

M I N U T E S

REGULAR COMMISSION MEETING
SOUTH PASADENA, FLORIDA

TUESDAY, OCTOBER 14, 2014
COMMISSION CHAMBERS 7:00 P.M.

MAYOR CALABRIA CALLED THE MEETING TO ORDER AT 7:00 P.M. THE INVOCATION WAS GIVEN BY COMMISSIONER NEIDINGER. ALL PARTICIPATED IN THE PLEDGE TO THE FLAG.

ROLL CALL: COMMISSIONERS BRUCE HOWRY, MAX ELSON, GAIL NEIDINGER, VICE MAYOR ARTHUR PENNY, AND MAYOR DAN CALABRIA. ALSO PRESENT: CITY CLERK CARLEY LEWIS, CITY ATTORNEY DAVID OTTINGER, PUBLIC WORKS DIRECTOR GARRY ANDERSON, FINANCE DIRECTOR JAMES GRAHAM, PUBLIC SAFETY DIRECTOR DAYTON SALTSMAN, COMMUNITY IMPROVEMENT DIRECTOR NEAL SCHWARTZ, AND ADMINISTRATIVE SECRETARY VIRGINIA ALVARADO.

REPORTS

Commissioner Howry reported that Public Works employee Tony Demars is back to full duty after being injured in a recent vehicle accident. He noted that Public Works staff will be performing the annual cross-connection inspection and encouraged residents to cooperate.

Commissioner Elson provided financial updates on the Capital Projects Fund and the Capital Improvements Fund. He noted that the Pasadena Isle paving item will take place in fiscal year 2015. He reported on the city's TRIM compliance package, property values, and franchise fee revenues.

Vice Mayor Penny congratulated firefighter/paramedic Jeff Ulevich on his recent promotion to lieutenant. He reported that October 15th will be Deputy Fire Chief Mark Maddalena's 36th anniversary with the city and noted that he will be retiring on December 4th. He spoke regarding Halloween safety tips.

Commissioner Neidinger stated that the Community Improvement Department is continuing to scan permits for records retention and has completed the annual CRS report. She noted that business tax delinquent notices have been issued.

Mayor Calabria proclaimed the month of October 2014 as Domestic Violence Awareness Month. He stated that the City Connection Newsletter has been published and is available throughout the city. He spoke regarding the South Pasadena Business and Professional Directory. He stated that the directory will include free alphabetical and categorical listings of all businesses located in the city. He further stated that

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businesses located in the city may purchase a 3 line bold listing at a cost of \$49. He said that businesses that are not located in the city may purchase a 4 color advertisement in varying sizes. He noted that there is no cost to residents and there will be 6,000 directories printed.

PEOPLE'S FORUM

Resident June Fruland, Pasadena Isle, spoke regarding a recent newspaper article about the city. She suggested that background checks be done for Commissioners and candidates for office. She spoke against arguments amongst the Commission.

Resident Jeri Gammage, Pasadena Isle, spoke regarding a recent newspaper article about the city. She noted that a former city elected official had contacted the newspaper.

Resident Peter Papas, Pasadena Isle, spoke regarding relations between members of the Commission. He questioned how the Commission finds out what residents want.

In response to Mr. Papas, Commissioner Neidinger spoke regarding the communicating with the Commission. She invited Mr. Papas to meet with her and noted that residents can attend Commission meetings to address the Commission.

Resident Gisela Laubitz, Durling Drive South, spoke regarding the wants of the residents and open communication with the Commission.

Resident Steve Kawryga, Pasadena Cove, thanked the Commission for their service. He encouraged residents to come talk with Commissioners.

Vice Mayor Penny spoke regarding the September 27th newspaper article printed in the Tampa Bay Times. He reviewed a report (attached to Minutes as Exhibit A).

Mayor Calabria spoke regarding complaints and investigations against him. He stated that the ethics complaint filed by Vice Mayor Penny will have an administrative hearing and the ethics complaint filed by another Commissioner was rejected for lack of legal sufficiency. He spoke regarding an agenda item against verbatim transcripts of Commission meetings.

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AGENDA COMMENT

Resident Gisela Laubitz, Durling Drive South, spoke against agenda item 5, Resolution No. 2014-18.

Resident Peter Papas, Pasadena Isle, spoke against agenda item 5, Resolution No. 2014-18. He spoke against an increase in legal fees incurred by the city.

DISCUSSION ITEMS

PUBLIC HEARING - LEGISLATIVE

1. ORDINANCE NO. 2014-02 - AN ORDINANCE OF THE CITY OF SOUTH PASADENA, FLORIDA, AMENDING ORDINANCE NO. 2013-02, THE CITY'S FISCAL 2013/2014 BUDGET, ADJUSTING CERTAIN GENERAL FUND REVENUES RESULTING IN NET REVENUE BUDGET REDUCTIONS OF \$45,650 INCLUDING DECREASING PROJECTED RED LIGHT CAMERA REVENUES AND INCREASING BUILDING PERMIT REVENUES, ELECTRIC UTILITY TAX REVENUES, RECYCLING GRANT REVENUES AND FIRE INSURANCE PREMIUM TAXES; ADJUSTING CERTAIN GENERAL FUND APPROPRIATIONS RESULTING IN A NET REDUCTION TO EXPENDITURES TOTALING \$32,215 INCLUDING INCREASING THE LEGISLATIVE BUDGET FOR LEGAL SERVICES BY \$20,000, PROVIDING A NET DECREASE IN FIRE DEPARTMENT PENSION, HEALTH AND RETIREMENT CONTINGENCY APPROPRIATIONS TOTALING \$61,990, PROVIDING A NET INCREASE IN PUBLIC WORKS APPROPRIATIONS TOTALING \$5,275 FOR NPDES CONSULTANT FEES AND TELEPHONE BUDGET SHORTAGE AND PROVIDING FOR AN INCREASE IN FUNDING FOR CULTURE SERVICES FOR CITIZEN LIBRARY CARD REBATES IN THE AMOUNT OF \$4,500; DECREASING THE PUBLIC SAFETY CAPITAL IMPROVEMENTS BUDGET BY \$615,000 FOR FIRE TRUCK REFURBISHING AND FIRE STATION IMPROVEMENTS WHICH HAVE BEEN MOVED TO THE 2014/2015 FISCAL YEAR; DECREASING THE TRANSPORTATION CAPITAL IMPROVEMENTS BUDGET BY \$500,000 TO REFLECT THE CARDNO TBE PROJECT OPTION APPROVED BY THE CITY COMMISSION FOR THE PASADENA ISLE PAVING PROJECT; INCREASING CAPITAL IMPROVEMENTS MISCELLANEOUS REVENUE BY \$10,100 FOR ESTIMATED INSURANCE RECOVERY ON DAMAGE TO TWO PUBLIC WORKS VEHICLES; PROVIDING FOR AN EFFECTIVE DATE - SECOND AND FINAL READING.

City Attorney Ottinger read Ordinance No. 2014-02 by title and approved it as to form and content.

This Ordinance has been properly noticed.

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Mayor Calabria opened the public hearing at 7:31 p.m.

Resident Gisela Laubitz, Durling Drive South, spoke about the city's budget. She stated that the Commission is just moving items to the next year and encouraged them to make major decisions.

Commissioner Elson stated that the fire truck and Pasadena Isle paving items are paid for by the Capital Improvement Fund.

There being no further public comment, Mayor Calabria closed the public hearing at 7:33 p.m.

Finance Director Graham spoke regarding projects listed in Ordinance No. 2014-02. He stated that the city does have funding for the items but they are being moved to the next fiscal year because the city is still working on them. He said that most of the budget amendment is housekeeping. He noted that the city is currently debt-free but future projects like undergrounding could change that.

Mayor Calabria spoke regarding the city's budget. He stated that revenues are not rising with expenses. He further stated that he was disappointed in the budget hearings because there was nothing that addressed reducing expenses.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY VICE MAYOR PENNY, TO ADOPT ORDINANCE NO. 2014-02 ON SECOND AND FINAL READING.

VOTE:	COMMISSIONER HOWRY	AYE
	COMMISSIONER ELSON	AYE
	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	MAYOR CALABRIA	AYE

UNANIMOUSLY APPROVED

UNFINISHED BUSINESS

NONE

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CONSENT AGENDA

MOTION WAS MADE BY COMMISSIONER HOWRY, SECONDED BY VICE MAYOR PENNY TO PASS THE ENTIRE CONSENT AGENDA.

- 2. APPROVAL OF COMMISSION MEETING MINUTES FOR MONTH OF SEPTEMBER, 2014 ON FILE IN CITY CLERK'S OFFICE AGENDA MEETING, SEPTEMBER 2, 2014; ADMINISTRATIVE WORKSHOP MEETING, SEPTEMBER 2, 2014; REGULAR COMMISSION MEETING, SEPTEMBER 10, 2014; ADMINISTRATIVE WORKSHOP MEETING, SEPTEMBER 17, 2014; SPECIAL COMMISSION MEETING, SEPTEMBER 17, 2014.
- 3. ACCEPTANCE OF FINANCIAL REPORTS FOR THE MONTHS OF MARCH, APRIL, MAY AND JUNE 2014 (ON FILE IN THE FINANCE DEPARTMENT).

UNANIMOUS APPROVAL BY ACCLAMATION

NEW BUSINESS

- 4. RESOLUTION NO. 2014-17 - A RESOLUTION OF THE CITY OF SOUTH PASADENA, FLORIDA, ADOPTING AN ITEMIZED BUDGET FOR THE CITY FOR FISCAL YEAR 2014/2015.

City Attorney Ottinger read Resolution No. 2014-17 by title and approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER ELSON, SECONDED BY VICE MAYOR PENNY TO PASS RESOLUTION NO. 2014-17.

VOTE:	COMMISSIONER ELSON	AYE
	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	MAYOR CALABRIA	AYE

UNANIMOUSLY APPROVED

- 5. RESOLUTION NO. 2014-18 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, PROHIBITING OFFICIAL CITY CORRESPONDENCE FROM THE MAYOR OR ANY COMMISSIONER WITHOUT PRIOR REVIEW AND APPROVAL OF THE CITY, AND REQUIRING SUBMITTAL TO READING FILE.

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City Attorney Ottinger read Resolution No. 2014-18 by title and approved it as to form and content.

MOTION WAS MADE BY COMMISSIONER NEIDINGER, SECONDED BY VICE MAYOR PENNY TO PASS RESOLUTION NO. 2014-18.

Mayor Calabria spoke regarding a meeting he had with City Attorney Ottinger. He stated that he supports hiring an outside attorney to investigate what is happening within the city.

VOTE:	VICE MAYOR PENNY	AYE
	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	COMMISSIONER ELSON	AYE
	MAYOR CALABRIA	AYE

UNANIMOUSLY APPROVED

6. RESOLUTION NO. 2014-19 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF SOUTH PASADENA, FLORIDA, ESTABLISHING A POLICY FOR TRANSCRIPTION OF THE RECORD OF CITY COMMISSION OR BOARD MEETINGS.

City Attorney Ottinger read Resolution No. 2014-19 by title and approved it as to form and content.

MOTION WAS MADE BY VICE MAYOR PENNY, SECONDED BY COMMISSIONER NEIDINGER TO PASS RESOLUTION NO. 2014-19.

Mayor Calabria spoke regarding Resolution NO. 2014-19. He stated that it is an attempt to keep the minutes secret. He said that he had suggested bringing in an outside person to do minutes instead of having someone massage the minutes to say what they think they heard. He noted that the money saved on staff would pay for the cost of an official stenographer. He questioned why anyone would want to hide what they have said.

Commissioner Neidinger stated that Resolution No. 2014-19 is not an attempt to hide anything. She noted that the city is not aware of other cities doing verbatim transcripts. She said that there are recordings of the meetings and they are available. She objected to Mayor

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Calabria's statement that this is an attempt to hide information from the public.

Commissioner Elson spoke regarding meetings recordings and transcripts. He stated that if he misses meetings he gets a recording from the City Clerk. He further stated that there is a cost when staff prepares transcripts and the taxpayers are paying for it. He noted that the same information is available in audio or DVD. He said that he is offended by Mayor Calabria's statements.

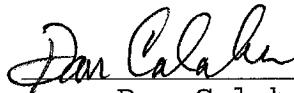
Commissioner Howry stated that the Commission is not hiding anything and everything is recorded. He further stated that he feels it is ridiculous to have someone type every word that is said during Commission meetings and it is a waste of taxpayers' money. He noted that he takes offense at Mayor Calabria's allegation that they are trying to hide anything.

Mayor Calabria spoke regarding meeting recordings. He stated that the system is not functioning properly.

VOTE:	COMMISSIONER NEIDINGER	AYE
	COMMISSIONER HOWRY	AYE
	COMMISSIONER ELSON	AYE
	VICE MAYOR PENNY	AYE
	MAYOR CALABRIA	NO

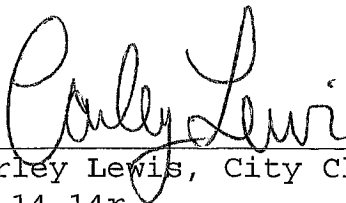
DISPOSITION: APPROVED

There being no further discussion, the meeting was adjourned at 7:47 p.m.



Dan Calabria, Mayor

ATTEST:



Carley Lewis, City Clerk
10-14.14r

Department Report

- Congratulations to FF/Paramedic Jeff Ulevich who was promoted to Lieutenant as of October 1.
- Tomorrow, Oct. 15, Deputy Chief Mark Maddalena completes 36 years of employment with the City Fire Dept. He will be retiring on Dec. 4.
- Safety reminder: with Halloween coming up, many people like to decorate with live candles. Open flames can be a hazard. If used, keep them away from other decorations or items that are flammable, and put the flame out when no one is there. Usually battery powered decorations or chemical lights that are safer can be used instead with similar results.

Now I want to take a few minutes to bring our citizens up to date on recent events and possibly give answers to some of the questions our residents may have related to the September 27 news article in the Tampa Bay Times.

Mayor Violations/Investigations

Most recently, at last Tuesdays commission workshop the Commission hired a third party, independent investigator to look into staff allegations pertaining to Mayor Calabria, which could be construed as violating City policies, unlawful harassment or discrimination. The City has a legal obligation to conduct a prompt investigation and since our city does not have a separate human resource department, it was necessary to hire an outside investigator.

As relates to the news article, since his election last year, Mr. Calabria has expressed a flagrant disregard for the commission and its members. Our City has witnessed various violations of our Charter, Florida Statutes and State law. The following is an account of why, the Commission has given Mr. Calabria notice of suspension or removal from office as permitted by our City Charter in Section 2.03(c) & (d) pending the possible actions and outcome of current investigations and public hearings.

Currently there is an ongoing investigation by the State Attorney's office due to Mr. Calabria's failure to provide public records. Additionally, on September 12, the Florida Ethics Commission found probable cause to believe that, Mr. Calabria in his capacity as Mayor of our city violated Section 112.313 paragraph (6) of the Florida Statutes. Our city now awaits the results of a public hearing that will decide Mr. Calabria's fate.

On numerous occasions Mr. Calabria has refused to perform his duties as Mayor of South Pasadena as described in the City Charter, i.e., to date he has refused to sign minutes from six different meetings, four resolutions and three contracts.

He has overstepped his authority by acting without authorization and deliberately gone against/refused to abide by binding votes or consensus of the commission. Our Charter clearly states in section 2.05 (a) & (c) as follows:

Paragraph (a) The Mayor shall preside at meetings of the Commission **and perform such other duties consistent with the office and this Charter as may be imposed by the Commission.**

Paragraph (c) The Mayor **shall represent the City in agreements with other governmental entities or certifications to its governmental entities and execute contracts, deeds and other documents.**

Mr. Calabria has missed 25% of the Commission's meetings since his election in 2013. The Commission is not without sympathy for the Mayor's health problems but as overseers of the community, we must also look at how his absences directly interrupt the normal operation of our City.

I want all of our residents to know that we do not take any of this lightly. The Mayor has put us in an awkward position and now we must do what is best for our city and its residents.

Thank you