

**DUNEDIN, FLORIDA
MINUTES OF THE CITY COMMISSION REGULAR MEETING
DECEMBER 15, 2016
6:30 P.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 Brohier, Planning and Development Director Gregory Rice, Housing and Economic Development/CRA Director Bob Ironsmith, Public Works and Utilities Director/City Engineer Jorge Quintas, Assistant Director of Public Works & Utilities Paul Stanek, GIS/CAD Administrator Wayne Clark, Public Services Division Director Keith Fogarty, Building Official Joseph DiPasqua, Communications Director Courtney King, Communications Senior Technical Assistant Justin Catacchio, Human Resources/Risk Management Director Theresa Smalling, Parks & Recreation Superintendent Lanie Sheets, Solid Waste Division Director Bill Pickrum, and approximately sixty-one people.

CALL TO ORDER

Mayor Bujalski called the meeting to order at 6:40 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

City Attorney Trask gave the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

1. UPDATE ON LOCAL AND REGIONAL TRANSPORTATION INITIATIVES

Whit Blanton, Forward Pinellas Executive Director, provided the following information.

A Federal rule was proposed in June to merge the Metropolitan Planning Organizations (MPO) in the Tampa Bay Area and across the country if they were in one urbanized area as there is here.

There is an MPO in Hillsborough, Pinellas and Pasco Counties which is one urbanized area from a Federal planning standpoint.

The rule said those MPO's need to be merged into a single entity or if remaining separate have a plan to develop a single set of transportation planning work products for the entire region. This would include a Long Range Transportation Plan, a prioritization process for the three-county area and one set of performance measures and targets for transportation.

The three counties have some unique circumstances and differences in how they have to plan, look at transportation and development.

Pinellas County has 25 local governments and approximately 1 Million people with not a lot of vacant land for future development. The currently Pinellas is in redevelopment.

In Hillsborough and Pasco Counties most development is spreading out to the edges and growth, development and transportation issues take a different nature.

Mr. Blanton referred to a PowerPoint presentation with the following highlights and comments.

Forward Pinellas' focus is on big picture countywide issues such as the development of the interstate systems, transportation corridors and come up with a consistent approach to development and mobility options.

The issue is of a regional nature. The thinking is that things are working well in Pinellas from the organization standpoint; however, there is a perception throughout the region the County is not competing as well as other regions for transportation dollars, Federal or State.

The chart provided relates to transportation rating for Pinellas County at a Chamber of Commerce Foundation Workshop by approximately 50 people indicating 67% saying it is a weakness and is getting worse.

The perception is something that has to be dealt with. The sense is there is a fragmented decision making process because when making regional decisions there is a recommending body consisting of representatives from our MPO and representatives from the Pasco MPO and the Hillsborough MPO, Transportation Management Area Leadership Group (TMALG) and those members make recommendations back to the individual MPO's and then those MPO's make a unified case to the Florida Department of Transportation. In a vacuum FDOT sometimes fills that void.

The TMALG that is an advisory body has done their job setting regional transportation priorities and made those recommendations and each of the MPO's have endorsed that.

Many entities are involved in transportation in this region with two transit systems existing and one emerging in Pasco County, Regional Planning Council, Tampa Bay Area Regional Transportation Authority (TBARTA) and all the cities making for a complex transportation process.

Increasingly money flows to regions and not individual jurisdictions; therefore, regions with a unified plan and strategy and a consistent set of priorities do tend to receive more funding.

The consideration is what the best option is for our region which goes from keeping things as they are, tweaking and making adjustments to the process, to completely starting a new organization. There has been talk about a Regional Council of Governments, regionalizing the MPO's and both Pinellas and Hillsborough County Commissions have written letters to the Department of Transportation at the Federal level advocating for the merger of the MPO's.

Much thought needs to go into the mission, roles and responsibilities for such an organization to have and how to insure that decision making process flows from local governments up to the regional level.

Extracting the MPO from Forward Pinellas leaves it with a staff of about 6 people dealing only with countywide land use planning and losing many tools related to integrating land use and transportation.

The Pinellas County letter suggested a merged MPO; however, not losing what is in Pinellas County.

The City of Dunedin currently has a seat on the MPO; however, Florida Law allows only 25 members on an MPO and there is a minimum number of County Commissioners. Merging the three MPO's would mean members of all three counties

required by law to be seated. There are also all the operating agencies such as the Port Authority, Airport Authority and two transit systems have a seat. This does not leave a lot of room for cities. Currently with 13 members there is a rotating seat for the beach communities, inland communities, Safety Harbor, Tarpon Springs and Oldsmar and there are seats for Dunedin, Pinellas Park, Largo, St. Petersburg and Clearwater and that dynamic will change which is an important consideration.

Today the Federal Government released the final rule which is substantially the same as the draft rule, even though 90% of the 900 responses to the rule were negative as a heavy handed federal dictate of how to operate.

The rule sets aside the implementation time frame until 2024 providing about 8 years and a new census to work things out.

That gives the MPO's the ability to opt out with approval by the Governor and the U. S. DOT Secretary.

In the meantime even without the Federal rule possibly there is enough of a push regionally from the State Legislature and from the two County Commissions to do something sooner than later. A proposed process includes approval of a scope of services to do an evaluation of best practices over the next 6 – 9 months across the country to look at how other regions have dealt with regional transportation decision making and how their experience applies to the Tampa Bay Area.

Also, in the meantime work is being done with the MPO's to develop a more robust regional long range transportation plan to be adopted as one document which is believed will fulfill some of the expectations for the Federal rule and requirements.

The anticipated start date is May 2017 with a collaborative workshop involving local government representatives from throughout the three counties, State Representatives and others to have a discussion about the desired achievement with a regional transportation planning agency and how it will relate to the FDOT.

The Federal rules require planning for 20 years of growth in creating this structure. In looking at growth planned over the next 20 years Hillsborough merges with Manatee County; Polk County and Hillsborough are already getting closer together and Spring Hill and Hernando is merging into Pasco County. It might be left with a mandate at the Federal Level to have a 7 or 8 county MPO which would be unwieldy for decision making and bringing up local decisions. Pinellas County is used to dealing at the hyper-local level on these issues.

Mr. Blanton commented there is much to consider and he welcomes thoughts and input over the next year working on this important discussion on how to operate. He advised:

The other consideration is that each MPO in Florida receives a set amount of money to carry out planning activities and fund a staff; unless something changed if the MPO's merge it would get the same amount of money; a reduction in planning funds.

In Orlando they augment the funding source by having a 50-cents-on-the-dollar funding source for every local government that is a member of the MPO.

A decision would have to be made as to how to fund the operation.

He does think this is an opportunity more than a threat or challenge because done right a structure could be created that leverages local dollars and brings back to the community

tax dollars sent to Washington and Tallahassee. A strong region speaking with one voice is more successful than one that is fragmented.

Commission Questions and Comments

Commissioner Tornega commented:

As liaison to the MPO and serving on the TMALG as alternate, he is aware of the issues and noted it is one of the reasons he wanted to be involved in the Florida League of Cities regarding the Legislative actions.

This involves home rule and in this case Dunedin is one of the five cities seated on the MPO. The concept of the TMA has been to speak with one of the issues, to speak with one voice in order to be a larger group that will be looked at more strongly including by the FDOT as well as the Federal organizations.

These studies have been discussed in detail at the TMA and everyone has had input. He feels whatever comes out of this initiative will be good for the city providing following through at the Florida League of Cities on the home rule side and it is done in conjunction. He advised the TMA has worked very smoothly.

Commissioner Gracy commented the Suncoast League of Cities has made transportation the number one priority and will add to the voice.

Mr. Blanton advised:

In 2017 they are kicking off with FDOT a Corridor Study for Alternate U. S. 19 all the way through from Pasco County to Park Street in St. Petersburg and will be working closely to make sure there is great community input. All transportation options will be considered for that corridor.

In addition they are working with the water taxi operator to potentially bring that service to Dunedin.

The S.R. 580 Corridor is something they have talked with FDOT about looking at safety and operations along Skinner Boulevard and then going east to U.S. 19. There should be some news coming back on potentially funding a collaborative study with the City of Dunedin.

Dunedin is the hot market calling for being diligent about managing traffic and think about the impacts of growth and development.

Commissioner Kynes commented on the understanding of the regions coming together and she did hear at the League of Cities that sometimes it becomes urban against rural because it will effect the MPO delegate. Mr. Blanton responded he is worried in creating this larger MPO structure with portions of Citrus, Hernando and even east Pasco and Hillsborough counties that are very different from Pinellas, it does not mean not getting along, but a different set of trade-offs.

Commission Freaney expressed appreciation for Mr. Blanton's experience and reaching out to make sure what other systems are doing that is a positive approach.

Mayor Bujalski questioned the rationale for the funding remaining the same if the area covered by one MPO is so much bigger with more roadways and miles. Her concern is that it is not just state roads MPO talks about, but also county roads, sidewalks, bike lanes, public transportation and it seems there is going to be a cost to the County to manage all of that and

in combining all the counties will all those elements be looked at by a regional MPO. It seems there will be another layer and more costs which will come down to the County and cities through taxes to manage all of it.

Mr. Blanton noted it was a good point because Pinellas County only has one Transportation Planner on staff, just hired, and there would have to be a shift and more in the budget and duties to the County if the MPO just elevated to that level.

Mayor Bujalski commented it is an unfunded mandate and Mr. Blanton agreed that could be an argument. Her concern is the local everyday projects the Commission hears about from residents are going to get lost sight of if there is not a good system that falls under this regional board; no one is going to want to go from zero funding to giving a lot of money to make that happen.

Mr. Blanton stated he has also heard the concern that the current MPO board is all local officials from Pinellas County that they are accountable and if that is elevated to a super region and the region is making decisions at that high level there might be elected officials in Hillsborough County voting on priorities for Pinellas County and they might sway the priority and there is no direct accountability. He noted other regions have done it; however, it is more of an issue for Florida.

Mr. Blanton encouraged the City of Dunedin to take an active role in participating in the forums and weighing in and he will keep the Commission apprised through Commissioner Tornga and all of the Commissioners if they would like.

Mr. Blanton advised:

There is a program in place to transform certain streets to make them more accommodating and safe for all users and Dunedin is the pioneer in that initiative. Main Street a couple of decades ago was a 4-lane road and Alternate 19 was a 4-lane road and those have been transformed made safer and easier to traverse and economic development occurred from that change.

2. HURRICANE MATTHEW UPDATES

a. PRESENTATION BY RICK STEVENS, PUBLIC WORKS DIRECTOR WITH THE CITY OF ST. AUGUSTINE – St. Augustine thanked the Dunedin City Commission and the Dunedin staff that provided assistance following Hurricane Matthew

Rick Stevens, Public Works Director with the City of St. Augustine, expressed appreciation for the support shown through Mr. Fogarty and his staff who gave them assistance during the Hurricane Matthew cleanup. He stated without their support and efforts with their equipment and manpower they would still be cleaning up today. Their goal was to accomplish the cleanup before they geared up for the Nights of Lights, a big event in their city, and with their help that was done in 6 weeks. He noted the contractor who came in did 80,000 cubic yards of C & D (construction & demolition) and vegetation and aside from that with help of the Dunedin staff self performed 2,000 tons of vegetation. He applauded the City and expressed a sincere thank you to Mr. Fogarty, his staff and everyone here. He read the names of those who came to St. Augustine, Trevor Bacon, Glenn Bechtle, Marshall DelNegro, Kevin Hubbard, Joey Hurley, Jesse McLaughlin and John Nuss. Mr. Stevens presented Mr. Fogarty with a "Million Dollar Coin" that was given to them for completion of Hurricane Matthew. He offered the assistance of the St. Augustine staff if Dunedin ever needs help.

Public Services Division Director Keith Fogarty expressed appreciation for the recognition. He spoke about the extensive damage and closings from the storm, some of which is ongoing with City Hall shutting down and relocating for a month and housing city employees whose homes were destroyed. He commented regarding people in the neighborhoods remarking they had been to Dunedin and thanking them for coming. He expressed his pride in his employees who did an awesome job.

b. RECOGNITION OF DUNEDIN WATER AND WASTEWATER STAFF

Assistant Director of Public Works & Utilities Paul Stanek invited all the Water and Wastewater staff present to the podium.

He commented "We are here tonight to recognize staff from Wastewater and Water, for their dedication and hard work during some trying times.

Mr. Stanek started with Hurricane Hermine.

Wastewater. As you may or may not remember, we had a tremendous amount of rain at the end of August and the beginning of September, as a matter of fact, Jorge and he will be giving an update on our wastewater infrastructure following this presentation.

These folks in the collections system and the Wastewater Plant worked under harsh conditions and long hours. Folks were fearful that if they left the City, they would not be able to return due to flooding. Many of our people, as he spoke of before at a previous Commission meeting, slept in their cars and missed family events to support Dunedin.

Mr. Stanek recognized the members of the Collection Team:

Arthur Kelley	Mark Eby
Jeffrey Givens	Glenn Schneider, and
Bradley Young	their fearless leader; Collection Manager, Lance Parris

He also recognized the members of the Wastewater Treatment Plant team that kept everything that was coming into the plant, moving through the plant and finally flowing out of the plant as it should be, even though it was nearly 4 times the amount of an average Dunedin Day:

- Second shift Lead Wastewater Operator William Bouslog
- Second shift Wastewater Operator Guy Healey
- Second shift Wastewater Operator Sammy Campbell
- Second shift Wastewater Operator Dema Elshinawy

Lastly, this group's fearless leader, Wastewater Plant Manager, Brian Antonian

To get some insight on these employees, when it was first brought up that the Commission was going to recognize these folks, they all responded with "Just doing our job."

Water. On October 10 of this year, a water main break occurred. Not just any water main break, but a break on one of the largest diameter distribution lines in the City located on the north side of Curlew Rd.

For nearly 8 hours, just as their normal 8 hour work shift was about to end, the City's water distribution team fought to overcome the water main break. The crew was able to restore water service with minimal disruption to City residents, and without having to engage a contractor to come in and make an expensive emergency repair.

He then recognized the staff from Water Distribution:

Joe McLemore	Donnie Huettig
Larry Lash	Jamie Ellison
Sean Higgins	Richard Wicks Matt Bertles
Matt Adams	Dan Chislock, Water Distribution Manager”

ANNOUNCEMENTS

FOR MEETING OF JANUARY 12, 2017, there will be a public hearing to discuss and receive comments on the:

FIRST 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**, Parcel Number 13-28-15-00000-310-0600. Owner/Applicant: Michael R. Nissley and Shelley A. Lapointe

FIRST 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.

PRESENTATIONS continued

2. c. TASK FORCE AND SANITARY SEWER OVERFLOWS (SSO) UPDATE

Director of Public Works & Utilities/City Engineer Jorge Quintas provided a brief recap of the results of all the rainfall and advised of some of the efforts of the members of the Task Force the County has put together in an attempt to address some ongoing issues with sanitary sewer overflows.

With the substantial amounts of rain over a short duration of time at the beginning of September which was on the heels of two very wet months in July and August leaving a ground that was already heavily saturated ground with not much opportunity for percolation. There were issues with water in the roads.

There were municipalities throughout the county that did not fare as well as Dunedin being fortunate with only three SSO reports resulting in 10 manholes impacted and 3 cleanouts to be addressed.

Staff responded to depressions and holes that opened up throughout the city as a result of the rainfall and the collapsing soils being sucked into the system.

GIS/CAD Administrator Wayne Clark referred to the desktop software providing the information on locations of the various incidents including private issues. He explained how the software works.

Mr. Quintas pointed out the data base is still being built and noted the importance of being allowed to focus efforts, determine possible causes and overlay other utilities to determine the course of action.

Commission Questions

Commissioner Freaney asked how the problems in the Ranchwood/Raven reach back to the problems in the late 80's and early 90's when a lot of work was done in that area. Mr. Hutchens explained much of the work done in the 80's was for localized flooding and the low lying area from development to channelize flows.

Commissioner Gracy verified with Mr. Quintas staff is backfilling data for perspective.

Assistant Director of Public Works & Utilities Paul Stanek explained:

Infiltration is groundwater that enters the sewer lines through defective pipes, joints, connections and manholes.

Inflow is where storm waters discharge directly into the sanitary sewer system. Sometimes this is the result of roof drains or a low spot connecting to the stormwater drains by the homeowner and sometimes just stormwater runoff.

The INI overloads the collection systems and reduces the efficiency at the Wastewater Treatment Plant because all of the excess water along with a little sewage. During a storm the amount of sewage does not change, it stays much the same as any other day during the week.

It is the inflow and infiltration and the three or four times of extra ground water, stormwater and even sea water if there are flooded manholes on the streets entering the collection system.

Mr. Quintas commented:

There is almost 130 miles of sanitary sewer system throughout the city and pipe sizes ranging from 8" to 24" in diameter with varied materials. The material used for the older pipes becomes brittle over time and can crack.

The sanitary sewer/wastewater plant is terminated for 6 million gallons a day and is designed with a safety factor of 2; therefore, it is designed to handle 12 million gallons a day. An average day is only about 4.3mbg; therefore, there is plenty of capacity at the plant. During Hermine there was 14 million gallons a day so it was running full out and everything coming in was being treated; however, any more and there would have been trouble.

A graphic provided depicts how the ground water and stormwater gets into the system.

Some of the short term fixes include new types of manholes with improved seals and rain guards. Testing finds where there are issues and where to focus efforts to resolve them.

Mr. Stanek advised a number of Capital Improvement Projects have been identified for the wastewater plant and system pipes including pump and filter replacements and a backup generator. This past year and the next couple of years the plan is to invest \$6 Million into the Wastewater Treatment Plant.

In response to the question from Commissioner Kynes, Mr. Quintas advised the plan is to shift some of the Operating budget to funding the domes for the manholes after determining where they are needed for the most effectiveness, not just throughout the entire system.

Mayor Bujalski asked how long it will take to determine how many rain guards are needed; Mr. Quintas explained it is a continuous effort and hope to address the issue in the 2018 budget.

Mayor Bujalski commented given the conversation going on throughout the county on this issue and there is money available and she does not want to limit these improvements because of a certain number in the budget. This is an unplanned event she feels the public would want the City to expedite however it is possible.

Mr. Quintas advised regarding the Task Force:

One of the issues brought forward by the task force is that the entire system could be completely sealed and that does not prohibit SSO's from happening because the City can only control what is happening in the right-of-way. With the older systems feeding into the collection system, if they are compromised there is no mechanism to go onto private property to correct those issues.

The question is now that there is the attention of the Legislative Delegation how to use that for some State and Federal funding for such things for example forcing inspections when properties are sold in order to find a compromise and make repairs which can be costly.

Mr. Stanek advised the rain guards cost approximately \$120.00 and Mayor Bujalski discussed with him the possibility of that being a simple quick approach and then work on the more complicated work later.

Mr. Stanek reiterated that while the domes are inexpensive they do not need to be put everywhere, so protecting the manholes downhill is what will be done and in terms of the funding there is an annual pipe lining contract which he hopes to double or triple this year with Commission approval and the same with the line item in the budget for manhole coating to at least double that funding. He explained that even though this is done by outside contractors it still has to be managed by City staff so the work load has to be something staff can handle. Also, making sure the domes are put in correctly is important to make sure other issues are not created.

Mr. Quintas advised at the Task Force meeting on Friday they have asked Communications Director King to attend in relation to putting out a consistent message about things like putting grease down the drain. He showed some short videos from the County showing what can happen from private inflows and infiltration.

3. ECO-VILLAGE PROGRESS UPDATE

Housing and Economic Development Director Bob Ironsmith introduced Bob Palmiero, Vice-President of Greenergy, LLC.

Mr. Palmiero advised:

The first building closed last month after some delays with the County regarding the ground lease with some amendments making it directly with the homeowner.

Four of the Building 1 homeowners moved in and the 5th received the closing documents today to close Monday or Tuesday next week.

The second building is under construction and is anticipated to be completed and ready for people to move in before the end of January.

The third building will begin construction after the first of the year when the second building is ready to close. After that they will begin working on construction of the next three buildings.

Regarding the solar energy to the homes, they are metered so that the extra power, more than the home needs that is generated during the day, will go back to the power company. At night when the homeowner needs to take in energy it is purchased from Duke Energy the same as others; however, use the credits they have built up during the day with the net effect of having a negative bill every month showing how much power was produced during the month, how much used and how much is rolled over. At the end of the year Duke settles the account giving the homeowner a check for any overages, maybe \$150.00 to \$200.00 and the next year begins again.

The entire project will be completed in 2017.

Mayor Bujalski inquired if there is a way to make the property look better from MLK in terms of landscaping so the entire property looks better now.

CITIZEN INPUT

Harry Steinman of 600 Loudon Avenue representing 524 members of Preserve the Vibe requested that the Commission reopen conversation regarding the Land Dedication Ordinance and restoring the land dedication offset and re-examine Ordinance 14-04. He believes the basis of approval was faulty. He gave a couple of examples, within a packet that was distributed to the commission (*and is attached to these minutes*).

Dave Becker, owner of a beach shop on Main Street, advised he was concerned about the paid parking as he hears complaints about it every day. He is frustrated that the amount of people coming into his store is about 50% less than before.

Interim City Manager Hutchens advised the first quarterly update for the parking will be January 26, 2017. Staff will bring the information to as many organizations and committees as possible for input prior to the Commission meeting.

Bill Arim of 200 Main Street #106, , owner of the Spice & Tea Exchange business on Main Street followed up on the comments made by Mr. Becker and noted some of the comments from some of his customers who are also challenged with the new parking situation. He made a few suggestions for improvements and asked about consideration for residents and employees.

Chris McLaughlin of 1677 Brook Drive commented about the parking situation stating he did not realize how far out the neighborhood permits went out when looking for parking for the parade and Mayor Bujalski explained those permits further out are because of the stadium and not the downtown parking.

Mr. McLaughlin noted he is a surveyor and holds an underground contracting license; he is also the new alternate member on the Hammock Advisory Committee. In terms of the sanitary sewer overflows, Treasure Island has the domes and might be a city to talk with about their suppliers and cost.

Cathy Greenwood of 2239 Watrous Drive stated this is not two meeting where business are stating they are losing a good percentage of business; she thinks this is an emergency and there is a need to find out how widespread the losses are in downtown. She noted businesses on Broadway are also suffering. She questioned the city's monitoring on the parking stations.

Mayor Bujalski responded explaining City staff is talking to other businesses and are monitoring the revenue or lack of revenue which is how they were able to make the decision about east Main Street. Everything is being monitored on a constant basis.

Jeremy Reynolds of 660 Beltrees Street and member of Preserve the Vibe drew attention to page 4 of the packet submitted by Mr. Steinman where it was recorded Mr. Rice had heard in research where soft costs would be \$9,000 to \$15,000 including architectural and impact fees. He asked why fees are looking to be decreased on units where the costs are significantly more and noted the fee schedule seems to be designed more by developers. He believes there was inadequate information for the City Manager and Commission to evaluate.

Catherine DeFord of 1015 Park Drive spoke in regard to the packet received from Mr. Steinman pointing out the dissenting view expressed during the workshop because they believe the views should have been taken more seriously. She suggested reconsideration of the Land Dedication Ordinance based on proven facts and not assertions.

CONSENT AGENDA

- 1. APPROVE THE MINUTES** for:
 - a. The Special Meeting of November 21, 2016.
 - b. The Special Meeting of November 29, 2016.
 - c. The Agenda Review Session of November 29, 2016
 - d. The Regular Commission Meeting of December 1, 2016.
- 2. BOARDS AND COMMITTEES**
 - a. **COMMITTEE ON AGING**, Appoint applicant Louise Cleary as an alternate member to finish a three year term that expires August 2017.
 - b. **HAMMOCK ADVISORY COMMITTEE**, Appoint applicant Christopher McLaughlin as an alternate member to finish a three year term that expires March 2017.
 - c. **SOCIAL SERVICES COMMITTEE**, Appoint alternate member Barbara Guyette to regular membership to finish a three year term that expires May 2018 and appoint applicant Robert Larcom as an alternate member to finish a three year term that expires May 2018.
- 3. APPROVE THE CITY WEBSITE UPGRADE** by entering into a new Master Services Agreement with Vision Internet Providers at a cost of \$33,320.
- 4. AWARD A CONTRACT FOR BID #17-1074 PALM TREE TRIMMING SERVICES** to Summit Lawn & Tree Care of Tarpon Springs, FL in the amount of \$32,990 to provide tree trimming services throughout the City.
- 5. APPROVE A CHANGE ORDER TO THE CONTRACT WITH AMERICAN CONSTRUCTION SERVICES, INC.** of Tampa, FL, in the amount of \$68,070 for Repainting/Recoating two (2) Clarifiers at the City's Wastewater Treatment Plant.

MOTION: Motion was made by Commissioner Tornga and seconded by Vice-Mayor Kynes to approve the Consent Agenda, as presented.

VOTE: Motion carried unanimously.

PUBLIC HEARINGS

- 1. SECOND READING OF ORDINANCE 16-04** amending Chapter 82 Vehicles for Hire
City Attorney Trask read Ordinance 16-04 by title only.

MOTION: Motion was made by Commissioner Tornga and seconded by Commissioner Freaney to adopt Ordinance 16-04.

City Attorney Trask advised the Ordinance Review Committee:

Has reviewed Chapter 82 (Vehicles for Hire) of the Code of Ordinances.

Is recommending that a certain revision is necessary to clarify liability insurance policies filed by taxicab owners, operators, drivers or chauffeurs must be issued by an appropriately licensed surety company.

Is recommending that a certain revision is necessary to clarify it is the duty of the Planning and Development Director to notify the City Manager of any ordinance violation by taxicab owners, operators, drivers or chauffeurs.

Clarified what type of owner/operator/driver of the vehicle fleet is to a taxicab owner.

Commissioner Kynes verified with City Attorney Trask, this includes Uber and Lyft.

The public hearing was opened. Hearing no comments, the public hearing was closed.

VOTE: Motion carried with Commissioners Kynes, Gracy, Freaney, Tornga and Mayor Bujalski voting aye. Voting nay: None.

- 2. SECOND READING OF ORDINANCE 16-21** repealing Sections 78-251, 78-252, 78-253, 78-254 and 78-259 of the Code of Ordinances to conform with State Law that preempts the City from imposing additional or duplicative requirements or fees in the permitting of the location, abandonment, boring or other associated activities relating to the installation or abandonment of groundwater wells; and that Sections 78-255 through 78-258 shall be renumbered 78-251 through 78-254; and amending the renumbered Section 78-253 to remove the reference to inspection and approval of wells.

City Attorney Trask read Ordinance 16-21 by title only.

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Freaney to adopt Ordinance 16-21.

Assistant Director of Public Works & Utilities Stanek advised the City was notified earlier this year by the Southwest Florida Water Management District (SWFWMD) that certain sections in Chapter 78-Utilities of the Dunedin Code of Ordinances were in conflict with provisions of Section 373.308(1), Florida Statutes (F.S.). In 2013, the Florida Legislature passed House Bill (HB) 999, which designated the SWFWMD as the solely responsible entity to issue well permits within its jurisdiction. Furthermore, HB 999 preempts other local government entities from imposing additional or duplicative requirements or fees in the permitting or other associated activities relating to the installation or abandonment of groundwater wells.

City staff has reviewed the Code of Ordinances as it relates to HB 999's restrictions and has determined Sections 78-251, 78-252, 78-253, 78-254 and 78-259 cannot be legally enforced. The repeal of the above sections will ensure that the Code of Ordinances is compliant with current Florida Statutes.

Mr. Stanek advised:

He has been working with Vice-Mayor Kynes and Florida League of Cities (FLC) Attorney Rebecca O'Hara, who is liaison to the Florida League of Cities Legislative Policy Committee on Energy, Environment and Natural Resources (EENR) Committee to establish legislation with regards to wells.

Staff is attempting to resolve concerns regarding this legislation through the water use permit going forward.

He noted the concerns regarding reclaimed water availability and wells have been brought up across the state; therefore, possibly there will be some legislation this year.

Mayor Bujalski commented this is another example of regionalizing a board, which is good; however, with no underneath structure the small cities get lost in their concerns.

Commissioner Kynes pointed out in the SWFWMD documents, "While several local governments within the district's jurisdiction have been delegated well construction permitting authority by the district, the City of Dunedin is not one of these."

She questioned if Dunedin would want to be one of those cities and Mr. Stanek explained the City would have to have a SWFWMD type of permitting staff to do that and over the past 3 years there has been 2 requests for these wells, so there is no reason to want to be delegated.

The public hearing was opened. Hearing no comments, the public hearing was closed.

VOTE: Motion carried with Commissioners Gracy, Tornga, Freaney, Kynes and Mayor Bujalski voting aye. Voting nay: None.

BREAK 8:44 – 8:54 P.M.

At the request of Mayor Bujalski, Interim City Manager Hutchens provided a brief update regarding the recent discussions on the Land Dedication Ordinance (LDO). The Parks & Recreation Advisory Committee has been spending quite a bit of time studying the topic of the LDO and looking at best practices statewide. The Parks & Recreation Department has been working in concert with the Committee and independently. The will have some information to share with the Commission in February or March. In addition, there has been discussion of the Commission consideration of a listening session with the public and at the January work shop he will provide an attachment regarding work sessions, workshops and agenda review to include if the workshops go away how to take the topics already scheduled on the Tuesday morning meetings individually. At the time the Commission might want to consider where to schedule and LDO discussion at that level prior to an ordinance change.

OLD BUSINESS

- 1. TERMINATION OF THE GATEWAY DEVELOPMENT AGREEMENT BETWEEN PIZZUTI AND THE CITY OF DUNEDIN ALONG WITH APPRAISAL REVIEW OF CITY OWNED PROPERTY, AS WELL AS DECLARING CITY LAND SURPLUS AND AUTHORIZATION FOR STAFF TO DISCUSS SALE WITH INTERESTED PARTIES FOR DEVELOPMENT**

Termination Agreement

Economic and Housing Development Director Ironsmith advised:

The first recommendation is to consider terminating all the development agreements that occurred over the last approximately 8 years. City Attorney Trask has been negotiating with the attorney for Pizzuti relative to dissolving and terminating those agreements except for the License Agreement which continues allowing parking on the Gateway until such time that property has a building permit issued.

City Attorney Trask noted the \$35,000 he has been holding in trust for years for which he would cut a check and provide it to the City once the agreement has been signed.

Mr. Ironsmith went through his PowerPoint presentation with the following points:

- Gateway History
- Why was the Gateway property split in 2 phases?
- Current status of the Gateway
- What does the zoning allow?
- Appraisal Results
- Gateway parcels as surplus
- Vision for the Gateway
- Available options to City on Gateway
- Gateway Phase II
- Available options to City on Gateway
- Parking Aspect
- Gateway Deposit Funds
- Pizzuti Feedback
- Gateway Signage

Recommendation

Staff recommends the following:

Termination of the Development Agreement (Approval of the Termination Agreement)

Review and discuss appraisal on Phase II and Jernigan

Declare City portions of Gateway surplus

Continue discussions with Pizzuti for collaboration

Authorize staff to discuss sale of Gateway parcels and a unified development plan with Pizzuti parcels to interested parties

City Attorney Trask advised he felt it critical for the Commission to sign the Termination Agreement tonight which has been received back with all signatures of the Pizzuti people; City Clerk Kirkpatrick has the original.

Termination Agreement

MOTION: Motion was made by Commissioner Gracy and seconded by Commissioner Tornga to approve the Termination Agreement.

VOTE: Motion carried unanimously.

Receive the appraisal

MOTION: Motion was made by Commissioner Gracy and seconded by Commissioner Tornga to receive the appraisal on the Gateway Phase II \$920,000 (1.317 acres) and the Jernigan Tract \$300,000 (.619 acres).

Commissioner Freaney asked if Mr. Ironsmith felt the appraisals came in fairly accurately based on his expertise. Mr. Ironsmith advised he and City Attorney Trask talked about it and felt the value might be a little lower because the appraisal was based on being unified with Pizzuti's piece and not independently. City Attorney Trask advised when the City entered into this lease agreement/development agreement 1½ to 2 years ago it was valued at \$998,000; therefore, there has been a \$75,000 decrease in value according to the appraisers.

Commissioner Kynes asked if the value could fluctuate and Mr. Ironsmith explained the City can set the price for what they think it should be, could ask for an additional appraisal or review.

City Attorney Trask explained he did not want the Commission to limit itself to thinking of selling it for \$920,000 when it might be valued to them at for example \$1.3 Million and that is what they are going to sell it for. When the Commission approves receiving the appraisal they are acknowledging it has been done and received.

Mayor Bujalski also expressed concern of the value coming in at \$75,000 less than two years ago which might hamper negotiating ability no matter what the City asks. Mr. Ironsmith stated probably the City would ask for an appraisal review or comparative market review.

It was clarified the appraisal results is purely informational, the Commission is not tied to the amount and another appraisal can be done at a future date.

VOTE: Motion carried unanimously.

Declare the City portion of the Gateway parcels surplus

Mayor Bujalski asked if it is assumed the Jernigan piece has to be included in this.

City Attorney Trask explained staff thought they were to work on a unified review of all the parcels including the Pizzuti parcels. There should be as many options as possible.

City Attorney Trask advised there is no down side to declaring the property surplus; it is just giving the Commission the authority required by the resolution once the City has taken back complete control of the property.

Commissioner Kynes clarified the issue has been through all departments and they see no need for these properties; therefore, it can be declared surplus.

MOTION: Motion was made by Commissioner Tornga and seconded by Commissioner Gracy to declare the City portion of the Gateway parcels surplus.

VOTE: Motion carried unanimously.

Authorize staff to discuss the sale of Gateway parcels and a unified development plan that includes the Pizzuti parcels with interested parties

Naeem Coleman, Director of Development for The Pizzuti Companies at 200 E. Robinson Street, Suite 555, Orlando, FL 32801, advised they have a contract and hope to close early next year or as soon as possible and see a great project there.

Commissioner Freaney clarified that it is only the Pizzuti property that is under contract.

Mayor Bujalski commented she was aware City staff has been talking with Pizzuti and the City certainly has an interest in a development project on the property. She noted it would be more beneficial to the City and to the party buying the property to have one unified development, which is what the City is trying to get to. The question is whether Pizzuti can work with the City.

Mr. Coleman stated they are under contract and they are obligated to meet the deadline agreed upon. He can say they will work with the buyer as well as the staff and see if they can figure something out.

Mayor Bujalski commented on the discussions that have taken place indicating it is probably a six month process to get to that point and the City Commission would appreciate Pizzuti working with them. She noted the City and Pizzuti has been working as partners for ten years and now they are asking for another six to seven months to be able to do the right thing for the community.

Mr. Coleman stated they will talk with staff off-line to see if something can be worked out and they will talk to the buyer to see if they can work something out; however, they do intend to close. It would be kind of strange for a seller to tell a buyer to back off for a few months. He is aware the buyer is very excited to move into the community.

Commissioner Freaney inquired regarding the contract being contingent upon the developer successfully acquiring the City's properties. Mr. Ironsmith stated that was his understanding; however, possibly that is not the case.

Mr. Coleman stated no, they could not speak for the City's property and their intention was to sell their property with the hope the City would work with the buyer to figure something out and do something together, but there is no guarantee.

Commissioner Freaney asked if it was accurate that there is no contingency in the Pizzuti contract that has to happen and Mr. Coleman stated as of right now they are going to close hopefully in February/March; the way they structured it they did not want to have to depend on the City approving it to move forward and their intention is they are going to close no matter what.

Mr. Ironsmith commented he would need to defer to City Attorney Trask; however, he does believe the buyer has a preference to get the City piece for a master plan project.

Mayor Bujalski reiterated on behalf of the City's residents who have watched that property for ten years sit there that whatever Pizzuti can do on their end as an honorable organization that has been a part of our community for a very long time to give the time needed to compile these properties and create a good project for the residents of Dunedin.

Brian Kiraly, Planning Manager for ICON Residential located at 6911 Pistol Range Road, Suite 101 A, Tampa, FL 33635 stated they have skilled attorney they asked to not be here tonight and he is not authorized to speak in any detail; therefore, he was present to just listen. He stated "we are interested in a unified project"; however he did not want to say too much to endanger any of the contracts with Pizzuti. The development of the site in a standalone position is compromised; he would say both of the parcels separated, either of them will be difficult to develop because of the odd shape, but outside of that he thinks they have shown on their other projects their willingness to work with the City and do what is asked and do something speedy.

Mayor Bujalski noted at the Agenda Review Session or at the postponement of this item at the last meeting there was discussion about possibly getting a market analysis on the property once the Commission indicates what they might like to see on the property to define if those would even be workable. Mr. Ironsmith recalled that was discussed at Agenda Review.

Commissioner Tornga commented given the circumstances and reading a lot between the lines and asked how Mr. Ironsmith felt about the necessity for going forward with that at this time.

Mr. Ironsmith stated he thought it could be beneficial if there is something to work out between Pizzuti and ICON where it is valuable to ICON also. He commented in just making things up, if a gourmet market came out fairly good in a market analysis it could be something a developer could utilize relative to their concept plan and trying to secure financing; it could be a good tool if it did not drag out for a long period of time.

Commissioner Tornga noted the market analysis could be complicated because of all the assumptions. He stated it would seem now that there is a completed contract shortly.

Mr. Ironsmith commented there is certainly urgency relative to this development on the part of both the City and Pizzuti. He would recommend City staff meet with ICON and look into the costs and time frame for a market analysis, see what they have in mind, see what kind of time period Pizzuti will give the City in terms of an extension to ICON and see what can be worked out. There is really not enough information at this time to see if their proposed project will be a good fit the City will be happy with. The market analysis if it went in that direction would also help them; they need to secure financing, tenants and so forth. He does not see much down side; however, does not know the cost and it would take a specialized company to do that type of mixed use initiative. He did call St. Petersburg today and they are going to give him a name of someone they used for their downtown.

Mr. Ironsmith commented he would only pause in terms of possibly the developer would come up with a plan the City thinks is good; but still there is the listening session or some type of public input component. If something could develop quickly with them and Pizzuti could offer some additional time here in order to firm something up and also get some citizen input, he thinks that would be a good thing, but if that takes six to seven months, he does not know how long Pizzuti will hang in there with their carrying costs on the property and a mortgage note.

Mayor Bujalski asked each Commissioner first for their personal vision for the property.

Commissioner Freaney referred to the comments at the Agenda Review Session about how the City can control its own destiny and vision by Commissioner Kynes. She also likes the commentary from Commissioner Gracy about everyone else's urgency is not our urgency which she understands changes because of this situation, if it is a great project then lets pull it together, but the City should still follow its process with the market analysis and make it part of the visioning and make sure the City is taking its time without holding it up unnecessarily. She noted everyone thinks it would be great to have mixed use and a gourmet market and she agrees, but she feels the process at least alluded to on Tuesday should be followed.

Vice-Mayor Kynes reiterated her comments from Tuesday regarding how the City can control its own destiny, which has not been done for 10 years. She is not feeling the urgency. She agreed the City has a process and a right to develop some sort of unified process that meets the city and resident needs. She voted for termination, appraisal with reservations and declaring the property surplus; however, she is not going to vote for the fourth element about working with everyone.

Vice-Mayor Kynes would like to see a gourmet market, arts and green space and some sort of mixed use with retail and some type of housing; workforce housing has been discussed and that some of the frontage might be usable for a boutique hotel on Skinner. There are many variables, but it is time to get the right unified approach and control the city's destiny.

Commissioner Gracy agreed with the comments by Commissioner Freaney and Vice-Mayor Kynes except that it has been 14 years, because the citizens purchased this property 14 years

ago. She is not in the position of hurrying the process until there is a citizen's vision on what should be there and that process will start early next year. She noted that Mr. Ironsmith commented Pizzuti sees this as a commodity.

Commissioner Tornga stated he asked someone in a department who is an expert on this, but now the Commission has received some additional information. There is a contract and the timing is not known; however, he has a feeling it may be shorter than we are thinking. He is in favor of a visioning rather than him saying what he thinks needs to be on the property. Now he does not want to rush it, first of all there is a contract and we did want to have this in the visioning or have a community meeting and if a market analysis is needed in order to that, then yes, but it should be in perspective of a plan on how to approach this first. He reiterated there is a contract on the property and he thinks a market analysis would have to take that into consideration.

Mayor Bujalski made the following comments:

She likes the idea of a gourmet market and even the idea of a boutique hotel.

She does not want to see the property developed so densely.

Regarding the Jernigan piece she would suggest talking with Interim City Manager Hutchens who has an interesting thought process in terms of that entire corridor where the Jernigan property and the Mease Materials property for a future parking component. The question is development of that small Jernigan piece worth it or can it continue to be used for parking.

Also there could be work force housing being close to the hospital. She would like to see some parking, retail along Main Street and an anchor restaurant on the corner of Main Street and Milwaukee to build traffic and momentum in that area.

She does have 20 years of experience in a high corporate position in retail and she does know what it takes to make a successful combination.

She wants to hear from the community and along with the analysis and the Commission comments. Whether it is part of the visioning or a listening session solely focused on community input. In her opinion exactly was done before should be done with an RFP and let developers see what the City is trying to accomplish and let them come to the City.

She respectfully asked Pizzuti and ICO to work with the City and suggested they talk with staff and go forward in the best possible way they can for the city and its residents.

In response to the question from Mayor Bujalski regarding what the Commission needed to vote on to allow staff to enter into discussions, City Attorney Trask stated he thought there was enough information and that a vote is not necessarily needed. There is an idea of where the Commissioners stand and it sounds like the market analysis should be pursued in terms of cost and so forth.

Mr. Ironsmith stated he heard a market analysis, future visioning, a concept plan and renderings; however, much is predicated with Pizzuti staying with the City.

Disposition of the \$35,000 in escrow funds

Mr. Ironsmith stated he would be looking to draw on the \$35,000 in escrow relative the components mentioned tonight.

Commissioner Tornga advised he had written down "reserves" for the \$35,000 and had a question about the Wellington home property and their expectations of it being greenspace. Mr. Ironsmith stated there were no legal implications and was just an expectation.

City Attorney Trask explained if there is a development agreement that is ultimately negotiated it comes to the Commission with two public hearings for input and the Commission can weigh the decision whether or not to move forward with the development agreement.

CONSENSUS: The Commission directed the \$35,000 is to go toward the expenses of determining the use of the Gateway property.

Vice-Mayor Kynes commented going forward with visioning and looking for a unified development. Mr. Ironsmith explained that is part of what he does and he has already talked with a developer about that and it is a four pronged approach, get the market analysis to determine feasibility, concepts and renderings, developer interest and citizen input and it will take some period of time.

Mayor Bujalski stated she wants to say everyone should be very cautious and not fit this project for ICON, but have ICON fit with the City's project and that is not their specialty. Mr. Ironsmith acknowledged he understood; however, an RFP is talking about an even longer period of time and those are not always successful.

2. DISCUSS THE SCOPE OF SERVICES FOR THE CONSULTANT THAT WILL PERFORM THE SEARCH FOR A NEW CITY MANAGER IN ORDER TO FINALIZE THE REQUEST FOR QUOTE (RFQ) DOCUMENT

Human Resources & Risk Management Director Smalling advised:

At the May 10, 2016 Commission Workshop, a consensus was reached by the Commission to put off the City Manager search until next spring. Staff now requests direction from the Commission on restarting the search for a City Manager and recommends the process be restarted with a new Request for Quote (RFQ) for an Executive Search Consultant. All former proposers including the Mercer Group would have the opportunity to participate in the RFQ.

Provided the Commission is a tentative timeline for the selection process.

There was some discussion on Tuesday about the job description and the promotional material which is placed in the RFQ to give some historical context to any prospective proposer.

As the result of some requests made on Tuesday she sent out a few supplements to provide the Commission all the information needed.

Staff welcomes Commission discussion on whether to proceed with the RFQ and if so the scope of services that are in the RFQ as well as direction on how to proceed with the selection process for the Executive Search Consultant.

Commission Discussion

Restarting/Resetting the City Manager Search

Commissioner Tornga asked what the financial value is in the current contract. Ms. Smalling explained the agreed upon price for the entire search at the time was \$14,750 to be paid in stages according to how the work was done; all the monies for the work that has been done to this point has been paid, there is an open Purchase Order for the full amount which can be

cancelled at any time at the direction of the Commission. There are still monies there, but that is not the total amount of money expected to use for the search.

Commissioner Tornga commented sometimes until the party is in place and/or for a period of time the search would continue if need be regardless of what has happened, they make a commitment to deliver. An example is if the party leaves in 9 months they will come back and replenish that person. Ms. Smalling advised there is a clause in the service agreement that either party could cancel with no further financial constraints. She acknowledged the Mercer Group could continue the search if that was the Commission direction, that would be part of the restart whether with the same consultant or with a hard reset.

Mayor Bujalski discussed with Ms. Smalling the City would have paid up to 1/3 of the \$14,750 to the Mercer Group.

Ms. Smalling clarified the following:

A restart would most likely be proceeding with the current consultant.

A reset would be to start from scratch.

Commissioner Tornga noted then there may be some financial value in restarting with the same consultant.

Mayor Bujalski pointed out the question is whether or not the Commission wants to use the same recruiter and Ms. Smalling acknowledged that is part of the direction staff is requesting.

Vice-Mayor Kynes and Commissioners Freaney and Gracy and Mayor Bujalski were in favor of the reset, starting over; Commissioner Tornga was not.

CONSENSUS: The Commission direction to staff is to reset the City Manager Search which would be to start from scratch the process beginning with selecting a search consultant and go forward from there.

Scope of Services in the RFQ

Mayor Bujalski recalled the discussion indicated there was no controversy on this item because this is just the basics and the actual steps will be determined once the Executive Search Consultant is selected.

Commissioner Freaney commented:

While cost is important it may not be the deciding factor; therefore, she would like to wait further into the holidays and leave it open for 30 days to make sure it is opened to those who are not in Florida.

On Page 1 she suggested striking "specifically municipalities in Florida"

On Page 9 as discussed at the Agenda Review Session to delete the paragraph beginning with "The City Commission has expressed their preference for the new City Manager ..."

Also on Page 9, 1. Meet with City Commission individually or **and** at a group meeting.

She questioned if it reflects that the Commission wanted the profiles done and sent to them and then have a follow up group meeting.

On Page 12 her personal thought regarding Item 7. Evaluation Criteria" is that it should be in priority order.

Displayed on Page 12 as

Proposals will be evaluated on the following criteria:

Proposed solution

Firm Experience/Project team – organizations, management and experience;

Cost/fee

Similarity of Professional References to the City's project

Schedule

Prioritized Oder

Proposals will be evaluated on the following criteria:

1. Firm Experience/Project team – organizations, management and experience;
2. Proposed solution/process;
3. Schedule;
4. Similarity of Professional References to the City's project;
5. Cost/fee.

She inquired whether or not there is any sense to making the \$25,000 figure \$30,000 in order not to dis-incentivize someone who is great and has a great book. Ms. Smalling suggested on Page 10 to add the language "but is willing to negotiate with the most qualified consultant" that way there is a starting point.

Ms. Smalling advised Purchasing Manager Ankney explained regarding the language about the lowest bidder he does have language to the effect the contract would not be automatically awarded to the lowest bidder which can be inserted.

Mayor Bujalski determined the Commissioners were agreeable to the changes and suggestions by Commissioner Freaney as discussed and with the additional language proposed by Ms. Smalling.

Determine Staff or Commission making the choice on the consultant

Interim City Manager Hutchens advised staff hopes to make a recommendation to the Commission saving them time in vetting all the proposals. Staff would short list the selection and do some of the homework bringing the Commission the top three with a recommendation. The Commission would make the decision on who they want to hire.

Commissioner Freaney advised of her concerns at first about the Commission not being more hands on; however, after her conversation and follow up meeting with Ms. Smalling she now feels comfortable with the process Mr. Hutchens described.

Mayor Bujalski agreed it is a helpful step and the Commission can still say no.

Mayor Bujalski determined the Commissioners were in agreement with the process outlined by Mr. Hutchens.

MOTION: Motion was made by Commissioner Gracy and seconded by Vice-Mayor Kynes to close the Purchase Order for the previous Executive Consultant; restart the City Manager search process, proceed with the Request for Quote and allow City staff to vet the proposals and select the top three for recommendation to the Commission.

Vice-Mayor Kynes reiterated her strong support for the Emotional IQ and Leadership Assessment in at least understanding what makes a person tick which is very difficult to do in a one on one and looking at a resume.

Ms. Smalling commented also on selecting someone on the technological edge, at least empowering people to follow technology.

VOTE: Motion carried unanimously.

NEW BUSINESS

1. RESOLUTION 16-32 proposes to establish a Historic Preservation Advisory Committee.

City Attorney Trask read Resolution 16-32 by title only.

A consensus of the Commission was to amend Section 3 on page 2 by replacing "Public Relations Action Advisory Committee with the Community Redevelopment Agency Advisory Committee

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Tornga to adopt Resolution 16-32 amending Section 3 on page 2 by replacing "Public Relations Action Advisory Committee with the Community Redevelopment Agency Advisory Committee.

Planning and Development Director Rice advised in 2003, Dunedin passed a historic preservation ordinance, which allowed for voluntary local designation with regulatory review and the creation of a historic preservation overlay zoning district and preservation tax incentives. In 2010, the code sections relating to Historic Preservation were not included in the new Land Development Code (LDC) for the reasons listed below.

1. No property owner joined the voluntary local designation program.
2. The required oversight committee was never used.

In October 2015 and September 2016 the City Commission held Historic Preservation Workshops to listen, learn and provide direction on a new City Historic Preservation initiative.

Resolution 16-32 is the first step in this initiative.

Vice Mayor Kynes commented the members will be knowledgeable people and City Clerk Kirkpatrick has seated the Chair. These committee members will be looking at the best practices of historic preservation for the community. The Commission will be looking toward that advisory expertise in what is important and will work in Dunedin.

Mr. Rice related an idea of what is involved in the designation citing the application for the Carriage House which includes two pages of significant detailed data required with some attachments including photographs and maps.

Mayor Bujalski opened the agenda item to public comment with no one coming forward.

VOTE: Motion carried with Commissioners Freaney, Gracy, Tornga, Kynes and Mayor Bujalski voting aye. Voting nay: None.

2. BIDS/CONTRACTS/AGREEMENTS

a. FIRST AMENDMENT TO LEASE AGREEMENT – 362 SCOTLAND STREET

CRA Director Ironsmith advised the Dunedin Station lot at 362 Scotland Street (corner of Douglas Avenue and Scotland Street), which is a complimentary or free parking lot, is being used quite extensively by visitors, residents, and employees. The Lease Agreement

with Dunedin Station Square is set to expire on December 19, 2016 and the owner does not wish to renew under the previous terms.

Recognizing the importance of the site, which houses over 75 parking spaces, City staff has been in negotiations with the property owner. The previous Lease Agreement was at \$24,000 for one year and the new proposed First Amendment to Lease Agreement calls for \$30,000. The actual lease amount for the year, however, would be \$28,500 as it takes into account the old lease rate for the first 3 months.

With a \$24,000 amount already approved in FY 16/17 for the parking lease at 362 Scotland Street, additional funding of \$4,500 is needed to continue the lease. The \$4,500 is available in the Parking Fund and would be accomplished through a budget amendment.

Please note, in the First Amendment to Lease Agreement there is also an option for an additional 1-year term at a cost of \$36,000 and if the Pilot Parking Program is not continued the lease cost would revert back to the \$30,000 amount as opposed to the \$36,000 amount.

It also needs to be stressed that the First Amendment to Lease Agreement is considered at-risk and is subject to a 90-day cancelation of the Lease without cause by either party.

Staff recommends approving the First Amendment to Lease Agreement as a measure to continue offering this area for downtown parking.

MOTION: Motion was made by Commissioner Tornga and seconded by Commissioner Freaney to approve the First Amendment to the Dunedin Station Square Lease Agreement for 362 Scotland Street.

VOTE: Motion carried unanimously.

b. REFURBISHMENT OF TWO (2) SOLID WASTE VEHICLES

Solid Waste Division Director Pickrum advised:

The Solid Waste and Fleet Services Divisions are requesting approval to re-body and refurbish two (2) 2007 Autocar/Heil Automated Side-Loader (ASL) trucks.

These two spare vehicles are not primary trucks right now but were kept in inventory targeted for this project. The trucks have very low mileage, their engines are in good condition, and they have strong frames.

The refurbishment process entails the removal of the existing truck compactor bodies, refurbishing the truck chassis' and engines, re-painting the driver's cab, and the installation of new compactor bodies. Refurbishing these two (2) existing trucks and extending their service lives by an estimated five years, rather than purchasing two new trucks is expected to reduce the financial impact on the Solid Waste Division's vehicle replacement plan costs for FY2017.

Funds for this purchase are not currently budgeted, however if approved, staff will return to the Commission with a budget amendment to appropriate funding from the Solid Waste Fund Unobligated Reserves.

Commissioner Freaney referred to her comments at the Agenda Review Session verifying with Mr. Pickrum the numbers clearly show this process is the best decision comparing to the future costs of new trucks.

Mr. Pickrum explained staff would like to bring this process into the model for truck replacement plans. If the service lives can be extended to 10 or 11 years as opposed to buying every 6 or 7 years that is a game change on one of the biggest cost drivers in the industry; it is up to \$290,000 for a new truck.

MOTION: Motion was made by Commissioner Tornga and seconded by Commissioner Freaney to approve the use of H-GAC contract #RF08-16 with E-Z Pack Refuse Hauling Solutions LLC of Cynthiana, KY for the refurbishment of two (2) Solid Waste vehicles at a cost of \$255,644.08.

VOTE: Motion carried unanimously.

- c. **AWARD A CONTRACT TO KESSLER CONSULTING, INC. OF TAMPA, FL** for professional services to perform an operational and rate analysis of the Solid Waste Division.

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Tornga to postpone this item to January 12, 2017.

VOTE: Motion carried unanimously.

3. ***** STARRED ITEM *** PSTA LIAISON APPOINTMENT**

MOTION: Motion was made by Vice-Mayor Kynes and seconded by Commissioner Freaney to place this item on the agenda.

VOTE: Motion carried unanimously.

Mayor Bujalski advised she spoke with PSTA's CEO, Brad Miller, who has received an opinion from the board attorney and made the comments as follows:

While technically, April would be the full 9 years of my term, the binding legislation of PSTA & their Board Rules & Regulations have statements that could cause issues. For instance, all terms end October 1st, when a new appointment is made. Because of the election, they felt comfortable allowing me to continue until December, when our Commission makes their appointments. However, they do not feel comfortable going beyond this date.

I did explain both Commissioner Kynes' and Freaney's scheduling issues. As many of you know, transit & transportation issues are "the" hot topic in our region. This is a hard working board where each member, while not required, is expected to serve on a sub-committee which would include Legislation, Planning, Finance, Personnel, MPO rep, etc. Additionally, they are working on major partnerships with MPO/Forward Pinellas as well as concepts for combining multiple county transit organizations. Because of the big issues going on, Brad expressed concern about the possibility of absences and temporary board members.

Given all the new information above, we must make an appointment at our December 15th Commission meeting and ideally, the person appointed would need to regularly attend and stay for at least a few years

Commissioner Tornga expressed his preference to remain on the board he is on. He attended the Transportation Legislative meeting for the Florida League of Cities for three meetings. He has much time invested and is in a great position for what is going on there right now.

Mayor Bujalski commented that everything Commissioner Tornga has done at the MPO makes him highly qualified for the PSTA position because those two organizations are trying to work in sync, transportation and transit. She explained the City is legally required to have someone in the PSTA seat and the other three Commissioners are unable to take the position. She respectfully asked Commissioner Tornga to take the PSTA Board where they are asking someone to commit to at least two years; if he wishes to keep the MPO position the term is up in 9 months and it can be discussed again. The City will not look good if someone does not attend the January meeting. If he feels he can do both he should feel free to do so.

Commissioner Freaney explained it would be difficult to commit to the fourth week, because of scheduling conflicts on a consistent basis. She does not want to set the City up for failure taking a board where she would miss three meetings and that is why she took Tampa Bay Regional Planning.

Commissioner Kynes explained she has a family obligation. She did serve on the PSTA for ten years and they are going through some weighty issues and they deserve the best representation they can have.

Commissioner Tornga stated he would follow the Mayor's recommendation and be on both the Forward Pinellas/MPO and the PSTA.

MOTION: Motion was made by Commissioner Freaney and seconded by Commissioner Gracy to appoint John Tornga to serve as the Pinellas Suncoast Transit Authority Liaison.

VOTE: Motion carried unanimously.

4. CITY CLERK'S UPDATE – None.

5. INTERIM CITY MANAGER'S UPDATE

Interim City Manager Hutchens written *Manager's Update* is part of the official file, available at City Hall and on the City's website.

Mr. Hutchens advised:

In reference to the Blue Jays discussion a target was set internally to submit to the County the grant application tomorrow. Based on the need to receive additional feedback from the Economist and the Blue Jays it will be early next week.

Item to add to January 12, 2017 agenda: Seeking authorization to employ Bryant Miller Olive Law Firm to negotiate and prepare a Development Agreement and License Agreement with the Toronto Blue Jays Baseball Club.

6. LEGAL UPDATE

City Attorney Trask advised on:

DCEB Case No. 15-417 Code Enforcement Lien at 508 Manor Drive, Dunedin

Purpose: To obtain authorization to accept a \$35,000.00 settlement offer from Colony Starwood Homes, the owner's management company, in exchange for a Partial Release of the Code Enforcement Board Lien at 508 Manor Drive, Dunedin.

Background: In August 2015 the Code Enforcement Board found the subject property in violation of FBC.105.1 Building Permit Required, IPMC.SEC.305.1 Interior Structure-Good Repair, IPMC.SEC.305.4 Floors-Interior, and IPMC.SEC.304.7 Roofs and Drainage. A fine of \$250.00 per day was assessed, beginning on October 17, 2015. A demand letter was sent on July 11, 2016 to Fetlar, LLC and the property was found in compliance on September 6, 2016. The owner filed a Petition for Reconsideration and was granted a reduced fine of \$60,000 by the Code Enforcement Board if paid before November 1, 2016. A Notice of Appeal was filed in November 2016. A settlement offer from Colony Starwood Homes on behalf of the owner has been made for a reduced settlement amount of \$35,000.00. The outstanding balance due on the City's lien as of today is \$82,597.82 (principal of \$81,500.00, recording fees of \$37.00 and interest of \$1,060.62).

Recommendation: Based upon the facts of this case, it is my recommendation that the City Commission accepts the settlement offer of \$35,000.00 in exchange for a Partial Release of the property at 508 Manor Drive. The Lien would remain in effect against the owner, Fetlar, LLC. Approving this settlement would alleviate the necessity of responding to the appeal and incurring additional attorney's fees.

MOTION: Motion was made by Commissioner Gracy and seconded by Commissioner Tornga to accept the settlement offer of \$35,000.00 in exchange for a Partial Release of the property at 508 Manor Drive.

VOTE: Motion carried unanimously.

City Attorney Trask advised he received \$170,000 yesterday on a Code Enforcement Lien and will be handing that over to the City Manager.

Mayor Bujalski advised due to the time, the Commission will pass on its discussion and comments and approve the revised proposed agenda for January 12, 2017.

7. COMMISSION DISCUSSION – None.

8. COMMISSION COMMENTS – None.

9. AGENDA APPROVAL

Mayor Bujalski noted the additional highlighted items added to the proposed agenda and further advised she wished to add to New Business Agendas and Agenda Review Discussion.

In response to the question from Commissioner Tornga, Interim City Manager Hutchens explained the additional agenda items will be to discuss and take a vote on how the Commission wants to conduct the Thursday night meetings, format and concepts as well as the Tuesday Agenda Review Sessions as to whether or not to eliminate them or keep them or add the workshop items.

MOTION: Motion was made by Commissioner Freaney and seconded by Commissioner Gracy to approve the revised proposed agenda for the regular meeting of January 12, 2017.

VOTE: Motion carried unanimously.

The meeting adjourned at 10:59 p.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