. to 10:00 p.m. (This will be moved to Resolution.)

2. Section 105-24.2.3(C) – fee and time schedule to be presented as a resolution on September 22, 2016.
3. Section 105-24.2.3(D) list of paid and free locations to be presented as a resolution on September 22, 2016.

Mr. Rice explained the reason these items are being moved to resolution is to provide the commission maximum flexibility should anything need to be adjusted during the pilot period.

4. Section 105-24.2.5 Resident Discount Program
  - a. Resident discount cards eliminated from the ordinance (obsolete technology).
  - b. Residents will be able to receive their 20% Parkmobile (phone app) parking discount by applying online with proof of residency.
  - c. Staff recommends waiting until the first quarterly commission update to determine if the Parkeon “E-permit” enhancement should be purchased by the city.

This would be a \$15,000 to \$20,000 addition.

- d. Residents will be able to apply online with an application and proof of residency.
5. Section 105-24.2.6 Downtown Employee Pass Program – remaining question – is there a maximum number of hours per day, per week, per month for employees to be added to this section? Staff recommended adding language to allow a maximum of 40 hours per week covered by the pass.

Commissioner Tornga noted the ordinance begins with “Parking Management System” which has been referred to as a “Downtown Parking Plan” which applies to the CRA.

Mayor Bujalski noted the suggestion is to clarify this ordinance is for the downtown area.

Mr. Rice advised the Residential Parking Permit Program does extend beyond the CRA.

City Attorney Trask advised changes could be made to the title and the ordinance; he would make sure the language does not otherwise affect the meaning of the sentences that appears in.

**CONSENSUS: The Commission agreed to use the term “Downtown Parking Plan” in the ordinance.**

Mr. Rice advised the Employee Permit Program cost would be moved to resolution and staff was requesting commission guidance on this in order for it to be included in the resolution.

Economic Development Specialist Craig advised regarding the research done of surrounding communities pertaining to employee discount parking.

Mr. Rice advised staff is waiting for direction from the commission regarding removing the \$300 a year employee pass from the plan.

Mr. Ironsmith advised the Community Redevelopment Area Advisory Committee was comfortable with the \$30 monthly employee parking pass.

**CONSENSUS: The Commission agreed to include only a \$30.00 monthly employee parking pass and eliminate the \$300.00 per year employee parking pass which will be by resolution.**

Commissioner Tornga clarified with City Attorney Trask in reference to Page 4 of 25 of the ordinance received in the commission packet; Paragraph (C) Items 1 and 2.

1. For on-street paid parking spaces, the Marina parking lot, the Historical Museum parking lots and certain paid lots off Main Street, the rate shall be at a rate of one dollar and fifty cents (\$1.50) per hour of parking time.
2. For off-street paid parking spaces to rate shall be at a rate of one dollar (\$1.00) per hour of parking time.

**CONSENSUS: The Commission agreed to move the dollar amounts to resolution and to use the language “Tier 1” and “Tier 2” in reference to the \$1.50 and \$1.00 spaces and lots in the ordinance.**

City Attorney Trask stated it will not be in the definition section because if the dollar amount is changed; it will be addressed in the resolution and not in the ordinance.

#### **105-24.7.3 – Prohibitions and Restrictions**

1. Section 105-24.3.14 – Parking in Spaces Provided for Disabled Persons

City Attorney Trask advised the original Paragraph A is deleted and Paragraph B is revised to Paragraph A basically stating if a person has any of those specialized controls or permits listed with the referenced Florida Statutes they are allowed to park free of charge including those statutes referencing Disabled Veterans.

Mr. Rice advised Disability Advisory Committee member Rich LaBelle, Executive Director of the Dunedin-based Family Network on Disabilities, commented on unlimited free parking. The question posed to Mr. LaBelle – do you see any downside to offering unlimited free parking to people with disabilities? His answer was:

*“No, I don't see any down side to this. You can't charge people extra for having a disability, but the City is well within its power to decide to grant an extra benefit to persons with disabilities to further facilitate access and participation in the community.”*

Discussion indicated the Florida Toll Exemption permit is one that has to be applied for through the State and those with that permit do not have to pay for parking and that it is different from the Sun Pass which is a pass for toll roads paid on a monthly basis.

Larri Gerson of 1310 Overcash Drive explained the Florida Toll Exemption permit is one that takes care of those who have injury to their arms and cannot put the money in the toll booth.

#### **105-24.7.4 – Parking Enforcement**

1. Section 105-24.7.4.2 - Schedule of Fines to be presented as a resolution on September 22, 2016.
2. Section 105-24.7.4.6- Vehicles Parked on Public Property; Towing  
(C) 1. Language has been added to require 72 hours abandoned vehicle declaration prior to towing.

Staff recommended the city's purchasing agent enter into a contract with four local towing companies (see below). Every effort should be made to match the PCSO towing contract in accordance with the Pinellas County Code Section 122-40.

- i. Pfiefer Towing (Dunedin)
- ii. Pete's Towing (Clearwater)
- iii. Jimmie's Auto Body (Clearwater)
- iv. Clearwater Towing (Clearwater)

The names of the towing companies will not be listed in the ordinance.

3. Section 105-24.7.4.9(B) - Special Magistrate provisions to be presented as a resolution on September 22, 2016.

City Attorney Trask explained the reason for naming the Special Magistrate in the resolution is in case someone wants to challenge that person's actions to have some document showing appointment by the city. It is a separate resolution.

City Attorney Trask has received proposals from four local attorneys with Special Magistrate experience and selections will be made by staff for recommendation to the commission for appointment.

When Mayor Bujalski questioned if the towing company contract needed to be set up by the October 1, 2016 start date Mr. Rice explained:

The paid parking system does not start until October 17 due to the Parkeon scheduling for installation and implementation and other contracts coming back late. Information has already been on the City's website regarding the October 17 date.

The city is prepared to begin on October 3 as directed by the city commission with the following in place:

October 3 – 17, 2016 there will be no tickets and there will be courtesy flyers.

October 17 – December 31, 2016 there will be 2 warnings; the third will be a citation.

City Attorney Trask advised the program can be put in place on October 1; however, whether or not to begin charging is a policy decision and does not need to be addressed in the ordinance or resolution.

Mayor Bujalski expressed concern that the change in start date was published on the city's website without the knowledge of the commission.

Mayor Bujalski verified the consensus for the start date of the paid parking program to be October 3, 2016 as described by Mr. Rice.

#### **105-24.7.5. - Residential Parking Permit Program Area (RPPPA)**

1. Section 105-24.7.5.1(B) – List of residential streets in the designated residential parking permit area to be presented as a resolution on September 22, 2016.
2. 105-24.7.5.5 - Issuance of residential parking permits.
  - a. Residential parking permits shall be issued by the parking manager as follows:
    - i. The owner of property located within a RPPPA shall make application to the parking manager for a residential parking permit. The application shall contain:
      1. The name of the owner, tenant of the property or both; and
      2. Residence and mailing address of owner, tenant or both; and
      3. A valid Florida License or State of Florida I.D. with photo, and address located within the RPPPA; or
      4. Such other evidence of identification as deemed acceptable by the parking manager showing residency within the RPPPA.
  - b. Residents will be able to apply online with an application and proof of residency.

- c. Single date event multiple visitor passes will be issued as follows:
  - i. By email (print at home) from the Planning & Development Department.
  - ii. Resident may pick up at the Planning & Development Department.

City Attorney Trask reviewed the portions of the ordinance which will be by resolution:

Paid parking areas and the dollar amounts for the \$1.50 and \$1.00 lots

Section 2 dealing with the fines associated with the violations of the parking ordinances

The locations of the Residential Parking Permits

Enforcement Hours

Establishment of the Resident Discount process

Employee Parking Pass

Tier 1/Tier 2 parking lots costs

City Attorney Trask advised the resolutions can be changed on September 22 during the meeting and will be adopted with those changes at that time.

#### **Remaining Questions (Q) and Answers (A)**

1. **Q:** What is the effect of the Gateway development agreement on the paid parking system?

The Gateway project has no effect on the 12 Month Pilot Paid Parking Program since it will not be under construction. Gateway was assumed in the financial model to be under construction during the pilot program thereby limiting available parking.

City Attorney Trask advised the title search on the Gateway property was received in order to make sure all recorded documents are in place for when the notice of termination is issued; it will reflect all types of encumbrances. He was in discussions with the attorney representing the Pizzuti companies and they are being very helpful in bringing this to conclusion. He expected the notice of termination to be before the commission for consideration within the next 30 days and he will ask direction where to send the \$35,000 he has been holding in his trust account for ten years. Two new craft breweries will have an effect on the 12 Month Pilot being under construction at that time.

2. **Q:** What is the effect of seven-day trolley service on the paid parking system?

**A:** Comment from Jon Martens, Walker Parking Consultants.

- 1. Difficult to quantify the impact, given that the paid parking component will be new as will the added trolley service.
- 2. Getting ridership data for the existing and projected future trolley days is a first step. The data needs to include where the passenger trip starts and ends as related to Dunedin.

3. **Q:** What is the cost of a downtown loop golf cart system from PSTA?

**A:** This is still being researched; however, staff heard it might no longer be available. There might be a golf cart type loop system.

4. **Q:** DMV – if you can't get a new license plate because of unpaid tickets, is there a way to pay them at the DMV while there? Or can your smart phone receipt serve as proof?

**A:** At the present time the Department of Highway Safety and Motor Vehicles doesn't have the technology to allow delinquent parking tickets to be paid on site. However, the Department is looking to upgrade their computer system to allow parking ticket payments on site to improve customer service for all Floridians. Please see the attached "Vehicle Registration Holds Report" for more information.

Mayor Bujalski clarified the parking ticket can be paid with their smart phone.

Mr. Rice would research whether the DMV would accept the paid receipt on the phone or if it has to be a paper document.

5. **Q:** Can there be a display system which bars can hand out to over-the-limit drivers who leave their vehicles behind?

**A:** Yes, staff is meeting with late night establishments to design a program, dashboard pass system to allow vehicles to be picked up by noon the following day. Program is to be presented on September 22, 2016.

6. **Q:** Are the employee passes shift only or good 24/7/365?

**A:** Employee passes will be limited to a monthly pass and 40 hours per week.

In response to concerns for enforcement, staff is looking into how to track the hours.

7. **Q:** What is the evaluation process timeline for the 12 Month Pilot Program?

**A:** Staff recommends a September 20, 2017 work shop to evaluate the pilot paid parking system followed by a decision to continue or stop the program at the October 5, 2017 City Commission meeting.

8. **Q:** How do we deal with Special Events, the Green Market, artist group and other which utilize Pioneer Park?

**A:** Staff is requesting the Special Events be postponed to the October 6, 2016 Commission meeting for further analysis.

The Green Market has parking spaces in their contract; therefore, will not be affected until their contract is renewed. The vendors would not be charged for loading.

9. **Q:** What is the cost if we stop everything next fall? Any close out expenses on our part for anything?

**A:** We have to give both Parkeon and SP + 60-days written notice if we are going to terminate the program at the end of the Pilot program. This would begin effective October 5, 2017 should the decision be made to end the program.

Commissioner Tornga requested for the ordinance and the resolutions to use the language as it is on page 1 of the ordinance referencing "complimentary" versus "free" for documentation throughout the documents. He noted there is really no "free" parking.

Mr. Rice advised there is already signage with the word "free" being used.

**CONSENSUS: The Commission agreed to continue throughout the ordinance the language "complimentary (free)".**

The public hearing was opened.

Nancy Schmidt of 1380 Daffodil Place expressed concern and requested consideration for the Windlasses, the sailing group that sails from September to May every Thursday at the Marina. They spend 4 to 5 hours on the water. In addition to sailing it has been tradition to all go

downtown to the restaurants. She explained they pay a fee to the city to use the facilities, so it would be like paying twice. She noted also the Dunedin Youth Sailing Association.

Interim City Manager Hutchens advised the city is being flooded by a number of special interest groups seeking consideration; staff is reviewing the issue, including the impacts and ramifications.

Mary Cole advised she was no longer a resident but was very involved with the Windlasses and her concern is on behalf of all boaters. One solution she has heard suggested is to give the Windlasses a sticker; however, she had a boat in the Dunedin Marina for over a dozen years and they were issued stickers for their cars, but most times it meant nothing because the Marina parking spaces were filled and it was never enforced. Now there are new signs at the Marina for 2-hour parking and she asked what boater goes out for 2 hours. She suggested that the dirt/grass parking lot by Sea Sea Riders be considered for a parking garage.

Mayor Bujalski explained boat owners will still have their stickers and it will be enforced; guests on boats will have to park in the free parking lot across the street.

Rhondia Provine of 201 Florida Avenue and Captain of the Windlasses advised she was receiving a lot of concern about parking. She noted they have been sailing in this area for 50 years and there are 140 women, though they are not usually there all at the same time.

Gennaro Diana of 1160 Palm Boulevard made the following comments:

Comments were made by commission regarding taxes going up if there was no paid parking. Also to have visitors paying for the parking and not the residents; however, residents are paying. What has failed to be mentioned is that former City Manager DiSpirito had a plan that would not raise taxes and would not have a paid parking component.

Vice-Mayor Livingston thanked citizens for their input but he questioned what input citizen had. Residents have been told there had been many meetings not publicized. Mr. Ironsmith at the Local Planning Agency (LPA) meeting on August 10<sup>th</sup> acknowledged this fact. Mr. Massaro, Vice-Chair of the LPA expressed concern for the lack of transparency with the taxpayers and keeping the LPA out of the loop; Mr. Rice answered that the commission brought it to staff.

Commission should focus on more than just the downtown area.

They want paid parking to be enforced fairly, no discounts or free parking for anyone. A deal had already been cut with downtown residents allowing their guests to park for free in their neighborhoods, why not seniors. They want accuracy and transparency and to know if the criteria being used to measure this pilot program's success and monthly updates.

Mike Elliott, owner of 326 Honey Street West in the downtown area of Dunedin, advised:

His understanding was for an employee discount and questioned whether that is just for government employees or for all downtown employees.

He has residents where the parking has always been in public parking spaces for the past 31 years and that will not be there any longer. If residents are living in the downtown area he would think it would be comparable and get the same discount as employees.

His understanding also was the parking is first come first serve and even with buying the special permits results are not guaranteed to get a parking space. It would be him and not his tenants putting out that expense which decreases his property value.

Mayor Bujalski explained the employee parking passes are for downtown employees and downtown residents have not been considered and noted Mr. Elliot has a unique situation in that his apartments do not provide parking. Mr. Hutchens is looking at that situation among others. She advised she forwarded his email to Interim City Manager Hutchens who would be providing an answer at some point.

Captain Jeff Jared of ParrotDise Express Boat Tours located at 51 Main Street complimented Harbormaster Bill Frantz for being at the Marina throughout the Hurricane Hermine to assist the boat slip renters. He stated:

Concerning the issue of paid parking he is in full support and understands the reasoning behind it and why there are time limits for turnover and in the Downtown Corridor the 2 or 3 hour time limit is reasonable.

Regarding the Marina it should be viewed differently and have flexibility. He questioned why the City would want to send guests that are going to be there more than 3 hours to the free lot when that is revenue. Consideration needs to be given to equal enforcement on the permitted lots and the paid. Signage might need to be changed and clarified.

Jim Riley of 2220 Watrous Drive commented:

This whole thing has been poorly thought out and no one seems to be able to answer all his questions. There should be no exemptions.

Paid parking is going to change the quality of life and the programs asking for exemptions can just go elsewhere. The resident discount program is a joke at 20%.

He discussed the statistics on the parking ticket revenue estimate provided.

It was nice the words "pilot program" were inserted in the ordinance, but it is meaningless fluff meant to appease residents. There must be an end date mentioned even if it is a statement that says the program ends one year after inception instead of a hard date.

He suggested the Commission should vote to implement this poorly thought out system so they can get around to dismantling it next year before Delightful Dunedin is destroyed.

One question left out this evening was how much it would cost to kill this program.

Mayor Bujalski verified with Mr. Craig the time limit Mr. Riley referred to is 3 hours and not 2 hours and with Mr. Rice that after 3 hours in a \$1.50 space the vehicle has to move and not just pay more because that is the hot spot. Mr. Rice advised in the \$1.00 spaces and the free spaces the recommendation is to have no time limits.

Mayor Bujalski clarified with Mr. Rice the recommended end date for the pilot program is October 5, 2017 and the best place for that is in the Performance Resolution.

Nancy Schmidt of 1380 Daffodil Place clarified with Mayor Bujalski the Marina is a hot spot with a 3 hour time limit and asked if they are on a sailboat for 4 to 5 hours what does she do.

Mr. Rice explained the staff thinking for the Marina was there would be no problem with extending the time if that is acceptable; however, the other resource untapped is the Good Shepherd Church who has wanted to work with the City more about utilizing their facility during the week. He thinks for the Windlasses on Thursdays there is a lot of unused parking there. His question is whether it should be the city leasing that parking area or leave it to individual groups to work out arrangements.

Mayor Bujalski noted there are many pieces to this puzzle and many dynamics and suggested staff work with the various organizations and businesses and come back with that information.

It was noted the Boat Club parking on the peninsula would remain free.

John Medeiros of 2368 Mangrum Drive expressed concern for when the taxpayers come to City Hall to fulfill their civic duty to attend meetings.

Commissioner Kynes commented that she would be willing to pay to park to be fair.

Mayor Bujalski noted that when she attends county commission meetings and the various other meetings she has to pay to park except for the MPO where they cover the meters for the board members.

Hearing no additional comments, the public hearing was closed.

#### Commission Comments

Mayor Bujalski commented there are several things the staff and Commission have heard for discussion between now and the next meeting to be considered and bringing solutions for some and not for others. She stated paid parking is going to affect everyone and she is aware Mr. Hutchens has been concerned regarding providing exemptions; she thinks it might come down to not being able to provide exemptions for anyone.

Vice-Mayor Livingston commented staff has done a wonderful job with a lot of clarification and it seems much of the dynamic items will be picked up by resolution. He thinks tonight focusing on the ordinance he is comfortable with the changes made and that it is clean as submitted.

Commissioner Tornga stated he would comment on September 22.

Commissioner Gracy had no further comments.

Commissioner Kynes commented everyone has worked hard and there has been a lot of input and thought and changes in the ordinance due to the resolutions. She is very clear on going forward.

Mayor Bujalski advised she would be voting against the ordinance as she has done consistently; however, she does appreciate the time and she has purposefully tried to let everyone speak their mind. She appreciates that staff has listened and is trying to figure it out; they cannot think of every dynamic that has been brought to attention. She asked for patience in trying to work this all out with something new.

**VOTE:** Motion carried 4-1 with Commissioners Kynes, Gracy, Tornga and Livingston voting aye. Voting nay: Mayor Bujalski.

A third public hearing will be held on Thursday, September 22, 2016 to adopt Ordinance 16-25.

#### **NEW BUSINESS**

##### **1. TZEKAS - TERMINATION AND RELEASE OF DECLARATION OF RESTRICTIONS**

City Attorney Trask advised:

A couple of months ago he received a call from Mr. Armstrong who represents Sylvia Tzekas who made him aware of the fact that there were a set of the deed restrictions on a property she owns. Attorney Armstrong wanted to talk about the possibility of having those deed restrictions lifted and the process for doing that.

He spoke with Mr. Armstrong and told him he thought it would be appropriate for City staff to review the deed restrictions and present it to the Commission with a recommendation. It