

DUNEDIN, FLORIDA
MINUTES OF THE CITY COMMISSION AGENDA REVIEW SESSION
JANUARY 24, 2017
10:00 A.M.

PRESENT:

City Commission: Mayor Julie Ward Bujalski, Vice-Mayor Deborah Kynes, Commissioners Heather Gracy, John Tornga and Maureen "Moe" Freaney.

Also Present: Interim City Manager Doug Hutchens, City Attorney Thomas J. Trask, City Clerk Denise M. Kirkpatrick, Finance Director Joe Ciarro, Budget Manager Allison Broihier, Budget/Financial Analyst Jason Miller, Planning and Development Director Gregory Rice, Housing and Economic Development/CRA Director Bob Ironsmith, Economic Development Specialist Danny Craig, Assistant Director of Public Works & Utilities Paul Stanek, Communications Director Courtney King, Communications Senior Technical Assistant Justin Catacchio, and Parks and Recreation Director Vince Gizzi.

Call to Order Mayor Bujalski called the Agenda Review Session to order at 10:03 a.m.

A. REVIEW OF THE JANUARY 26, 2017 REGULAR COMMISSION MEETING AGENDA PACKET

PRESENTATIONS - No Action

1. **CITY OF DUNEDIN DR. MARTIN LUTHER KING JR. ESSAY CONTEST WINNERS**
2. **EXEMPLARY FIRE PERFORMANCE AWARDS TO SIX MEMBERS OF THE FIRE DEPARTMENT FOR THEIR ACTIONS AT A STRUCTURE FIRE ON OCTOBER 31, 2016 AT 1441 DUNCAN LOOP SOUTH.**

ANNOUNCEMENTS - No Action

FOR MEETING OF FEBRUARY 2, 2017, there will be a public hearing to discuss and receive comments on the **Resolution 17-04 – Vacation of Easement 17-1V** for the property located at 2683 Waters Edge Court.

CITIZEN INPUT
CONSENT AGENDA

1. **APPROVE THE MINUTES** for the:
 - a. January 4, 2017 Listening Session
 - b. January 10, 2017 Agenda Review Session.
 - c. January 12, 2017 Regular Commission Meeting.
2. **BOARDS AND COMMITTEES**
 - a. **Dunedin Housing Authority**; Reappoint member Shirley James for another four year term that expires February 2021.
 - b. **Dunedin Stadium Advisory Committee**; Appoint alternate members Marguerite Allison and Linda Pierce Boosinger to regular membership for a three year term that expires February 2020.

- c. **Committee on Environmental Quality;** Appoint applicant Mary Schoonover as a regular member to finish a three year term that expires December 2018.
3. **APPROVE A REVOCABLE LICENSE AGREEMENT** between the City and the Merchants Association of Downtown Dunedin, Inc. for the Mardi Gras Celebration Event on February 28, 2017.

Commissioner Tornga inquired regarding the January 12, 2017 minutes, Commission Meeting Agenda Formats, where a motion was made by a commissioner to adopt the revised Commission Meeting Agenda Formats; he then received a communication from the City Manager showing what that agenda format would look like. His question was about the motion and was that the format the motion referenced or the perception of what the motion was. His reason for bringing this up is principally he thought the commission was talking about in general before going to the scheduled workshop which was six days later on the Rules and Regulations of the Commission Meeting or of meetings that the commission was looking at moving workshops into the session to be included with the combined agenda review and he looked at what he received as an encapsulation of this. So before getting to the meeting on Thursday, is what was received what the commission voted on, or is that the understanding because that was the combined agenda review as one small issue of that and all of the other changes that had been started by a letter communicated by a member of the commission. He was not sure of the outcome and what was voted on.

Interim City Manager Hutchens explained what the commission received in writing is his understanding of what the commission sought to have done which was to bifurcate the meetings on Tuesdays with the Agenda Review on key topics, action items and informational items and a single Workshop item. Then on Thursday nights were the higher level public input items that were a combination of Informational and Action items requiring a vote. If there was any correspondence contradicting that he apologized and would get something that revises and reflects his understanding.

Commissioner Freaney stated as the maker of the motion that is exactly what the motion was for her.

Vice-Mayor Kynes commented she seconded the motion.

Mr. Hutchens advised he worked with City Clerk Kirkpatrick to outline the format he just described for the Work Session for the meeting of February 2 as well as the agenda for the meeting of February 2; both are done and should reflect the discussion.

City Clerk Kirkpatrick advised there is a draft at the end for Agenda Approvals, one for the Work Session, as it is being called, and one for the Regular Meeting.

Mr. Hutchens explained those are proposed agendas and if what is in the packet is different from what he described and what the motions were to let staff know.

Commissioner Tornga stated he wanted clarification of the commission making that decision six days before a Workshop on the very same subject.

PUBLIC HEARINGS

1. **SECOND READING OF ORDINANCES 17-01 Annexation, 17-02 Land Use and 17-03 Zoning regarding Application AN-LUP-ZO 16-62.00** – Request for Annexation, Land Use Plan Designation from Residential Suburban (RS), Residential Rural (RR), and Preservation

(P) County, to Residential Suburban (RS), Residential Rural (RR), and Preservation (P) City; Zoning Designation from Agricultural Estate Residential (AE) County to Agricultural Residential (AR) City. Property located at **1718 Curlew Road**. Owner/Applicant: Michael R. Nissley and Shelley A. Lapointe.

No Questions.

- 2. SECOND READING OF ORDINANCE 17-04** imposing a temporary moratorium on the establishment and operation of Medical Marijuana Dispensing Organizations and Medical Marijuana Treatment Centers within the City for a period of one-hundred and eighty (180) days.

No Questions.

- 3. FIRST READING OF ORDINANCES 16-26 Annexation, 16-27 Land Use Designation, and 16-28 Zoning regarding Application AN-LUP-ZO 16-59.00** - Request for Annexation, Land Use Plan designation to Commercial General (City), and Zoning designation to Form-Based Medium (FX-M)(City). The property is located at **2801 US Alternate 19**. Owner/Applicant: Triad Construction & Management Services, LLC / Laura James.

There will be a second reading of Ordinances 16-26, 16-27 and 16-28 on March 2, 2017.

Planning and Development Director Rice advised:

This annexation request is in response to the property having a failing septic system and it was the desire of the City to get them onto a sewer system.

The property is in the County service area; however, the length of the connection to the County system would be 10 times longer than the connection that Dunedin's Public Services could provide to the homeowner, saving them a lot of money.

The Pinellas County Planning Department sent a draft of their staffing and they are recommending approval. City staff is also recommending approval of the annexation and connection to the City service.

The property is now a construction office that was previously the Harley Shop on US Alternate 19.

OLD BUSINESS

- 1. QUARTERLY REPORT ON DOWNTOWN PAID PARKING PROGRAM**

Planning and Development Director Rice advised:

There have been three Listening Sessions.

The commission packet includes the staff report; however, staff will present their final thoughts with a PowerPoint presentation on Thursday. Staff wanted to include the information from the Listening Session with the Marina Advisory Committee last night in the presentation.

The staffing in the packet at this time includes the general principles and financials in mind which is not changing. Staff was prepared to discuss some of the performance that has happened so far and answer questions.

Vice-Mayor Kynes stated she would like to rebut something on Facebook about the Station Square lot charging after 6:00 p.m. She asked if this was correct.

Mr. Rice stated one of the guiding principles moving forward is to try to look at the areas that are underutilized and not charge for those and the areas that are highly utilized and charge for those. Also, it is a point of confusion when you put a free lot in the middle of the most demand-oriented spaces. There will be a proposal to open up other areas of free parking and for Station Square to be paid. There are also ideas for resident passes, an area for residents to park free all the time 24/7– 365 days; all a part of the final plan staff is going to work through. Mr. Ironsmith commented to simplify and remove confusion and make it more user-friendly.

Vice-Mayor Kynes clarified it looks like something is being taken away; however, if it is counterbalanced with offerings in its place that is not the whole story. Mr. Rice concurred.

Commissioner Tornga asked if what has been received in the packet will materially change.

Mr. Rice advised:

The information in the packet will not change. Staff is providing ideas and not asking for final approval. It will be ideas to make the system less confusing, proposing simple areas of what is paid and what is not and when it is paid and when it is not.

Based on the Listening Sessions, staff thought it important to have all the feedback from the citizens and various boards and committees. There is a feeling in the community that this was brought to the residents without proper notification even though the City tried and they feel they did not have their say; therefore, staff would like to present that to the commission, receive feedback and then make adjustments. After that, staff would go back out quickly for further feedback and then come back to the commission for final approval.

In response to Commissioner Tornga's question, Mr. Rice stated he anticipated getting back to the commission within two weeks, probably the second February meeting because January 26 and the February 2 meetings are only one week apart.

Commissioner Tornga asked if there are items in the staffing, recommendations that are already well accepted, and Mr. Rice advised there were and if the commission decides to move forward with some of those changes on Thursday, staff is fine with that.

Vice-Mayor Kynes clarified with Mr. Rice there would be much citizen input on Thursday, staff would present the statistics and data and asked then what would be the next step.

Mayor Bujalski commented on her understanding that the commission thought they were voting on Thursday and expected that based on the Listening Sessions.

Commissioner Gracy stated on Thursday she expected to hear staff's presentation and did not expect a vote.

Mr. Ironsmith stated the process because of the resolutions and ordinances that control the parking, this is Parking Version 2.0 for discussion and direction and then the resolution and ordinance would follow.

Mr. Rice stated a vote on Thursday night, he believed, would mean being in effect on Friday morning and that is impossible, which was an error made in the beginning to try to implement something voted on September 22 on October 3.

Mayor Bujalski asked if there are votes on Thursday night what the timeframes are for implementation. Mr. Rice stated for signage changes that takes a while which is why staff

did not request City Attorney Trask to draft anything yet until there was input from the commission and the citizens and then come back with a drafted new ordinance and Resolution 16-22 by the middle of February.

Commissioner Freaney noted the February 16 meeting has a huge issue on the agenda, the OceanOptics property.

Interim City Manager Hutchens noted:

On the agenda under Old Business, staff's recommendation is to receive and discuss the report. There was no intent to have a vote on Thursday.

He thought what Mr. Rice was eluding to was, if commission direction was to make subtle changes or nuances to finesse through, it will require an ordinance change with two public hearings and adoption of a resolution that will take time. The down side of taking that time is if the commission recognizes there needs to be some mid-course corrections they cannot be made as quickly as desired and it would be getting into the second quarter report before many of these tweaks had much time to take effect.

He understood the desire to postpone because of a heavy agenda; however, the benefit of the changes they want to make will come in the second quarter report. That is the catch-22 staff is trying to reconcile.

Mayor Bujalski asked from a legal perspective, if this commission felt a change should happen right away before the ordinance has had two public hearings, can those changes move forward?

City Attorney Trask stated he would not suggest that, depending on the changes; however, if the commission is suggesting adding a lot and charging hourly for that lot, it is not enforceable if it is not in the ordinance.

Mayor Bujalski cited an example of the confusion of the time limit and the zone number, so in regard to the time limit, if it was the will of this commission to get rid of time limits, knowing Spring Training and so forth are coming in, which that would effect a lot and asked if there is a way to make that change immediately.

City Attorney Trask explained if the change is a six hour lot to a two hour lot he would say no. If a citation was issued for someone violating the time limit he would have to go to court and say even though it says 2 hours, Judge, we had a commission meeting and are going to make it 6 hours and the person was in the lot 8 hours; the judge would throw it out.

Mr. Rice commented:

Things that are in the resolution and not the ordinance could easily be done and staff will be recommending unlimited time limits because the turnover is being taken care of in different ways.

The list of things the commission thinks will be simple, helpful and not controversial; he asked if that could be ready for February 2 and City Attorney Trask advised the resolution only requires one meeting so those can be brought fairly quickly. In response to Mayor Bujalski's question, he stated he could have the resolution prepared for February 2.

Commissioner Tornga stated he was almost compelled to move forward on a couple of issues in the report and although they may take time he believed they were all resolution changes. He was in favor of a downtown parking plan, but is concerned about the perception

of Dunedin and some of the issues being caused and there will be a resolution for those in terms of an answer in concept to correct the issues. He would be frustrated to have to wait until March to make the changes.

Mr. Rice commented he did not think the changes would have to wait; especially changes to Resolution 16-22 if the commission wishes.

Mayor Bujalski asked if Mr. Rice could review the recommended changes that will not be adjusted based on what was heard at the marina, things he thought the commission could move forward with in order to have that question and answer period and to separate the performance issues from changes or tweaks.

Unlimited Time Period

Mr. Ironsmith advised:

Staff feels the parking rate on its own causes the turnover.

This creates one parking zone.

In the public meetings at the Hale Center and the meeting of the Downtown Dunedin Merchants Association the unlimited time limit was universally accepted.

Mr. Rice advised many more areas of free parking will be opened during the day. Much of the area recommended is on the west side of the city because it is not being used. With a vast amount of daytime free parking the financials indicate it has to be \$1.50 in order to come close to the original model.

When Mr. Ironsmith pointed out there are fees, including the credit card fee that eat into the \$1.50 rate; therefore, the \$1.00 rate was not viable, Commissioner Tornga commented on there also being taxes that come out of the rate.

Vice-Mayor Kynes commented her understanding of this agenda item would be to review and discuss the data and staff report and there might be some areas which, if under the resolution, City Attorney Trask has said there is the possibility of moving forward with those tweaks at the February 2 commission meeting.

Mayor Bujalski clarified time limits are recommended to be removed from all the parking. Commissioner Tornga questioned where that is in the staffing, especially the marina and the park. Mr. Rice explained staff was directed to do three Listening Sessions and staffing was due prior to the Listening Sessions; therefore, staff is not ready to provide further information today since the last session was last night.

Mr. Rice and Mr. Ironsmith advised there is still ticketing.

In response to Mayor Bujalski's query regarding ticketing, Mr. Rice reviewed people were told they would receive 2 warnings until December 31 and tickets are being issued.

Commissioner Gracy noted staff was in an 8-hour meeting yesterday and this agenda item is an update.

Mr. Rice spoke to the issue of communicating with the public and the importance of presenting the recommendations to the commission and to the public prior to presenting a resolution for consideration. Hopefully some problems will be resolved, residents are angry and the merchants have made it clear there is a boycott downtown. This might get the residents back with more free parking 24/7/365. Staff is not ready for a resolution.

Commissioner Tornga clarified that at Thursday's commission meeting, after staff's presentation, a commissioner could make a motion.

Mayor Bujalski commented there is a fine distinction regarding a vote and she thought the commissioners all understood there would be at least consensus direction on Thursday on something and public expectation is recommendations made at the quarterly update.

In response to a question from Mayor Bujalski, Mr. Ironsmith advised on Thursday staff will provide the Performance Statistics, information from the Listening Sessions and staff recommendations. Staff, representatives from SP+ and Parkeon and others from the team will be present.

Commissioner Freaney requested an update on the parking stock and what will happen when some lots are lost and when the garage is completed.

Mr. Rice spoke regarding the approach being taken now with the paid and free parking based principles that are demand oriented. The demand is in the downtown core at night and on weekends.

Commissioner Gracy suggested it would be helpful if the end product indicated the financial issues including the need for two years of revenue in order to obtain a bond for a second garage. Mr. Ciarro would provide the information.

Financial Statements for the Quarter

Finance Director Ciarro advised the 3rd page of the staffing gives the unaudited breakdown of the pilot program. He explained usually an interim financial statement from the Finance Department is cash basis and usually there is no adjustment and things are accrued back at the end of the year. For this, in order to see the revenues that have come in, he wanted to show the associated 3 months of expenses.

The statement shows:

Parking Fees - \$157,000 (averaged by month \$52,300)

Expenses were not surprising or out of the ordinary coming in at \$128,000.

Transfers in that were covering the parking lot lease expenses.

The ending net revenues talked about in discussing the original projection and related debts potentially down the road, that is why it was highlighted and now for the first quarter it is a little over \$50,000.

Recalling the parking measures and discussing \$200,000 being the go/no go which was changed to green, yellow and red; this is slightly into the yellow if it stays on the same trajectory with no changes or uptick in revenue and no uptick or downtick in expenses. Basically it would be roughly slightly over \$204,000 in revenue, if everything stays exactly the same.

In the other staffing, when talking about projections, it is basically always measuring against what has been seen so far.

Since there are no real surprises in the expense side one could think the problem is the revenue side.

Commissioner Tornga asked on the transfers in, would that amount of money equate to what the financial forecast was for citations, which would have been close to about \$26,000 to \$27,000 and verified with Mr. Ciarro it would have been roughly \$27,000.

Commissioner Tornnga then asked on the expense side and in the Downtown Parking Plan which includes the paid parking and the City providing complimentary parking, some of that parking lease money, is all of that just for the lot that is charged. Mr. Ciurro explained that it was part of the projection; all the parking lot leases being covered by BP money or by CRA funding and the reason was whether or not there was this pilot, the City would be able to cover those leases for available parking for downtown.

Commissioner Tornnga asked if it was correct there is basically only two that the City is really charging for and about three or four and one not included because the City does not receive revenue for it and Mr. Ciurro stated to the best of his recollection that was correct.

Mr. Ciurro continued:

On the next page (4) it shows the trajectory of the revenues:

Looking on the revenue side the trend can be seen which is probably also not surprising.

Each month - October, November, December - it increased from the previous month.

Some of that in October shows there is a slow start and a lot of the public knew of the flexibility with citations and then there were visitors that probably happened in the second half of the quarter. He wanted to point out that while the average was around \$52,000 that was being exceeded by the end of the quarter on a per monthly basis. It was anticipated the first month of the quarter would be one of the two lowest and it is expected this one and the quarter in the heat of summer to potentially be a lower quarter.

From his perspective he was not surprised by the results on the revenue side.

The staffing shows zero citation revenue. There are two things to think about there, the City did not get the revenue for it which is part of the financial model, with even half of what was projected that was \$13,000 then that revenue would have looked a lot better. The other side of it is if people know the city is not issuing citations, what effect did that have on the parking fee revenue projection; that will not be known until the revenues are seen and over the next quarter it might be misguided because of anticipated more visitors over January and February than in October and November.

Mayor Bujalski referred to the statistics section, page 5, regarding the 90-day statistics that could be shown by district, Monday – Friday, Saturday – Sunday, average length of stay by zone and asked if the commission would be seeing that. Mr. Rice advised that SP+ is putting the final touches on that and will be able to gather a lot of information.

Mayor Bujalski inquired whether or not information on how many residents versus non-residents are using the paid parking in the downtown at any given time.

Will Gloor, Regional Manager for SP+ stated they could get the information by cross referencing the residents who register for the resident discount program; but just looking at the license plate and the software does not tell whether or not they are residents.

Mr. Rice noted that is not the use of the license plate and it should not be used that way for privacy.

Mayor Bujalski advised a number of people have asked why the machines do not tell them they are in a free area and not accept their money because when they are in Clearwater it tells them and Mr. Gloor explained the machines do have a display that's says the paid parking is 6:00 p.m. to 10:00 p.m.

Commissioner Tornga asked if he parks in a lot at 9:30 a.m. where paid parking starts at 10:00 a.m. and he wants to pay because he will not be there at 10:00 a.m. what happens. Mr. Gloor explained he could go ahead and pay up to 2 hours before and it won't start charging until 10:00 a.m.

Parking spaces

Mr. Ironsmith, in answer to Commissioner Freaney's query, advised it would bring on board 238 parking spaces, 195 of those in the garage, 23 on Douglas and 20 on Monroe. The 90 existing are gone and for the 41 at OceanOptics there is planned development so it is netting about 100 spaces. The Walker study indicated 400 non-risk parking spaces based on the projected development at the time.

Mayor Bujalski suggested information be provided in terms of what the Walker study said was needed and where we are now would be helpful in working toward the goal. Mr. Ironsmith noted much has changed since the Walker study.

Mr. Rice noted the previous plan for the Gateway would have been a massive project with a huge demand on parking and he does not think any commission is going to allow that kind of development without providing some parking.

Commissioner Gracy asked when the supply/demand numbers are provided could they be coded red, yellow and green the same as looking at the financial model in order to indicate how fragile the leased parking lots are. She commented regarding the possibility of physically showing the public the lots that are at risk by taping them off or some other method.

Commissioner Gracy asked if it is the opinion of staff that parking in Dunedin is a function of land use and if so how can that be shown, surface parking versus using the land more efficiently. Mr. Ironsmith commented parking garages offer certainty and less people looking for a spot; they are more expensive, but also tie in with the Form-Based Code where everything does not have parking right in front.

There was discussion regarding the effect of Uber and Lyft and the success of the Trolley on parking as well and how that information will assist in the planning.

Vice-Mayor Kynes asked if the physical visual could be done even for one day to show to the public the at-risk lots. Mr. Ironsmith was not sure about the ability to do that.

NEW BUSINESS

1. BUDGET AMENDMENT

a. RESOLUTION 17-03, FY 2016 Carryover Budget Amendment

Budget Analyst Miller advised:

This arises from encumbrances that were still open at the end of the fiscal year on September 30, 2016, that have not been fulfilled; therefore, those balances need to be brought into FY2017.

The encumbrances total \$10,548,971.

The carry forward project budgets going into FY2017 total \$4,516,721.

The numbers are across all funds and net together is a total of \$15,065,692 across all funds.

Budget Director Broihier highlighted the projects where balances encumbered are higher than \$200,000:

Street Resurfacing Project - \$317,542 in the County Gas Tax

Michigan (Boulevard) Reconstruction Project - \$346,309 in the Penny Fund

Water & Wastewater

Water Treatment Plant Membrane Treatment System - \$745,000

The John Grant Hubbard Park Irrigation System - \$262,564

Wastewater Treatment Plant Denitrification Filter Rehabilitation – budget of \$746,848

Marina Fund

Marina Dock A Project - \$230,400

Fleet Fund

FY16 Fleet Replacements not yet purchased - \$387,157

Commissioner Tornga referenced Exhibit B and clarified with Ms. Broihier, the commission had been previously made aware of many of the projects.

Commissioner Gracy clarified with Ms. Broihier "The Slab" project, per the commission direction, has been renamed to Downtown Trailside Pavilion.

Ms. Broihier reviewed the commission direction that in order to carry something forward it had to meet the tests of either a Capital Improvement Project associated with it and/or that the commission had previously given explicit direction that could be referenced in meeting minutes to unused budget dollars for a specific purpose.

Vice-Mayor Kynes asked when the Downtown Trailside Pavilion will come to fruition and Mr. Ironsmith advised it is moving forward and is in the design stage.

2. BIDS/CONTRACTS/AGREEMENTS

a. 465 Main Street (above Flanagan's Irish Pub) Revocable License and Indemnification Agreement

Mr. Rice advised:

The new owner of the building that Flanagan's is in has brought to light there are six apartments above Flanagan's that have not been used in eight years and she has renovated the second floor into three apartments and she would like to put in a balcony all the way across Flanagan's.

The balcony would come out into the air space of the City right-of-way which requires this agreement in order for the owner to be aware should the City ever need to get into the air space to work on something city-related the balcony would have to be removed.

He thinks the chances of work needing to be done that would require removing the balcony is slim; however, there still needs to be the protection for the City.

When Commissioner Tornga inquired if the change of use is covered in the agreement, City Attorney Trask advised:

Right now it is being used for the purpose of a balcony and aluminum hand rails and if they want to put something else there, for example to change the balcony to a sign, the City has

the opportunity in this agreement to revoke and they would have to remove the balcony and whatever else they want to put there; the City has complete control over this space.

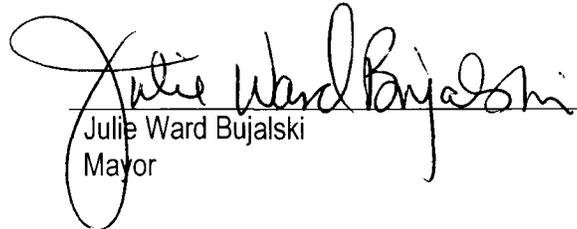
The document is a different format in order to record it in the public records in case this property owner sells it will come up as an encumbrance on a title search so any perspective owner would be obligated to conform to the terms of this agreement, long term. This is for a hardened structure built into the building.

When Vice-Mayor Kynes asked if the balcony would be decorative, Mr. Rice stated it is quite nice and the owner was pretty sure they were going to take down the marquee signage and change it to old-fashioned signage improving the look of the building.

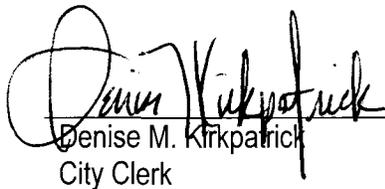
3. **CITY CLERK'S UPDATE** - None
4. **INTERIM CITY MANAGER'S UPDATE** – None.
5. **LEGAL UPDATE** – None.
6. **COMMISSION DISCUSSION** – None.
7. **COMMISSION COMMENTS** – None.
8. **APPROVE THE MINUTES** for the:
 - a. January 31, 2017 Work Session.
 - b. February 2, 2017 Regular Meeting.

The meeting adjourned at 11:31 a.m.

NOTE: The meeting was completely recorded and the recording is in the official file. This meeting was also broadcast by *Dunedin TV*.


Julie Ward Bujalski
Mayor

Attest:


Denise M. Kirkpatrick
City Clerk