

CITY OF LARGO CITY COMMISSION REGULAR MEETING

February 19, 2019
Minutes

COMMISSION PRESENT: Mayor Brown, Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll

COMMISSION ABSENT: None

PARTICIPATING STAFF PRESENT: City Mgr. Schubert, City Attorney Zimmet, City Clerk Bruner, Sustainability Coor. Thomas, Economic Dev. Coor. Rojas-Norton, Planning Manager Perez, Treasury Mgr. Meyer, Asst. Finance Dir. Spuhler, Asst. City Attorney Day

Mayor Brown called the Regular Meeting to order at 5:58 pm.

Invocation was given by Reverend Kathleen Walter, St. John's Episcopal Church, followed by the Pledge of Allegiance.

CEREMONIAL

Recognition of the City of Largo as the 2018 USGBC Suncoast Green Local Government Award Winner

The U.S. Green Building Council, formed in 1993, aims to achieve sustainability through awareness, education, and market transformation initiatives, as well as direct action. In celebration of this mission, the USGBC Gulf Coast Region recently awarded various community members, special projects and local governments at the 2018 LEEDership Awards. The City of Largo was honored with the 2018 Suncoast Green Government Award for its proud commitment to sustainability, infrastructure and to our community. The City of Largo was chosen for our many accomplishments including its commitment to transition to 100 percent renewable energy, electric fleet goals and installation of electric vehicle charging stations.

Ms. Thomas thanked the City Commission for their commitment to sustainability. She reviewed upcoming sustainability activities and programs and presented the USGBC Suncoast Green Local Government Award to Mayor Brown.

CITIZEN COMMENT

None

AGENDA – APPROVED

Approval of the Regular Commission Meeting agenda of February 19, 2019.

Discussion:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Smith, to approve the agenda for the Regular Meeting of February 19, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

MINUTES – APPROVED

Approval of the Regular City Commission Meeting minutes of February 5, 2019 as on file in the City Clerk's Office.

Discussion:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Smith, to approve the minutes of the Regular Meeting of February 5, 2019.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

CONSENT DOCKET – APPROVED

Approval Of The 14330 And 14334 Channel Drive Platform

A two-unit residential villa is being constructed on approximately 0.19 acres on Channel Drive, west of 143rd Street North. Platting of the property is required by the Comprehensive Development Code (CDC) because the parcel is not platted and platting will ensure that records are updated and mapping accuracy of the subject portion of land is maintained. The CDC requires a final plat when a Development Order is issued to ensure the accurate depiction of land subdivision when lot lines vary from previous records, or when parcels are combined or have never been platted.

The following outside utility agencies have reviewed the proposed final plat and have indicated no objections: Spectrum Communications, Duke Energy, Frontier, Wide Open West, Clearwater Gas, Level 3 Communication, and TECO/Peoples Gas. The following City Departments have reviewed the final plat and have also indicated no objections: Community Development, Public Works, Engineering Services, Environmental Services and Finance. The final plat meets all CDC requirements and is in conformance with Florida State and Pinellas County platting standards.

Authorization To Settle The Workers' Compensation Claims of Mr. Robert Jamieson in The Amount of \$75,000 Inclusive of Attorney Fee

Mr. Jamieson was employed by the City of Largo in the Fire Department from January 1, 1987 through July 15, 2003. He has two open Workers' Compensation claims dating from May 7, 1998 and June 21, 2002. To date the City has paid expenses in the amount of \$45,687 on the 1998 claim and \$130,811 on the 2002 claim.

Contingent upon approval by the City Commission, attorneys for Mr. Jamieson and the City have negotiated a tentative settlement of \$75,000 to include Mr. Jamieson's statutory attorney fee, projected Medicare expenses, and both claims. The City has been carrying reserves in excess of the negotiated settlement amount.

Approval Of An Easement Subordination Agreement Between The City Of Largo And The Florida Department Of Transportation

The purpose of this item is to obtain City Commission approval of an easement subordination agreement

between the City of Largo and the State of Florida Department of Transportation (FDOT). Currently, a City utility easement is located along the western edge of the Largo High School property, adjacent to the FDOT Missouri Avenue right-of-way. The area of school property that contains the easement is needed by FDOT for transportation facilities and must be subordinated. The existing easement does not contain City utilities and does not serve a purpose for the City.

Motion was made by Commissioner Holmes, seconded by Vice Mayor Carroll, to approve the Consent Docket without City Commission discussion and including staff background provided in the Commission packets.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT DOCKET

None

PUBLIC HEARINGS

Ordinance No. 2019-15 – Second Reading – Amending The City Of Largo Comprehensive Development Code To Establish Provisions Governing Operations By Mobile Food Dispensing Vehicle Businesses – ADOPTED

Introduction and Background

At the April 10, 2018, City Commission Work Session, Economic Development staff presented regulations that would allow Mobile Food Dispensing Vehicles (MFDVs), also known as food trucks, to operate in the City on a year-round basis. The City Commission directed staff to develop a Comprehensive Development Code (CDC) amendment to allow for these changes.

As part of the first step in the CDC amendment process, staff presented Ordinance No. 2019-15 to the Community Redevelopment Agency Advisory Board (CRAAB), made up of all of the members of the Community Development Advisory Board and four representatives from the Community Redevelopment Districts, during the December 17, 2018 meeting. The Board voted in favor of forwarding Ordinance No. 2019-15 to the Planning Board and to the City Commission (9-0 vote, with 2 members absent). At the January 3, 2019 Planning Board Meeting, the Planning Board voted for approval of the Ordinance (7-0). A copy of the signed Planning Board Memorandum and a copy of Ordinance No. 2019-15 are attached. Staff has shared a copy of the report and Ordinance with food trucks that either have a vendor registration or a Business Tax Receipt with the City of Largo and the comments received were positive. Staff has also provided outreach to the Gulf to Bay Food Truck Association and provided a copy of the Planning Board report. At this time the Association has not responded. The Central Pinellas Chamber of Commerce was also contacted by staff for the purposes of outreaching to their food truck member.

Proposed Amendment

Ordinance No. 2019-15, as proposed by staff and reviewed by the City Attorney, will amend two sections of the CDC:

1. Chapter 16: Accessory Uses, to establish an administrative review process to establish standards for MFDV vending on a regular basis on an MFDV Vending Site, and to allow limited operations on MFDV Vending Sites on the following Future Land Use designations:

- o Commercial General
- o Industrial Limited

- o Industrial General
- o Community Redevelopment Districts, within the Mixed Use Corridor designated properties only.

2. Chapter 20: Definitions and Acronyms, to create a definition for Mobile Food Dispensing Vehicles and Mobile Food Dispensing Vehicle Vending Sites.

The ordinance will not change the existing Chapter 16, Section 16.6: Temporary Events, Including Tent Sales and Other Extension of Premise Permits. MFDVs and other food vendors that desire to sell at events such as parades and festivals or that have private arrangements for private events, such as an office luncheon, will continue to fall under the temporary event section of the code.

Process and Standards for a MFDV Vending Area Site Plan

The process will require the applicant to submit a site plan with the location and details of the defined MFDV vending area, with ingress and egress to the site, circulation, number of parking spaces, existing buildings and total square footage of the parcel. The applicant can be either the property owner, or an MFDV business with a notarized letter from the property owner or property management company with permission to apply on their behalf. The application will be routed for approval from the Community Development Department, Engineering Department, Fire Marshal and Police Department.

The MFDV Vending Site will be subject to several standards and restrictions to limit the hours and operations and number of MFDVs per vending site. Some of the major restrictions to the vending site include:

- No vending will be allowed in the public right-of-way.
- Hours of operation for MFDV vending will be limited to the primary business use of the parcel but no later than 2 am and the MFDV shall be removed from the parcel overnight.
- A maximum of 2 MFDVs will be allowed to park in the vending area, and a smoker or trailer attached to the MFDV will be considered as two (2) MFDVs
- No signage, amplified music, furniture or equipment will be allowed to accompany the MFDV.
- The MFDVs at approved vending sites must post their Business Tax Receipt or vendor registration in their passenger-side window where they are readily visible.

Once the application for the MFDV Vending Site is approved, any MFDV that has a Business Tax Receipt, or a vendor registration with the City of Largo, and a fire inspection can operate and sell from the approved site. Any required enforcement will be done through the Community Standards Division and the Police Department.

Next Steps

If there is consensus among the City Commissioners on the proposed regulations in Ordinance No. 2019-15 and a vote is made in favor of scheduling a Second Reading, the proposed process for formal adoption will require two steps. The first step is that there will need to be an amendment to the Fee Schedule in the Code of Ordinances to establish a permit fee in the amount of \$125 dollars for the Mobile Food Dispensing Vehicle Vending Site Plan review to recover costs for staff time for review of the application and site plan. This proposed amendment to the Fee Schedule in the Code of Ordinances is part of proposed Ordinance No. 2019-20, which has been drafted by the City Attorney and the City Clerks Office for First Reading on February 5, 2019. The second step in the process will be for staff to work with the City Clerk's Office to publish a Public Hearing Notice for Second Reading for both Ordinance No. 2019-15 and 2019-20 for the February 19, 2019 City Commission meeting.

The language in Section 16.12.4 B(6) of Ordinance No. 2019-15 has been updated to reflect the City Commission's desire to allow waste receptacles to accompany the Mobile Food Dispensing Vehicle on the vending site. A copy of the February 5, 2019 City Commission memo is attached, along with a copy of updated Ordinance No. 2019-15 with the requested change.

Ms. Bruner read Ordinance No. 2019-15 by title only.

Public Hearing:

None

Questions:

Mayor Brown asked whether there has been any feedback from food truck vendors. Ms. Rojas-Norton stated that all of her contacts were positive. Commissioner Smith thanked staff for meeting with him on this issue and that he would support the ordinance.

Motion was made by Commissioner Robinson, seconded by Commissioner Smith, to adopt Ordinance No. 2019-15 on second and final reading.

Discussion:

Commissioner Smith thanked Ms. Rojas-Norton for her work.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

Ordinance No. 2019-20 – Second Reading – Amending The City Of Largo Fee Schedule - ADOPTED

This ordinance amends the City of Largo Code of Ordinances Fee Schedule to reflect new or existing procedures.

Overview of Proposed Changes

Community Development Department

At the April 10, 2018, City Commission Work Session, Economic Development Staff presented regulations that would allow Mobile Food Dispensing Vehicles (MFDVs), also known as food trucks, to operate in the City on a year-round basis. The City Commission directed staff to develop a Comprehensive Development Code (CDC) amendment to allow for these changes. Staff has worked with the City Attorney's office to develop Ordinance No. 2019-15. The ordinance has been positively received by the CRAAB and Planning Board and is scheduled for a First Reading for the February 5, 2019 City Commission meeting. If adopted, the ordinance will amend Chapter 16 of the CDC, by creating Section 16.12 to establish provisions governing the operations of Mobile Food Dispensing Vehicle businesses on approved sites, and will amend Chapter 20 to add a definition for Mobile Food Dispensing Vehicles and Mobile Food Dispensing Vehicle Vending Sites. Adoption of Ordinance No. 2019-15 will require an amendment to the Fee Schedule in the Code of Ordinances to establish a fee in the amount of \$125.00 per application to recover the cost of staff time associated with the review of the Mobile Food Dispensing Vehicle Vending Area Site Plan.

Recreation Parks and Arts

The Recreation, Parks and Arts Department is recommending a number of changes. The major changes include:

Increases to the fee ranges for all child care programs including Before and After School program, Summer

Camp, and School's Out Days to reflect increased costs in these programs; bundling of several recreation center rental fees (staff, utilities, janitorial) into a single Facility Charge; removal of advertisement fees and grandfathered club rates since these are no longer applicable; and removal of individual fees and creation of rental packages at the Performing Arts Center and Feed Store that include all of the basic services needed for a rental event. The department also recommends changing the cancellation policy for the Performing Arts Center and Feed store to be in line with industry standard for similar rental venues.

Fire Department

The fee adjustments for the Fire Department are in the two above sections, they reflect the current overtime rates including ancillary costs. The standby vehicle fees are based on current FEMA rates.

City Clerk Bruner read Ordinance No. 2019-20 by title only.

Public Hearing/Questions:

None

Motion was made by Commissioner Fenger, seconded by Commissioner Robinson, to adopt Ordinance No. 2019-20 on second and final reading.

Discussion:

None

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

Ordinance No. 2019-29 – Second Reading – Authorizing the City Manager to Execute a Five Year Lease Renewal for Use of Approximately 500 Square Feet of Land Located at 1000 2nd Street SE to New Cingular Wireless PCS, LLC for the Continued Operation and Maintenance of a Cellular Tower for a Period of Five Years - ADOPTED

On January 27, 2004, the City entered into a five year lease agreement with AT&T Wireless Services of Florida for the use of approximately 500 square feet of space at the City's Public Works facility at 1000 2nd Street SE. AT&T Wireless Services of Florida subsequently merged with New Cingular Wireless Services in 2004 and the surviving entity, New Cingular Wireless PCS, LLC renewed the lease in 2009 for an additional five-year term. In 2014 the City renegotiated terms with New Cingular Wireless PCS, LLC for annual payments in the amount of \$29,028.57 for five years, with a 15% escalator at the commencement of each additional five-year term as stated in the second amendment.

New Cingular Wireless PCS, LLC is interested in continuing the lease for an additional 5 year term, which equates to a new payment amount of \$33,382.85 annually. This includes a 15% increase as stated in the second amendment that was renegotiated in 2014. The amount is consistent with the other cell tower leases in the area. The existing tower site does not interfere with current or planned operations at the Public Works complex. Staff is seeking approval to renew the lease for an additional five year term.

City Clerk Bruner read Ordinance No. 2019-29 by title only.

Public Hearing/Questions:

None

Motion was made by Commissioner Holmes, seconded by Commissioner Robinson, to adopt Ordinance No. 2019-29 on second and final reading.

Discussion:

Commissioner Smith asked whether 5G was discussed, to which Mr. Meyer stated that it was not.

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

LEGISLATIVE MATTERS

Resolution No. 2232 -Authorization For The City Manager To Execute Federal Subaward Grant Agreement With The State Of Florida Division Of Emergency Management For The Purpose Of Receiving Federal And State Public Assistance Aid Associated With Hurricane Irma-Related Expenses Incurred In 2017 And 2018 And Requesting Delegation Of Authority For The City Manager To Execute Subsequent Amended Agreements In a Cumulative Maximum Amount Not to Exceed \$2,600,000 - APPROVED

On September 10, 2017, President Trump issued a major disaster declaration for the State of Florida as a result of Hurricane Irma. This declaration triggered a series of additional federal and state actions which resulted in the release of Public Assistance funding. This Public Assistance funding is available to local governments for the purpose of reimbursing a portion of the monies expended during disaster clean-up and recovery.

During 2017 and 2018, City staff gathered documentation regarding the costs incurred by the City of Largo in responding to Hurricane Irma. After discussions with the State of Florida Division of Emergency Management (FDEM) and the Federal Emergency Management Administration (FEMA) and compiling those costs, it was determined that the City of Largo is eligible for grant assistance which reimburses the City for expenses incurred during clean-up and recovery. The final eligible amount is still in the process of being determined and is estimated to be in the \$2,600,000 range.

There are multiple types of Public Assistance projects: Debris Removal; Emergency Protective Measures; Building and Equipment Damage; Parks and Recreation Building Damage; Utilities; and Direct Administrative Costs. Each time a project and its accompanying expenditure documentation is officially approved by FDEM and FEMA, the original subrecipient funding agreement with FDEM will be amended and will need to be re-executed by the City's Authorized Agent.

Staff is seeking City Commission approval to authorize the City Manager to execute a series of funding agreements with the FDEM, in a cumulative maximum amount not to exceed \$2,600,000, in order to qualify for reimbursement of prior expenses. Resolution 2232 will allow the City to expedite the grant amendment execution process and reduce the time between obligation and reimbursement. A copy of the initial subaward grant agreement is attached and incorporated into the Resolution as Exhibit A.

Ms. Bruner read Resolution No. 2232 by title only.

Questions:

Commissioner Holmes questioned the recipient of the FEMA funding. Ms. Spuhler explained that the State will be the recipient, however the State has not yet collected any funds from FEMA on the City's behalf. Commissioner Holmes questioned the time frame for reimbursement. Ms. Spuhler explained that staff is continuing to respond to requests for additional documentation for debris removal. She stated that she was not sure how far along FEMA was in reviewing the submitted documentation. Mayor Brown requested that updates be provided by the City Manager at the next meeting.

Motion was made by Commissioner Holmes, seconded by Vice Mayor Carroll, to approve Resolution No. 2232.

Discussion:

None

Vote:

Voting Aye: Commissioners Smith, Fenger, Holmes, Robinson, Holck, Carroll, Mayor Brown

Motion carried 7-0.

STAFF REPORTS

Legal Report: Regulation of Short Term Rentals

Receive update on recommendations from Staff Task Team, the Community Development Advisory Board, and Planning Board and provide direction on ordinance for first reading.

Discussion:

Mayor Brown asked whether there is a fee for the emergency decal, to which Ms. Day stated that there was not. Mayor Brown stated that he agreed with CDAB that the registration process be available online, at least for renewals. He further stated that BTR's should not be required and that he liked the decal option. Commissioner Holmes questioned "short term", which Ms. Day stated was defined in State Statutes as properties being rented out for less than thirty days. Commissioner Holmes stated that he would support the provisions as presented. Commissioner Fenger questioned the enforcement of the provisions. Ms. Day stated that the City's Community Standards Division will provide enforcement, however it would be primarily complaint driven. Commissioner Fenger stated her concern that there was no incentive for property owners to comply. Mayor Brown stated that likely there would be a warning rather than a fine. Ms. Day stated that the Planning Board recommended providing education on line and that both education and current enforcement mechanisms would be used. Commissioner Fenger stated that she did not see a need to regulate short term rentals. Commissioner Holmes questioned how Fire personnel viewed the short term rentals. Ms. Day stated that they are treated as residential uses. Commissioner Robinson stated that he wanted to see the internal posting information on the website. Mayor Brown stated that he would like to see a fill in the blank type of form posted, including trash pick up and recycling days. Commissioner Smith questioned the Realtors Association position. Mr. Schubert stated that staff met with representatives of a property managers' association and the Realtor's Association. He stated that both groups believed the proposed regulations to be reasonable.

There was consensus to incorporate the recommendations from CDAB and the Planning Board and to base maximum occupancy on square footage. Ms. Day stated that the Planning Board recommended designating when responsible parties are required to come physically to property. Vice Mayor Carroll and Commissioner Robinson stated that they would like some instances to be resolved through a telephone call. Ms. Day stated

that the ordinance will likely be brought for first reading in March. Commissioner Robinson asked that as much of the paperwork as possible be available online.

ITEMS FROM CITY ATTORNEY, COMMISSION, MAYOR, CITY MANAGER

Commissioner Smith recognized the Suncoast Performing Arts Foundation for the Gala.

Vice Mayor Carroll stated that he would report on his trip to Washington DC at another time and thanked the City Commission and community for allowing him to go. He stated that the Suncoast League of Cities would meet on Friday. He stated that he and Commissioner Holmes attended a talk the previous evening by Sheriff Gualtieri on the Marjory Stoneman Douglas shooting report. He complimented the *Largo Leader* on their article on priority dispatch.

Mayor Brown stated that Largo Little League opening day will be on Saturday at 11:00 am.

SUMMARY OF ACTION ITEMS

1. Request by Mayor Brown that the City Manager provide regular updates to the City Commission as FEMA subaward amendments are signed and reimbursement is received for Hurricane Irma expenses.
2. Request by Commissioner Robinson that as much of the short term rental paperwork as possible be made available on line.

ADJOURNMENT

The meeting adjourned at 6:50 pm.

Diane L. Bruner, CMC, City Clerk