

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT IN AND FOR  
PINELLAS COUNTY, FLORIDA CIVIL ACTION

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THOMAS RASK,

Plaintiffs,

v.

CASE NO. 24-000923-CI

CITY OF ST. PETE BEACH  
(a political subdivision of the State of  
Florida)

Defendant.

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**DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Comes now Defendant, the City of St. Pete Beach, Florida, ("the City"), by and through undersigned counsel and pursuant to Fla. R. Civ. P. 1.140(b), and hereby moves this Honorable Court to dismiss Plaintiff's Complaint served on March 15, 2024. The City is aware that Plaintiff subsequently filed an Amended Complaint on March 16, 2024. A response to this Amended Complaint will be forthcoming.

**Introduction and Background**

1. This case involves alleged violations of Florida's public records laws.
2. Plaintiff raises three claims against the City related to various notices and public meetings.
3. In Count I, Plaintiff alleges that the City failed to meet two conditions required to hold an executive session under section 286.011 (8), Florida Statutes. He claims that the City failed to disclose the names of persons who will be attending the session." See Pl. Compl. ¶ 4.

4. Yet as the Notice shows, the City did post proper notice of the executive session. (See Notice of April 2022 Executive Session, attached as **Composite Exhibit “A”**).

5. He also claims that the City Attorney did not advise the entity at a public meeting that he or she desires advice concerning the litigation or anything substantially similar. See Pl. Compl. ¶ 5. Again, the documents Plaintiff refers to show otherwise.

6. Based on these alleged conditions, Plaintiff claims that the City improperly relied on section 286.011(8) in exempting the portion of the transcript from the April 12, 2022 executive session. See Pl. Compl. ¶ 7-11.

7. According to Plaintiff, when the conditions under section 286.011(8) are not met, the meeting becomes open to the public, along with any minutes or transcripts. See Pl. Compl. ¶ 12.

8. Plaintiff next claims that the City held another executive session on January 23, 2024. See Pl. Compl. ¶ 13.

9. Again, Plaintiff claims that the City violated section 286.011(8)(a), Fla. Stat, by failing to request at a public meeting the executive session. See Pl. Compl. ¶ 16. Once again, the publically available minutes that Plaintiff reference prove otherwise.

10. Count II asserts a violation of the Florida Sunshine Law (§ 286) related to the City’s purported notices of meetings.

11. He primarily alleges that the City’s notices were deficient as they failed to provide reasonable notice of public meetings. See Pl. Compl. ¶ 24-33.

12. In Plaintiff's view, any action taken at meetings subject to these notices are void *ab initio*. See Pl. Compl. ¶ 55. Plaintiff's view is mistaken as the statute states otherwise.

13. In Count III, Plaintiff seeks a declaration that the City violated section 286.0114(2), Florida Statutes, and he seeks a permanent injunction to prevent any such violations in the future.

14. Plaintiff generally alleges that the City failed to provide a reasonable opportunity to be heard regarding filling the District 3 vacancy. See Pl. Compl. ¶ 44.

15. Plaintiff also states that he chose to watch the meeting from home, despite being unsure whether the Commission intended to take action to fill the district 3 seat. See Pl. Compl. ¶ 45–46.

16. He further states that the Mayor decided to open the matter for public comment and that the City Attorney stated “maybe Tom Rask is in the audience and come up and speak to it.” See Pl. Compl. ¶ 53–56.

17. After asking if Plaintiff was in the audience, a motion to appoint Betty Rzewnicki as interim commissioner for District 3 was carried. See Pl. Compl. ¶ 59.

18. According to Plaintiff, this agenda item is exactly the kind of proposition for which an opportunity to heard must be given, and that he had no ability to comment on the proposition until hearing the wording of the motion. See Pl. Compl. ¶ 62–64.

19. Indeed, citizens were given that opportunity to comment: “In fact, three among the few citizens who were present at the meeting did make public comment when the floor was opened up for such comment.” See Pl. Compl. ¶ 66.

### **Standard of Review**

In considering a motion to dismiss, the “trial court must confine its review to the four corners of the complaint, draw all inferences in favor of the pleader, and accept as true all well-pleaded allegations.” Sobi v. Fairfield Resorts, Inc., 846 So. 2d 1204, 1206 (Fla. 5th DCA 2003). This rule does not mandate, however, that every factual assertion in a complaint be taken as gospel. Mere statements of opinion or conclusions unsupported by specific facts will not suffice. See Okeelanta Power Ltd. P’ship v. Florida Power & Light Co., 766 So. 2d 264, 267 (Fla. 4th DCA 2000). Similarly, “if an attached document negates a pleader’s cause of action, the plain language of the document will control and may be the basis for a motion to dismiss.” Se. Med. Products, Inc. v. Williams, 718 So. 2d 306, 307 (Fla. 2d DCA 1998). Simply put, the Court is not bound by bare allegations that are unsupported or unsupportable.

The ultimate function of a motion to dismiss is to raise, as a question of law, the sufficiency of the complaint. See Curtis v. Henderson, 777 So. 2d 1017, 1018 (Fla. 2d DCA 2000). Where the well-pled allegations do not state a cause of action, as is the case here, dismissal is required. See Miller v. Nelms, 966 So. 2d 437, 439 (Fla. 2d DCA 2007).

**I. Count I seeks a writ of mandamus which must follow the procedures in Rule 1.630, and Plaintiff is not entitled to a writ of mandamus**

Count I seeks a writ of mandamus for an alleged violation of the Florida Public Records Law, section 119.07, Florida Statutes. (See Pl. Compl. ¶ 1). To set forth a cause of action under the Act, a party must “prove they made a specific request for public records, the City received it, the requested public records exist, and the City improperly refused to produce them in a timely manner.” O’Boyle v. Town of Gulf Stream, 257 So. 3d 1036, 1040 (Fla. 4th DCA 2018).

To obtain a writ of mandamus, the petitioner “must show that he has a clear legal right to the performance of a clear legal duty by a public officer and that he has no other legal remedies available to him.” Holcomb v. Dep’t of Corr., 609 So. 2d 751, 753 (Fla. 1st DCA 1992) (citing Hatten v. State, 561 So.2d 562, 563 (Fla. 1990)). Plaintiff fails to show that he is entitled to a writ of mandamus because the documents incorporated by reference in his Complaint prove that the City did not violate section 119.07. The City thus requests that the Court deny relief and dismiss Count I.

To start, Florida Rules of Civil Procedure Rule 1.630 apply to extraordinary remedies such as the relief that the Plaintiff is seeking in this matter. The rule of procedure sets forth a unique process when compared to the typical pleading requirements of a civil lawsuit. When a petition for mandamus is filed, “the court has the initial task of assessing the legal sufficiency of the allegations.” Id. If the court finds that the allegations are deficient, the court will deny the petition or dismiss factually insufficient claims. Id. If the court finds that the petition is facially sufficient, the court will issue an order directing the respondent to show cause as to why the relief should not be granted. Id.; Fla. R. Civ. P. 1.630(d). Only after the Court makes its initial determination and a writ is served on the defendant as proscribed by law, is the defendant required to file a responsive pleading as provided for in Fla. R. Civ. P. 1.140. See, Fla. R. Civ. P. 1.630(e).

#### **A. April 26, 2022 executive session**

First, Plaintiff is not entitled to relief as it relates to the April 26, 2022 executive session. Plaintiff’s allegations as to the April 26, 2022 meeting are incorrect as shown by

the attached Notice of Executive Session.<sup>1</sup> The Notice reflects that it was posted on April 20, 2022. The Notice provides that “A closed Attorney Client Executive Session will be held at the time and place listed above in accordance with FS 286.011(8).” Further, the Notice lists the names of the persons who will be attending the session, directly refuting Plaintiff’s allegations in ¶ 4 of the Complaint.

Moreover, the City Commission Meeting Minutes from April 12, 2022, the session prior to the April 26, 2022 meeting, clearly reflect that the City gave the proper notice of the executive session. The Minutes state that an executive session was requested to discuss pending litigation in two matters: 2021-000823-CI and 21-002512-CI. Again, this squarely rebuts Plaintiff’s allegation in ¶ 5 of the Complaint.

Plaintiff has thus failed to show that the City improperly denied his public records request for the unredacted transcript of the April 26, 2022 executive session. See O’Boyle, 257 So. 3d at 1040. The redacted portion of the transcript relates to litigation that is still pending. In turn, Plaintiff has failed to show that he has a clear legal right to the performance of a clear legal duty by a public officer. See Holcomb, 609 So. 2d at 753. As a result, the Court must dismiss Count I as it relates to the April 26, 2022 executive session.

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<sup>1</sup> Although not attached to the Complaint, the Court can consider the full text of the referenced meeting and accompanying minutes since Plaintiff references these documents and relies on its language. See U.S. Fire Ins. Co. v. ADT Sec. Servs., Inc., 134 So. 3d 477, 479 (Fla. 2d DCA 2013) (“If a party refers to a document within the complaint, a trial court may rely on that document to determine the nature of the claim being alleged.”); Neapolitan Enterprises, LLC v. City of Naples, 185 So. 3d 585, 590 (Fla. 2d DCA 2016) (finding that because there were “sufficient references in the complaint itself to the history of the entire matter,” the trial court could consider additional documents).

## **B. January 23, 2024 executive session**

Second, Plaintiff is not entitled to relief as to the January 23, 2024 executive session. Just like the other meeting, the January 9, 2024 City Commission Meeting Minutes clearly reflect that the City gave proper notice of the January 23, 2024 executive session. The January 9, 2024 Minutes state that an executive session was requested to discuss pending litigation. So too, the Notice reflects that it was posted on January 17, 2024, and states that “A closed Attorney Client Executive Session will be held at the time and place listed above in accordance with FS 286.011(8).” The January 17, 2024 Notice further provided the names of attendees.

Plaintiff has thus failed to show that the City improperly denied his public records request for the unredacted transcript of the January 23, 2024 executive session. See O'Boyle, 257 So. 3d at 1040. Again, the redacted portion of the transcript relates to litigation that is still pending. Nor has he established that he has a clear legal right to the performance of a clear legal duty by a public officer. See Holcomb, 609 So. 2d at 753. As a result, the Court must dismiss Count I as it relates to the January 23, 2024 executive session.

One final matter, Plaintiff requests attorney's fees pursuant to 119.12(1), Florida Statutes. See Pl. Compl. at page 4. But Plaintiff is not an attorney. As a result, he is not entitled to attorney's fees. “It goes without saying that non-attorneys proceeding pro se are not entitled to an award of attorney's fees.” Lee v. Animal Aid, Inc., 49 Fla. L. Weekly D484 (Fla. 4th DCA Feb. 28, 2024). The City thus requests that the Court strike Plaintiff's request for attorney's fees.

## **II. Plaintiff's Allegations of a Sunshine Violation Have No Basis in Fact or Law**

Plaintiff has failed to state a cause of action in Count II for violations under Section 286.011, ("Florida's Sunshine Law"). Section 286.011 requires, in pertinent part, that "[a]ll meetings of any board or commission of any state agency or authority... at which official acts are to be taken [are to] be public meetings open to the public at all times." The Sunshine Law was enacted to protect the public from closed door politics, however, "it was never intended to become a millstone around the neck of the public's representatives." Deerfield Beach Pub., Inc. v. Robb, 530 So.2d 510, 511 (Fla. 3d DCA 1988) citing Wood v. Marston, 442 So.2d 934 (Fla. 1983) and Mitchell v. School Board of Leon County, 335 So.2d 354 (Fla. 1st DCA 1976).

To state a cause of action under Florida's Sunshine Law a complaint must allege (1) a meeting between two or more public officials, and (2) the name or sufficient description of the identity of the public official with whom the defendant public official has violated the Sunshine Law. See Deerfield Beach at 511. "Patent speculation, absent any allegation that a non-public meeting in fact occurred, is insufficient to state a cause of action." Law and Info. Servs., Inc. v. City of Riviera Beach, 670 So.2d 1014, 1016 (Fla.4th DCA 1996).

### **A. Reasonable Notice**

The Plaintiff contends that City failed to give reasonable notice for the City Commission meetings on various dates throughout December and January. See § 286.011(1) (requiring reasonable notice of public meetings). Plaintiff also alleges the notices are unclear as to the Sunshine Law does not define reasonable notice, "and the type of notice that must be given for a meeting is variable and depends on the facts of



the situation.” Transparency for Fla. v. City of Port St. Lucie, 240 So. 3d 780, 786 (Fla. 4th DCA 2018) (citing Op. Att’y Gen. Fla. 2000–08 (2000)). Plaintiff’s Complaint affirms that the City provided notice to the public by “post[ing] the city commission meeting agenda (“the agenda”) on bulletin boards around the city, including the locked bulletin board outside of city hall. The City also post meeting information on their website [www.stpetebeach.org](http://www.stpetebeach.org).” See Pl. Compl. ¶24.

While Plaintiff cites Florida Citizens Alliance, Inc. v. School Board of Collier County, 328 So. 3d 22 (Fla. 2d DCA 2021), this case is easily distinguishable. In Florida Citizens Alliance, Inc., the Court held that “burying a notice inside a committee application and calendar on the instructional materials page of the District’s website is an unreasonable way to give public notice of a meeting”. Id. Here, the meeting information was not “buried” at all, but rather posed in locations easily assessable and viewable for the public such as bulletin boards and the City’s website. See Pl. Compl. ¶24, 29.

Second, the documents makes clear the meetings were open to the public. “At the end of each of the Agenda, it says “The public is cordially invited to attend this meeting” (second to last line in each of the Purported Notices).” See Pl. Compl. ¶29; See also Ex. A of Pl. Compl. Plaintiff has failed to properly allege any deficiency in the City’s Notice of its public meetings. Beyond pure speculation, his allegations and suspicions are based on a misunderstanding of the City’s posted Agendas. Nor does Plaintiff allege the name of any public official who allegedly violated the Sunshine Law. See Deerfield Beach at 511. For these reasons, the Court should dismiss Count II. As with Count I, the City requests that the Court strike Plaintiff’s request for attorney’s fees. See Lee v. Animal Aid, Inc., 49 Fla. L. Weekly D484 (Fla. 4th DCA Feb. 28, 2024).

### **III. Plaintiff's Claim for Injunctive Relief is moot and fails to show any probability of future harm**

Finally, Plaintiff's Complaint includes no basis for the granting of declaratory or injunctive relief under Count III. He claims that the City violated section 286.0114(2), Florida Statutes, based on his allegation that he did not receive a reasonable opportunity to be heard at the January 9, 2024 meeting. The statute requires a reasonable opportunity to be heard on a proposition. § 286.0114(2), Fla. Stat. Critically, this opportunity "need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action." Id.

Plaintiff's allegations are self-defeating. He alleges that the City's Agenda for the January 9, 2024 meeting listed "Discussion of District 3 vacancy." See Pl. Compl. ¶ 44. This is all that is required under § 286.0114(2), Fla. Stat. Although § 286.0114(2), Fla. Stat. does not require that the opportunity to be heard occur at the same meeting at which the board takes official action, the City provided such an opportunity. See Pl. Compl. ¶ 66. Plaintiff merely takes issue that he did not get to comment; but that was because he decided to stay home despite being aware of the agenda. See Pl. Compl. ¶ 45–46. Based on his own allegations, Plaintiff had a reasonable opportunity to be heard on the District 3 vacancy.

What is more, In the December 28, 2023 meeting minutes<sup>2</sup>, the City properly identified the special meeting with Topic #2 of the Agenda reading "Discussion of

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<sup>2</sup> As stated previously, the Court can consider the full text of the referenced meeting and accompanying minutes since Plaintiff references these documents and relies on its

Commission Vacancies and Possible Appointments.” See Ex. A, December 28, 2023 Agenda. The December 28, 2023 meeting discussed the resignation of Vice Mayor and District 3 Commissioner, Ward Friszolowski and his eventual successor Betty Rzewnicki which is the center of Count III of Plaintiff’s Complaint. Notwithstanding, the meeting minutes expressly state: “she was the only individual to turn in the paperwork and qualify during the November period” and as a result “[Ms. Rzewnicki] [was] set to be the District 3 Commissioner after the March 19th elections.” See id. While Plaintiff may disagree with the “acting” title placed upon Ms. Rzewnicki at the January 9, 2024 meeting, District 3 only had one resident qualify for the election therefore, no election would happen and she would assume the District 3 seat in March. Id. Plaintiff makes no allegation that he was unable to comment at this prior meeting.

Even assuming Plaintiff can show a violation of the statute, he is not entitled to an injunction. “Florida adheres to the rule that ‘an injunction will not be granted where it appears that the acts complained of have already been committed and there is no showing by the pleadings and proof that there is a reasonably well grounded probability that such course of conduct will continue in the future.’ ” Daniels v. Bryson, 548 So. 2d 679, 681 (Fla. 3d DCA 1989). Plaintiff has failed to allege any facts showing that a similar violation will occur relating to his opportunity to be heard. As a result, he has no right to the permanent injunction he seeks.

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language. U.S. Fire Ins. Co., 134 So. 3d at 479; Neapolitan Enterprises, LLC, 185 So. 3d at 590.

## **Conclusion**

For the reasons set forth above, the City respectfully requests that the Court dismiss Plaintiff's claims and provide any additional relief the Court deems just.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been electronically filed with the Clerk of Court using the E-Portal Filing System this 4th day of April, 2024, and a copy of the same will be furnished by electronic mail service through the E-portal all parties of record. A copy of this document was also served on Plaintiff at the address identified on his pleadings and via email service:

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Florida Bar No. 238820

# **EXHIBIT A**



## **NOTICE OF EXECUTIVE SESSION**

**Tuesday, April 26, 2022**  
**5:00 p.m. (or shortly thereafter)**  
Commission Chambers  
155 Corey Avenue  
St. Pete Beach, 33706

A closed Attorney Client Executive Session will be held at the time and place listed above in accordance with FS 286.011(8) regarding the following lawsuits:

- A. 2707 Pass A Grille Way, LLC v. City of St. Pete Beach**  
**(1) Case No. 21-000823-CI; Sixth Judicial Circuit in and for Pinellas County Florida**
  
- B. Warren Mack, et al. vs. City of St. Pete Beach**  
**(1) Case No. 21-002512-CI; Sixth Judicial Circuit in and for Pinellas County Florida**

The Attorney Client Executive Session will be attended by some or all of the following persons, one or more of whom may participate telephonically: Alan Johnson, Mayor; Ward Friszolowski, Vice Mayor; Melinda Pletcher, Commissioner; Christopher Graus, Commissioner; Mark Grill, Commissioner; Alex Rey, City Manager; Andrew Dickman, City Attorney; Ody Dickman, Esq.; Robert Shearman, Esq., and Kyle Dudek, Esq.; and an official court reporter as provided by law.

The length of the attorney-client executive session is estimated to be approximately one hour.

Pursuant to section 286.011(8), Florida Statutes, the Attorney-Client Executive Session will be recorded by a certified court reporter. However, the transcript of the proceeding will be exempt from the Florida Public Records Act until such time as the litigation is concluded. At the conclusion of the litigation, the transcript may be obtained from the Clerk of the City Commission.

In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Office of the City Clerk at (727) 367-9201 no later than four (4) days prior to the proceeding for assistance. If hearing impaired, contact the Florida Relay Services Numbers (800)955-9771 (TDD).

**POSTED: April 20, 2022**

**City Commission Meeting**  
**January 9, 2024**  
**6:00 p.m.**

**ELECTED / APPOINTED OFFICIALS PRESENT:**

Adrian Petrila, Mayor  
Karen Marriott, Commissioner, District 1  
Nick Filtz, Commissioner, District 2  
Vacant, District 3  
Rich Lorenzen, Commissioner, District 4

**STAFF PRESENT:**

Andrew Dickman, City Attorney – appeared via Zoom  
Wayne Saunders, City Manager  
Amber LaRowe, City Clerk  
Matthew McConnell, Assistant City Attorney  
Jennifer McMahon, Chief Operating Officer  
Mike Clarke, Public Works Director  
Jim Kilpatrick, Fire Chief

Mayor Petrila called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

**1. PRESENTATIONS**

**a. Recognition of Colette Graston’s over 30 years of service with the City**

The Mayor and Commission recognized and thanked Colette Graston for her service to the City. City Manager Saunders highlighted Ms. Graston’s service with the City since the ‘90s.

**2. APPROVAL OF THE AGENDA**

Mayor Petrila requested that Consent Agenda items 5.b. through 5.i. be moved to Action Items beginning as 6.c. [consecutively].

Assistant City Attorney McConnell suggested that the verbiage for item 3 be amended to include “possible action” and commented on the intent and the scrivener’s error. Attorney Dickman echoed Attorney McConnell’s comments and reiterated what the intent and direction was at the December 28, 2023, City Commission meeting. Mayor Petrila stated that this could be further discussed when the Commission gets to that item.

Assistant City Attorney McConnell requested to add the selection of a Vice Mayor to the agenda; Mayor Petrila added this to item 6, before the Softball Agreement Action a.

**Motion: Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve the [January 9, 2024, City Commission] Agenda as discussed.**

**3. DISCUSSION OF DISTRICT 3 VACANCY**

Attorney Dickman recapped what transpired on December 28<sup>th</sup> during the 7:30 a.m. Special City Commission meeting and the subsequent resignation of Commissioner Ward Friszolowski on December 30<sup>th</sup>. Betty Rzewnicki registered and qualified with the City Clerk for the March 2024 elections and was the only resident to do so; therefore, she will take office for a two-year term after the March 19<sup>th</sup> City election.

Commissioner Lorenzen would like there to be consistency and fill this vacancy with the individual [Ms.



Rzewnicki] who will be taking office in March. Filling the vacancy with her now will provide continuity going into March.

Commissioner Marriott agreed with Commissioner Lorenzen's statement and thoughts.

James Kearney, resident and one of the interested individuals who submitted a resume, informed the Commission of his residency, and his interest, recognized the benefit of Ms. Rzewnicki taking the seat now as he would not be interested in filling the seat from now until March when she would take over, and his interest in serving on a City advisory board if needed.

J. Lance Sherrill, resident and one of the interested individuals who submitted a resume, spoke of his tenure here in the City, his interest in local government, and his understanding of the benefit of Ms. Rzewnicki being seated for the vacancy.

James Bailey, resident, spoke on safety issues in the City, his perspective on those issues, and asked the Commission to help improve the issues.

City Clerk LaRowe confirmed an email that she sent after the December 28<sup>th</sup> City Commission meeting to all those who submitted interest in the District 3 Vacancy reminding them of today's meeting; a subsequent email was sent this morning. James Kearney, J. Lance Sherrill, and Betty Rzewnicki were present tonight.

Mayor Petrila expressed his opinions, stating that consistency would mean the Commission interviewing all those interested in filling the vacant seat.

Commissioner Filtz reviewed the list of interested individuals, noting the three withdrawals.

Attorney Dickman mentioned some comments he was receiving regarding this item being a discussion item and not an action item; he informed the Commission that they could put this action/discussion/selection off for another two weeks [to the next regularly scheduled City Commission meeting] and interview everyone and make the item an action on the agenda as opposed to the mistaken word choice of discussion.

The Commission and Mayor discussed the vacancy.

**Commissioner Filtz motioned to move the number 3 Discussion of District 3 Vacancy to an action item.**

Attorney Dickman stated that if the intent was for this item to be just a discussion, it would have been added under the Discussion Items section on tonight's Agenda.

**The motion died.**

**Motion: Commissioner Marriott moved, Commissioner Lorenzen seconded, and the motion carried 3-1 to appoint Betty Rzewnicki as the interim Commissioner for District 3. Mayor Petrila voted no.**

#### 4. AUDIENCE COMMENTS

Resident John Kurzman mentioned the following: an email he sent to the Commission, his thoughts on public meetings, and the Commissioner for District 2.

#### 5. CONSENT

- a. City Commission Meeting Minutes: December 5<sup>th</sup>, December 12<sup>th</sup>, December 18<sup>th</sup>, December 21<sup>st</sup>, December 26<sup>th</sup>, December 27<sup>th</sup>, and December 28<sup>th</sup>
- b. ~~Ellis Automated Sole Source~~ *moved to Action Items*
- e. ~~Gulf Boulevard Undergrounding Ph 1 Change Order 4, 5, 6, and 7~~ *moved to Action Items*
- d. ~~Planning Services Agreement~~ *moved to Action Items*
- e. ~~Half Associates Inc. Professional Service Contract Renewal~~ *moved to Action Items*
- f. ~~Hyatt Survey Services, Inc. Professional Service Contract Renewal~~ *moved to Action Items*
- g. ~~George F. Young, Inc. Professional Service Contract Renewal~~ *moved to Action Items*
- h. ~~Kimley-Horn and Associates Inc. Professional Service Contract~~ *moved to Action Items*
- i. ~~Stantec Consulting Services, Inc. Professional Service Contract~~ *moved to Action Items*

**Motion:** Commissioner Marriott moved, Commissioner Lorenzen seconded, and the motion carried 4-0 to approve the meeting minutes from December 5<sup>th</sup>, 12<sup>th</sup>, 18<sup>th</sup>, 21<sup>st</sup>, 26<sup>th</sup>, 27<sup>th</sup>, and 28<sup>th</sup>.

#### 6. ACTION ITEMS

##### Selection of Vice Mayor (added)

Commissioner Marriott opined that Commissioner Lorenzen would make a good vice mayor.

Mayor Petrila asked Commissioner Lorenzen if he would be available on the last Wednesday of every month at 9:00 a.m. to represent the City [at the BIG-C]; Commissioner Lorenzen confirmed.

**Motion:** Commissioner Filtz moved, Commissioner Marriott seconded, and the motion carried 4-0 to appoint Commissioner Lorenzen as the Vice Mayor.

##### a. Southwest Little League Agreement

Jennifer McMahon, Chief Operating Officer, discussed the history of the League and the use of the City fields.

Nick Bongiorno, Southwest Little League, is excited to bring the League back to the City. He stated that Southwest Little League never dissolved, he did his research and determined that they can reconvene.

Brandon Owens, Southwest Little League, is interested in having a new Agreement with the City. Attorney McConnell stated that once drafted, the Agreement will come before the Commission.

Mrs. McMahon confirmed that an email was sent to the agent who signed the Madeira Beach Baseball and Softball Boosters Agreement at the City of Madeira Beach and has received no response; they were made aware of the meeting tonight.

**Motion:** Vice Mayor Lorenzen moved, Commissioner Filtz seconded, and the motion carried 4-0 to authorize the City Manager to terminate the agreement with Madeira Beach Baseball and Softball Boosters, Inc.

##### b. IAFF 4966 Rank and File Wage Re-Opener Agreement

Adam Poirrier, Deputy Fire Chief, gave a presentation on this Agreement which is made a part of the record. The presentation addressed the timeline, pay plan outline, proposed step plan, other agreed-upon amendments, and other proposed amendments.

**Motion:** Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to execute the International Association of Firefighters (IAFF) Local 4966 Article 24: Pay Plan

**with an effective date as of October 1, 2023.**

**c. Ellis Automated Sole Source (as moved from tonight's Consent Agenda)**

Mayor Petrila explained that he wanted this item as well as items d through i to be moved from the Consent Agenda so that there could be further discussion and understanding.

Mike Clarke, Public Works Director, explained the need for Ellis Automated and the sole source process. Ellis Automated maintains the City's Supervisory Control and Data Acquisition (SCADA) system that is integrated at each lift and pump station. The notice of intent regarding the sole source is attached to the Agenda.

The pricing of Ellis Automated was discussed with Mr. Clarke stating that the price is hourly fees as necessary.

Attorney McConnell asked that, if the Commission would like to approve this, they approve it contingent on an updated agreement and proposal as approved by the Attorney's Office [for fees].

**Motion: Commissioner Marriott moved, Vice Mayor Lorenzen seconded, and the motion carried 4-0 to approve the SCADA system ongoing support services agreement with Ellis Automated Corporation as amended by the City Attorney and authorize the City Attorney to amend the contract as discussed.**

**d. Gulf Boulevard Undergrounding Ph 1 Change Order 4, 5, 6, and 7 (as moved from tonight's Consent Agenda)**

Mr. Clarke reviewed each change order as made a part of the Agenda packet. Duke will begin their role this month; Mr. Clarke has not heard of any changed plans to that schedule.

**Motion: Vice Mayor Lorenzen moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve Gulf Boulevard Undergrounding Phase 1 Change Order[s] 4, 5, 6, and 7.**

**e. Planning Services Agreement (as moved from tonight's Consent Agenda)**

Mrs. McMahon stated that this agreement will assist the City with local mitigation, Community Rating system, Certificates of Appropriateness for the Historic Preservation Board, assist in FEMA variance to historically designated properties, and complete historic designations. This contract is not to exceed \$25,000.

Resident John Kurzman commented on the State flood map error that only the floodplain manager can correct; he opined this person might be able to assist with that.

**Motion: Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve a Professional Services Agreement with Lynn Rosetti on an as-needed basis.**

**f. Halff Associates Inc. Professional Service Contract Renewal (as moved from tonight's Consent Agenda)**

Attorney McConnell reminded the Commission of Florida Statute 287.055 that governs this [and the other Professional Service Contracts that follow] as they are considered under the Consultant's Competitive Negotiation Act (CCNA).

Mr. Clarke outlined the subcategories of the CCNA and the proposal process that the City underwent. He listed the projects that Halff currently has in the City regarding stormwater and building renovations. He addressed the process with the professional services including the City defining a project, sending a scope of work to the contractor, and the contractor providing the City with a task order that the City confirms. Mr. Clarke stated that a

timeline will be provided in the task order along with a list of the team that will be on the project and their expected hours with rates. He opined that approximately \$600,000 to \$700,000 were spent on projects last fiscal year with Halff.

**Motion:** Vice Mayor Lorenzen moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve Halff Associates, Inc. Professional Service Contract Renewal.

**g. Hyatt Survey Services, Inc. Professional Service Contract Renewal (as moved from tonight's Consent Agenda)**

Mr. Clarke stated that Hyatt Survey does surveying for the City. When asked if they would be the ones to assist with surveying if/when in Pass-A-Grille for alleyways, Mr. Clarke stated that he would recommend using George F. Young for that due to their historical data and knowledge. Mr. Clarke estimated that the City spent less than \$100,000 last fiscal year on projects with Hyatt.

**Motion:** Commissioner Filtz moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve the amendment to the Professional Service Agreement with Hyatt Survey Services, Inc. to extend the agreement for the first one (1) year extension past the original three (3) year term.

**h. George F. Young, Inc. Professional Services Contract Renewal (as moved from tonight's Consent Agenda)**

Mr. Clarke explained George F. Young's services and their resources, and that the City spent approximately \$100,000 on projects with them in the last fiscal year.

**Motion:** Vice Mayor Lorenzen moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve the George F. Young, Inc. Professional Services Contract Renewal.

**i. Kimley-Horn and Associates Inc. Professional Services Contract Renewal (as moved from tonight's Consent Agenda)**

Mr. Clarke stated that Kimley-Horn and Associates' primary roles in the City recently have been the sanitary sewer system, the Inflow and Infiltration (I&I) program, and road rehabilitation.

Commissioner Marriott stated that she has received some inquiries from her constituents regarding conflict of interest. Attorney McConnell addressed this by stating that there is a conflict-of-interest language in the agreement; the contract template for all CCNA contractors has been modified with a conflict box asking yes or no and explain. Mr. Clarke stated that each task order contains similar language.

Attorney Dickman stated that he had extensive conversations with Kimley-Horn last year regarding conflict of interest and the appearance of a conflict of interest.

Regarding projects with Kimley-Horn, Mr. Clarke displayed a map with some detail; this is made a part of the record. Mayor Petrila expressed his discomfort with Kimley-Horn being used for planning services in the City. He would like to see the City not assign any further task orders to them from this point going forward that entail that type of support.

Resident John Kurzman commented on conflicts, contractors, and the projects.

Mr. Clarke estimated that the City spent approximately \$1M with Kimley-Horn on projects last fiscal year.

**Motion:** Commissioner Marriott moved, Vice Mayor Lorenzen seconded, and the motion carried 3-1

**to approve the amendment to the Professional Service Agreement with Kimley-Horn and Associates, Inc. to extend the agreement for a one (1) year extension.**

**j. Stantec Consulting Services, Inc. Professional Service Contract Renewal (as moved from tonight's Consent Agenda)**

Mr. Clarke stated that Stantec was formally Cardno and is primarily used for marine projects. The City spent approximately \$500,000 on projects with Stantec in the last fiscal year.

He stated that Stantec was assigned the Don CeSar boat ramp feasibility study that has been completed. Mr. Clarke and City Manager Saunders are reviewing it and would like to bring it to a City Commission workshop soon.

**Motion: Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 4-0 to approve the amendment to the Professional Service Agreement with Stantec Consulting Services, Inc. to extend the agreement for a one (1) year extension.**

7. RESOLUTIONS

**a. Resolution 2023-26: Special Election and Qualifying Period**

A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA ESTABLISHING THE DATE FOR THE 2024 SPECIAL MUNICIPAL ELECTION AND THE QUALIFICATION PERIOD FOR THE COMMISSIONER FOR DISTRICT 2 AND DISTRICT 4.

City Clerk LaRowe informed the Commission that she drafted this Resolution to mirror the resolution she created, with the help of the City Attorney's Office, for the special election in 2021. There is one week for qualifications, in May, which is consistent with a one-week qualification that was conducted in 2021. She reminded the Commission of the Supervisor of Elections schedule that was made a part of the December 18, 2023, City Commission Agenda with the option of the City holding an election in August or November; this Resolution will allow the City to participate in the August 20, 2024, election with the Supervisor of Elections. Once adopted, Mrs. LaRowe will update the City's website accordingly and proceed with the next steps for qualifications.

Attorney Dickman touched on the conversations that Legal has had with the Supervisor of Elections.

**Motion: Vice Mayor Lorenzen moved, Commissioner Marriott seconded, and the motion carried 4-0 to approve this Resolution 2023-26.**

8. ITEMS FOR DISCUSSION

**a. Floodplain Ordinance Community Meeting**

City Manager Saunders stated that this item was added to the Agenda to seek clarification from the Commission on what type of meeting they want to have with Mike Twitty (Pinellas County Property Appraiser) and the residents.

Mayor Petrila stated that the intent is to create a space where the community can come and ask their questions and get an understanding of the amendment, what it means, etc. The Commissioners agreed with Commissioner Filtz requesting at least 3 hours.

City Clerk LaRowe will send out a meeting Doodle Poll to the Commission with various dates and City Manager Saunders will work with Mr. Twitty on his attendance.

9. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

**Amber LaRowe, City Clerk** – mentioned that normally when the City Commissioners change, the Clerk’s Office adds the appointment of advisory board members to the following agenda for discussion and the Commissioners alert the Clerk’s Office of any changes to those boards. She opined that it would probably be best, for now, to leave that alone until after the March election; however, any elected official can make a change to their appointees on any board/committee at any time. On the next agenda, she will include appointments of the elected officials to outside agencies/boards.

**Attorney Dickman, City Attorney** – updated the Commission on Merry Pier and the pilings/moorings that were moved. There was a dispute about why and how; the Attorney’s Office initiated the Chapter 558 process (notice of claim).

Attorney Dickman announced the attorney representing the applicant for the Sirata Conditional Use Permit submitted a letter requesting a continuance of tomorrow’s, January 10<sup>th</sup> public hearing scheduled at 4:00 p.m. The City Attorney is recommending the Commission agree to the continuance.

Mr. Dickman briefly mentioned the lawsuit filed by Attorney Jane Graham against the City regarding the filling of the Commission vacancies. He requested an Executive Session on January 23, 2024, at 4:30 p.m. to discuss litigation strategy and expenditures or a possible settlement if that can be done. He then gave a history and timeline of what transpired regarding the resignations, stating that he only found out mere hours before the December 12, 2023, City Commission meeting. He expressed the importance of accurate information being distributed and will be setting up office hours at City Hall during different days and hours to meet with the public if they’re interested.

**Vice Mayor Lorenzen** – thanked the Mayor for his patience tonight with the new Commissioners and expressed appreciation to the other Commissioner and the Attorney.

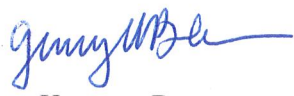
**Commissioner Filtz** – announced that the District 2 Town Hall will be held on January 25, 2024, at 5:30 p.m. in the City Hall Commission Chambers. He will make himself available to the public as needed and can be reached via email or phone as provided on the City’s website.

**Commissioner Marriott** – echoed the same appreciation for the Mayor’s patience this evening as the new Commissioners navigated the meeting. She asked residents to reach out to her and share their needs, questions, comments, etc.

**Mayor Petrila** – reminded the public of his commitment to serve the City as he stated he would when he campaigned for Mayor and was elected. He will continue to uphold the oath he took when elected and sworn in to serve as Mayor.

Mayor Petrila adjourned the meeting at 8:51 p.m.

MINUTES APPROVED: FEBRUARY 13, 2024



GINNY KEETER-BODKIN  
DEPUTY CITY CLERK



ADRIAN PETRILA  
MAYOR

**City Commission Meeting**  
**April 12, 2022**  
**6:00 p.m.**

**ELECTED OFFICIALS PRESENT:**

Alan Johnson, Mayor  
Chris Graus, Vice Mayor, Commissioner, District 1  
Mark Grill, Commissioner, District 2  
Ward Friszolowski, Commissioner, District 3  
Melinda Pletcher, Commissioner, District 4

**STAFF PRESENT:**

Vince Tenaglia, Assistant City Manager  
Matthew McConnell, Assistant City Attorney  
Amber LaRowe, City Clerk  
Jennifer McMahan, Chief Operating Officer  
Michelle Gonzalez, Community Development Director

Mayor Johnson called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance.

**1. PRESENTATIONS**

Zach Chalifour, CPA, James Moore, made a presentation to the City Commission on the annual audit for fiscal year ending September 30, 2021. A copy of the presentation is made a part of the record.

**2. CHANGES TO THE AGENDA**

Commissioner Friszolowski asked that items b and c be removed from the Consent for further discussion.

Mayor Johnson asked for removal of item d from the Consent for further discussion.

**3. AUDIENCE COMMENTS**

Deb Schechner, resident, commented on the value of the density pool units that were granted to the East End Corey Avenue project.

**4. CONSENT**

- a. March 22, 2022 City Commission Minutes
- b. ~~Inspection and Plan Review Services Provided by M.T. Causely, LLC. removed for discussion~~
- c. ~~Inspection Services Provided by Quorum Services, LLC. removed for discussion~~
- d. ~~Lobbyist Services Agreement removed for discussion~~

**Motion: Commissioner Friszolowski moved, Vice Mayor Graus seconded, and the motion carried 5-0 approve the April 12, 2022 Consent Agenda as presented by the City Manager with the removal of items b, c, and d.**

**4.b. Inspection and Plan Review Services Provided by M.T. Causely, LLC. & 4.c. Inspection Services Provided by Quorum Services, LLC.**

Commissioner Friszolowski discussed the sovereign immunity that is granted to the City for this type of service and inquired if that will still hold true even though they are not an actual employee of the City. This question pertains to both M.T. Causely and Quorum services.

Attorney McConnell identified the clause stated in the contract with M.T. Causedly because it is a piggyback from Treasure Island, and Treasure Island included that specific language in their agreement. The M.T. Causedly agreement is for three years. In regard to Quorum Services, Mr. McConnell stated that because this will be a different type of templated agreement, he needs to work with Attorney Dickman to add additional clauses since the amount has been increased. He will input similar language as stated in the M.T. Causedly agreement.

**Motion:** Commissioner Friszolowski moved, Commissioner Pletcher seconded, and the motion carried 5-0 to approve the M.T. Causedly, LLC. Agreement subject to the City Attorney editing and finalizing the Agreement.

**Motion:** Commissioner Pletcher moved, Vice Mayor Graus seconded, and the motion carried 5-0 to approve the Quorum Services, LLC. Agreement and for the City Attorney to edit and finalize before signature.

#### 5. ORDINANCES

##### a. First Reading Ordinance 2022-08: Parking Fines (Updates to Code of Ordinances Chapter 82)

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 82 - TRAFFIC AND VEHICLES, ARTICLE III – STOPPING STANDING AND PARKING; DIVISION 1 – GENERALLY, SECTION 82-135 – PARKING OF VEHICLES ON CITY RIGHTS-OF-WAY; DIVISION 2 – ENFORCEMENT, SECTION 82-172 – FINES FOR VIOLATIONS; DIVISION 3 – METERED PARKING, SECTION 82-201 – TIME LIMITS; SECTION 82-207 – MANNER OF PARKING VEHICLE; SECTION 82-211 – PUBLIC-PRIVATE JOINT USE PARKING AGREEMENTS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Michelle Gonzalez, Community Development Director, made a presentation on the changes to Chapter 82 of the Code of Ordinances. A copy of the presentation is made a part of the record.

Commission discussed the changes to Chapter 82 and requested clarification on unimproved swale as mentioned in Chapter 82-135 and a change to Chapter 82-201 was requested to make sure the times are consistent with Egan Park Boat Ramp as well.

Deb Schechner, resident, commented on the sudden change and asked for warning considerations first before new fines are just thrown out there. She also commented on parking in front/near mailboxes.

Ms. Gonzalez commented on the warnings and stated that staff will be issuing warnings first and providing an educational brochure to inform the citizen of the changes to the Code for future.

**Motion:** Vice Mayor Graus moved, Commissioner Grill seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2022-08 with the changes as discussed.

##### b. First Reading Ordinance 2022-09: General Employee Pension

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA, AMENDING CHAPTER 66, PENSIONS AND RETIREMENT, ARTICLE II GENERAL EMPLOYEES’ RETIREMENT SYSTEM, DIVISION 1, GENERALLY AND DIVISION 3, BENEFITS, OF THE CODE OF ORDINANCES OF THE CITY OF ST. PETE BEACH; CLOSING THE RETIREMENT SYSTEM TO NEW MEMBERS EFFECTIVE OCTOBER 1, 2021; AMENDING SECTION 66-26, DEFINITIONS; AMENDING SECTION 66-27 MEMBERSHIP; AMENDING SECTION 66-116, BENEFITS EFFECTIVE OCTOBER 1, 2012; PROVIDING FOR



CODIFICATION, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE

Vince Tenaglia, Assistant City Manager, stated that this Ordinance implements the changes as discussed in January. The Pension Plan is closing as of October 1, 2021 with new General Employees being provided with the 401a option. There are plans for an evaluation of the requirements of the 401a plan in the future.

**Motion: Commissioner Pletcher moved, Commissioner Friszolowski seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2022-09.**

6. RESOLUTION

**a. Resolution 2022-09: PRM Notice**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, PROVIDING NOTICE TO PUBLIC RISK MANAGEMENT OF FLORIDA OF THE CITY'S INTENT TO SOLICIT INSURANCE PROPOSALS; PROVIDING NOTICE OF INTENT TO WITHDRAW; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tenaglia stated that this is part of the due diligence process for the City to solicit new proposals to ensure that we are receiving competitive rates for property, liability, and workers' compensation coverage.

**Motion: Commissioner Grill moved, Vice Mayor Graus seconded, and the motion carried 5-0 to adopt Resolution 2022-09.**

**b. Resolution 2022-10: Florida Job Growth Grant Fund Agreement**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE FLORIDA JOB GROWTH GRANT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND PURSUE THE PREREQUISITES TO SECURE A NOTICE TO PROCEED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Tenaglia reminded the Commission that this is a follow up to the Governor's announcement regarding the \$2M grant award for the City sanitary sewer expansion project.

**Motion: Vice Mayor Graus moved, Commissioner Grill seconded, and the motion carried 5-0 to adopt Resolution 2022-10.**

7. ITEMS FOR DISCUSSION

None.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY AND CITY COMMISSION REPORTS

**Amber LaRowe, City Clerk**—reminded the Commission of the April 26<sup>th</sup> 10:00 a.m. budget workshop that is scheduled to end at 4:30 p.m. and the 6:00 p.m. meeting is to follow.

The District 3 Town Hall will be Monday April 25<sup>th</sup> 5:30 p.m. in Chambers.

**Vince Tenaglia, Assistant City Manager**—mentioned the charette at the Warren Webster on April 22, April 25, and April 26. This is in regard to the Tampa Bay Regional Planning Council (TBRPC) studying the resiliency

and the Pass-A-Grille Way project.

He mentioned that Alex Rey will return next week.

**Assistant City Attorney McConnell**—discussed the Department of Environmental Protection is in agreement that the broken pipe spill from August 2021 is an excusable discharge. The City will not be considered a habitual violator and no fines will be assessed.

He asked for a closed executive session on April 26<sup>th</sup> at 5:00 p.m. in these Chambers. This will be to discuss PAG Way, LLC #2021-000823-CI and “Secret Sidewalk” #21-002512-CI.

**Commissioner Friszolowski**—discussed the TBRPC Resiliency Summit he attended last week; it was well attended and educational.

The Belle Vista Community Association meeting is Thursday night with someone from the Library coming to speak.

He mentioned the future discussion for the ongoing beach concerns and the authority that the City has for private properties and the hotels that utilize the public beaches for their umbrellas, chairs, cabanas, etc.

**Commissioner Grill**—discussed the recent sand installment at the north end of Upham Beach. He thanked Parks and Public Works for their help.


He has been discussing the repetitive reclaimed water breaks with the City Manager and Assistant City Manager. Mr. Tenaglia stated that he has been talking to the County about this and hopes to have an agreement in front of the Commission soon.

**Mayor Johnson**—mentioned two upcoming meetings at Madeira Beach, first one is tomorrow at 3:00 p.m. on the future of transportation and the second meeting is the State of the Beaches at 5:00 p.m. Thursday. Both meetings are at Madeira Beach City Hall.

Mayor Johnson adjourned the meeting at 8:00 p.m.

MINUTES APPROVED: MAY 10, 2022

  
AMBER LAROWE  
CITY CLERK

  
ALAN JOHNSON  
MAYOR



**CITY COMMISSION SPECIAL MEETING – EXECUTIVE SESSION**

**CITY OF ST. PETE BEACH**

155 Corey Avenue  
St. Pete Beach, FL

**Tuesday, April 26, 2022**  
**5:00 p.m. (or shortly thereafter)**

Call to Order  
Pledge of Allegiance  
Roll Call

**1. Announcement of Litigation**

A. 2707 Pass A Grille Way, LLC v. City of St. Pete Beach

(1) Case No. 21-000823-CI; Sixth Judicial Circuit in and for Pinellas County Florida

B. Warren Mack, et al. v. City of St. Pete Beach

(1) Case No. 21-002512-CI; Sixty Judicial Circuit in and for Pinellas County Florida

**2. Adjourn to Executive Session**

**3. Reconvene to Public Session**

**4. Discussion and Possible Action**

A. 2707 Pass A Grille Way, LLC v. City of St. Pete Beach

(1) Case No. 21-000823-CI; Sixth Judicial Circuit in and for Pinellas County Florida

**City Commission Special Meeting – Executive Session**  
**Tuesday, April 26, 2022**  
**Page two of two**

B. Warren Mack, et al. v. City of St. Pete Beach

(1) Case No. 21-002512-CI; Sixty Judicial Circuit in and for Pinellas County Florida

**5. Adjournment**

**APPEAL**

If a person decides to appeal any decision made at this meeting, he or she will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of the meeting is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105). The City does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts. This, however, does not waive the exception to the Sunshine Law in section 286.011(8),

**AMERICANS WITH DISABILITIES ACT**

In Accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this meeting should contact City Hall at (727) 367-2735 no later than four days prior to the meeting for assistance.

The public is cordially invited to attend the portion of this meeting not closed to the public pursuant to section 286.011(8), Florida Statutes. All agenda material, if any, not part of the closed executive-session is available for review at City Hall.

**Special City Commission Meeting**

**December 28, 2023**

**7:30 a.m.**

**ELECTED OFFICIALS PRESENT:**

Adrian Petrilă, Mayor – via Zoom  
Ward Friszolowski, Vice Mayor, Commissioner, District 3  
Karen Marriott, Commissioner, District 1  
Nick Filtz, Commissioner, District 2  
Rich Lorenzen, Commissioner, District 4

**STAFF PRESENT:**

Andrew Dickman, City Attorney – via Zoom  
Wayne Saunders, City Manager  
Amber LaRowe, City Clerk  
Matthew McConnell, Assistant City Attorney

Vice Mayor Friszolowski called the meeting to order at 7:30 a.m. followed by the Pledge of Allegiance.

Attorney Dickman discussed an email that he received last night from Attorney Ken Weiss. This email was distributed to the Commission and is made a part of the record. Attorney Weiss's email alleges the illegality of reopening the submittal period for letters of interest, more specifically he mentioned District 2. Attorney Dickman finds no legal case that speaks to the allegations outlined. He reminded the Commission of the work performed by the City's administration to understand the Charter, the Law, and what the Supervisor of Elections would do regarding a special election. The City must follow the Supervisor of Election's schedule for holding elections with the next option after March being in August.

Vice Mayor Friszolowski reviewed the process of resignations and of Betty Rzewnicki's qualification for District 3 Commissioner for the March 2024 election; she was the only individual to turn in the paperwork and qualify during the November period.

Ms. Rzewnicki appeared via Zoom to discuss her employer's requirement for authorization to accept a second job, which this position is. As of today, no confirmation or denial to accept the job has been received by her employer. Due to the holidays, staff at her employment will not be back in the office until January 8<sup>th</sup>, and she hopes to have a definitive answer then. Based on this information, Ms. Rzewnicki would not be able to fill the vacancy today.

Vice Mayor Friszolowski stated that he will wait until December 30<sup>th</sup> to tender his resignation and is hopeful that at the January 9<sup>th</sup> City Commission meeting, Betty Rzewnicki will have heard from her employer and been giving the authorization to accept the position. He opined that this is the best path for the City because she is set to be the District 3 Commissioner after the March 19<sup>th</sup> elections.

Commissioner Marriott agreed with the Vice Mayor's opinion.

Regarding Commissioner Lorenzen's question about the difference between today's selection versus District 1, Vice Mayor Friszolowski stated that District 1 had two residents qualify to run for office; therefore, they will be on the ballot in March and elected by the voters; District 3 only had one resident, therefore, no election will happen, but she won't be in the seat until after the March election.

City Clerk LaRowe asked the Commission to provide clear intent on what is to happen on January 9<sup>th</sup> so that she can inform the individuals of the process. She stated that based on the other meetings, interviews are

approximately 30 minutes per person and asked the Commission to keep that in mind for January 9<sup>th</sup> as there are other items on the agenda that need to be discussed and approved by the Commission.

1. AUDIENCE COMMENTS

Resident Deborah Schechner inquired what happens if Ms. Rzewnicki does not hear from her employer before January 9<sup>th</sup>. She encouraged the new Commissioners to review the Planning Board meeting from November where the Sirata Conditional Use Permit was heard.

Resident Sharon Cavanaugh echoed similar comments as Ms. Schechner and opined the Commission should interview the individuals who took the time to attend today.

Resident Will Lawson spoke of his views on what he has witnessed during the last week of Commission meetings and appointments.

Resident Mike Sequin encouraged the Commission to interview the individuals present today and expressed his opinions on the process.

Commissioner Marriott spoke of her views of the process and the conflict she is facing with waiting to hear from Ms. Rzewnicki's employer versus interviewing the individuals for the position today.

2. DISCUSSION OF COMMISSION VACANCIES AND POSSIBLE APPOINTMENTS

This did not occur because Vice Mayor Friszolowski did not resign today; his resignation is effective December 30<sup>th</sup>.

Vice Mayor Friszolowski gave his final remarks before leaving office on Saturday. He thanked several staff members, the Commission, and the Sherriff's Office. He discussed several projects that he was proud to be a part of during his 32 years as an elected official. He recapped his path to office, the individuals who helped him be a successful Commissioner and Mayor, and thanked the new Commissioners for stepping up during this time.

The Commission canceled the meeting for tomorrow, December 29, 2023.

Vice Mayor Friszolowski adjourned the meeting at 8:46 a.m.

MINUTES APPROVED: JANUARY 9, 2024



AMBER LAROWE  
CITY CLERK



ADRIAN PETRILA  
MAYOR



## NOTICE OF EXECUTIVE SESSION

**Tuesday, January 23, 2024**  
**4:30 p.m. (or shortly thereafter)**  
Commission Chambers  
155 Corey Avenue  
St. Pete Beach, 33706

A closed Attorney Client Executive Session will be held at the time and place listed above in accordance with FS 286.011(8) regarding the following lawsuit:

**Protect St. Pete Beach Advocacy Group, et al. v. City of St. Pete Beach;**  
**Case No. 24-000041-CI, Sixth Judicial Circuit in and for Pinellas County, Florida.**

The Attorney Client Executive Session will be attended by some or all of the following persons, one or more of whom may participate electronically: Adrian Petrila, Mayor; Richard Lorenzen, Vice Mayor; Karen Marriott, Commissioner; Nick Filtz, Commissioner; Betty Rzewnicki, Commissioner; Wayne Saunders, Interim City Manager; Andrew Dickman, City Attorney; Matthew McConnell, Assistant City Attorney; Ody Dickman, Esq.; Samuel Salario, Jr., Esq.; Jason Gonzalez, Esq.; Alexander Brockmeyer, Esq.; Charles Alan Lawson, Esq.; and an official court reporter as provided by law.

The length of the attorney-client executive session is estimated to be approximately one hour.

Pursuant to section 286.011(8), Florida Statutes, the Attorney-Client Executive Session will be recorded by a certified court reporter. However, the transcript of the proceeding will be exempt from the Florida Public Records Act until such time as the litigation is concluded. At the conclusion of the litigation, the transcript may be obtained from the Clerk of the City Commission.

**City Commission Special Meeting – Executive Session**  
**Tuesday January 23, 2024**  
**Page two of two**

In accordance with the Americans with Disabilities Act and F.S. 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Office of the City Clerk at (727) 367-9201 no later than four (4) days prior to the proceeding for assistance. If hearing impaired, contact the Florida Relay Services Numbers (800) 955-9771 (TDD).

Date Posted: January 17, 2024





**CITY COMMISSION MEETING  
CITY OF ST. PETE BEACH**

155 Corey Avenue  
St. Pete Beach, FL 33706

Tuesday, January 9, 2024  
6:00 PM

Call to Order  
Pledge of Allegiance  
Roll Call

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**REGULAR MEETING**

1. Presentations -
  - a. **Recognition of Colette Graston's over 30 years of service with the City**
2. Approval of the Agenda -

**Action Request: Motion to approve the January 9, 2024, City Commission Agenda.**
3. Discussion of District 3 Vacancy -
4. Audience Comments -

*Public participation is encouraged. If you wish to address the City Commission, please fill out a speaker's card and provide it to the City Clerk. Once you are called, please come to the podium and state your name and address for the record. Comments shall be limited to 3 minutes and shall be limited to non- public hearing items on the agenda. Public comment on agenda items will be allowed when that item is called. If you plan to make a presentation as part of your public comment, the presentation must be provided to the City Clerk 24- hours in advance of the meeting.*
5. Consent -
  - a. **City Commission Meeting Minutes: December 5th, December 12th, December 18th, December 21st, December 26th, December 27th, and December 28th**
  - b. **Ellis Automated Sole Source**
  - c. **Gulf Boulevard Undergrounding Ph 1 Change Order 4, 5, 6, and 7**

- d. Planning Services Agreement**
  - e. Halff Associates Inc. Professional Service Contract Renewal**
  - f. Hyatt Survey Services, Inc. Professional Service Contract Renewal**
  - g. George F. Young, Inc. Professional Service Contract Renewal**
  - h. Kimley-Horn and Associates Inc. Professional Service Contract Renewal**
  - i. Stantec Consulting Services, Inc. Professional Service Contract Renewal**
6. Action Items -
- a. Southwest Little League Agreement**  
Southwest Little League Agreement
- Action Request: Motion to authorize the City Manager to terminate the agreement with the Madeira Beach Baseball and Softball Boosters, Inc.**
- b. IAFF 4966 Rank And File Wage Re-Opener Agreement**
- Action Request: Motion to execute the International Association of Firefighters (IAFF) Local 4966 Article 24: Pay Plan with an effective date as October 1, 2023.**
7. Resolutions -
- a. Resolution 2023-26: Special Election and Qualifying Period**  
A RESOLUTION OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA ESTABLISHING THE DATE FOR THE 2024 SPECIAL MUNICIPAL ELECTION AND THE QUALIFICATION PERIOD FOR THE COMMISSIONER FOR DISTRICT 2 AND DISTRICT 4.
- Action Request: Motion to adopt Resolution 2023-26.**
8. Items for Discussion -
- a. Floodplain Ordinance Community Meeting**  
Floodplain Ordinance Community Meeting
9. City Clerk, City Manager, City Attorney and City Commission Reports -
10. Adjournment -

**APPEAL:** In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**AMERICANS WITH DISABILITIES ACT (ADA):** In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:**

The City has made accommodations for those who cannot be physically present, or do not feel comfortable appearing in person, due to COVID-19. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 5:00 p.m. on the day of the meeting at [cityclerk@stpetebeach.org](mailto:cityclerk@stpetebeach.org)
- Leave a voicemail message by calling **727.363.9225** by 1:00 p.m. the day of the meeting
- Upload or submit a video or audio file online by 1:00 p.m. the day of the meeting at

<https://www.stpetebeach.org/PublicComment>

In your three (3) minute or less comment, please be sure to include your name and address for the record.

**The public is cordially invited to attend this meeting.  
All agenda material is available for review at City Hall or [www.stpetebeach.org](http://www.stpetebeach.org).**