

M I N U T E S

ADMINISTRATIVE WORKSHOP
SOUTH PASADENA, FLORIDA

TUESDAY, NOVEMBER 18, 2014
COMMISSION CHAMBERS - 9:00 A.M.

Mayor Calabria called the meeting to order at 9:00 A.M. Everyone participated in the Pledge to the Flag.

ROLL CALL: COMMISSIONERS BRUCE HOWRY, MAX ELSON, GAIL NEIDINGER, VICE MAYOR ARTHUR PENNY, AND MAYOR CALABRIA. ALSO PRESENT: CITY CLERK CARLEY LEWIS, CITY ATTORNEY DAVID OTTINGER, PUBLIC WORKS DIRECTOR GARRY ANDERSON, FINANCE DIRECTOR JAMES GRAHAM, COMMUNITY IMPROVEMENT DIRECTOR NEAL SCHWARTZ, AND DEPUTY CITY CLERK BRIANNA WETHERWAX.

The topics scheduled for discussion were Update on City of Hollywood v Arem Motions for Rehearing / City Options During Pendency of Litigation, Russell Hamilton Presentation of Unsolicited General Observations Unrelated to the Focus of Investigation, South Pasadena Business and Professional Directory, Block Party, Appointment to the PPC's Planners Advisory Committee, and Commissioner John Morroni Luncheon for Emergency Personnel.

The first topic for discussion was Update on City of Hollywood v Arem Motions for Rehearing / City Options During Pendency of Litigation.

City Attorney Ottinger reviewed the Commission's previous discussion of recent red light camera litigation. He stated that the Commission had agreed to suspend issuance of red light camera violations until a decision is made regarding the Arem case.

City Attorney Ottinger spoke regarding the City of Hollywood v Arem case. He stated that the City of Hollywood has filed a motion for rehearing and that the issue be certified to the Florida Supreme Court. He noted that there have been motions filed by several other cities, the Florida League of Cities, and the sponsor of the red light camera bill in support of reconsideration.

City Attorney Ottinger spoke regarding the city's contract with the Pinellas County Sheriff's Office (PCSO). He stated that the contract provides that the city can direct the PCSO to continue issuing violations. He further stated that the PCSO has requested that the city indemnify them should they be listed on any legal complaint. He said that ATS has contracted with the law firm Wiess Serota in Miami to represent cities at no charge if they are sued.

In response to Commissioner Neidinger, City Attorney Ottinger stated that a notice of violation must be sent within 30 days of the violation. He further stated that he does not feel that there will be a court decision before January.

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In response to Mayor Calabria, City Attorney Ottinger spoke regarding the contract amendments proposed by ATS. He stated that the Commission has not adopted the amendments.

Shannon Lockheart, General Counsel with the PCSO, spoke regarding recent legal filings and the Sheriff's position on red light cameras. She stated that the Sheriff has indicated that the recent filings do not change his opinion and he believes it is a risk to continue with the red light cameras. She further stated that the Sheriff will agree to continue issuing violations if the city bears the risk on behalf of the PCSO.

Sam Salaro, Outside Counsel for ATS, spoke regarding the recent Arem case decision. He stated that there were two components of the Arem decision: that the vendor exercises "unfettered discretion" in its selection of images for law enforcement review and that the vendor issues traffic citations. He further stated that the statute says that an agent can review images and that the business rules questionnaire and contract amendment address the first component. He said that ATS can implement a secondary review queue for law enforcement to address the second component. He noted that local law enforcement agencies have not been listed as defendants on other cases.

In response to City Attorney Ottinger, Mr. Salaro stated that the majority of other cities are continuing their red light camera programs having made contract amendments or changes to their processes.

In response to Commissioner Elson, City Attorney Ottinger spoke regarding the PCSO as the city's police department. He stated that the PCSO could be named separately in a lawsuit but it would be joined with the city as its police department. He recommended entering into an indemnification agreement with the PCSO, approving the contract amendments with ATS, and continuing the red light camera program until the city is ordered not to do so.

Mayor Calabria spoke regarding the city's relationship with the PCSO. He stated that the prudent approach is to step back and let the scenario unfold. He questioned where the city would get the money if it has to issue refunds. He recommended that the city suspend the program and not further expose the city to liability.

Discussion ensued regarding the red light camera program.

In response to City Attorney Ottinger, Mr. Salaro stated that he would have to look into whether or not the representation by Wiess Serota would extend to the PCSO as the city's police department.

City Attorney Ottinger suggested that no decision be made today and that the topic be revisited at the next Administrative Workshop.

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Commissioner Howry stated that he is comfortable not making a decision today but he does not want to pay ATS while the city is not collecting revenue.

Mayor Calabria stated that Sheriff Gualtieri is an attorney. He suggested that ATS indemnify all parties.

Commissioner Neidinger suggested that payments to ATS be postponed by extending the end of the contract.

Mr. Salario spoke regarding the city's contract with ATS. He stated that he would not recommend that ATS indemnify the city and that there is a settled contract that sets the relationship between the city and ATS. He further stated that ATS has volunteered to pay the defense costs for any of its customers for any Arem-related litigation which he feels is unprecedented.

City Attorney Ottinger stated that the city will continue to have discussions with ATS and the PCSO.

In response to Commissioner Howry, City Attorney Ottinger stated that the contract with ATS says that if the law determines that the city can no longer operate the cameras the contract can be terminated. He further stated that the contract does not discuss non-binding court decisions.

The Commission agreed to discuss the city's red light camera program again at the December 2, 2014 Administrative Workshop.

Mayor Calabria spoke regarding the order of agenda items.

In response to Mayor Calabria, Vice Mayor Penny suggested that the Commission follow the agenda for the meeting. He stated that according to Robert's Rules the Commission has to agree to change the order of discussion items.

Discussion ensued regarding the order of agenda items.

The Commission decided to follow the order of agenda items.

The next topic for discussion was Russell Hamilton Presentation of Unsolicited General Observations Unrelated to the Focus of Investigation.

Russell Hamilton stated that he is here at no cost to the city and is not here to discuss what the Commission had asked him to do. He further stated that a lot of time and energy is being spent on things that do not appear to be productive or in the interest of advancing the city. He spoke regarding working relations amongst the Commission and discussed the following points:

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1. Show common courtesy
2. Listen and do not jump to conclusions
3. Do not assume ill motives
4. Disagree without being disagreeable
5. Bury the hatchet
6. Respect the fact that you are each a Commissioner

The next topic for discussion was South Pasadena Business and Professional Directory.

Commissioner Neidinger spoke regarding businesses left out of the directory and distributed a handout (attached to Minutes as Exhibit A). She stated that the contract with the vendor has been canceled but the Commission intends to do the directory annually. She discussed the list of businesses provided to Mayor Calabria and noted that there were pages missing when Mayor Calabria gave it to Deputy City Clerk Wetherwax. She suggested that Mayor Calabria took pages out because he felt they were duplicates and that is why some businesses were not included in the directory. She said that if the Commission had had an opportunity to review the directory, there would probably not have been as many businesses missed.

Mayor Calabria stated that Commissioner Neidinger had instructed Community Improvement Director Schwartz to not cooperate with the project.

Commissioner Neidinger stated that she did not instruct Mr. Schwartz not to cooperate. She further stated that she instructed him to not take direct orders from the Mayor or any other Commissioner without letting her know. She noted that Mr. Schwartz's department was short-staffed and she wanted to know if he received requests to do work from other members of the Commission in order to balance out the workload.

In response to Commissioner Neidinger, Mayor Calabria stated that Vince Shook of the Florida Orange Groves Winery told Custom Directories that he did not want to be in the directory.

Commissioner Neidinger spoke in favor of more communication amongst the Commission on these types of projects.

Mayor Calabria requested that documentation be sent to the Commission in advance. He further stated that the list was not properly kept by a former Community Improvement Department employee.

Mr. Schwartz stated that the list is maintained and printed directly off the IMS computer program.

Vice Mayor Penny suggested that the city get a letter from Custom Directories stating why businesses were left out. He suggested

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that an errata sheet be prepared at the vendor's cost if he left them out.

Mayor Calabria suggested that when the Commission submits agenda items and there is accompanying material that those documents be sent with the agenda.

Discussion ensued regarding documentation for agenda items.

The Commission agreed to distributed documentation for discussion items with the agendas where applicable.

City Attorney Ottinger spoke regarding the directory. He stated that things were blown out of proportion and there was unnecessary conflict.

Mayor Calabria spoke regarding the city's form of government and departmental responsibilities outlined in the Charter. He stated that each department operates autonomously and he does not get involved in other departments.

The next topic for discussion was Block Party.

Commissioner Howry stated that he had challenged the Beautification Committee to come up with ideas for a block party. He spoke regarding previous city block parties and questioned if the Commission would be interested in having another one. He suggested that a block party be held around the same time as Artspring.

Public Works Director Anderson stated that a block party could be done at the same time as Artspring. He suggested having food trucks come and using the band shell for performances.

Commissioner Howry stated that Mr. Anderson has volunteered to coordinate the event.

In response to Commissioner Neidinger, Mr. Anderson stated that no money was budgeted for a block party. He further stated that he feels an event could be held for \$3,000.

Finance Director Graham stated that a budget amendment would have to be done. He suggested that Mr. Anderson get cost estimates.

Discussion ensued regarding planning a block party.

The consensus of the Commission was to move forward with planning a block party.

The next topic for discussion was Appointment to the PPC's Planners Advisory Committee.

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City Clerk Lewis stated that the PPC is requesting that the city review its representation on the Planners Advisory Committee. She said that Mr. Schwartz is listed as the city's representative and that the city has not selected an alternate.

In response to Mayor Calabria, Mr. Schwartz suggested that David Healey be the city's representative because he is a planner.

Discussion ensued regarding the city's representation on the PPC's Planners Advisory Committee.

The consensus of the Commission was that Mr. Schwartz would remain the city's representative and that Permit Technician/Business Tax Official Ashley Dochinez would be listed as the alternate.

The next topic for discussion was Commissioner John Morroni Luncheon for Emergency Personnel.

City Clerk Lewis stated that for the last several years the city has chosen to reserve a table at Commissioner Morroni's luncheon. She questioned if the Commission would like to reserve a table earlier than normal this year in hopes of getting a better table.

The consensus of the Commission was to reserve a table at Commissioner John Morroni's Luncheon for Emergency Personnel.

Mr. Schwartz spoke regarding development on Grevilla Avenue. He stated that the three block parcel on Grevilla Avenue has been purchased. He further stated that the buyer intends to build nine units on the property and they hope to start immediately.

City Clerk Lewis spoke regarding the plaque the Commission requested for Sheriff Gualtieri at the last Administrative Workshop. She questioned if the Commission would like the plaque to specifically refer to the Crisis Intervention Team International Sheriff of the Year award.

Mayor Calabria stated that he would like the plaque to be linked to the award.

In response to City Clerk Lewis, the Commission agreed to discuss holiday closures.

City Clerk Lewis spoke regarding the city's holiday schedule and closure schedules for surrounding government offices. She stated that staff is requesting to be given December 26th and January 2nd off because Christmas Day and New Year's Day fall on Thursdays. She noted that Pinellas County offices are closed those days as well as several other surrounding cities. She noted that the city's formal policy is for city offices to be closed on Christmas Day and New Year's Day only.

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Vice Mayor Penny recommended that City Hall be open for a half day on Christmas Eve and closed on the Fridays after Christmas Day and New Year's Day.

Mayor Calabria spoke against closing the day after New Year's Day.

Discussion ensued regarding holiday closures for city offices.

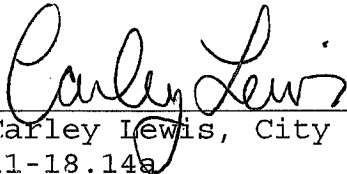
The Commission decided that city offices will close at noon on Christmas Eve and be closed the Fridays after Christmas Day and New Year's Day.

There being no further discussion, the meeting was adjourned at 11:09 A.M.



Dan Calabria, Mayor

ATTEST:



Carley Lewis, City Clerk
11-18.14a

Business	Date paid BTR last year	In Mayor's List	In full business list	In business directory
Neil Feldman, MD	8/8/2013	Yes	Yes	No
Lutheran Residences	9/26/2013	Yes	Yes	No
Alan G. Dee, CPA	9/6/2013	Yes	Yes	No
Florida Orange Groves	8/8/2013	Yes	Yes	No
Pasadena Family Chiropractic Center	10/7/2013	Yes	Yes	No
Eddy Restaurant Equipment Company	7/30/2013	No	Yes	No
Superkicks	11/25/2013	Yes	Yes	No
Pasadena Bar and Grill	9/9/2013	Yes	Yes	No
Washington Patent Services	9/24/2013	No	Yes	No
Intellectual Property Group	9/24/2013	No	Yes	No
Above Board Drafting INC	9/24/2014	No	Yes	No
Gazebo Hair Salon	9/11/2013	Yes	Yes	No
Janet M Ryan, LMT	9/17/2013	No	Yes	No
Gale J. Apple	9/18/2013	No	Yes	No
Pasadena Title Company, LLC	8/26/2013	Yes	Yes	No
Kimberly Nails	9/12/2013	Yes	Yes	No
Alksnis Construction LLC	12/9/2013	No	Yes	No
Drew Thompson Painting LLC	9/26/2013	No	Yes	No
Winston T. Churchill II, Attorney	9/20/2013	Yes	Yes	No
Pasadena Personal Training	10/22/2013	Yes	Yes	No
All Seasons Landscaping INC	12/4/2013	No	Yes	No
Rapid Response Marketing and PR INC	8/7/2013	Yes	Yes	No
Gryfon INC	9/13/2013	Yes	Yes	No
Trainerbox INC	8/2/2013	Yes	Yes	No
Akerson Law Office	8/26/2013	Yes	Yes	No
Pavers Direct and More LLC	9/11/2013	No	Yes	No
A. Alex INC	8/29/2013	No	Yes	No
America's Mortgage Link INC	8/28/2013	Yes	Yes	No
Sailing Ventures LLC	11/25/2013	Yes	Yes	No
Perina ENT LLC	8/29/2013	Yes	Yes	No
Compass Agency USA, LLC	9/18/2013	Yes	Yes	No
Anne S Carter PHO LLC	8/8/2013	Yes	Yes	No
Alvin Martin Pressure Cleaning	4/2/2013	No	Yes	No

24 BUSINESSES ON Mayor's list did NOT get into the Business Directory

13 BUSINESSES were on the CID list but NOT on the Mayor's list

the first list

CID gave to the Mayor was dated

2/25/14

The updated list dated 11/10/14

Shows 5 New BUSINESSES

West Coast Wind Sports
 Total Tax Solutions LLC
 Shell Gas Station
 Act Cleaning Service INC
 Donna Pagliarini Cleaning
 Asian House Restaurant
 M.D. Therapy Services Fusion Healthcare
 Stand Up Paddle and Kayak
 Don Hilgert Handyman Services
 Melonie Rose Salon, INC
 Taco Bell

8/2/2013	Yes	Yes	No
8/26/2013	Yes	Yes	No
10/14/2013	No	Yes	No
10/25/2013	Yes	Yes	No
12/19/2013	No	Yes	No
10/13/2014	No	No (but is now)	No
9/13/2013	No	Yes	No
8/12/2014	No	No (but is now)	No
9/2/2014	No	No (but is now)	No
9/15/2014	No	No (but is now)	No
9/8/2014	No	No (but is now)	No