

COUNCIL MEETING

Municipal Building
175-5th Street North
Second Floor Council Chamber

CITY OF ST. PETERSBURG

November 1, 2012
8:30 AM

Welcome to the City of St. Petersburg City Council meeting. To assist the City Council in conducting the City's business, we ask that you observe the following:

1. If you are speaking under the Public Hearings, Appeals or Open Forum sections of the agenda, please observe the time limits indicated on the agenda.
2. Placards and posters are not permitted in the Chamber. Applause is not permitted except in connection with Awards and Presentations.
3. Please do not address Council from your seat. If asked by Council to speak to an issue, please do so from the podium.
4. Please do not pass notes to Council during the meeting.
5. Please be courteous to other members of the audience by keeping side conversations to a minimum.
6. The Fire Code prohibits anyone from standing in the aisles or in the back of the room.
7. If other seating is available, please do not occupy the seats reserved for individuals who are deaf/hard of hearing.

GENERAL AGENDA INFORMATION

For your convenience, a copy of the agenda material is available for your review at the Main Library, 3745 Ninth Avenue North, and at the City Clerk's Office, 1st Floor, City Hall, 175 Fifth Street North, on the Monday preceding the regularly scheduled Council meeting. *The agenda and backup material is also posted on the City's website at www.stpete.org and generally electronically updated the Friday preceding the meeting and again the day preceding the meeting. The updated agenda and backup material can be viewed at all St. Petersburg libraries.* An updated copy is also available on the podium outside Council Chamber at the start of the Council meeting.

If you are deaf/hard of hearing and require the services of an interpreter, please contact the City Clerk, 893-7448, or call our TDD Number, 892-5259, at least 24 hours prior to the meeting and we will provide that service for you.

A. Meeting Called to Order and Roll Call.

Invocation and Pledge to the Flag of the United States of America.

B. Approval of Agenda with Additions and Deletions.

Open Forum

*If you wish to address City Council on subjects other than **public hearing or quasi-judicial items listed on this agenda**, please sign up with the Clerk prior to the meeting. Only the individual wishing to speak may sign the Open Forum sheet and only City residents, owners of property in the City, owners of businesses in the City or their employees may speak. All issues discussed under Open Forum must be limited to issues related to the City of St. Petersburg government.*

Speakers will be called to address Council according to the order in which they sign the Open Forum sheet. In order to provide an opportunity for all citizens to address Council, each individual will be given three (3) minutes. The nature of the speakers' comments will determine the manner in which the response will be provided. The response will be provided by City staff and may be in the form of a letter or a follow-up phone call depending on the request.

C. Consent Agenda (see attached)

D. Public Hearings and Quasi-Judicial Proceedings - 9:00 A.M.

Public Hearings

*NOTE: The following Public Hearing items have been submitted for **consideration** by the City Council. If you wish to speak on any of the Public Hearing items, please obtain one of the **YELLOW** cards from the containers on the wall outside of Council Chamber, fill it out as directed, and present it to the Clerk. You will be given 3 minutes **ONLY** to state your position on any item but may address more than one item.*

1. [Ordinance 1040-V approving a vacation of a 20 foot wide ingress/egress easement running between 2nd and 3rd Street South as shown on the University Center Subdivision, recorded in Plat Book 126, Pages 11, 12 and 13. \(City File 12-33000006\)](#)
2. [Ordinance 1041-V approving a vacation of the street corner rights-of-way on each corner of the block bound by 3rd Avenue South, 4th Street South, 4th Avenue South and 5th Street South. \(City File 12-33000008\)](#)
3. [Ordinance 53-H amending various chapters of the City Code to implement fee changes and revenue enhancements approved pursuant to the 2013 budget.](#)
4. [Ordinance 54-H of the City of St. Petersburg amending Section 5-56 and adding Subsection \(c\) to Section 5-59 of the St. Petersburg City Code; increasing the percentage from public works projects that shall be set aside for the acquisition of works of art; capping the total amount that can be set aside for the acquisition of works of art; and](#)

[providing for the deposit of proceeds received from insurance claims on public art collection into the art in public places fund.](#)

5. [Albert Whitted Municipal Airport - Taxiway A-1 and South Apron Project:](#)
 - (a) Ordinance 55-H in accordance with Section 1.02(c)(5)b., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and the Aviation Program Assurances which are attached to the JPA, to be executed by the City, as a requirement for receipt of a Florida Department of Transportation ("FDOT") grant in an amount not to exceed \$82,000 for the Taxiway A-1 and South Apron Project which, inter alia require that the City will not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the real property shown as airport owned or controlled on the current airport layout plan without the prior written approval of the FDOT, throughout the useful life of a facility developed for any airport development, nor cause or permit any activity or action on the airport which would interfere with its use for airport purposes for a period, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to apply for and accept the Grant in an amount not to exceed \$82,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount not to exceed \$82,000 to the Airport - Taxiway A-1 and South Apron Project (Project #12477); providing an effective date; and providing for expiration. (Requires affirmative vote of at least six (6) members of City Council.)
 - (b) Awarding a contract to Kamminga & Roodvoets, Inc. in the amount of \$896,655.50 for the construction of Albert Whitted Municipal Airport, Taxiway "A1" and South Apron Improvements, and approving a supplemental appropriation in the amount of \$867,830 from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues to the Airport – Taxiway A-1 and South Apron Project (#12477). (Engineering Project No. 09050-113; Oracle Project No. 12477).
 - (c) Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 08-03–LPA to the Agreement between the City of St. Petersburg and LPA Group, Inc. in the amount not to exceed \$14,083 for construction phase professional engineering services for the Albert Whitted Airport – Taxiway "A1" Extension for a total amount of \$113,984. (Engineering Project No. 09050-113; Oracle No. 12477)

Second Reading and Second Public Hearings

6. [Ordinance 52-H amending the St. Petersburg City Code regarding abandoned signs; amending regulations regarding nonconforming signs; creating a Section regulating signs of historic significance; amending certain regulations for digital or electronic message centers, flags and Large Facility Signs; amending an exemption providing for free speech signs both held and worn by a person; creating a definition for human signs, creating an exemption for human signs, and establishing regulations for such signs; deleting the prohibition against three-dimensional objects used as signs; and creating new regulations for three-dimensional extensions for off-premises signs and on-premises signs. \(City File LDR 2011-02\)](#)

E. Reports

1. [Mahaffey Theater Update \(Oral\)](#)
2. [Transportation Impact Fee \(TIF\) External Auditors Report. \(Laura Brock\) \(Oral\)](#)
3. [Police Quarterly Report. \(Oral\)](#)
4. [City Council Voting Module from Option Technologies Interactive.](#)
5. [Tourist Development Council. \(Chair Curran\) \(Oral\)](#)
6. [Tampa Bay Regional Planning Council. \(Vice-Chair Newton\)](#)
7. [Update on Pinellas Suncoast Transit Authority \(PSTA\), Metropolitan Planning Organization \(MPO\) and Tampa Bay Area Regional Transportation Authority \(TBARTA\). \(Councilmember Danner\) \(Oral\)](#)
8. [International Relations Committee. \(Councilmember Kennedy\) \(Oral\)](#)
9. [Resolution setting 10:00 p.m. as the latest time \(“cutoff time”\) for co-sponsored events to be held in Vinoy Park on or after January 2, 2013; and amending City Council Resolution No. 2012-441 to reflect the new cutoff time for approvals for events scheduled after January 2, 2013 in Vinoy Park.](#)

F. New Ordinances - (First Reading of Title and Setting of Public Hearing)

Setting November 19, 2012 as the public hearing date for the following proposed Ordinance(s):

1. [Ordinance approving final year-end adjustments to the City of St. Petersburg Operating and Capital Improvement Budgets for the Fiscal Year ending September 30, 2012; approving the final amended Budget for the Fiscal Year ending September 30, 2012 by incorporating into the aforementioned final amended Budget all adjustments and appropriations contained in this Ordinance and all adjustments and appropriations previously made by Resolution for the Fiscal Year ending September 30, 2012; and approving year-end commitments, assignments, and appropriations from the General Fund Balance as of September 30, 2012 for inclusion in the Budget for the Fiscal Year ending September 30, 2013.](#)

G. New Business

1. [Requesting City Council support a resolution to allow Municipal Referenda for Local-Option Sales Tax for Transportation. \(Councilmember Kennedy\)](#)
2. [Requesting City Council support a resolution requesting the legislature restore the City's local home rule powers limiting smoking in public places. \(Councilmember Nurse\)](#)
3. [Referring to the Public Services & Infrastructure Committee to discuss installing a plaque in memory of a long time City employee, Ron Williams at the Marina. \(Vice-Chair Newton\)](#)

H. Council Committee Reports

1. [Arts Funding Committee. \(10/11/12\)](#)
2. [Youth Services Committee. \(10/18/12\)](#)

3. [Budget, Finance & Taxation Committee. \(10/25/12\)](#)

4. [Public Services & Infrastructure Committee. \(10/25/12\)](#)

(a) Resolution approving the policies and procedures set forth in Exhibit “A” attached hereto, (“Policies and Procedures”), establishing a Special Assessment Lien Modification Program that authorizes the Mayor or his designee to take the actions set forth therein on requests for relief from special assessment liens pursuant to the Policies and Procedures; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution and the Policies and Procedures.

5. [Housing Services Committee. \(10/25/12\)](#)

I. Legal

1. [Executive Action on Foreclosure Registry Ordinance 48-H.](#)

2. [Retention of Outside Counsel for BP Oil Spill.](#)

3. [Confirming the appointment of Michael Dema as an Assistant City Attorney.](#)

J. Open Forum

1. [Additional Information](#)

K. Adjournment

St. Petersburg
Community Redevelopment Agency (CRA)
November 1, 2012

1. [City Council convenes as Community Redevelopment Agency.](#)
2. [Resolution of the St. Petersburg Community Redevelopment Agency \(CRA\) finding "The Residences at 330 - 3rd Street South," located at 330 - 3rd Street South, consistent with the Intown Redevelopment Plan, as reviewed in Community Redevelopment Agency Report IRP 12-09c. \(City File IRP 12-09c\)](#)
3. [Adjourn Community Redevelopment Agency.](#)

CONSENT

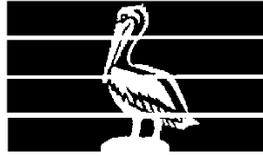


AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

CONSENT



AGENDA

COUNCIL MEETING

CITY OF ST. PETERSBURG

Consent Agenda B November 1, 2012

NOTE: The Consent Agenda contains normal, routine business items that are very likely to be approved by the City Council by a single motion. Council questions on these items were answered prior to the meeting. Each Councilmember may, however, defer any item for added discussion at a later time.

(Purchasing)

1. [Approving the purchase of two replacement fire rescue vehicles from Wheeled Coach Industries, Inc. for the Fire Department at a total cost of \\$333,078.](#)
2. [Renewing a blanket purchase agreement with AGC Electric, Inc., a sole source supplier, for pedestrian crosswalk rectangular rapid flashing beacon \(RRFB\) assemblies for the Transportation & Parking Department at an estimated annual cost of \\$200,000.](#)
3. [Awarding three-year blanket purchase agreements to Apollo Construction & Engineering Services, Inc. and Ross Plumbing & Heating, Inc. for plumbing services and repairs at an estimated annual cost of \\$152,500.](#)
4. [Approving the purchase of a replacement 20-passenger paratransit vehicle from LBS South, LLC for the Parks and Recreation Department at a total cost of \\$111,270.](#)

(City Development)

5. [Approval of Arts Advisory Committee recommendations for FY2013 funding of \\$178,187.01 for Arts and Cultural Grants for the period of October 1, 2012 through September 30, 2013; approving a supplemental appropriation in the amount of \\$3,187.01 from the unappropriated balance of the General Fund.](#)
6. [Authorizing the Mayor or his designee to execute a Second Amendment to the September 21, 2009 Lease Agreement with Comas Enterprises, Inc. that operates a Cold Stone Creamery franchise in a space located at 1961 - 4th Street North, St. Petersburg, within the City-owned Sunken Gardens building.](#)

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(Public Works)

7. [Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund \(4003\) in the amount of \\$168,000 from the WRL FDOT US19 Whitney Rd FY12 Project \(13358\); and approving a supplemental appropriation in the amount of \\$168,000 from the unappropriated balance in the Water Resources Capital Projects Fund \(4003\), resulting from this rescission, to the WRL 46th Avenue North \(62-80 St N\) Road Widening Project \(11115\). \(Engineering Project No. 06102-111; Oracle No. 11115\)](#)

8. Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$123,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); and approving a supplemental appropriation in the amount of \$123,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from this rescission, to the WRL Gandy Overpass FY11 Project (12944), FPID #416838-1-52-01. (Engineering Project No. 10043-111; Oracle No. 12944)

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(Miscellaneous)

9. Approving the minutes of the City Council meetings held July 12, July 19 and July 26, 2012.
10. Resolution setting 10:00 p.m. as the latest time (“cutoff time”) for co-sponsored events to be held in Vinoy Park on or after January 2, 2013; and amending City Council Resolution No. 2012-441 to reflect the new cutoff time for approvals for events scheduled after January 2, 2013 in Vinoy Park. [DELETED: Moved to Reports as E-9]
11. Accepting a \$15,000 grant from the Juvenile Welfare Board in support of the St. Petersburg College Allstate Center’s Inner-City Operation to Recruit Public Safety (“iCORPS”) initiative; approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund - Special Projects (0003) resulting from these additional revenues to the Police Department, Fiscal Support Services (140-1389); and a supplemental appropriation in the amount of \$15,000 from the unappropriated balance of the Law Enforcement Fund (1023) to the Police Department, Local Law Enforcement Fund (140-2857) to provide a total of \$30,000 to partially fund the 2012 iCORPS summer camp; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.

MEETING AGENDA

CITY OF ST. PETERSBURG

Note: An abbreviated listing of upcoming City Council meetings.

Budget, Finance & Taxation Committee

Thursday, October 25, 2012, 8:00 a.m., Room 100

Public Services & Infrastructure Committee

Thursday, October 25, 2012, 9:15 a.m., Room 100

Housing Services Committee

Thursday, October 25, 2012, 10:30 a.m., Room 100

Budget, Finance & Taxation Committee

Thursday, November 8, 2012, 8:00 a.m., Room 100

CRA/Agenda Review & Administrative Updates

Thursday, October 25, 2012, 1:30 p.m., Room 100

Public Services & Infrastructure Committee

Thursday, November 8, 2012, 9:15 a.m., Room 100

City Council Waterfront Master Plan Process Workshop

Thursday, October 25, 2012, immediately following Agenda Review., Room 100

Budget, Finance & Taxation Committee

Tuesday, November 13, 2012, 1:30 p.m., Room 100

Joint Meeting of Budget, Finance & Taxation and Youth Services Committees

Thursday, November 1, 2012, 2:00 p.m., Room 100

City Council Meeting

Thursday, November 8, 2012, 3:00 p.m., Council Chamber

CITY OF ST. PETERSBURG

Board and Commission Vacancies



Code Enforcement Board

2 Regular Members (Engineer & Non-Category)
(Terms expire 12/31/12 and 12/31/13)

Community Preservation Commission

1 Regular Member
(Term expires 9/30/14)

Planning & Visioning Commission

1 Regular Member
(Term expires 9/30/13)

City Beautiful

2 Regular Members
(Terms expire 12/31/12 & 12/31/14)

Commission on Aging

2 Regular Members
(Terms expire 12/31/13)

PROCEDURES TO BE FOLLOWED FOR QUASI-JUDICIAL PROCEEDINGS:

1. **Anyone wishing to speak must fill out a yellow card and present the card to the Clerk. All speakers must be sworn prior to presenting testimony. No cards may be submitted after the close of the Public Hearing. Each party and speaker is limited to the time limits set forth herein and may not give their time to another speaker or party.**
2. At any time during the proceeding, City Council members may ask questions of any speaker or party. The time consumed by Council questions and answers to such questions shall not count against the time frames allowed herein. Burden of proof: in all appeals, the Appellant bears the burden of proof; in variance application cases, the Applicant bears the burden of proof; in rezoning and Comprehensive Plan land use cases, the Owner bears the burden of proof except in cases initiated by the City Administration, in which event the City Administration bears the burden of proof. Waiver of Objection: at any time during this proceeding Council Members may leave the Council Chamber for short periods of time. At such times they continue to hear testimony because the audio portion of the hearing is transmitted throughout City Hall by speakers. If any party has an objection to a Council Member leaving the Chamber during the hearing, such objection must be made at the start of the hearing. If an objection is not made as required herein it shall be deemed to have been waived.
3. Initial Presentation. Each party shall be allowed ten (10) minutes for their initial presentation.
 - a. Presentation by City Administration.
 - b. Presentation by Applicant and/or Appellant. If Appellant and Applicant are different entities then each is allowed the allotted time for each part of these procedures. The Appellant shall speak before the Applicant. In connection with land use and zoning ordinances where the City is the applicant, the land owner(s) shall be given the time normally reserved for the Applicant/Appellant, unless the land owner is the Appellant.
 - c. Presentation by Opponent. If anyone wishes to utilize the initial presentation time provided for an Opponent, said individual shall register with the City Clerk at least one week prior to the scheduled public hearing.
4. Public Hearing. A Public Hearing will be conducted during which anyone may speak for 3 minutes. Speakers should limit their testimony to information relevant to the ordinance or application and criteria for review.
5. Cross Examination. Each party shall be allowed five (5) minutes for cross examination. All questions shall be addressed to the Chair and then (at the discretion of the Chair) asked either by the Chair or by the party conducting the cross examination of the speaker or of the appropriate representative of the party being cross examined. One (1) representative of each party shall conduct the cross examination. If anyone wishes to utilize the time provided for cross examination and rebuttal as an Opponent, and no one has previously registered with the Clerk, said individual shall notify the City Clerk prior to the conclusion of the Public Hearing. If no one gives such notice, there shall be no cross examination or rebuttal by Opponent(s). If more than one person wishes to utilize the time provided for Opponent(s), the City Council shall by motion determine who shall represent Opponent(s).
 - a. Cross examination by Opponents.
 - b. Cross examination by City Administration.
 - c. Cross examination by Appellant followed by Applicant, if different.
6. Rebuttal/Closing. Each party shall have five (5) minutes to provide a closing argument or rebuttal.
 - a. Rebuttal by Opponents.
 - b. Rebuttal by City Administration.
 - c. Rebuttal by Appellant followed by the Applicant, if different.

Attached documents for item Ordinance 1040-V approving a vacation of a 20 foot wide ingress/egress easement running between 2nd and 3rd Street South as shown on the University Center Subdivision, recorded in Plat Book 126, Pages 11, 12 and 13. (City File 12-33000006)



SAINT PETERSBURG CITY COUNCIL

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: Ordinance _____ approving the vacation of a 20 foot wide ingress/egress easement running between 2nd and 3rd Street South as shown on the University Center Subdivision, recorded in Plat Book 126, Pages 11, 12 and 13 (City File No.: 12-33000006).

RECOMMENDATION: The Administration and the Development Review Commission recommend **APPROVAL**.

RECOMMENDED CITY COUNCIL ACTION:

- 1) Conduct the second reading and public hearing; and
- 2) Approve the proposed ordinance.

The Request: The request is to vacate the 20-foot wide, east-west, public ingress-egress and utility easement which exists to the north of 4th Avenue South, between 2nd and 3rd Streets South. The area of the right-of-way proposed for vacation is depicted on the attached maps and plat.

Background: The applicant's goal is to eliminate the easement to accommodate redevelopment of the block. The requested vacation was previously approved in 2001, but the approval lapsed after certain conditions could not be completed within the specified amount of time.

Discussion: As noted in the attached DRC report, Staff finds that vacating the subject easement would be consistent with the applicable criteria. Staff is recommending approval of the proposed alley vacation.

Agency Review & Public Notice: The application was routed to other departments and utilities for comments. The proposed ordinance contains conditions to address the issues noted. The applicant also provided the prescribed public notices prior to the

DRC hearing and the City Council hearing. No public opposition has been expressed as of the date of this report.

DRC Action/Public Comments: The Development Review Commission (DRC) held a public hearing on the subject application and voted 6-0 to recommend approval of the proposed vacation.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the alley right-of-way vacation, subject to the following conditions:

1. Prior to recording the vacation ordinance, the applicant shall replat the subject easement, together with the abutting private land, that will be the subject of the anticipated redevelopment project.
2. Through the replat process, the applicant shall be responsible for coordinating all necessary permitting, work, inspections and costs associated with any necessary abandonment and/or relocation of existing infrastructure or utilities.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF A 20 FOOT WIDE INGRESS/EGRESS & UTILITY EASEMENT KNOWN AS CHARLES COURT SOUTH, RUNNING BETWEEN 2ND STREET SOUTH AND 3RD STREET SOUTH, AS SHOWN ON THE UNIVERSITY CENTER SUBDIVISION, RECORDED IN PLAT BOOK 126, PAGES 11, 12 AND 13; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

That 20-foot wide Ingress/Egress & Utility Easement known as Charles Court South, lying approximately 200 feet north of the northern boundary of 4th Avenue South and between 2nd Street South and 3rd Street South, as shown on the University Center Subdivision, recorded in Plat Book 126, Pages 11, 12 and 13 of the Public Records of Pinellas County, Florida.

SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

SECTION 3. The vacation is subject to and conditional upon the following:

1. Prior to recording the vacation ordinance, the applicant shall replat the subject easement, together with the abutting private land, that will be the subject of the anticipated redevelopment project.
2. Through the replat process, the applicant shall be responsible for coordinating all necessary permitting, work, inspections and costs associated with any necessary abandonment and/or relocation of existing infrastructure or utilities.

SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND SUBSTANCE:

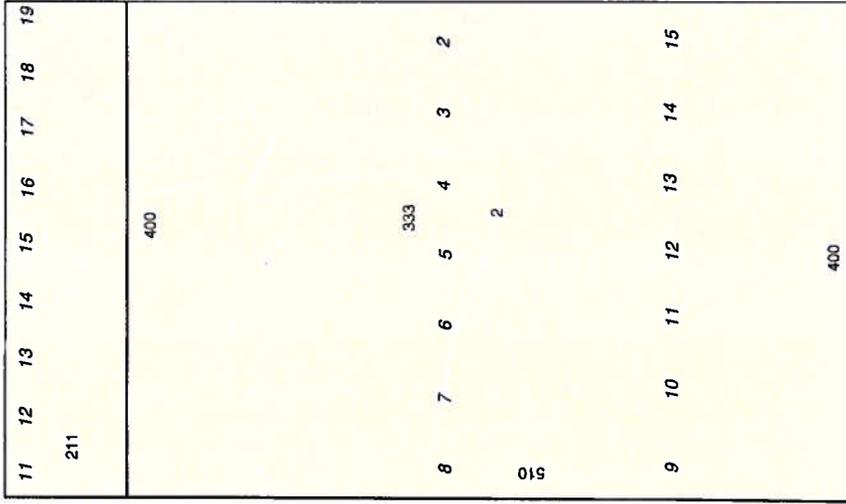


Planning & Economic Development Date 10-4-12



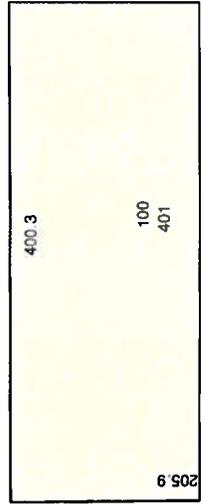
City Attorney (Designee) Date 10-4-12

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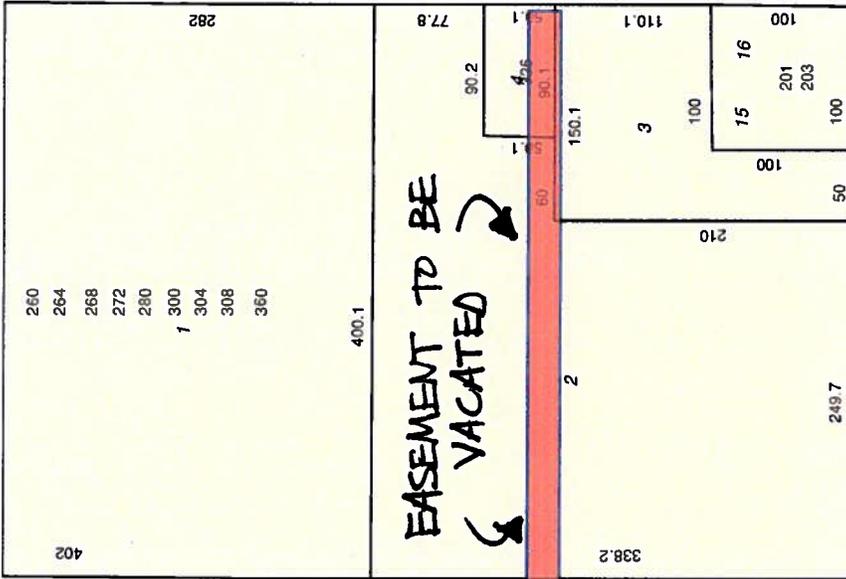


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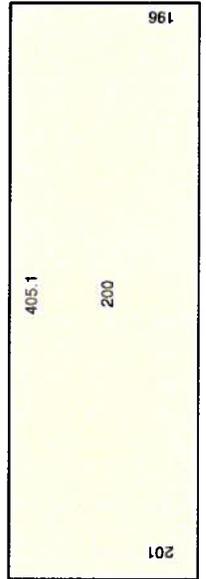


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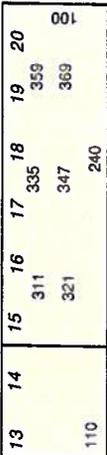


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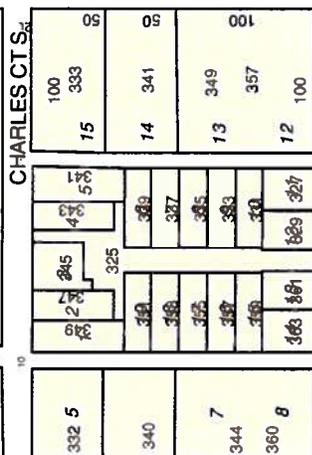
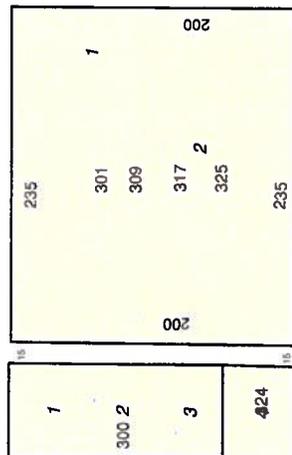
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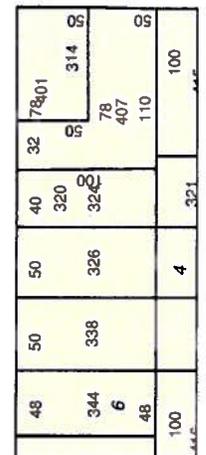


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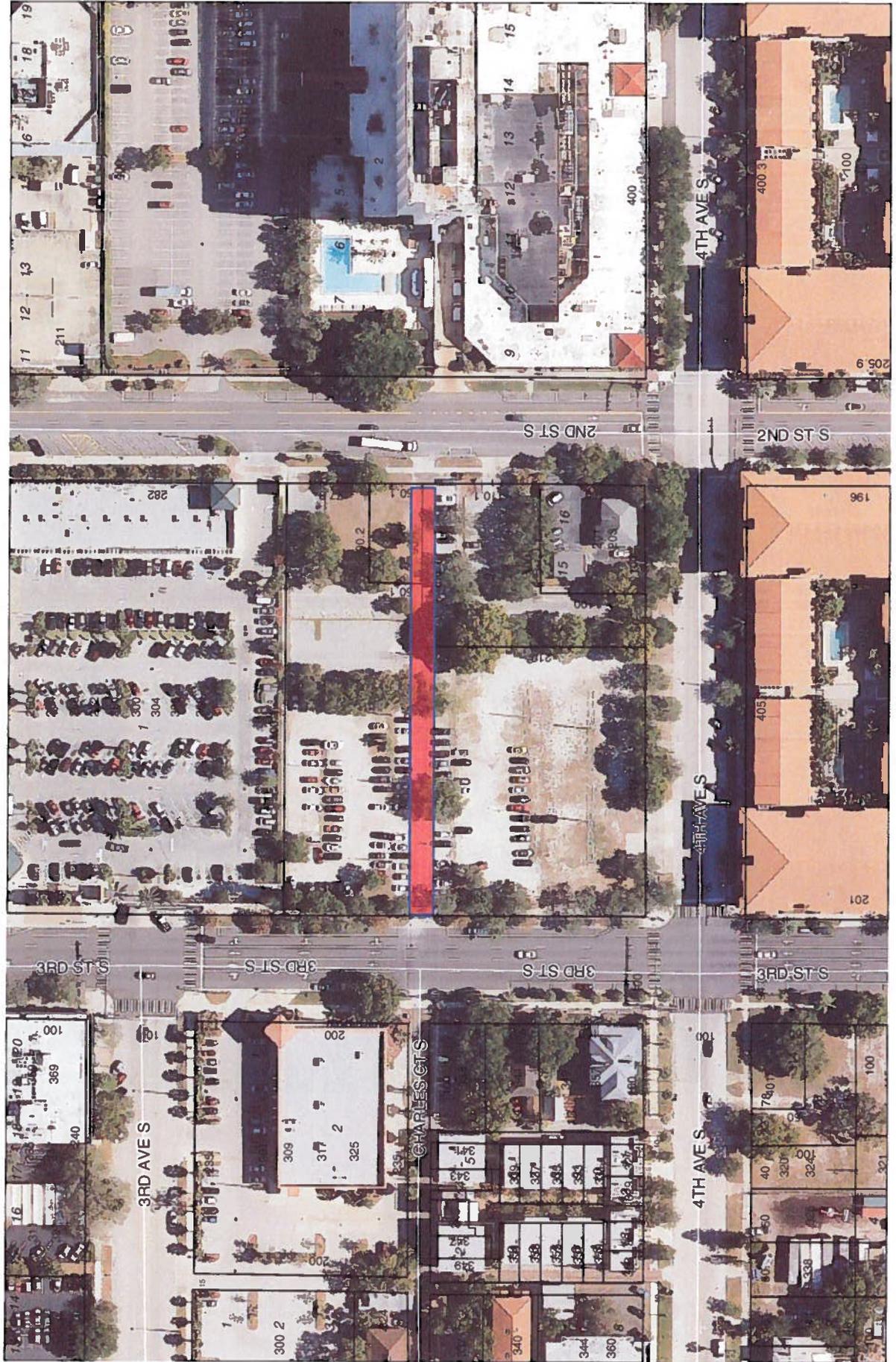


CHARLES CTS

4TH AVES



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**CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**VACATION OF RIGHT-OF-WAY
PUBLIC HEARING**

According to Planning & Economic Development Department records, **Commissioner Wendy Giffin** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **October 3, 2012 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 12-33000006 **PLAT SHEET:** E-1

REQUEST: Approval of a vacation of a 20 foot wide ingress/egress easement running between 2nd and 3rd Street South as shown on the University Center Subdivision, recorded in Plat Book 126, Pages 11, 12 and 13.

APPLICANT: Osprey S.P. Properties, LLC
7600 Grand River, Suite 120
Brighton, Michigan 48114-9311

AGENT: R. Donald Mastry
200 Central Avenue, Suite 1600
Saint Petersburg, Florida 33701

ADDRESS: 330 3rd Street South
PARCEL ID NO.: 19/31/17/93450/000/0020; 19/31/17/93450/000/0030;
19/31/17/93450/000/0040

LEGAL DESCRIPTION: On File
ZONING: DC-1

DISCUSSION:

Request

The request is to vacate the 20-foot wide, east-west, public ingress-egress and utility easement which exists to the north of 4th Avenue South, between 2nd and 3rd Streets South. The area of the right-of-way proposed for vacation is depicted on the attached maps and plat. The

applicant's goal is to eliminate the easement to accommodate redevelopment of the block. The requested vacation was previously approved in 2001, but the approval lapsed after certain conditions could not be completed within the specified amount of time. Staff finds that vacating the subject easement would be consistent with the applicable criteria.

Analysis

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

The application was routed to all affected City departments and outside utilities for review and comment. Several comments were received regarding the need for relocation of existing infrastructure at the applicant's expense. Staff has included the appropriate special conditions in this report to address these issues.

2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.

The requested vacation was previously approved by the City in 2001. If this application is approved, no substantial detrimental effect upon access to another lot of record is anticipated.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

The vacation, if approved, will not result in adverse impacts to the existing network. Allowing the easement to be vacated will facilitate redevelopment of the block with a new redevelopment project that is consistent with the overall goals of the DC zoning district.

4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

The easement was dedicated to preserve access to the rear yards of individual lots within the block and to ensure access to existing public utilities. In the context of the land assembly and planned relocation of existing utilities to make way for unified redevelopment, the subject easement is no longer necessary.

5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.

No other factors have been raised for consideration.

Comments from Agencies and the Public

Several comments were provided from the City's Engineering Department and several outside utility providers. Copies of the comments have been attached to this report. Staff has

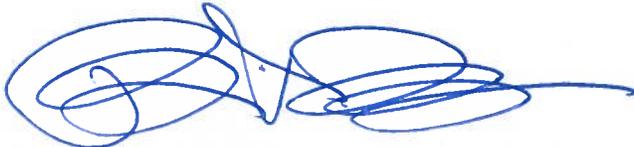
suggested special conditions which address the issues. No comments from the public have been received as of the date of this report.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed easement vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall replat the subject easement, together with the abutting private land that will be the subject of the anticipated redevelopment project.
2. The replat shall address the issues set forth in the attached comments provided by:
 - a. City Engineering Department (dated September 13, 2012);
 - b. Brighthouse Networks (dated September 17, 2012);
 - c. Knology Broadband (dated September 4, 2012); and
 - d. Progress Energy (dated September 12, 2012).

REPORT PREPARED BY:



PHILIP T. LAZZARA, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

09.26.12

DATE

Tampa Bay Times
Published Daily
St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA }
COUNTY OF Pinellas } s.s.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: ST PETERSBURG PUBLIC HEARING ON NOV. 1, 2012 SIX ORDINANCES** was published in said newspaper in the issues of **Neighborhood Times St Petersburg**, 10/21/2012.

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

A. Robison

Signature of Affiant

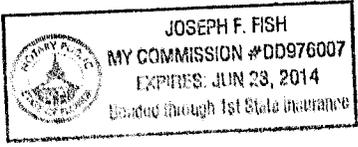
Sworn to and subscribed before me
this 23rd day of **October** A.D.2012

Joseph F. Fish

Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



PUBLIC HEARING NOTICE
CITY OF ST. PETERSBURG

PROPOSED ORDINANCE NO. 1040-V

AN ORDINANCE APPROVING A VACATION OF A 20 FOOT WIDE INGRESS/EGRESS & UTILITY EASEMENT KNOWN AS CHARLES COURT SOUTH, RUNNING BETWEEN 2ND STREET SOUTH AND 3RD STREET SOUTH, AS SHOWN ON THE UNIVERSITY CENTER SUBDIVISION, RECORDED IN PLAT BOOK 126, PAGES 11, 12 AND 13; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 1041-V

AN ORDINANCE APPROVING VACATION OF THE STREET CORNER RIGHTS-OF-WAY ON EACH CORNER OF THE BLOCK BOUND BY 3RD AVENUE SOUTH, 4TH STREET SOUTH, 4TH AVENUE SOUTH AND 5TH STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 52-H

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE REGARDING ABANDONED SIGNS; AMENDING REGULATIONS REGARDING NONCONFORMING SIGNS; CREATING A SECTION REGULATING SIGNS OF HISTORIC SIGNIFICANCE; AMENDING CERTAIN REGULATIONS FOR DIGITAL OR ELECTRONIC MESSAGE CENTERS, FLAGS AND LARGE FACILITY SIGNS; AMENDING AN EXEMPTION PROVIDING FOR FREE SPEECH SIGNS BOTH HELD AND WORN BY A PERSON; CREATING A DEFINITION FOR HUMAN SIGNS, CREATING AN EXEMPTION FOR HUMAN SIGNS, AND ESTABLISHING REGULATIONS FOR SUCH SIGNS; DELETING THE PROHIBITION AGAINST THREE-DIMENSIONAL OBJECTS USED AS SIGNS; CREATING NEW REGULATIONS FOR THREE-DIMENSIONAL EXTENSIONS FOR OFF-PREMISES SIGNS AND ON-PREMISES SIGNS; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 53-H

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE RELATING TO THE ESTABLISHMENT AND IMPOSITION OF CERTAIN FEES FOR RECORDING AND RELEASING LIENS; ESTABLISHING AN ONLINE AND PHONE CONVENIENCE PAYMENT FEE; AMENDING THE ALARM APPLICATION FEE; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 54-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 5-56 AND ADDING SUBSECTION (C) TO SECTION 5-59 OF THE ST. PETERSBURG CITY CODE; INCREASING THE PERCENTAGE FROM PUBLIC WORKS PROJECTS THAT SHALL BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; CAPPING THE TOTAL AMOUNT THAT CAN BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; PROVIDING FOR THE DEPOSIT OF PROCEEDS RECEIVED FROM INSURANCE CLAIMS ON PUBLIC ART COLLECTION INTO THE ART IN PUBLIC PLACES FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 55-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(5)B., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN THE JOINT PARTICIPATION AGREEMENT ("JPA") AND THE AVIATION PROGRAM ASSURANCES WHICH ARE ATTACHED TO THE JPA, TO BE EXECUTED BY THE CITY, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") GRANT IN AN AMOUNT NOT TO EXCEED \$82,000 FOR THE TAXIWAY A-1 AND SOUTH APRON PROJECT WHICH, INTER ALIA REQUIRE THAT THE CITY WILL NOT SELL, LEASE, ENCUMBER OR OTHERWISE TRANSFER OR DISPOSE OF ANY PART OF ITS TITLE OR OTHER INTERESTS IN THE REAL PROPERTY SHOWN AS AIRPORT OWNED OR CONTROLLED ON THE CURRENT AIRPORT LAYOUT PLAN WITHOUT PRIOR WRITTEN APPROVAL OF THE FDOT, THROUGHOUT THE USEFUL LIFE OF A FACILITY DEVELOPED FOR ANY AIRPORT DEVELOPMENT, NOR CAUSE OR PERMIT ANY ACTIVITY OR ACTION ON THE AIRPORT WHICH WOULD INTERFERE WITH ITS USE FOR AIRPORT PURPOSES FOR A PERIOD, NOT TO EXCEED 20 YEARS FROM THE EFFECTIVE DATE OF THE JPA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT THE GRANT IN AN AMOUNT NOT TO EXCEED \$82,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING FROM THESE ADDITIONAL REVENUES IN THE AMOUNT NOT TO EXCEED \$82,000 TO THE AIRPORT - TAXIWAY A-1 AND SOUTH APRON PROJECT (PROJECT #12477); PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

Date: **November 1, 2012** Time: **9:00 a.m.**

City Council Chamber
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will 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.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

D-1

Attached documents for item Ordinance 1041-V approving a vacation of the street corner rights-of-way on each corner of the block bound by 3rd Avenue South, 4th Street South, 4th Avenue South and 5th Street South. (City File 12-33000008)



SAINT PETERSBURG CITY COUNCIL

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: Ordinance _____ approving the vacation of the street corner rights-of-way on each corner of the block bound by 3rd Avenue South, 4th Street South, 4th Avenue South and 5th Street South (City File No.: 12-33000008).

RECOMMENDATION: The Administration and the Development Review Commission recommend **APPROVAL**.

RECOMMENDED CITY COUNCIL ACTION:

- 1) Conduct the second reading and public hearing; and
- 2) Approve the proposed ordinance.

The Request: The request is to vacate the four street corner easements which exist at all four corners of the subject block. The specific easements proposed for vacation are depicted on the attached maps and survey sketches.

Background: The applicant's goal is to eliminate these rights-of-way to accommodate unified redevelopment of the block with a project that has been designed to front all street corners, which is consistent with the applicable zoning regulations. Staff finds that vacating the subject easement would be consistent with the applicable criteria. Staff is recommending approval of the proposed alley vacation.

Agency Review & Public Notice: The application was routed to other departments and utilities for comments. The proposed ordinance contains conditions to address the issues noted. The applicant also provided the prescribed public notices prior to the DRC hearing and the City Council hearing. No public opposition has been expressed as of the date of this report.

DRC Action/Public Comments: The Development Review Commission (DRC) held a public hearing on the subject application and voted 7-0 to recommend approval of the

proposed vacation. Per Staff's suggestion, the DRC eliminated the requirement to replat.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the alley right-of-way vacation, subject to the following conditions:

1. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VACATION OF THE STREET CORNER RIGHTS-OF-WAY ON EACH CORNER OF THE BLOCK BOUND BY 3RD AVENUE SOUTH, 4TH STREET SOUTH, 4TH AVENUE SOUTH AND 5TH STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The following right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

The street corner right-of-ways at the northeast, northwest, southeast and southwest corners of Lot 1, Block 2, St. Petersburg Times Replat, as recorded in Plat Book 111, Page 87 of the Public Records of Pinellas County, Florida.

SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

SECTION 3. The vacation is subject to and conditional upon the following:

1. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation.

SECTION 4. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

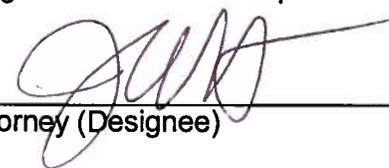
APPROVED AS TO FORM AND SUBSTANCE:



Planning & Economic Development

10-4-12

Date



City Attorney (Designee)

10/4/12

Date

DRC Case 12-3300008

149	15	16	17	18	19	20	227
551	543	533	525	519	511	501	
561	40	40	40	80	40	40	

5TH ST S

1							
450(S)							

4TH ST S

100	12	13	14	15	301	16	17	329	18	353
					311			335		359
					321			347		369
			110					240		

AVE S 3RD AVE S

3RD AVE S

3RD AVE S

270	500	50
E	F	G
5	6	7
120		
5	7	9
6	8	10
RHODACTS		
14	333	140
14	333	140
115	341	90
519	523	52.5
535	511	16
199.8	149.9	100
50	134.7	52
		32.9
		357

5TH ST S

420(S)		420(S)	
SUBJECT BLOCK			
450(S)		450(S)	
424		426	
1		1	

4TH ST S

100	1	
150	300	2
	3	
322	424	
CHARLES CT S		
235	200	
301	309	
317	2	
325		
235		

100	332	5
340		
100	344	7
360	8	
100		
100	333	15
14	341	
13	349	
12	357	100

4TH ST S

4TH AVE S

4TH AVE S

4TH AVE S

50	50	50	50	50	50
542	536	534	532	522	520
6	5				

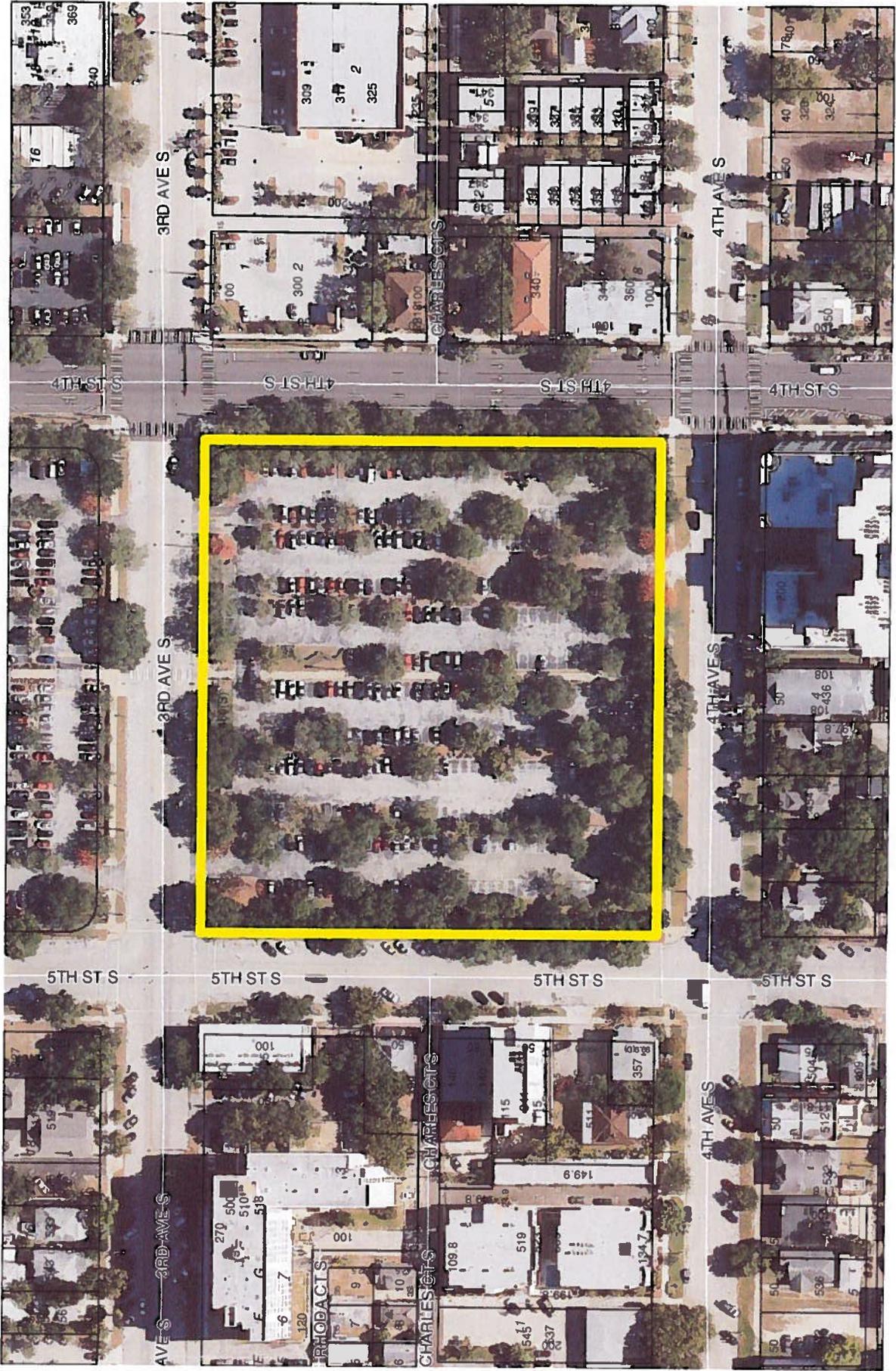
5TH ST S

50	50	50	50	50	200
109	468	458	444	436	400
8	7	6	5	4	

5TH ST S

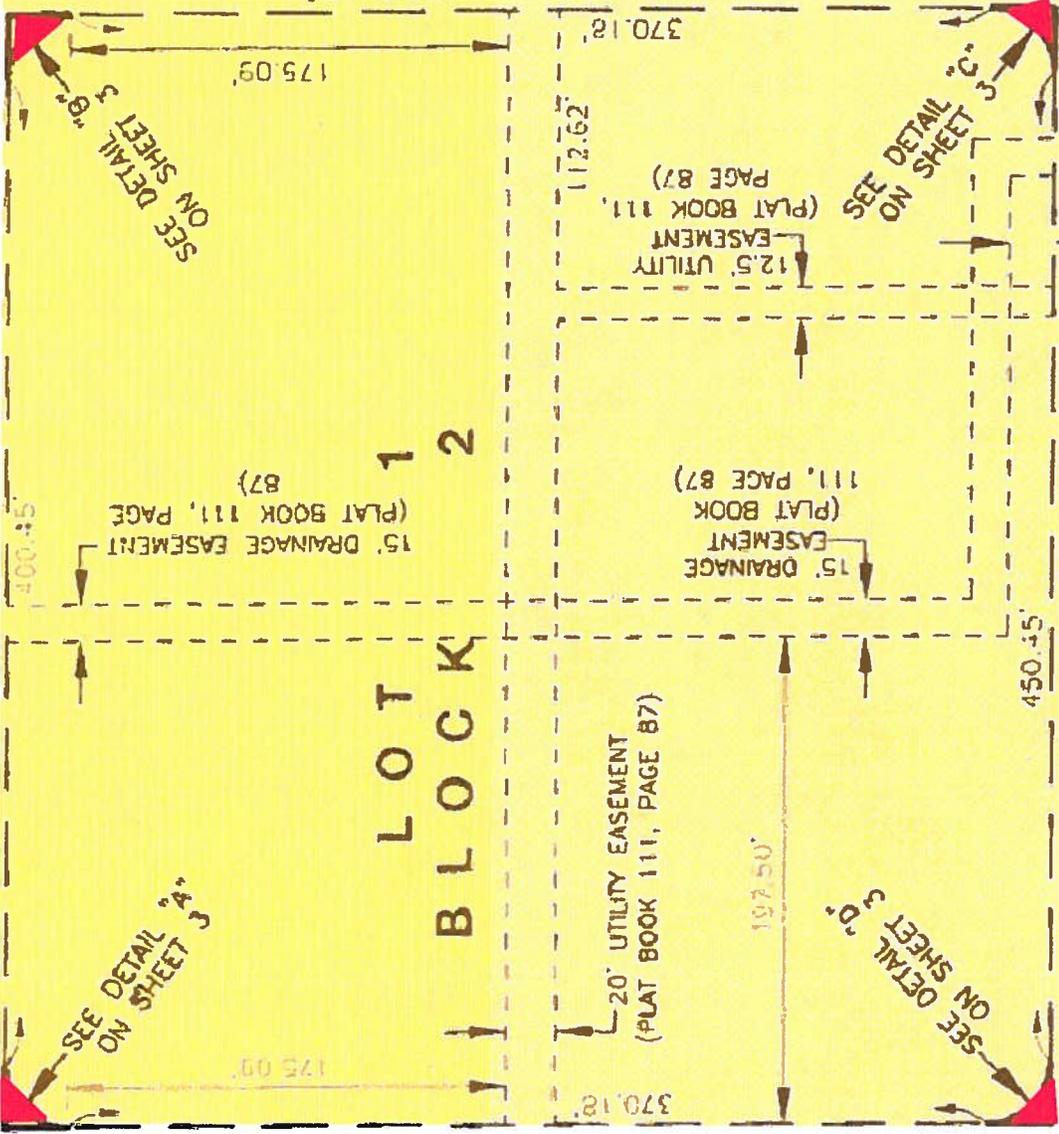
52	48	50	40	32	78	01
50	344	338	326	320	78	01
52	6	48			407	110

DRC Case 12-33000008



3RD. AVENUE SOUTH

(100' RIGHT-OF-WAY)
PLAT BOOK 1, PAGE 49
N.89°59'31"E. 450.45'



LOT 1
LOT 2
BLOCK 1

15' DRAINAGE EASEMENT
(PLAT BOOK 111, PAGE 87)

20' UTILITY EASEMENT
(PLAT BOOK 111, PAGE 87)

15' DRAINAGE EASEMENT
(PLAT BOOK 111, PAGE 87)

12.5' UTILITY EASEMENT
(PLAT BOOK 111, PAGE 87)

SEE DETAIL "A"
ON SHEET 3

SEE DETAIL "B"
ON SHEET 3

SEE DETAIL "C"
ON SHEET 3

RED TRIANGLES
ARE LOCATIONS
OF PROPOSED
VACATIONS



PLAT BOOK 1, PAGE 49
(100' RIGHT-OF-WAY)

5TH. STREET SOUTH

4TH. STREET SOUTH

S.89°59'31"W. 450.45'

4TH. AVENUE SOUTH

(100' RIGHT-OF-WAY)

SCALE: 1" = 100'





st.petersburg
www.stpete.org

**CITY OF ST. PETERSBURG
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**VACATION OF RIGHT-OF-WAY
PUBLIC HEARING**

According to Planning & Economic Development Department records, **Commissioner Wendy Giffin** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT, for Public Hearing and Executive Action on **October 3, 2012 at 2:00 P.M.** in Council Chambers, City Hall, 175 Fifth Street North, St. Petersburg, Florida.

CASE NO.: 12-33000008 **PLAT SHEET:** F-1

REQUEST: Approval of the vacation of the street corner rights-of-way on each corner of the block bound by 3rd Avenue South, 4th Street South, 4th Avenue South and 5th Street South.

APPLICANTS: Times Publishing Company
Jana L. Jones
4901 1st Avenue South
Saint Petersburg, Florida 33731-1121

NRP 4th Avenue South Residences LLC
5309 Transportation Boulevard
Cleveland, Ohio 44125

ADDRESS: 450 3rd Avenue South
PARCEL ID NO.: 19/31/17/78428/002/0010

LEGAL DESCRIPTION: On File
ZONING: DC-2

DISCUSSION:

Request

The request is to vacate the four street corner easements which exist at all four corners of the subject block. The specific easements proposed for vacation are depicted on the attached maps and survey sketches. The applicant's goal is to eliminate these rights-of-way to accommodate unified redevelopment of the block with a project that has been designed to front

all street corners, which is consistent with the applicable zoning regulations. Staff finds that vacating the subject easement would be consistent with the applicable criteria.

Analysis

Section 16.40.140.2.1E of the LDR's contains the criteria for reviewing proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. Easements for public utilities including stormwater drainage and pedestrian easements may be retained or required to be dedicated as requested by the various departments or utility companies.

The application was routed to all affected City departments and outside utilities for review and comment. The City's Engineering Department provided the attached memo dated September 13, 2012 regarding the applicant's responsibility to handle all issues regarding abandonment and/or relocation. Staff has included a special condition in this report to address this issue.

2. The vacation shall not cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record as shown from the testimony and evidence at the public hearing.

If this application is approved, no substantial detrimental effect upon access to another lot of record is anticipated.

3. The vacation shall not adversely impact the existing roadway network, such as to create dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or neighborhoods.

The vacation, if approved, will not result in adverse impacts to the existing network. Allowing these unnecessary rights-of-way to be vacated will facilitate redevelopment of the block with a new project that is consistent with the overall goals of the DC zoning district.

4. The easement is not needed for the purpose for which the City has a legal interest and, for rights-of-way, there is no present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

The subject corner radii were dedicated to accommodate future intersection widening projects which are no longer planned. The subject rights-of-way are no longer necessary.

5. The POD, Development Review Commission, and City Council shall also consider any other factors affecting the public health, safety, or welfare.

No other factors have been raised for consideration.

Comments from Agencies and the Public

The City's Engineering Department provided the attached comments Staff has suggested a special condition to address the issues. No comments from the public have been received as of the date of this report.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed right-of-way vacations. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated rights-of-way together with the abutting private property that will be redeveloped.
2. The applicant shall be responsible for all plans, permits, work, inspections and costs associated with the vacation and the required replat.

REPORT PREPARED BY:



09.26.12

PHILIP T. LAZZARA, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Economic Development Department

DATE

Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: ST PETERSBURG PUBLIC HEARING ON NOV. 1, 2012 SIX ORDINANCES** was published in said newspaper in the issues of **Neighborhood Times St Petersburg**, 10/21/2012.

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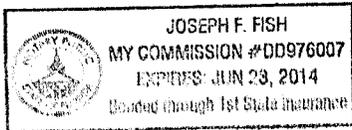
Signature of Affiant

Sworn to and subscribed before me
this 23rd day of **October** A.D.2012

Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

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Date: November 1, 2012 Time: 9:00 a.m.

City Council Chamber
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will 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.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

10/21/2012

Attached documents for item Ordinance 53-H amending various chapters of the City Code to implement fee changes and revenue enhancements approved pursuant to the 2013 budget.

MEMORANDUM

November 1, 2012

TO: Honorable Leslie Curran, Chair and Members of City Council

THRU:  Tish Elston, City Administrator

FROM: Tammy Jerome, Director, Billing & Collections 

SUBJECT: Ordinance Amending Various Sections of the City Code to Implement Fee Changes and Revenue Enhancements Approved Pursuant to the FY 2013 Budget

The Billing & Collections Department submitted the fee changes and revenue enhancements below as part of the Fiscal Year 2013 budget process. These changes and enhancements were included in the Recommended Budget which was approved by City Council at the Public Budget Hearing on September 27, 2012.

The ordinance attached provides for the codification of these enhancements in City Code:

- Implementing a convenience fee of \$2.00 per transaction for each on-line (Click-2-Gov, Link-2-Gov) or telephone (Interactive Voice Response) payment made. Payment transactions made in person using credit or debit cards will not be charged a convenience fee. The projected annual revenue for this enhancement is \$325,000.
- Implementing a Special Assessment lien filing and releasing fee of \$35 as is currently charged for filing and releasing Utility Account liens. The projected annual revenue for this enhancement is \$30,000.
- Increasing the current Special Assessment/Utility Account lien research fee from \$35 to \$55. The projected annual revenue for this increase is \$175,000.
- Increasing the current Security Alarm permit application fee from \$15 to \$25. The projected annual revenue for this increase is \$25,000 to the General Fund.

In order to achieve the projected revenue as budgeted for FY 2013, Administration recommends City Council proceed with the final adoption of the proposed ordinance at the Public Hearing being held today.

Attachment

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE RELATING TO THE ESTABLISHMENT AND IMPOSITION OF CERTAIN FEES FOR RECORDING AND RELEASING LIENS; ESTABLISHING AN ONLINE AND PHONE CONVENIENCE PAYMENT FEE; AMENDING THE ALARM APPLICATION FEE; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 2-303(7) of the City Code is hereby amended to read as follows:

Sec. 2-303. - Resolution ordering special assessments and setting public hearing.

(7) States the total estimated costs of the proposed capital improvement which may include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, including interest, discount on the sale of bonds, if any, cost of plans and specifications, surveys of estimates of costs and of revenues, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction, cost of engineering and legal services, administrative expenses (which shall include the lien recording and releasing fee set forth in Chapter 12), and such other expenses as may be necessary or incident to the construction and financing;

SECTION 2. Section 8-270(a) of the City Code is hereby amended to read as follows:

Sec. 8-270. - Assessment of cost of demolition, etc.; lien on property.

(a) Upon expiration of the appeal period with no appeal having been taken, or upon expiration of a 30-day period following the denial of an appeal, or following an emergency demolition authorized and conducted in accordance with section 8-274, the POD, after proceeding under this division, shall report the abatement of the nuisance by the City; and the City Council shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred. The costs which may be assessed include the cost of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before a hearing officer and the lien recording and releasing fee set forth in Chapter 12), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the City, and attorney's fees and costs. Such costs when assessed shall constitute a lien upon such property superior to all others except taxes.

SECTION 3. Section 12-6(9) of the City Code is hereby amended by adding the following three service fees at the beginning of that section to read as follows:

Convenience fees for online and telephone payments..... \$2.00

Special Assessment lien recording and releasing fee (if this fee is included in a special assessment and if the special assessment is paid in full prior to recordation, this fee shall be deducted from the total; if this fee was not included in a recorded special assessment, it shall be added to the amount of the final payment).....\$35.00

Lien research fees.....\$55.00

SECTION 4. Section 16.40.060.4.4.A of the City Code is hereby amended to read as follows:

Sec. 16.40.060.4.4. - Assessment and lien for costs of lot clearance.

A. *Preliminary assessment roll.* After causing the violation to be corrected, the POD shall determine the costs incurred by the City in correcting the violation, including all administrative and other costs as are necessary to correct the violation (administrative costs shall include the lien recording and releasing fee set forth in Chapter 12), and shall determine the proportionate costs that each property should bear if violations on more than one property were corrected. The POD shall cause a preliminary assessment roll to be prepared containing a complete list of the properties and of properties abutting street right-of-way upon which violations were corrected, setting opposite each property the cost of doing said work, which shall be submitted to City Council.

SECTION 5. The introductory paragraph to Section 20-228(c) of the City Code is hereby amended to read as follows (subsections (1) and (2) remain unchanged):

Sec. 20-228. - Alarm permits required; annual alarm permit renewal required; penalties.

(c) Applications for a security alarm permit are available from, and shall be filed with, the City Police Department. Upon approval of the application, the Enforcement Official shall issue a security alarm permit which shall be valid for one permit year. The initial application for a security alarm permit shall be accompanied by a \$25.00 ~~15.00~~ fee.

SECTION 6. Section 27-141 of the City Code is hereby amended to read as follows:

Sec. 27-141. - Established; amount; service categories defined; surcharge.

(b) *Utility water service charges rate.*

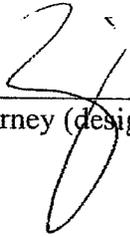
(2) Utility lien recording and releasing ~~Lien research~~ fee35.00

SECTION 7. Coding. As used in this ordinance, language appearing in ~~struck-through~~ type is language in the City Code to be deleted, and underlined language is language to be added to the City Code in the section, subsection or other location which is indicated. Language in the City Code not appearing in this ordinance continues in full force and effect unless the context clearly indicates otherwise.

SECTION 8. Severability. The provisions of this Ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

SECTION 9. Effective date. In the event that this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to Form and Content:



City Attorney (designee)

M E M O R A N D U M

TO: The Honorable Leslie Curran, Chair and Members of City Council
Eva Andujar, City Clerk

FROM: Mayor Bill Foster

DATE: November 1, 2012

RE: Notice of Non-Veto by the Mayor of Ordinance 53-H amending various chapters of the City Code to implement fee changes and revenue enhancements approved pursuant to the 2013 budget.

=====

This memo will serve to notify City Council and the City Clerk, pursuant to Section 3.05 of the City Charter, that I will not veto the above-referenced Ordinance.

By: _____
Bill Foster, Mayor

Date: November 1, 2012 Time: _____

cc: Tish Elston

Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: ST PETERSBURG PUBLIC HEARING ON NOV. 1, 2012 SIX ORDINANCES** was published in said newspaper in the issues of **Neighborhood Times St Petersburg , 10/21/2012 .**

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

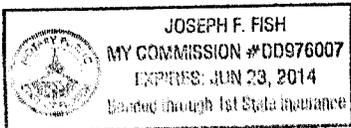
Signature of Affiant

Sworn to and subscribed before me
this **23rd** day of **October** A.D.2012

Signature of Notary Public

Personally known X or produced identification

Type of identification produced _____



PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

PROPOSED ORDINANCE NO. 1040-V

AN ORDINANCE APPROVING A VACATION OF A 20 FOOT WIDE INGRESS/EGRESS & UTILITY EASEMENT KNOWN AS CHARLES COURT SOUTH, RUNNING BETWEEN 2ND STREET SOUTH AND 3RD STREET SOUTH, AS SHOWN ON THE UNIVERSITY CENTER SUBDIVISION, RECORDED IN PLAT BOOK 126, PAGES 11, 12 AND 13; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 1041-V

AN ORDINANCE APPROVING VACATION OF THE STREET CORNER RIGHTS-OF-WAY ON EACH CORNER OF THE BLOCK BOUND BY 3RD AVENUE SOUTH, 4TH STREET SOUTH, 4TH AVENUE SOUTH AND 5TH STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 52-H

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE REGARDING ABANDONED SIGNS; AMENDING REGULATIONS REGARDING NONCONFORMING SIGNS; CREATING A SECTION REGULATING SIGNS OF HISTORIC SIGNIFICANCE; AMENDING CERTAIN REGULATIONS FOR DIGITAL OR ELECTRONIC MESSAGE CENTERS, FLAGS AND LARGE FACILITY SIGNS; AMENDING AN EXEMPTION PROVIDING FOR FREE SPEECH SIGNS BOTH HELD AND WORN BY A PERSON; CREATING A DEFINITION FOR HUMAN SIGNS, CREATING AN EXEMPTION FOR HUMAN SIGNS, AND ESTABLISHING REGULATIONS FOR SUCH SIGNS; DELETING THE PROHIBITION AGAINST THREE-DIMENSIONAL OBJECTS USED AS SIGNS; CREATING NEW REGULATIONS FOR THREE-DIMENSIONAL EXTENSIONS FOR OFF-PREMISES SIGNS AND ON-PREMISES SIGNS; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 53-H

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE RELATING TO THE ESTABLISHMENT AND IMPOSITION OF CERTAIN FEES FOR RECORDING AND RELEASING LIENS; ESTABLISHING AN ONLINE AND PHONE CONVENIENCE PAYMENT FEE; AMENDING THE ALARM APPLICATION FEE; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO.-54-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 5-56 AND ADDING SUBSECTION (C) TO SECTION 5-59 OF THE ST. PETERSBURG CITY CODE; INCREASING THE PERCENTAGE FROM PUBLIC WORKS PROJECTS THAT SHALL BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; CAPPING THE TOTAL AMOUNT THAT CAN BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; PROVIDING FOR THE DEPOSIT OF PROCEEDS RECEIVED FROM INSURANCE CLAIMS ON PUBLIC ART COLLECTION INTO THE ART IN PUBLIC PLACES FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 55-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(5)B., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN THE JOINT PARTICIPATION AGREEMENT ("JPA") AND THE AVIATION PROGRAM ASSURANCES WHICH ARE ATTACHED TO THE JPA, TO BE EXECUTED BY THE CITY, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") GRANT IN AN AMOUNT NOT TO EXCEED \$82,000 FOR THE TAXIWAY A-1 AND SOUTH APRON PROJECT WHICH, INTER ALIA REQUIRE THAT THE CITY WILL NOT SELL, LEASE, ENCUMBER OR OTHERWISE TRANSFER OR DISPOSE OF ANY PART OF ITS TITLE OR OTHER INTERESTS IN THE REAL PROPERTY SHOWN AS AIRPORT OWNED OR CONTROLLED ON THE CURRENT AIRPORT LAYOUT PLAN WITHOUT PRIOR WRITTEN APPROVAL OF THE FDOT, THROUGHOUT THE USEFUL LIFE OF A FACILITY DEVELOPED FOR ANY AIRPORT DEVELOPMENT, NOR CAUSE OR PERMIT ANY ACTIVITY OR ACTION ON THE AIRPORT WHICH WOULD INTERFERE WITH ITS USE FOR AIRPORT PURPOSES FOR A PERIOD, NOT TO EXCEED 20 YEARS FROM THE EFFECTIVE DATE OF THE JPA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT THE GRANT IN AN AMOUNT NOT TO EXCEED \$82,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING FROM THESE ADDITIONAL REVENUES IN THE AMOUNT NOT TO EXCEED \$82,000 TO THE AIRPORT - TAXIWAY A-1 AND SOUTH APRON PROJECT (PROJECT #12477); PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

Date: **November 1, 2012** Time: **9:00 a.m.**

City Council Chamber
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will 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.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

10/21/2012

D-3



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D3

CITY OF ST. PETERSBURG, PUBLIC HEARING

①

NAME: DAVID M KAZIP

ADDRESS: 431 Southwest Blvd N

REPRESENTING: self

AGENDA ITEM NO.: D-3 fee

FOR: _____ AGAINST: X

NOV 01 2012

3 MINUTE TIME LIMIT

Attached documents for item Ordinance 54-H of the City of St. Petersburg amending Section 5-56 and adding Subsection (c) to Section 5-59 of the St. Petersburg City Code; increasing the percentage from public works projects that shall be set aside for the acquisition of works of art;

ST. PETERSBURG CITY COUNCIL

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair and Members of City Council

SUBJECT: Ordinance amending section 5-56 and Adding Subsection (c) to Section 5-59 of the St. Petersburg City Code; increasing the percentage from public works projects that shall be set aside for the acquisition of works of art; providing for the deposit of the proceeds received from insurance claims on public art collection into the art in public places fund; and providing for an effective date.

EXPLANATION: The City of St. Petersburg began its Percent for Art program in 1990 and has worked with the Public Art Commission to create a 73-piece public art collection. Through the program, dollars from specified capital improvement projects are set aside to fund works of art which shall be displayed in, upon, or adjacent to a city owned facility and for such administrative, insurance, or repair and maintenance costs reasonably attributable to the operation of the program. The Public Art Commission and the art in public places fund are addressed in Chapter 5, sections 54-60 of the St. Petersburg City Code.

After significant research and discussion, the Public Art Commission recommended amending the formula used to calculate the set-aside for public works of art. Additionally, following a professional appraisal of the collection, the Commission acquired a stand-alone insurance policy for the collection and recommended an addition to the ordinance related to the insurance policy.

On July 26, 2012, City Council heard a report item regarding these recommendations from the Public Art Commission and adopted resolutions requesting that the City Attorney's Office draft an ordinance to make the below described change and addition to the St. Petersburg City Code. The attached proposed ordinance amends section 5-56 and adds subsection (c) to section 5-59 of the St. Petersburg City Code.

This proposed ordinance increases the percentage from public works projects that shall be set aside for the acquisition of works of art and caps the total amount that can be set aside at \$500,000 for any single project. It is a straight line formula as follows:

For public works projects with construction costs between \$100,000 and \$2,500,000, two percent (2%) shall be set aside for the acquisition of works of art. For public works projects with construction costs between \$2,500,001 and \$10,000,000, one percent (1%) shall be set aside for the acquisition of works of art. For public works projects with construction costs exceeding \$10,000,001, three-quarters of a percent (3/4%) shall be set aside for the acquisition of works of art.

This proposed ordinance also adds a new subsection to the art in public places fund requiring the proceeds from any insurance claim made on the City's Public Art Collection insurance policy be deposited into said fund for the repair or replacement of the damaged piece(s) in the City's Public Art Collection, which is a 73 piece collection.

All other sections of the Code, including the types of projects specified remain the same.

A first reading for this ordinance was held on October 18, 2012.

RECOMMENDATION: Administration recommends approval of the attached ordinance amending the Percent for Art formula and adding a subsection regarding the Public Art Collection insurance policy, as recommended by the Public Art Commission.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENT: Ordinance
Resolutions

APPROVALS: Administrative:

R. Mussett 10-15-12 SA 10/18/12

Budget:

N/A

Legal:

MD

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 5-56 AND ADDING SUBSECTION (C) TO SECTION 5-59 OF THE ST. PETERSBURG CITY CODE; INCREASING THE PERCENTAGE FROM PUBLIC WORKS PROJECTS THAT SHALL BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; CAPPING THE TOTAL AMOUNT THAT CAN BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; PROVIDING FOR THE DEPOSIT OF PROCEEDS RECEIVED FROM INSURANCE CLAIMS ON PUBLIC ART COLLECTION INTO THE ART IN PUBLIC PLACES FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 5-56 of the St. Petersburg City Code is hereby amended as follows:

Sec. 5-56 – Public dedication.

~~One percent of the first \$2,500,000.00~~ A percentage of the construction cost of from all public works projects costing more than \$300,000.00 exceeding \$100,000 and one-half of one percent of the construction cost of all public works projects between \$2,500,000.00 and \$7,500,000.00, shall be set aside for the acquisition of works of art, which shall be displayed in, upon, or adjacent to a city owned facility, and for such administrative, insurance, or repair and maintenance costs reasonably attributable to the operation of this article. For public works projects with construction costs between \$100,000 and \$2,500,000, two percent (2%) shall be set aside for the acquisition of works of art. For public works projects with construction costs between \$2,500,001 and \$10,000,000, one percent (1%) shall be set aside for the acquisition of works of art. For public works projects with construction costs exceeding \$10,000,001, three-quarters of a percent (3/4%) shall be set aside for the acquisition of works of art. The total allocation of funds set aside for the acquisition of works of art from any single public works project under this article shall not exceed \$500,000. If it would be inappropriate to display a work of art at a facility, if the funds set aside from any public works project are not sufficient to acquire a work of art appropriate for the City or if the Commission deems it appropriate to pool funds to provide for works of art of greater cost or a larger more intricate or detailed work of art at another facility, then such monies shall be used for the acquisition of a work of art for display in, upon or adjacent to any other city facilities. The Commission should determine at the beginning of each fiscal year which budgeted public works projects will receive a work of art. The Commission shall determine what portion of the set aside funds shall be used for acquisition, administration, insurance,

repair and maintenance in each instance and shall determine at which facility a work of art shall be displayed.

SECTION 2. The St. Petersburg City Code is hereby amended by adding a new Section 5-59 (c) to read as follows:

Sec. 5-59 – Art in public places fund.

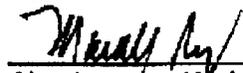
(c) The proceeds from any claims made on the public art collection's insurance policy shall be deposited in the art in public places fund which shall be used to repair or replace damaged or destroyed works of art in the City's public art collection.

SECTION 3. Words that are ~~struck through~~ shall be deleted from the existing City Code and words that are underlined shall be added to the existing City Code. Provisions not specifically amended shall continue in full force and effect.

SECTION 4. The provisions of this ordinance shall be deemed to be severable. If any portion of this ordinance is deemed unconstitutional it shall not affect the constitutionality of any other portion of this ordinance.

SECTION 5. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:



City Attorney (designee)

V3
document number 00163375

NO. 2012-340

A RESOLUTION REQUESTING THAT THE CITY ATTORNEY'S OFFICE DRAFT AN ORDINANCE AMENDING SECTION 5-56 OF THE ST. PETERSBURG CITY CODE TO CHANGE THE PERCENT OF ART FORMULA PURSUANT TO THE PUBLIC ART COMMISSION'S RECOMMENDATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this City Council hereby requests that the City Attorney's Office draft an ordinance amending section 5-56 of the St. Petersburg City Code to change the percent of art formula pursuant to the Public Art Commission's recommendation.

This resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held on the 26th day of July, 2012.

Leslie Curran

Leslie Curran Chair-Councilmember
Presiding Officer of the City Council

ATTEST:

Eva Andujar
Eva Andujar City Clerk



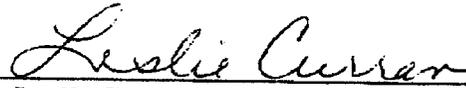
NO. 2012-338

A RESOLUTION REQUESTING THAT THE CITY ATTORNEY'S OFFICE DRAFT AN ORDINANCE AMENDING SECTION 5-59 OF THE ST. PETERSBURG CITY CODE TO ADD A SUBSECTION THAT PROVIDES FOR THE PROCEEDS FROM ANY CLAIMS MADE ON THE PUBLIC ART COLLECTION INSURANCE POLICY BE DEPOSITED IN THE ART IN PUBLIC PLACES FUND FOR REPAIR OR REPLACEMENT OF DAMAGED PIECES IN THE CITY'S PUBLIC ART COLLECTION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this City Council hereby requests that the City Attorney's Office draft an ordinance amending section 5-59 of the St. Petersburg City Code to add a subsection that provides for the proceeds from any claims made on the public art collection insurance policy be deposited in the art in public places fund for repair or replacement of damaged pieces in the City's Public Art Collection.

This resolution shall become effective immediately upon its adoption.

Adopted at a regular session of the City Council held on the 26th day of July, 2012.



Leslie Curran Chair-Councilmember
Presiding Officer of the City Council

ATTEST:


Eva Andujar City Clerk



Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: ST PETERSBURG PUBLIC HEARING ON NOV. 1, 2012 SIX ORDINANCES** was published in said newspaper in the issues of **Neighborhood Times St Petersburg**, 10/21/2012.

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

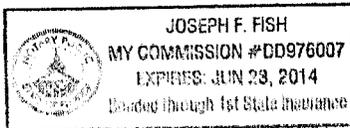
Signature of Affiant

Sworn to and subscribed before me
this 23rd day of **October** A.D.2012

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

PROPOSED ORDINANCE NO. 1040-V

AN ORDINANCE APPROVING A VACATION OF A 20 FOOT WIDE INGRESS/EGRESS & UTILITY EASEMENT KNOWN AS CHARLES COURT SOUTH, RUNNING BETWEEN 2ND STREET SOUTH AND 3RD STREET SOUTH, AS SHOWN ON THE UNIVERSITY CENTER SUBDIVISION, RECORDED IN PLAT BOOK 126, PAGES 11, 12 AND 13; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

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AN ORDINANCE APPROVING VACATION OF THE STREET CORNER RIGHTS-OF-WAY ON EACH CORNER OF THE BLOCK BOUND BY 3RD AVENUE SOUTH, 4TH STREET SOUTH, 4TH AVENUE SOUTH AND 5TH STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 52-H

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE REGARDING ABANDONED SIGNS; AMENDING REGULATIONS REGARDING NONCONFORMING SIGNS; CREATING A SECTION REGULATING SIGNS OF HISTORIC SIGNIFICANCE; AMENDING CERTAIN REGULATIONS FOR DIGITAL OR ELECTRONIC MESSAGE CENTERS, FLAGS AND LARGE FACILITY SIGNS; AMENDING AN EXEMPTION PROVIDING FOR FREE SPEECH SIGNS BOTH HELD AND WORN BY A PERSON; CREATING A DEFINITION FOR HUMAN SIGNS, CREATING AN EXEMPTION FOR HUMAN SIGNS, AND ESTABLISHING REGULATIONS FOR SUCH SIGNS; DELETING THE PROHIBITION AGAINST THREE-DIMENSIONAL OBJECTS USED AS SIGNS; CREATING NEW REGULATIONS FOR THREE-DIMENSIONAL EXTENSIONS FOR OFF-PREMISES SIGNS AND ON-PREMISES SIGNS; AND PROVIDING AN EFFECTIVE DATE.

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AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 5-56 AND ADDING SUBSECTION (C) TO SECTION 5-59 OF THE ST. PETERSBURG CITY CODE; INCREASING THE PERCENTAGE FROM PUBLIC WORKS PROJECTS THAT SHALL BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; CAPPING THE TOTAL AMOUNT THAT CAN BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; PROVIDING FOR THE DEPOSIT OF PROCEEDS RECEIVED FROM INSURANCE CLAIMS ON PUBLIC ART COLLECTION INTO THE ART IN PUBLIC PLACES FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 55-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(5)B., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN THE JOINT PARTICIPATION AGREEMENT ("JPA") AND THE AVIATION PROGRAM ASSURANCES WHICH ARE ATTACHED TO THE JPA, TO BE EXECUTED BY THE CITY, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") GRANT IN AN AMOUNT NOT TO EXCEED \$82,000 FOR THE TAXIWAY A-1 AND SOUTH APRON PROJECT WHICH, INTER ALIA REQUIRE THAT THE CITY WILL NOT SELL, LEASE, ENCUMBER OR OTHERWISE TRANSFER OR DISPOSE OF ANY PART OF ITS TITLE OR OTHER INTERESTS IN THE REAL PROPERTY SHOWN AS AIRPORT OWNED OR CONTROLLED ON THE CURRENT AIRPORT LAYOUT PLAN WITHOUT PRIOR WRITTEN APPROVAL OF THE FDOT, THROUGHOUT THE USEFUL LIFE OF A FACILITY DEVELOPED FOR ANY AIRPORT DEVELOPMENT, NOR CAUSE OR PERMIT ANY ACTIVITY OR ACTION ON THE AIRPORT WHICH WOULD INTERFERE WITH ITS USE FOR AIRPORT PURPOSES FOR A PERIOD, NOT TO EXCEED 20 YEARS FROM THE EFFECTIVE DATE OF THE JPA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT THE GRANT IN AN AMOUNT NOT TO EXCEED \$82,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING FROM THESE ADDITIONAL REVENUES IN THE AMOUNT NOT TO EXCEED \$82,000 TO THE AIRPORT - TAXIWAY A-1 AND SOUTH APRON PROJECT (PROJECT #12477); PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

Date: **November 1, 2012** Time: **9:00 a.m.**

City Council Chamber
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will 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.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

10/21/2012

D-4



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D4
~~4~~
 4

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: CATHERINE WOODS
 ADDRESS: 515 22nd ST S.
 REPRESENTING: SELF
 AGENDA ITEM NO.: D4. ARTS
 FOR: _____ AGAINST: _____

NOV 01 2012 ✓

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D4
~~4~~
 5

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: David Harris
 ADDRESS: 1019 15th Avenue
 REPRESENTING: Public Art Commission
 AGENDA ITEM NO.: D-4 (Art) D-4
 FOR: _____ AGAINST: _____

NOV 01 2012 X

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D4
6

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: DAVID M KACUP
 ADDRESS: 431 South West Blvd
 REPRESENTING: Self
 AGENDA ITEM NO. : D-3
 FOR: _____ AGAINST: X

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D4
7

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Momma Tee Lassiter
 ADDRESS: _____
 REPRESENTING: _____
 AGENDA ITEM NO. : Public Art
 FOR: X ? AGAINST: X ?

3 MINUTE TIME LIMIT

573

Attached documents for item Albert Whitted Municipal Airport - Taxiway A-1 and South Apron Project:

MEMORANDUM
CITY OF ST. PETERSBURG

City Council Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

FROM: David Metz, Director, Downtown Enterprise Facilities Department *DM*

SUBJECT: An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and the Aviation Program Assurances which are attached to the JPA, to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") Grant in an amount not to exceed \$82,000 for the Taxiway A-1 and South Apron Project which, *inter alia* require that the City will not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the real property shown as airport owned or controlled on the current airport layout plan without prior written approval of the FDOT, throughout the useful life of a facility developed for any airport development, nor cause or permit any activity or action on the airport which would interfere with its use for airport purposes for a period, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to accept the Grant in an amount not to exceed \$82,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount not to exceed \$82,000 to the Airport – Taxiway A-1 and South Apron Project (Project #12477); providing an effective date; and providing for expiration.

EXPLANATION: Section 1.02 (c) (5) B of the St. Petersburg City Code authorizes City Council, by a single ordinance dealing with only a single encumbrance, receiving a public hearing and receiving an affirmative vote for at least six (6) members of City Council, to permit the recording of encumbrances on Albert Whitted Airport as follows:

Encumbrances or restrictions of up to twenty years for that property or portions of that property generally known as Albert Whitted Airport which would restrict the use of that property, or portions of that property, to airport uses each time such a restriction is executed. The Albert Whitted property is generally described as:

All of Block 1, Albert Whitted Airport Second Replat and Additions as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida

On August 16, 2012, City Council approved Ordinance No.41-H which authorized the City to apply for and accept a grant from the Federal Aviation Administration ("FAA"), in an amount not to exceed \$950,000 which provides ninety (90%) percent of the construction costs of the Taxiway A-1 and South Apron Project. On September 19, 2012, the Mayor's designee executed the grant after receiving the formal grant offer from the FAA in the amount of \$867,830.

As the Airport Sponsor for Albert Whitted Airport, the City must provide the ten (10%) match for the FAA grant.

The Florida Department of Transportation ("FDOT") has offered the City a grant to provide up to eighty (80%) percent of the City's match requirement (or 8% of the total project's costs).

Accordingly, the project funding and participation from each agency will be as follows:

FAA - \$867,830 (90%)
FDOT - \$ 77,140 (8%)
City - \$ 19,285 (2%)

Acceptance of any grants requires the City to meet certain grant assurances, including a 20-year commitment to keep the Albert Whitted Airport property as an operating airport.

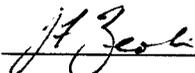
A First Reading of this Ordinance was held on October 18, 2012.

RECOMMENDATION: The Administration recommends adoption of the Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and the Aviation Program Assurances which are attached to the JPA, to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") Grant in an amount not to exceed \$82,000 for the Taxiway A-1 and South Apron Project which, *inter alia* require that the City will not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the real property shown as airport owned or controlled on the current airport layout plan without prior written approval of the FDOT, throughout the useful life of a facility developed for any airport development, nor cause or permit any activity or action on the airport which would interfere with its use for airport purposes for a period, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to accept the Grant in an amount not to exceed \$82,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount not to exceed \$82,000 to the

Airport – Taxiway A-1 and South Apron Project (Project #12477); and providing an effective date; and providing for expiration;

Cost/Funding/Assessment Information: Funding in the project will be available after a supplemental appropriation in the amount of \$82,000 from the increase in the unappropriated balance of the Airport Capital Projects Fund (4033), resulting from these additional revenues, to the South Apron Project (12477).

Approvals:

Legal:  Administration: 

Budget: 

Legal: 00164037.doc v. 1

Ordinance No. _____

An Ordinance in accordance with Section 1.02(c)(5)B., St. Petersburg City Charter, authorizing the restrictions contained in the Joint Participation Agreement ("JPA") and the Aviation Program Assurances which are attached to the JPA, to be executed by the City, as a requirement for receipt of the Florida Department of Transportation ("FDOT") Grant in an amount not to exceed \$82,000 for the Taxiway A-1 and South Apron Project which, *inter alia* require that the City will not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the real property shown as airport owned or controlled on the current airport layout plan without prior written approval of the FDOT, throughout the useful life of a facility developed for any airport development, nor cause or permit any activity or action on the airport which would interfere with its use for airport purposes for a period, not to exceed 20 years from the effective date of the JPA; authorizing the Mayor or his designee to accept the Grant in an amount not to exceed \$82,000; authorizing the Mayor or his designee to execute all documents necessary to effectuate this Ordinance; approving a supplemental appropriation from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues in the amount not to exceed \$82,000 to the Airport – Taxiway A-1 and South Apron Project (Project #12477); providing an effective date; and providing for expiration.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section One. Albert Whitted Municipal Airport ("Airport") is defined by the City of St. Petersburg, Florida, City Charter Section 1.02(c)(5) B. as: All of Block 1, Albert Whitted Airport Second Replat and Additions as recorded in Plat Book 112 Pages 23 and 24, Public Records of Pinellas County, Florida.

Section Two. The Florida Department of Transportation ("FDOT") has offered the City grant in the estimated amount of \$82,000 ("Grant"). The Grant is to be used for the following project on the Airport: construction of Taxiway A-1 and the South Apron. The Grant will provide an eight percent (8%) match toward the total cost of the project.

Section Three. The restrictions contained in the Aviation Program Assurances which are set forth in the grant agreement ("JPA") to be executed by the City, as a requirement for receipt of the Grant for the project described in Section Two of this ordinance, which require that the City will not sell, lease, encumber or otherwise transfer or dispose of any part of the City's right, title or other interests in the real property shown as Airport owned or controlled on the current Airport Layout Plan

without the prior written approval of the Department, throughout the useful life of a facility developed for any Airport development not to exceed 20 years from the effective date of the JPA, nor cause or permit any activity or action on the Airport which would interfere with its use for airport purposes for a period, not to exceed 20 years from the effective date of the JPA, are authorized.

Section Four. The Mayor or his designee is authorized to accept a grant from the FDOT in an amount not to exceed \$82,000.

Section Five. The Mayor or his designee is authorized to execute all documents necessary to effectuate this ordinance.

Section Six. There is hereby approved from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues, the following supplemental appropriations for the Fiscal Year 2012:

Airport Capital Improvement Fund (4033)

Taxiway A-1 and South Apron (Project #12477) \$82,000

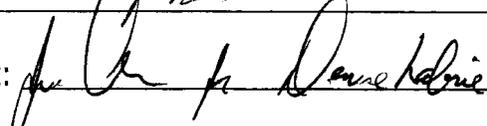
Section Seven. Severability. The provisions of this ordinance shall be deemed to be severable. If any portion of this ordinance is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this ordinance.

Section Eight. Effective date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Section Nine. Expiration. In the event the FDOT fails to award the Grant set forth in Section Two, above, within one year of the effective date of this ordinance, this ordinance shall expire.

Approvals:

Legal:  Administration: 

Budget: 

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

To: The Honorable Leslie Curran, Chair and Members of City Council

Subject: Awarding a contract to Kamminga & Roodvoets, Inc. in the amount of \$896,655.50 for the construction of Albert Whitted Municipal Airport, Taxiway "A1" and South Apron Improvements, and approving a supplemental appropriation in the amount of \$867,830 from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues to the Airport –Taxiway A-1 and South Apron Project (#12477) (Engineering Project No. 09050-113; Oracle Project No. 12477).

Explanation: The contractor will provide all labor, material, services, and equipment necessary to construct a new paved aircraft tie-down apron area for 31 aircraft, and connector taxiway south of Runway 7-25, providing additional aircraft storage space and taxiway holding areas. Work includes grading, storm drainage, asphalt pavement, airfield lighting and signs, and sodding. This project will enhance airfield operations and safety, and is being implemented pursuant to a federal grant approved by City Council on August 16, 2012.

Work includes the following approximate quantities: 14,760 square yards (SY) of 6" Subgrade Stabilization; 1,620 cubic yards (CY) of Recycled Concrete Aggregate Base Course; 1,550 tons of P-403 Asphaltic Concrete Surface Course; 1,420 gallons (Gal.) of Bituminous Prime Coat; 3,645 square feet (SF) of Reflective Pavement Markings; 5,120 SF of Non-Reflective Pavement Markings; 99 each (ea.) Aircraft Tie-Down Anchors; 102 linear feet (LF) of 18" Reinforced Concrete Pipe (RCP); 225 lf of 24" RCP; 358 lf of 36" RCP; 6 ea. Type "D" Inlets; 14,560 SY of Sodding; 1,650 CY of Topsoil Placement; 7,400 LF of No. 8 AWG, 5kV L-824-C Cable; 1,425 LF of Bare Counterpoise Wire; 1,390 lf of Electrical Conduit, 1-Way, 2 inch Schedule 40 PVC; 37 ea. L-861T, Elevated Medium Intensity L.E.D. Taxiway Edge Lights in Earth Shoulder; 5 ea. L-861T, Elevated Medium Intensity Quartz Taxiway Edge Lights in Earth Shoulder; 3 ea. Relocate L-858 Signs, Double Face, Size 1, Style 5, 5-6 Characters with new Concrete Pad.

The contractor will begin work approximately ten (10) days from Notice to Proceed and is scheduled to complete the work within one hundred fifty (150) consecutive calendar days thereafter. Bids were opened on July 10, 2012 and are tabulated as follows:

<u>Bidder</u>	<u>Contract Total</u>
Kamminga and Roodvoets, Inc. (Tampa, FL)	\$ 896,655.50
Ajax Paving Industries of Florida, LLC (Nokomis, FL)	\$ 953,224.00
Gator Grading and Paving, LLC (Palmetto, FL)	\$1,008,206.25

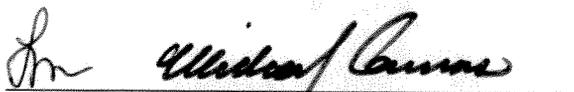
The low bidder, Kamminga and Roodvoets Inc. (Tampa, FI), has satisfactorily performed other similar projects in the past for various airport authorities located in Michigan and Tennessee as well as roadway and drainage improvements project for the City. Principals of the firm are Kurt Poll, President, Marcus B. Tidey, Jr., Vice President and Kraig L. Klynstra, Secretary/Treasurer.

Recommendation: Administration recommends awarding this Contract to Kamminga and Roodvoets, Inc. in the amount of \$896,655.50

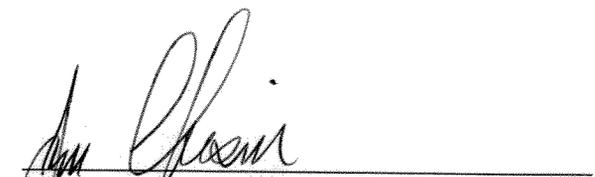
Cost/Funding/Assessment Information: A federal grant of \$867,830 has been accepted from the FAA, which represents 90% of the cost of this project. Additionally, FDOT will provide 8% match at \$77,140 with the City providing the remaining 2% match at \$19,285 and all totaling \$964,255. Funds are available in the Airport Capital Fund (4033) and the General Capital Improvements Fund (3001), Apron Construction Project (12477) after a supplemental appropriation in the amount of \$867,830 from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from these additional revenues to the Airport –Taxiway A-1 and South Apron Project (#12477).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION ACCEPTING THE BID AND APPROVING THE AWARD OF AN AGREEMENT TO KAMMINGA & ROODVOETS, INC. FOR THE CONSTRUCTION OF THE ALBERT WHITTED MUNICIPAL AIRPORT TAXIWAY "A1" AND SOUTH APRON IMPROVEMENTS PROJECT AT A TOTAL COST NOT TO EXCEED \$896,655.50; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$867,830 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING FROM A FAA GRANT IN THE AMOUNT OF \$867,830 TO THE AIRPORT-TAXIWAY A-1 AND SOUTH APRON PROJECT (#12477); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Procurement & Supply Management Department received three bids for construction of the Albert Whitted Municipal Airport, Taxiway "A1" and South Apron Improvements Project pursuant to Bid No. 7315 dated June 7, 2012; and

WHEREAS, Kamminga & Roodvoets, Inc. has met the requirements of Bid No. 7329; and

WHEREAS, the Administration recommends approval of this award.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bid and award of an agreement to Kamminga & Roodvoets, Inc. for construction of the Albert Whitted Municipal Airport, Taxiway "A1" and South Apron Improvements Project at a total cost not to exceed \$896,655.50 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the Airport Capital Improvement Fund (4033) resulting from the FAA Grant to the Airport - Taxiway A-1 and South Apron Project (#12477) the following supplemental appropriation for Fiscal Year 2013:

<u>Airport Capital Improvement Fund (4033)</u>	
Airport Taxiway A-1 and South Apron Project (#12477)	\$867,830

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)



Budget Department

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: Authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 08-03-LPA to the Agreement between the City of St. Petersburg and LPA Group, Inc. in the amount not to exceed \$14,083.00 for construction phase professional engineering services for the Albert Whitted Airport – Taxiway “A1” Extension for a total amount of \$113,984.00 (Engineering Project No. 09050-113; Oracle No. 12477)

EXPLANATION: On January 8, 2008, the City Council approved a Master Agreement with the professional consulting engineering firm of LPA Group, Inc. for engineering services related to the design and construction of Albert Whitted Airport Improvement Projects.

On September 8, 2009, the City administratively authorized Task Order No. 08-03-LPA in the amount of \$99,901.00 to perform design phase services for geometric reconfiguration improvements and reconstruction of Taxiway A1; construction of holding/run-up area and new apron to serve aircraft parking both contiguous with Taxiway A1; plus related pavement markings, aircraft tie-downs, drainage improvements and modifications to airfield lighting and signage systems affected by the proposed improvements. Taxiway A1 is orientated north/south and connects aircraft to Taxiway C to the south and with Runway 7-25 to the north. These design services along with corresponding bidding assistance phase services were satisfactorily fulfilled at the cost of \$99,901.00.

Amendment No. 1 to Task Order No. 08-03-LPA scope of work includes, but is not limited to, construction phase services consisting of attending the pre-construction meeting; review of shop drawing submittals; responding to the contractor’s requests for information and clarifications to the contract documents; conducting interim job site visits; conducting final inspection with the contractor; and preparation and submittal of record drawings and FAA construction management plan.

RECOMMENDATION: Administration recommends authorizing the Mayor or his designee to execute Amendment No. 1 to Task Order No. 08-03-LPA to the Agreement between the City of St. Petersburg and LPA Group, Inc. in the amount not to exceed \$14,083.00, bringing the total not to exceed amount to \$113,984.00.

COST/FUNDING/ASSESSMENT INFORMATION: A federal grant in the amount of \$867,830 has been accepted from the FAA, which represents 90% of the cost of this project. Additionally, FDOT will provide 8% of the match at \$77,140 with the City providing the remaining 2% match at \$19,285 and all totaling \$964,255. Funds are available in the Airport Capital Fund (4033) and the General Capital Improvements Fund (3001), Apron Construction Project (12477).

ATTACHMENTS: Resolution

APPROVALS:

rch

TBG

Michael J. Cournoyer
Administrative

Jim Quinn
Budget

Resolution No. 2012- _____

A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 08-03-LPA TO THE AGREEMENT BETWEEN THE CITY OF ST. PETERSBURG AND LPA GROUP, INC. IN THE AMOUNT NOT TO EXCEED \$14,083.00 FOR CONSTRUCTION PHASE PROFESSIONAL ENGINEERING SERVICES FOR THE ALBERT WHITTED AIRPORT – TAXIWAY “A1” EXTENSION FOR A TOTAL AMOUNT OF \$113,984.00 (ENGINEERING PROJECT NO. 09050-113; ORACLE NO. 12477)

WHEREAS, on January 8, 2008, the City Council approved a Master Agreement with the professional consulting engineering firm of LPA Group, Inc. for engineering services related to the design and construction of Albert Whitted Airport Improvement Projects; and

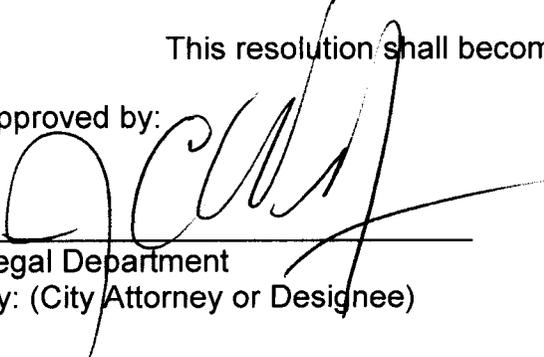
WHEREAS, on September 8, 2009, the City administratively authorized Task Order No. 08-03-LPA in the amount of \$99,901.00 to perform design phase services for geometric reconfiguration improvements and reconstruction of Taxiway A1 at the cost of \$99,901.00; and

WHEREAS, this Amendment No. 1 to Task Order No. 08-03-LPA provides for construction phase services consisting of attending the pre-construction meeting; review of shop drawing submittals; responding to the contractor’s requests for information and clarifications to the contract documents; conducting interim job site visits; conducting final inspection with the contractor; and preparation and submittal of record drawings and FAA construction management plan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor or his designee execute Amendment No. 1 to Task Order No. 08-03-LPA to the Agreement between the City of St. Petersburg and LPA Group, Inc. in the amount not to exceed \$14,083.00 for construction phase professional engineering services for the Albert Whitted Airport – Taxiway “A1” Extension for a total amount of \$113,984.00 (Engineering Project No. 09050-113; Oracle No. 12477)

This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director

Tampa Bay Times

Published Daily

St. Petersburg, Pinellas County, Florida

STATE OF FLORIDA
COUNTY OF Pinellas

} S.S.

Before the undersigned authority personally appeared **A. Robison** who on oath says that he/she is **Legal Clerk** of the **Tampa Bay Times** a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a **Legal Notice** in the matter **RE: ST PETERSBURG PUBLIC HEARING ON NOV. 1, 2012 SIX ORDINANCES** was published in said newspaper in the issues of **Neighborhood Times St Petersburg**, 10/21/2012.

Affiant further says the said **Tampa Bay Times** is a newspaper published at St. Petersburg, in said Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as second class mail matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he /she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

A. Robison

Signature of Affiant

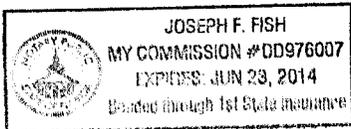
Sworn to and subscribed before me
this 23rd day of **October** A.D.2012

Joseph F. Fish

Signature of Notary Public

Personally known or produced identification

Type of identification produced _____



PUBLIC HEARING NOTICE CITY OF ST. PETERSBURG

PROPOSED ORDINANCE NO. 1040-V

AN ORDINANCE APPROVING A VACATION OF A 20 FOOT WIDE INGRESS/EGRESS & UTILITY EASEMENT KNOWN AS CHARLES COURT SOUTH, RUNNING BETWEEN 2ND STREET SOUTH AND 3RD STREET SOUTH, AS SHOWN ON THE UNIVERSITY CENTER SUBDIVISION, RECORDED IN PLAT BOOK 126, PAGES 11, 12 AND 13; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 1041-V

AN ORDINANCE APPROVING VACATION OF THE STREET CORNER RIGHTS-OF-WAY ON EACH CORNER OF THE BLOCK BOUND BY 3RD AVENUE SOUTH, 4TH STREET SOUTH, 4TH AVENUE SOUTH AND 5TH STREET SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 52-H

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE REGARDING ABANDONED SIGNS; AMENDING REGULATIONS REGARDING NONCONFORMING SIGNS; CREATING A SECTION REGULATING SIGNS OF HISTORIC SIGNIFICANCE; AMENDING CERTAIN REGULATIONS FOR DIGITAL OR ELECTRONIC MESSAGE CENTERS, FLAGS AND LARGE FACILITY SIGNS; AMENDING AN EXEMPTION PROVIDING FOR FREE SPEECH SIGNS BOTH HELD AND WORN BY A PERSON; CREATING A DEFINITION FOR HUMAN SIGNS, CREATING AN EXEMPTION FOR HUMAN SIGNS, AND ESTABLISHING REGULATIONS FOR SUCH SIGNS; DELETING THE PROHIBITION AGAINST THREE-DIMENSIONAL OBJECTS USED AS SIGNS; CREATING NEW REGULATIONS FOR THREE-DIMENSIONAL EXTENSIONS FOR OFF-PREMISES SIGNS AND ON-PREMISES SIGNS; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 53-H

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY CODE RELATING TO THE ESTABLISHMENT AND IMPOSITION OF CERTAIN FEES FOR RECORDING AND RELEASING LIENS; ESTABLISHING AN ONLINE AND PHONE CONVENIENCE PAYMENT FEE; AMENDING THE ALARM APPLICATION FEE; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 54-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG AMENDING SECTION 5-56 AND ADDING SUBSECTION (C) TO SECTION 5-59 OF THE ST. PETERSBURG CITY CODE; INCREASING THE PERCENTAGE FROM PUBLIC WORKS PROJECTS THAT SHALL BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; CAPPING THE TOTAL AMOUNT THAT CAN BE SET ASIDE FOR THE ACQUISITION OF WORKS OF ART; PROVIDING FOR THE DEPOSIT OF PROCEEDS RECEIVED FROM INSURANCE CLAIMS ON PUBLIC ART COLLECTION INTO THE ART IN PUBLIC PLACES FUND; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 55-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(5)B., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN THE JOINT PARTICIPATION AGREEMENT ("JPA") AND THE AVIATION PROGRAM ASSURANCES WHICH ARE ATTACHED TO THE JPA, TO BE EXECUTED BY THE CITY, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") GRANT IN AN AMOUNT NOT TO EXCEED \$82,000 FOR THE TAXIWAY A-1 AND SOUTH APRON PROJECT WHICH, INTER ALIA REQUIRE THAT THE CITY WILL NOT SELL, LEASE, ENCUMBER OR OTHERWISE TRANSFER OR DISPOSE OF ANY PART OF ITS TITLE OR OTHER INTERESTS IN THE REAL PROPERTY SHOWN AS AIRPORT OWNED OR CONTROLLED ON THE CURRENT AIRPORT LAYOUT PLAN WITHOUT PRIOR WRITTEN APPROVAL OF THE FDOT, THROUGHOUT THE USEFUL LIFE OF A FACILITY DEVELOPED FOR ANY AIRPORT DEVELOPMENT, NOR CAUSE OR PERMIT ANY ACTIVITY OR ACTION ON THE AIRPORT WHICH WOULD INTERFERE WITH ITS USE FOR AIRPORT PURPOSES FOR A PERIOD, NOT TO EXCEED 20 YEARS FROM THE EFFECTIVE DATE OF THE JPA; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT THE GRANT IN AN AMOUNT NOT TO EXCEED \$82,000; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; APPROVING A SUPPLEMENTAL APPROPRIATION FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE AIRPORT CAPITAL IMPROVEMENT FUND (4033) RESULTING FROM THESE ADDITIONAL REVENUES IN THE AMOUNT NOT TO EXCEED \$82,000 TO THE AIRPORT - TAXIWAY A-1 AND SOUTH APRON PROJECT (PROJECT #12477); PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR EXPIRATION.

Date: **November 1, 2012** Time: 9:00 a.m.

City Council Chamber
City Hall, 175 5th Street North

Notice is hereby given that all interested parties may appear at the meeting and be heard by City Council, with respect to the proposed ordinance(s) listed above. Copies of the proposed ordinance(s) are available in the City Clerk's Office, City Hall, and may be inspected by the public. Any person who decides to appeal the decision made by the City Council with respect to these matters (this matter) will need a record of the proceedings and that for such purpose the person making the appeal will 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.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office, (727) 893-7448, or call our TDD number, 892-5259, at least 24 hours prior to the meeting and we will provide that accommodation for you.

Eva Andujar, City Clerk

10/21/2012

DSA
838562-01

Attached documents for item Ordinance 52-H amending the St. Petersburg City Code regarding abandoned signs; amending regulations regarding nonconforming signs; creating a Section regulating signs of historic significance; amending certain regulations for digital or electronic messag



TO: The Honorable Leslie Curran, Chair and Members of City Council

FROM: *PL* Philip Lazzara, AICP, Zoning Official

DATE: October 26, 2012

SUBJECT: Modifications to Proposed Sign Ordinance (City File No.: LDR 2011-02). November 1, 2012 Council Meeting Agenda Item D (6).

On November 1, 2012, proposed changes to the sign regulations are scheduled for second reading and second public hearing. Based on comments provided by City Council at the first reading and first public hearing on October 18, 2012, the following changes have been made to the proposed Ordinance:

- Repairs (not only structural alterations) to nonconforming signs have been included as counting against the 25% threshold;
- The proposed minimum dwell time for Electronic Message Centers has been changed from five (5) minutes to one (1) minute;
- The proposed prohibition on distracting movement by human signs has been deleted; and
- The proposed permitted locations for human signs have been modified to a minimum of five (5) feet from the edge of the road or, where a sidewalk exists, a minimum of five (5) feet from the edge of the road or anywhere on the side of the sidewalk away from the road. Also human signs are prohibited from locating in street parking spaces and from blocking access to the sidewalk.

cc: Mayor Foster
Tish Elston
Rick Mussett
Dave Goodwin

DG

AN ORDINANCE AMENDING THE ST. PETERSBURG CITY CODE REGARDING ABANDONED SIGNS; AMENDING REGULATIONS REGARDING NONCONFORMING SIGNS; CREATING A SECTION REGULATING SIGNS OF HISTORIC SIGNIFICANCE; AMENDING CERTAIN REGULATIONS FOR DIGITAL OR ELECTRONIC MESSAGE CENTERS, FLAGS AND LARGE FACILITY SIGNS; AMENDING AN EXEMPTION PROVIDING FOR FREE SPEECH SIGNS BOTH HELD AND WORN BY A PERSON; CREATING A DEFINITION FOR HUMAN SIGNS, CREATING AN EXEMPTION FOR HUMAN SIGNS, AND ESTABLISHING REGULATIONS FOR SUCH SIGNS; DELETING THE PROHIBITION AGAINST THREE-DIMENSIONAL OBJECTS USED AS SIGNS; CREATING NEW REGULATIONS FOR THREE-DIMENSIONAL EXTENSIONS FOR OFF-PREMISES SIGNS AND ON-PREMISES SIGNS; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. The existing language in Section 16.40.120.3.4 of the St. Petersburg City Code is hereby deleted in its entirety and Section 16.40.120.3.4 is hereby amended to read as follows:

Section 16.40.120.3.4. -Abandoned on-premises signs:

A. *Definition.* An on-premises sign becomes “abandoned” at the time any of the following conditions occur:

1. there has been no sign copy appearing on the sign face for a period of ninety (90) consecutive days; or
2. the establishment with which the sign is associated has ceased operation for ninety (90) consecutive days. This definition excludes signs for seasonal uses, which are operated intermittently throughout the year, where business has not ceased operation on a permanent basis. A conforming on-premises sign associated with an establishment that has ceased operation shall not be deemed “abandoned” if the owner takes one of the actions in Paragraph B.
 - a. Evidence that an establishment has ceased operation for ninety (90) consecutive days includes, but is not limited to, the following:
 1. No water and/or electric service to the establishment for a ninety (90) consecutive day period;
 2. Expiration of business tax at least ninety (90) consecutive days prior without renewal;

3. Personal documented observation of City code investigator(s) that establishment has ceased operation for a period of ninety (90) consecutive days; or
4. General community knowledge, as documented through going-out-of-business announcements, newspaper announcements, etc. showing that the establishment has ceased operation for at least ninety (90) consecutive days.

B. When an establishment ceases operation, the owner of an on-premises sign that is associated with the establishment shall within ninety (90) days reuse the sign in conjunction with the ownership or operation of a new establishment on the property or take one of the following actions:

1. Paint over the message on the sign face that advertises the business or other activity of the establishment.
2. Remove the sign face and replace it with a blank sign face.
3. Reverse the sign face and not illuminate the sign face from the interior. The message of the sign face shall not be visible when the sign face is reversed.
4. Utilize the sign face to display the message, "this space available," or words of similar significance, and the name and telephone number of the owner or the owner's agent, while the premises are vacant. A sign that contains such a message and that otherwise complies with the requirements of this sign code shall be deemed an allowable temporary sign for which a permit shall not be required.

C. If a freestanding on-premises sign that is nonconforming as to height, sign area, or placement becomes "abandoned" under Paragraph A and remains abandoned for six (6) consecutive months, such sign shall be removed by the property owner at the owner's expense. If the owner fails to remove the sign upon notice by the City, the City shall have the right to seek available legal and equitable relief to have the sign removed, and the costs of such removal shall be paid by the owner. No permit for any new sign on the site shall be issued until the abandoned sign is removed. This shall not be deemed to require the removal of a lawful off-premises sign.

D. If an existing building or structure is demolished, any existing freestanding on-premises signs that are nonconforming as to height, sign area, or placement shall be considered abandoned and shall be removed at the time of demolition. This shall not be deemed to require the removal of a lawful off-premises sign.

SECTION 2. Section 16.40.120.3.5 of the St. Petersburg City Code is hereby amended to read as follows:

16.40.120.3.5. -Nonconforming signs:

- A. Except as provided in this sign code, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, unless in conformity with this sign code.
- B. Nonconforming signs may be maintained ~~or repaired~~. However, if a nonconforming sign is relocated or replaced, repaired or structurally altered by more than 25 percent of the replacement cost of the existing sign, the sign shall be made to conform to this sign code. The value of all structural alterations to a nonconforming sign shall be calculated cumulatively and shall not exceed 25 percent of the replacement cost of the existing sign or the sign shall be made to conform to this sign code.
- C. A building or site which is improved or redeveloped at a cost in excess of 50 percent of the assessed value of the existing building or site shall require any nonconforming sign which is located on or is part of such building or site to conform to this sign code.
- D. No variances to this subsection may be granted and the POD shall not accept any application therefore..

SECTION 3. The St. Petersburg City Code is hereby amended by adding a new Section 16.40.120.3.6 to read as follows:

Section 16.40.120.3.6. - Signs of Historic Significance:

- A. Purpose. The Signs of Historic Significance regulations are intended:
 1. To provide for the preservation of the City of St. Petersburg's unique character, history, and identity, as reflected in its historic and iconic signs, and
 2. To preserve the sense of place that existed within the central business district and in areas of the City with concentrations of surviving historic signs, and
 3. To protect the community from inappropriate reuse of nonconforming and/or illegal signs while ensuring that the signs are safe and well maintained, and
 4. To prevent the unintentional loss of individual signs with historic or unique characteristics and, where possible, to provide a means for their retention and restoration, and
 5. To allow the owner the flexibility to preserve historic and vintage signs. This classification does not preclude owners from removing these signs. The regulations of this section apply only to signs included in the City's Inventory of Signs of Historic Significance as set forth below.
- B. Criteria for Identification of a Sign of Historic Significance
 1. The Community Preservation Commission (the Commission) shall establish and maintain an Inventory of Signs of Historic Significance.
 2. A proposed Sign of Historic Significance shall comply with the following criteria.
 - a. Technical criteria:

1. The sign shall have been installed at least 40 years prior to the date of application;
2. The sign is an example of technology, craftsmanship or design of the period when it was constructed;
3. The sign uses historic sign materials or means of illumination such as exposed integral incandescent lighting, or exposed neon lighting;
4. The sign may include, but is not limited to, a detached sign, a projecting sign, a roof sign, a painted building sign, or a sign integral to the building's design (fascia sign) or any other type of sign that was permitted on the property;
5. The sign is structurally safe or can be made safe without substantially altering its historical appearance; and
6. The sign retains the majority of its character-defining features (materials, technologies, structure, colors, shapes, symbols, text and/or art) that have historical significance, are integral to the overall sign design, or convey historical or regional context. If character-defining features have been altered or removed, the majority of these features must be able to be restored to their historic function and appearance.

b. Cultural/historical/design criteria:

1. The sign exemplifies the cultural, economic, and historic heritage of the City;
2. The sign exhibits extraordinary aesthetic quality, creativity or innovation; or
3. The sign is unique, was originally associated with a local business or local or regional chain, there is academic research, including but not limited to sign industry journals, articles or books to support its significance, or it is a surviving example of a once common sign type that is no longer common.

C. Process for Including a Sign in the Inventory of Signs of Historic Significance.

1. Application for inclusion in the Inventory of Signs of Historic Significance may be made by the property owner having control over a sign or may be initiated by the City.
2. Within 30 days of submittal of an application, the POD shall determine if the application is complete and if the sign meets the applicable criteria for classification, and shall notify the property owner in writing whether or not the sign is eligible for classification as a Sign of Historic Significance.
3. If the POD determines that the sign is not eligible for classification, the property owner may appeal the decision to the Commission by following the procedures for appeals in the Application and Procedures Section. The Commission shall review the application at a public hearing after providing notice as required in the Application and Procedures Section.

4. If the POD determines that the sign is eligible for classification, the POD shall prepare an inventory report within 45 days of the determination of eligibility, which shall identify how the sign meets the applicable criteria, and schedule a public hearing before the Commission after providing notice as required in the Application and Procedures Section. The report shall include the legal description of the property on which the sign is located.
5. After the public hearing, the Commission shall approve, approve with conditions, or deny the request. The decision by the Commission shall be final unless appealed to the City Council.
6. Notice of the inclusion on the inventory of Signs of Historic Significance shall be mailed to the property owner.
7. Any notice required to be mailed by this section regarding Signs of Historic Significance is only required to be mailed to the property owner and not property owners within 200 feet.

D. Exemptions, replica signs.

1. Classification as a Sign of Historic Significance does not require a Certificate of Appropriateness for changes to the sign or demolition of the sign.
2. Signs classified as a Sign of Historic Significance are exempt from the sign regulations regarding height, area, and location as set forth in the sign code.
3. Signs of Historic Significance that are nonconforming as to size, height, or location are exempt from the regulations governing nonconforming signs and abandoned signs. However, changes to the sign may not increase the nonconformity unless a variance is approved by the Commission.
4. A Sign of Historic Significance may be repaired, restored, and/or adaptively reused if there is sufficient surviving original material or sufficient historical documentation (photographs, postcards, permits, or other records) as determined by the POD on which to base the repair, restoration or adaptive reuse. A permit is required before a sign may be repaired, restored, and/or adaptively reused. The property owner may file an application for a permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, an existing Sign of Historic Significance may then be repaired, restored, or rehabilitated either in place, or off-site, and then re-erected on site as set forth in Section E (subject to receipt of any required building permit). If the POD denies the permit application, the property owner or applicant may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.
5. A Sign of Historic Significance may be repaired or restored to any past appearance prior to 40 years before the date of the application. If the owner of a Sign of Historic Significance provides documentation or physical evidence that the original design included intermittent lighting features (e.g., flashing, blinking, chasing or sequentially lit elements which create the appearance of movement) or moving parts, those sign elements may be repaired and restored and shall be exempt from those prohibitions in the sign code.

6. A Sign of Historic Significance that will be adaptively reused must retain, repair, or restore the majority of the character-defining features (e.g., materials, technologies, structure, colors, shapes, symbols, text, typography and/or artwork) that have historical significance, or are integral to the overall design of the sign, or convey historical or regional context. Changes to character-defining text (size, font, coloration) are not allowed. Any text that is not character defining can be changed. Changes to noncharacter defining text must either match or be compatible with the character defining text, or the text being replaced, in terms of materials, letter size, font, and color.
 7. A Replica Sign is permissible when based on sufficient historical documentation of the sign and its location. The sign to be replicated must have been originally installed at least 40 years prior to the date of application. In order to construct a Replica Sign, the sign being replicated must be a Sign of Historic Significance. A Replica Sign shall meet the same criteria, reviews and processes as a Sign of Historic Significance. A sign can be replicated only once. Replicas of replicas are not permitted. A Replica Sign must use historical materials and technologies, or use contemporary materials and technologies that visually match historical ones. Replica Signs shall only be allowed on the property on which the Sign of Historic Significance was originally erected and shall not be relocated. Variances to height and area shall not be required, however, the replica sign must meet setback requirements unless a variance is granted by the Commission.
 8. A permit is required before a sign may be replicated. The property owner may file an application for a replication permit with the POD. The POD shall review the application for compliance with this section. A Replica Sign shall meet the same criteria, reviews and processes as a Sign of Historic Significance. Upon issuance of the permit, the Sign of Historic Significance may be replicated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.
- E. Guidelines for Relocating a Sign of Historic Significance. If the current location of a Sign of Historic Significance prevents desired development, the sign may be relocated to another site to ensure preservation. Signs removed from their original location may be stored elsewhere before relocation.
1. A Sign of Historic Significance may be relocated as follows:
 - a. To another location on the same property,
 - b. To another location that houses the same or similar business,
 - c. To areas of similar character as the present location, or
 - d. To the original location
 2. A Sign of Historic Significance shall not be relocated to NT or NS zoned property.
 3. All relocations are subject to the following:

- a. The sign shall meet the required sign setbacks of the zoning district in which it is relocated or the required setback for the principal structure, whichever is less.
 - b. Projecting signs that project into the public right-of-way shall have the required incidental architectural details contained in Chapter 25 and shall follow the sign permitting process.
4. If relocated to another property, the Sign of Historic Significance shall contain text on the sign face or display a plaque that indicates that the sign has been relocated, the date of relocation, and the original location.
 5. A permit is required before a sign may be relocated. The property owner may file an application for a relocation permit with the POD. The POD shall review the application for compliance with this section. Upon issuance of the permit, the Sign of Historic Significance may be relocated. If the POD denies the permit application, the property owner may appeal the decision to the Commission. The decision by the Commission shall be final unless appealed to the City Council.

F. Sign Calculations for a Sign of Historic Significance. A Sign of Historic Significance (whether relocated or not) and a replica sign shall not count against the total allowable sign area allowed for the property and shall not count against the number of signs allowed for the property.

G. Demolition of a Sign of Historic Significance. Classification as a Sign of Historic Significance does not prevent the owner from demolishing the sign. Demolition is subject to a 30 day waiting period, which begins upon the date of the application for a demolition permit, to facilitate relocation of the sign. The sign owner shall allow reasonable access to the sign to facilitate documentation of the sign. The sign owner shall allow reasonable access to the sign for removal of all or part of a Sign of Historic Significance from the property by a third party for reuse at a different location. If all or part of a Sign is relocated to another property in the City, the guidelines for relocating a Sign of Historic Significance contained in this Section shall apply.

SECTION 4. Subsection B (“Electronic message centers”) of Section 16.40.120.15 of the St. Petersburg City Code is hereby amended to read as follows:

Section 16.40.120.15. – Supplementary sign regulations.

B. Digital or Electronic message centers. Digital or Electronic message center signs shall comply with the following regulations:

1. Location. Digital or Electronic message center signs are permitted in all zoning districts except for neighborhood and corridor residential districts.

a. Digital or electronic message center signs are prohibited within the boundary of a locally designated historic structure or site. Performing arts venues are exempt from this prohibition with approval of a certificate of appropriateness.

- b. Digital or electronic message center signs may not directly face a residential one- or two-unit property located within a Neighborhood zoning district.
 - c. Digital or electronic message center signs are prohibited from being inserted into, or added to, nonconforming signs. No variance to this prohibition may be granted and the POD shall not accept any variance application to this requirement therefore.
2. **Design.** An electronic message center sign shall be permitted only as an integral component of a freestanding sign or, to the extent permitted by these regulations, as an integral component of a building sign. An electronic message center sign shall be compatible with the design of the primary sign structure, including width, depth and color of the cabinet.
3. **Size.** An electronic message center sign shall comprise no more less than 50 percent of the overall sign area of the sign structure and shall not, in any case, exceed 32 square feet in area. An electronic message center sign shall be compatible with the design of the sign structure, including width, depth, and color of the cabinet.
4. **Dwell Time.** ~~A message shall not change more frequently than once per six (6) seconds. The display of text only is permitted. The display of non-text graphics are prohibited. Flashing, chasing and scintillating lighting or operations are prohibited. The dwell time, defined as the interval of change between each individual message, shall be at least one (1) minute. Any change of message shall be completed instantaneously. There shall be no special effects between messages.~~
5. **Images and Messaging.**
- a. **Consecutive Images and Messages.** Consecutive images and messages on a single electronic changeable message sign face are prohibited when the second message answers a textual question posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot.
 - b. **Static Images and Messages.** The image or message shall be static. There shall be no animation, flashing, scintillating lighting, movement, or the varying of light intensity during the message. Messages or images shall not scroll and shall not give any appearance or optical illusion of movement.
6. **Brightness.**
- a. Each sign shall have a light sensing device to adjust brightness or illuminance as ambient light conditions change in order to ensure that the message meets the

following brightness standards. The maximum brightness shall be 0.2 foot candles and shall be measured using the following formula:

i. Measurement Distance = $\sqrt{\text{Area of EMC Sign Face (sq. ft.)} \times 100}$

b. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. Any violation of this section will result in the City requiring the sign owner to turn the sign off or show a “full black” image until the sign can be brought into compliance.

7. **Default Mechanism.** The sign shall have a default mechanism or setting that will cause the sign to turn off or show a “full black” image if a visible malfunction or failure occurs.

8. **Safety Hazard.** The sign shall not be configured to resemble a warning or danger signal. The sign shall not resemble or simulate any lights or official signage used to control traffic.

9. **Sign at a Place of Public Assembly.** Electronic message center signs at an arena, theater, or other place of public assembly on a site consisting of ~~fifteen (15)~~ five (5) acres or more with 1,900 or more fixed seats:

a. May be attached to a wall or to a free standing sign, or both.

b. At such locations, an electronic message center sign is not subject to the size limitations set forth in this subsection and may display non-text graphics. The allowable area for identification signs located at an arena, theater or other public place of assembly on a site consisting of fifteen (15) acres or more with 1,900 or more fixed seats shall not exceed 250 square feet per side. At such locations, an electronic message center sign is not subject to the size limitations of subsection B(3) of this Section.

c. An electronic message center sign is deemed to be an on-premise sign but may also provide community, governmental and public information announcements.

d. No variances to this subsection may be granted and the POD shall not accept any application therefore.

10. **Sign at Large Facility.** Electronic message center signs within large facility signs shall not exceed 50 percent of the overall sign area. At such locations, an electronic message center sign is not subject to the size limitations of subsection B3 of this Section, and may display non-text graphics.

11. *Fines Increased.* Any person who violates any provision of this section shall be subject to the following fines:

- a. \$300 for the first violation
- b. \$500 for all subsequent violations

SECTION 5. Subsection C (“Flags”) of Section 16.40.120.15 of the St. Petersburg City Code is hereby amended to read as follows:

Section 16.40.120.15. – Supplementary sign regulations.

C. *Flags.*

1. ~~Up to three flags may be displayed on any site, regardless of the number of flagpoles installed on the site.~~ A maximum of three flags per property shall be permitted on properties with lot frontages of 100 feet or less. One additional flag shall be permitted for each 100 feet or less of lot frontage thereafter. For example, a maximum of four flags shall be permitted for properties with lot frontages greater than 100 feet up to 200 feet, and a maximum of five flags shall be permitted for properties with lot frontages greater than 200 feet up to 300 feet.
2. ~~Up to three flagpoles shall be allowed~~ permitted on any site-property with lot frontages of 100 feet or less. One additional flagpole shall be permitted for each additional flag that is permitted on the property under paragraph 1 of this subsection. For example, a property with lot frontages greater than 100 feet up to 200 feet would be permitted to have a maximum of four flags and a maximum of four flagpoles.
3. The maximum vertical dimension of any flag displayed from a flagpole shall be 20 percent of the height of the flagpole upon which the flag is displayed, or in the absence of a flagpole, 20 percent of the distance from the top of the flag to the ground.
4. Flags which read "model," "open," "open house," or any other phrase which identifies property for sale, may be displayed in the following locations and numbers. The maximum height of such flags shall be eight feet and the maximum size shall be 15 square feet. No more than two such flags shall be allowed at the entrance to any development and not more than two such flags shall be allowed at the site of the model or property for sale.

SECTION 6. Subsection D.3. (“Large Facility Signs”) of Section 16.40.120.15 of the St. Petersburg City Code is hereby amended to read as follows:

3. The following types of display components shall be permitted as part of a large facility sign and may be combined within any one sign face:

- a. The dwell time, defined as the interval of change between each individual message, for Electronic message center signs shall meet the requirements of subsection B of this section. be at least ten (10) seconds. Flashing, chasing and scintillating lighting or operations are prohibited.
- b. Tri-vision signs shall not exceed 35 percent of the overall sign area.
- c. Internally illuminated or non-illuminated cabinets and letters.

SECTION 7. The exemption in Section 16.40.120.3.2 of the St. Petersburg City Code for “Signs held by the hand of a person” is hereby amended to read as follows:

Free-speech Signs held ~~by the hand of~~ or worn by a person and not attached to any pole or other object affixed to the ground.

SECTION 8. Section 16.40.120.3.2 of the St. Petersburg City Code is amended to add a new exemption for “Human signs” to read as follows:

Human signs. A business shall be allowed to use one (1) human sign to advertise the products, programs, or services offered by the business provided that the human sign meets the following criteria:

- (1) Human signs may only be displayed during the hours of operation of the business location that the human sign is advertising.
- (2) Human signs shall operate only:
 - a) on the private property of the business being advertised, or
 - b) on the right-of-way adjacent to the private property of the business being advertised, provided that:
 - 1) if no sidewalk exists, the human sign shall be displayed a minimum of five (5) feet from that portion of the street used for vehicular traffic lanes, or
 - 2) if a sidewalk exists, the human sign shall be displayed either a minimum of five (5) feet from that portion of the street used for vehicular traffic lanes or anywhere on that portion of the sidewalk furthest away from the vehicular traffic lanes. Human signs shall not be displayed in parking spaces located on the street and shall not interfere with or prevent access to the sidewalk or right-of-way.
- (3) Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign. Human signs shall only be persons who stand or walk on the ground.

SECTION 9. Section 16.40.120.19 of the St. Petersburg City Code is hereby amended by adding a new definition of “human sign” to read as follows:

Human sign means a sign held or worn by a human being for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

SECTION 10. The prohibition against three-dimensional signs in Section 16.40.120.3.3 of the St. Petersburg City Code is hereby deleted in its entirety as follows:

~~Three-dimensional objects that are used as signs. The term includes objects that are not necessary for use or function of the site, objects that are exaggerated in size, color, and depiction so as to attract attention, or objects that are directly related to the finished product or service sold within an establishment.~~

SECTION 11. Section 16.40.120.15.F of the St. Petersburg City Code is amended by adding a new subsection 10 to read as follows:

F.10 *Three-dimensional extensions.* Off-premises signs may include one or more three-dimensional extensions. Each extension is permitted to project to a maximum depth of five (5) feet beyond the surface of the sign face but not into any right-of-way. Three-dimensional extension(s) on any sign shall not exceed a total maximum area that exceeds thirty (30) percent of the total sign face area. Each three-dimensional extension shall comply with the requirements of the Florida Building Code and shall be required to obtain a building permit when necessary.

SECTION 12. Section 16.40.120.16 of the St. Petersburg City Code is hereby amended by adding a new subsection 8 to read as follows:

8. *Three-dimensional signs.* An on-premises sign may be in the shape of a three-dimensional object or may include one or more three-dimensional extensions.
 - a. Three-dimensional signs shall conform in all respects to the required height, area, location and numerical requirements of this Section.
 - b. The area of a three-dimensional sign shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semi-circle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The “projected image” is that image created by tracing the largest possible two-dimensional outline of the sign.
 - c. The three-dimensional sign shall be located so that no sign or portion thereof is within a public pedestrian easement or extends beyond the property line of the premises on which such sign is located into the right-of-way unless the sign is attached to the face of the building and located at least eight feet above grade.

SECTION 13. Words that are ~~struck through~~ shall be deleted from the existing City Code and language which is underlined shall be added to the existing City Code. Provisions not specifically amended shall continue in full force and effect.

SECTION 14. The provisions of this ordinance shall be deemed to be severable. If any portion of this ordinance is deemed unconstitutional it shall not affect the constitutionality of any other portion of this ordinance.

SECTION 15. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)

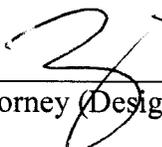
2012-507

A RESOLUTION OF THE CITY COUNCIL OF
ST. PETERSBURG, FLORIDA REQUESTING
STAFF REVIEW ORDINANCE 52-H AND
PROVIDE A REPORT IN JANUARY 2014, TO
THE PUBLIC SERVICES &
INFRASTRUCTURE COMMITTEE; AND
PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that
the City Council requests that staff review Ordinance 52-H and provide a report in January 2014,
to the Public Services & Infrastructure Committee.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

D.G.



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D6
①

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: David M Kazif
 ADDRESS: 431 Southwest BLVD N.
 REPRESENTING: Self
 AGENDA ITEM NO.: D ① - Ordinance 527
 FOR: _____ AGAINST: X 527

NOV 01 2012

3 MINUTE TIME LIMIT

573



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D6
②

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Colin Gustafson
 ADDRESS: 301 3rd St S.
 REPRESENTING: Retail business
 AGENDA ITEM NO.: D-6
 FOR: _____ AGAINST: _____

NOV 01 2012

3 MINUTE TIME LIMIT

573



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D6
③

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Judy Landers
 ADDRESS: 4231 - 18th ST N
 REPRESENTING: _____
 AGENDA ITEM NO.: D6
 FOR: ✓ AGAINST: _____

NOV 01 2012

3 MINUTE TIME LIMIT

573



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D6
4

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: David Harris
 ADDRESS: 1019 15th Ave N.
 REPRESENTING: Chamber (NOT SPEAKING)
 AGENDA ITEM NO.: D-6

FOR: _____ AGAINST: X
 NOV 01 2012

3 MINUTE TIME LIMIT

573



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D6
5

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Eric Atwater
 ADDRESS: 881 22 AV
 REPRESENTING: COOKMAN Atwater
 AGENDA ITEM NO.: 52-H

FOR: SIGN AGAINST: _____

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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D6
8
6

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: MIKE Galley
 ADDRESS: 542 Lewis BLVD SE
 REPRESENTING: CONA - self
 AGENDA ITEM NO.: D-6

FOR: X AGAINST: _____

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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D6
7

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Chris Stenocher
 ADDRESS: 741 18th Ave N
 REPRESENTING: St. Pete Chamber
 AGENDA ITEM NO. : 12 sign code
 FOR: _____ AGAINST: X

NOV 01 2012

3 MINUTE TIME LIMIT

573



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D6
8

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Momma Tee Lassiter
 ADDRESS: 963 27th Ave. So.
 REPRESENTING: _____
 AGENDA ITEM NO. : D6
 FOR: ✓ AGAINST: ✓

NOV 01 2012

3 MINUTE TIME LIMIT

573



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D6
9

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Kevin Domet
 ADDRESS: 7036 ...
 REPRESENTING: ...
 AGENDA ITEM NO. : _____
 FOR: _____ AGAINST: _____

NOV 01 2012

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

AG
10

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Skinnie Foster
 ADDRESS: 311 57th Ave So.
 REPRESENTING: Sojourner Truth Ctr
 AGENDA ITEM NO.: 52-4
 FOR: _____ AGAINST: _____

NOV 01 2012

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

AG
11

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: MARK Scribano
 ADDRESS: 1401 4th ST North.
 REPRESENTING: North east Animal Hospital
 AGENDA ITEM NO.: EMC electronic Mes.
 FOR: _____ AGAINST: center

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

D6-12
NOV 01 2012

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Ami- Leslie GARI
 ADDRESS: 110 27th Ave NE
 REPRESENTING: myself
 AGENDA ITEM NO.: _____
 FOR: _____ AGAINST: Munns 5:26

NOV 01 2012

3 MINUTE TIME LIMIT

Attached documents for item Mahaffey Theater Update (Oral)

13

The Mahaffey Theater
Year End Report to City Council
Fiscal Year 2011/12



Mahaffey Theater FY '11/'12 Highlights

- Marquee headliners in Year 1 under Big3 Entertainment management included: Diana Ross, Don Henley, Marc Anthony, Stevie Nicks, Yo Gabba Gabba, Cedric the Entertainer, Ron White, Vince Gill, Chris Tucker, Chris Isaak, Penn and Teller, Cee Lo Green, Shrek The Musical, and many more
- 270 Event Days were held at the Mahaffey in the current fiscal year vs. 220 Event Days in FY '10/'11, an increase of 23 %
- 190,000 event guests this year versus 142,000 in FY '10/'11
- 50,000 more attendees, an increase of 34%

Mahaffey Theater FY '11/'12 Highlights

- Big 3 Entertainment continues to develop new and non-traditional usage of the Mahaffey Theater public areas to maximize visitor volume
- Non traditional events have included: 97X Craft Beer Experience, CBS Radio's Wine Down Downtown, and Titanic the Artifact Exhibition, which has already achieved in excess of 10,000 admissions and advance reservations. More non-traditional events are being planned for 2012/13
- Big 3 has developed and cultivated relationships with downtown museums, restaurants, corporate partners, and the local media to bolster the downtown experience and further enhance the Mahaffey's position as a leader in Arts & Entertainment

2011/12 Anticipated Financial Results

Fiscal Year	Net Operating Results	Operator
2008/09	(\$943,143)	SMG: Year 3
2009/10	(\$933,684)	SMG: Year 4
2010/11	(\$1,101,000)	SMG: Year 5
* 2011/12	(\$603,000)	Big3: Year 1

Official closing of books for the year pending

Big3 Year 1 results represent a **39% Savings** over prior 3 year average, and a **45% Savings** over 2010/11 under prior management company! Just under a half million dollars saved. That's something every tax payer can appreciate, isn't it.....

2011/12 Financial Results

- In addition to significant net operating deficit reduction in Year 1, attendance increased by **50,000** compared to prior year!
- Since taking over management in September 2011, Bill Edwards has personally invested **\$4M**, between venue improvements, marketing and advertising, and show promotions, at **no cost** to the city or tax payers!

Mahaffey Theater FY '11/'12 Highlights

Continued

- Upheld the Commitment to Diversity in Programming which included:
 - Family Shows
 - Performing Arts & Dance
 - Rock, Pop, and Comedy Shows
 - Educational Programming
 - Exhibitions, Trade Shows, and Signature Event Partnerships

Mahaffey Theater FY '11/'12 Highlights

Continued

- Class Acts – Celebrating 20 years of providing Tri -County students culturally diverse educational and cultural experiences, a City of St. Petersburg sponsored program
- Approximately 20,000 students in FY '11/'12 had the opportunity to experience the arts in an educational and professional environment

Titanic the Artifact Exhibition

100th Year Anniversary

- Grand Opening October 6th
- 5 Month Exclusive Engagement @ the Mahaffey
- Never Before Seen Artifacts in the Tampa Bay Area including 3D Video from the most recent 2010 dive
- Creating business-to-business opportunities and aspiring to drive 75,000+ people to Downtown St. Petersburg

Upcoming Shows

Tap Dogs..The Hottest Show On Legs

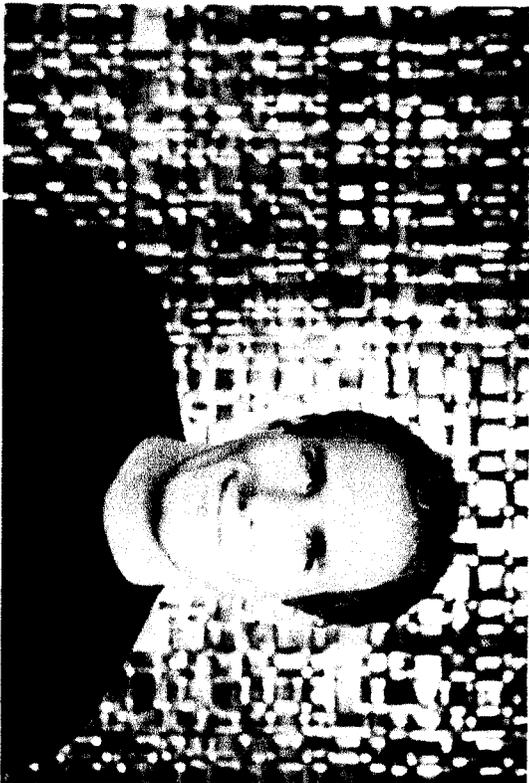


Weezer



the mahaffey

Upcoming Shows



Michael Bolton



Cirque Chinois

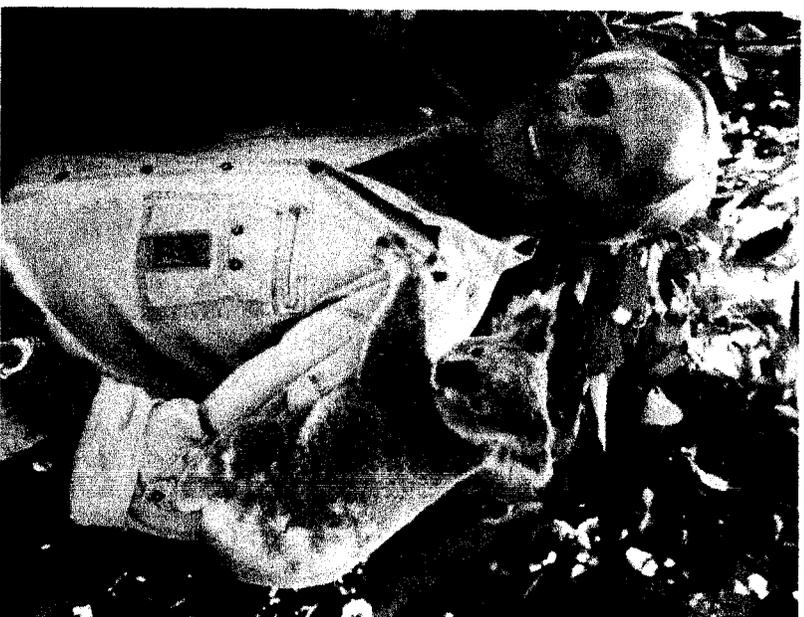
The National Circus Of China


the
mahafey

Upcoming Shows



Wynonna's Rockin' Christmas



Jack Hanna's Into The Wild Live

WZ
the
mahaffey

Upcoming Shows



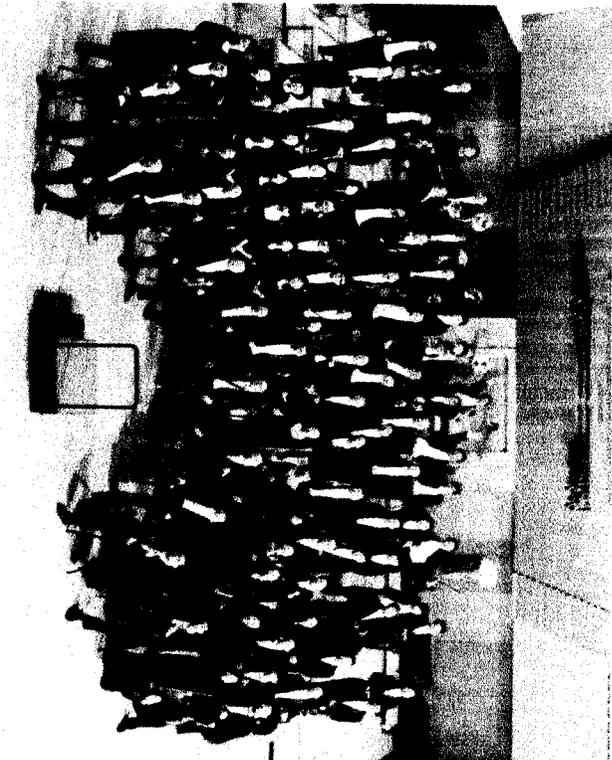
Mavis Staples



Natalie Cole


the
mahafey

Upcoming Shows



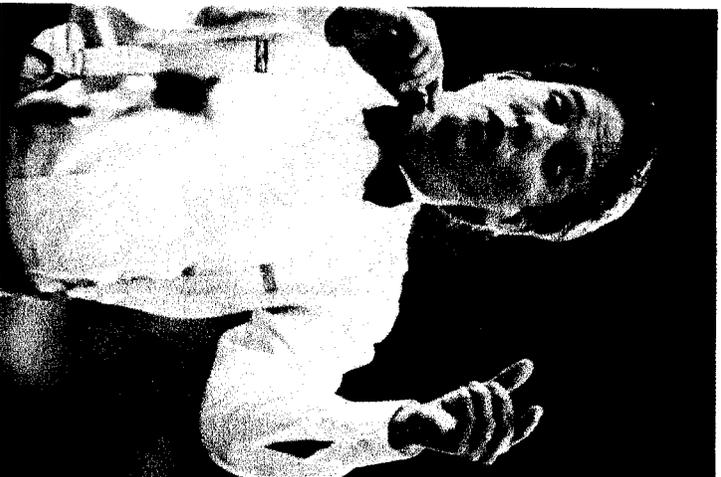
China National Symphony



The Preservation Hall Jazz Band
and Del McCoury


the
mahafey

Upcoming Shows



The Boston Pops



Smokey Robinson

And Many More on sale soon!


the
mahnafey

We are pleased and honored to report such great advancements for the Mahaffey Theater, and look forward to a strong and promising new year ahead!
Thank You for the opportunity to serve the City of St. Petersburg, It's been a pleasure.



Attached documents for item Transportation Impact Fee (TIF) External Auditors Report. (Laura Brock) (Oral)

**St. Petersburg City Council
Meeting of November 2, 2012**

TO: The Honorable Leslie Curran, Chair and members of City Council

SUBJECT: Transportation Impact Fee (TIF) External Auditors Report

Attached is a copy of the TIF External Auditors Report for your information.

CITY OF ST. PETERSBURG, FLORIDA
AGREED-UPON PROCEDURES REPORT

August 29, 2012

CITY OF ST. PETERSBURG, FLORIDA
AGREED-UPON PROCEDURES REPORT

August 29, 2012

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Appendix D – Audit Services Administrative Policy	9



Mayer Hoffman McCann P.C.

An Independent CPA Firm

KRMT Tampa Bay Division

13577 Feather Sound Drive, Suite 400

Clearwater, FL 33762

Phone: 727.572.1400 • 813.879.1400

Fax: 727.571.1933

www.mhm-pc.com

Independent Accountants' Report on Applying Agreed-Upon Procedures

City of St. Petersburg
St. Petersburg, Florida:

We have performed the procedures enumerated in Appendix A (attached), which were agreed to by the City Council of the City of St. Petersburg, Florida (City), related to the Transportation Impact Fees (TIF) for the period from January 1, 2004 to December 31, 2011. The City's management is responsible for the TIF calculations and maintaining records in support of the compliance requirements. This agreed-upon-procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described in Appendix A for the purpose for which this report has been requested or for any other purpose.

We were not engaged to, and did not perform an examination, the objective of which would be the expression of an opinion on management's assertion. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City Council of the City of St. Petersburg and management, and is not intended to be and should not be used by anyone other than these specified parties.

Mayer Hoffman McCann P.C.

August 29, 2012
Clearwater, Florida

CITY OF ST. PETERSBURG, FLORIDA
AGREED-UPON PROCEDURES REPORT

Appendix A

The procedures we performed are summarized as follows:

- **Procedure:** Obtain the population of projects subject to Transportation Impact Fees for the period January 1, 2004 to December 31, 2011.

Finding: We utilized data extraction software to extract the necessary data. We obtained the BP200AP file from the City of St. Petersburg that contained all the permit applications from May 2, 1988 to June 7, 2012. From there, we imported the file into the data extraction software and filtered certain character fields. This resulted in a population of 443,269 permit applications. We extracted all permit applications that occurred between January 1, 2004 and December 31, 2011 which resulted in a smaller population of 119,776 permit applications. We identified all permit types where a Transportation Impact Fee (TIF) could be applicable based on the application code, further reducing our population to 9,946 permit applications. We identified permit types where a TIF could be applicable as follows:

- a. ACOM-NONRESID AND NONHOUSEKEEPING ADDNS & ALTER
 - b. MFR5-MULTI FAMILY RESIDENCE, 5 UNITS & OVER – NEW
 - c. NCHU-CHURCHES & OTHER RELIGIOUS – NEW
 - d. NIND-INDUSTRIAL – NEW
 - e. NNON-OTHER NON RESIDENTIAL BUILDINGS – NEW
 - f. NOFF-OFFICES, BANKS & PROFESSIONAL – NEW
 - g. NONH
 - h. NOTH-STRUCTURES OTHER THAN BUILDINGS – NEW
 - i. NSCH-SCHOOLS & OTHER EDUCATIONAL – NEW
 - j. NSFA-SINGLE FAMILY RESIDENCE ATTACHED, NEW
 - k. NSFR-SINGLE FAMILY RESIDENCE, NEW
 - l. NSTO-STORES & CUSTOMER SERVICES – NEW
- **Procedure:** Select a sample of one hundred (100) projects and recalculate the TIF charges and credits for each sample item.

Finding: We used a combination of risk based and random sample methodology for our sample selection. The risk based approach used high dollar values where we selected the top 20 permits by project estimated value as so noted in the BPEVAL field in the BP200AP report. The remaining sample of 80 items was selected using a random sample methodology by selecting 10 permit applications for each of the 8 years from January 1, 2004 to December 31, 2011.

We recalculated the TIF charges and credits in accordance with applicable Ordinances for the sample of 100 items. This resulted in total recalculated TIF charges of \$2,967,560, credits available of \$1,758,214 and TIF amounts assessed and collected of \$1,698,072. We noted 1 (one) item in the sample of 100 where the TIF was calculated incorrectly. The item was for the new construction of a single family residence in 2005 and the TIF was undercharged by \$515. This item falls outside the statute of limitations for collectability. We also noted 1 (one) item in the

sample where a Certificate of Occupancy has not yet been issued and where the TIF was correctly calculated at \$419.

In addition, we noted 3 (three) of the 100 items selected where the hard copy permit applications were not located. These permit applications ranged from 2005 – 2006 and were to; (1) replace a storage shed, (2) provide space renovation to an existing office and (3) to construct a storage shed. We were able to review the permit application information in the City's NaviLine system. See Appendix B.

- **Procedure:** Provide an overview as to the timeline, methodology and expectations established in regard to the City Internal Investigations dated January 14, 2009 and June 4, 2009 (based upon available information).
- **Finding:** We read the January 14, 2009 and June 4, 2009 reports and available information prepared by the Audit Services Department/Internal Audit Department.

The January 14, 2009 report included a timeline beginning August, 2008 based on a request from the City Administration to perform a review of the overall procedures in place for processing, calculating and approving the TIF calculations for commercial projects permitted through the City of St. Petersburg. In addition, the Audit Services Department was asked to review a sample of Don Tyre's (Plans Review Coordinator, Construction Services and Permitting) projects to determine whether appropriate TIF rates were utilized, based on the general fee schedule and land use type. Fieldwork began on August 28, 2008 where an original sample of 20 permits was selected that had been approved by Don Tyre. This sample was provided to the Construction Services and Permitting Department. The methodology documented in the file was that the original 20 sample items would be selected to get an idea of the procedures performed and where, if any, additional testing should be directed. In October, 2008 an additional sample of 15 items was selected from all permit applications from 2004 – 2008. The second round of sampling methodology was that this sample would include permit applications reviewed by all the plan examiners to determine if the errors were occurring on other permit applications. In November, 2008 an additional 15 items were selected for new construction permits with large dollar amounts which had been reviewed by Mr. Tyre. The methodology for this last round of sampling was to focus on permits that were approved by Mr. Tyre and to identify any additional errors. This resulted in an overall sample of 50 items in the January 14, 2009 report for the period from 2003 – 2008. The project included 245 hours and the report identified findings and recommendations for improvements to the TIF Administrative Policy.

The June 4, 2009 report included a timeline beginning November, 2008. The Audit Services Department performed a scheduled Performance Audit of the Construction Services and Permitting Division to determine if the overall operations were conducted in both an effective and efficient manner. The period under audit was October 1, 2006 through September 30, 2008. The Audit Services Department used the sample size formula for a Desired Confidence Level of 95%, Desired Precision of 5% and an Occurrence Rate of 5% to select a sample of 100 permit applications (70 commercial permitting and 30 residential permitting). The scope and methodology for this project included a review of the internal controls surrounding the permit process and the collection of cash receipts within the Construction Services and Permitting Division managed by the City Development Administration to determine whether there were adequate procedures in place to ensure that permits were being processed in the most efficient, effective and accurate manner. Other objectives included verifying that permit related fees (including TIF) were accurate and collected properly, permit applications were properly authorized, inspections were complete and that adequate supporting documentation was on file.

The project included 400 hours. The report identified 15 findings related to errors in calculation and/or collection of TIF fees, or internal controls findings and recommendations.

- **Procedure:** Provide guidelines as to the flow of information that both the Council and the Budget, Finance and Taxation Committee could establish as best practices in order to provide oversight to the City.
- **Finding:** In reviewing the best practices for the flow of information for oversight purposes, we looked to the different auditing and accounting governing bodies for information. The Government Finance Officers Association (GFOA) made recommendations regarding the audit committee function as noted in the “*Audit Committee Responsibilities*” article in The CPA Journal. The City’s Budget Finance and Taxation Committee serves as the Audit Committee. Best practices include the following:
 - The Audit Committee should oversee the financial reporting process by reviewing the CAFR, including the MD&A, with management and the external auditors.
 - The Audit Committee should monitor the choice of accounting policies and principles. The audit committee should receive a report from the external auditor about the principles used and the effects of alternative choices on the financial statements. The audit committee should review with management and the external auditor the effects of estimates or judgment on financial reporting.
 - The Audit Committee should monitor internal control processes. The audit committee’s role is to ensure that management has developed and followed an adequate system of internal control.
 - Monitor compliance with legal and regulatory requirements.
 - Monitor and assess risk. Audit Committees should understand the risks that face the City and ensure that management is taking steps to manage these risks.
 - Cities should adopt a code of ethics.
 - Disclose related party transactions.
 - The Audit Committee should ensure open communication among management, internal auditors, external auditors, and the Audit Committee. The Audit Committee should meet separately with management, internal auditors, and external auditors.
 - The Audit Committee should oversee the hiring and performance of the external auditors. The Audit Committee should be responsible for selecting and replacing the external auditors and pre-approving audit and non-audit fees and services, as well as overseeing the external auditor’s performance.
 - The external auditor should be accountable to the Audit Committee.
 - The Audit Committee should ensure external auditor independence.
 - The Audit Committee should ensure external auditor qualifications. The Audit Committee should receive a report from the external auditor describing the external auditor’s quality-control procedures, any material issues raised by the external auditor’s most recent internal quality-control review or peer review, and any investigation by governmental or professional authorities within the preceding five years.
 - The Audit Committee should discuss disagreements between management and the external auditors and also resolve those disagreements.
 - All Audit Committee members should be independent and one member should have accounting or financial management expertise.

The City's organizational structure (Appendix C) has the City Auditor reporting to the Mayor who then reports to the Citizens and provides information to City Council. The City updated Administrative Policy #040700 "Audit Services" effective 9/7/2011 states the mission of the Audit Services Department is:

"to provide an independent, objective assurance and consulting services function within the City, designed to add value and improve the organization's operations"
(Appendix D).

We also reviewed guidelines of *Government Auditing Standards*, by the US Government Accountability Office, Comptroller General of the United States (the Yellow Book), and the International Standards for Professional Practice of Internal Auditing, by the Institute of Internal Auditors (IIA) for best practices for the internal audit function.

Chapter 3.31 of the Yellow Book states that internal auditors, who work under the direction of the City's management, are considered independent if the head of the internal audit organization meets all of the following criteria:

- a. Is accountable to the head or deputy head of the government entity or to those charged with governance;
- b. Reports the audit results both to the head or deputy head of the government entity and to those charged with governance;
- c. Is located organizationally outside the staff or line-management function of the unit under audit;
- d. Has access to those charged with governance; and;
- e. Is sufficiently removed from political pressures to conduct audits and report findings, opinions, and conclusions objectively without fear of political reprisal.

The IIA states that it is important that the chief audit executive (the City Auditor) must communicate the internal audit activity, including significant interim changes, to senior management for review and approval. The City Auditor must also communicate the impact of resource limitations. They also state that the City Auditor must report periodically to senior management and the board on the internal audit activity's purpose, authority, responsibility, and performance relative to its plan. Reporting must also include significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by senior management.

IIA also states that to ensure transparency and thwart collusion and conflicts of interests, best practice indicates that the City Auditor should report to executive management for assistance in establishing direction, support, and administrative interface; and provide reports of the results of the internal audit activities to both the executive management and to the organization's most senior oversight group -- typically, the audit committee.

Appendix B
Sample Items Selected

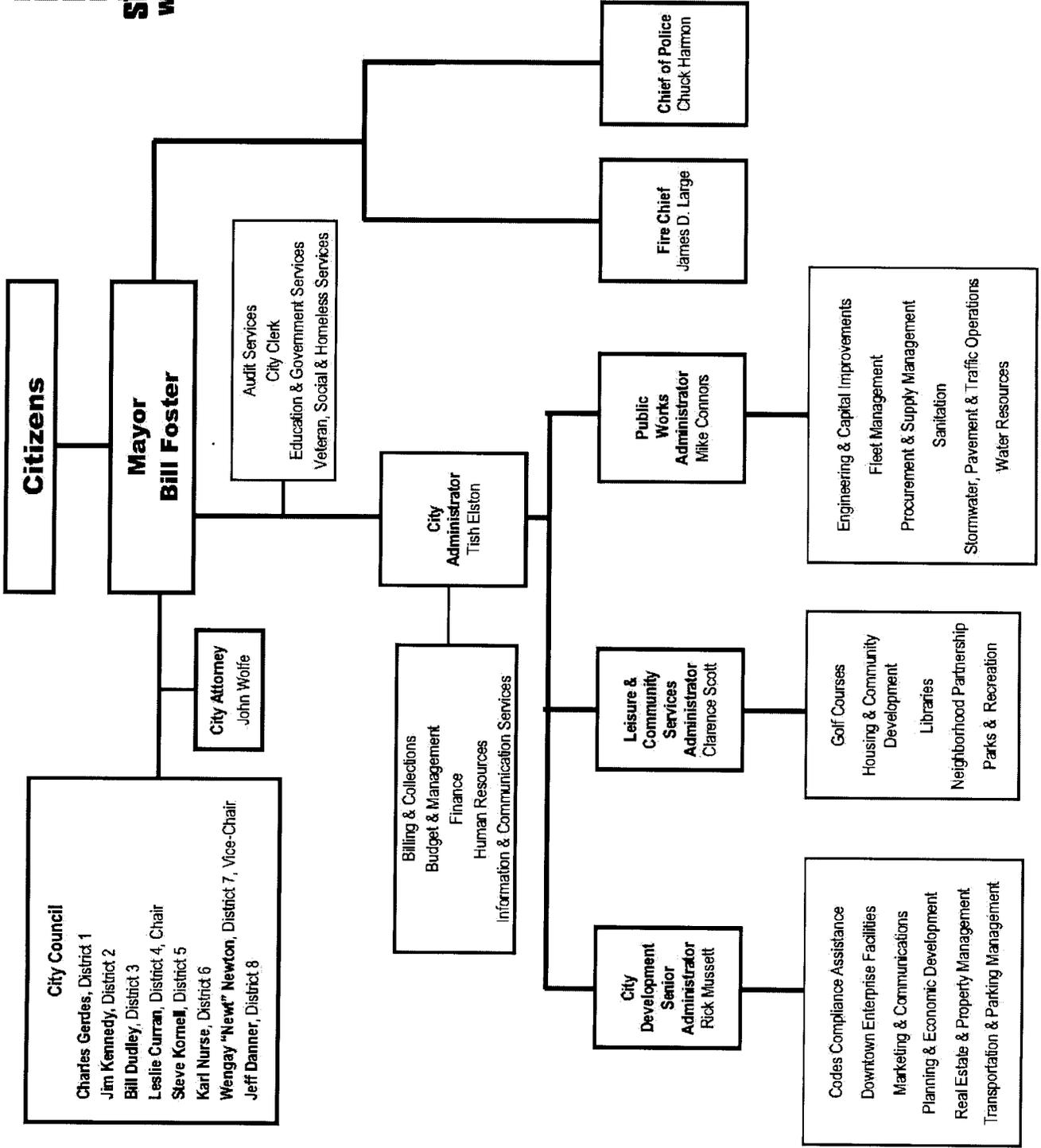
CITY OF ST. PETERSBURG, FLORIDA

Transportation Impact Fee Agreed-Upon Procedures

January 1, 2004 – December 31, 2011

Application Date	Application Square Footage	Application Type	Project Estimated Value	Application Number	Application Year	MHM recalculated TIF per Section 150 (Impact Fees) Pine Hills County Land Development Code	MHM recalculated credits available per Section 150 (Impact Fees) Pine Hills County Land Development Code	MHM calculated TIF due per Section 150 (Impact Fees) Pine Hills County Land Development Code	TIF assessed and collected per NavLine Building Permits Database	Difference between recalculated amount and TIF collected
1	5/8/2007					28,400.00	34,218.80			
2	3/23/2006	MFRS	12,946,023	7000685	7					
3	10/13/2006	NOFF	12,563,203	3001282	6					
4	3/5/2008	MFRS	65,000,000	10000629	6	368,684.54	480,244.00			
5	7/25/2005	NOFF	46,090,000	3000111	8					
6	10/6/2006	MFRS	42,343,000	7001292	5					
7	2/8/2004	NNON	38,427,135	10000284	4					
8	9/8/2005	MFRS	36,303,000	2000094	4					
9	12/7/2006	NOFF	33,088,010	9000455	5					
10	9/30/2005	MFRS	28,440,000	12000234	6	80,759.42	130,980.02			
11	7/16/2010	MFRS	26,767,056	9001740	5					
12	5/5/2005	ACOM	25,000,000	7000538	10					
13	11/6/2008	NIND	22,760,000	5000317	5					
14	9/5/2008	NNON	22,139,287	11000094	8					
15	10/6/2011	NOFF	21,500,000	9000124	8	366,283.97		366,283.97	366,284.00	(0.03)
16	1/13/2008	NOFF	17,377,930	10000197	11	277,873.85	100,000.00	177,873.85	177,873.85	-
17	6/17/2011	NOFF	17,236,634	11000240	8	553,859.88		553,859.88	553,859.88	-
18	10/29/2004	NNON	17,004,097	6000735	11	453,765.53		453,765.53	453,765.53	-
19	8/23/2005	ACOM	16,000,000	10001598	4					
20	11/2/2006	MFRS	14,300,000	8001328	5					
21	5/18/2004	ACOM	13,900,000	11000065	6					
22	7/6/2004	ACOM		5001015	4	9,179.64		9,179.64	9,179.50	0.14
23	10/26/2004	ACOM	7,200	7000174	4					
24	3/19/2004	ACOM		10001326	4					
25	7/10/2004	ACOM	650,000	8001112	4					
26	10/4/2004	ACOM	36,800	7000463	4					
27	10/4/2004	ACOM	50,000	10000132	4					
28	3/18/2004	ACOM	7,900	1000105	4					
29	11/4/2004	NSFR	67,230	8001055	4					
30	6/8/2004	ACOM	203,500	11000233	4	1,923.00		1,923.00	1,923.00	-
31	8/4/2005	NSFA	18,100	6000406	4					
32	3/1/2005	ACOM	109,605	8000234	5					
33	10/4/2005	ACOM	269,370	3000011	5					
34	11/29/2005	ACOM	150,000	10000095	5					
35	11/7/2005	ACOM	5,740	11001374	5					
36	10/18/2005	ACOM	148,000	11000348	5					
37	6/23/2005	NOFF	2,300	10000693	5					
38	11/29/2005	NSFR	750,000	6001578	5					
39	10/25/2005	ACOM	65,000	11001402	5	2,066.00		2,066.00	1,550.51	515.49
40	6/14/2005	ACOM	10,000	10000929	5					
41	4/21/2006	NOFF	4,000	4001150	6					
42	7/16/2006	ACOM	140,000	7000131	6					
43	10/11/2006	NSFA	202,205	10000536	6	499.79		499.79	499.79	-
44	12/12/2006	ACOM	2,400	12000457	6					
45	2/2/2006	NOFF	19,030	2000093	6					

Appendix C
Organizational Chart



Appendix D

Audit Services Administrative Policy

CITY OF ST. PETERSBURG ADMINISTRATIVE POLICY

#040700

SUBJECT: AUDIT SERVICES

APPROVAL: Bill Foster, Mayor

EFFECTIVE DATE: 9/7/11

REPLACES POLICY DATED: 9/14/09

Mission: Audit Services has responsibility over all internal auditing for the City of St. Petersburg. The mission of the Audit Services Department is to provide an independent, objective assurance and consulting services function within the City, designed to add value and improve the organization's operations. Our primary objective is to assist management in the effective discharge of their duties. To this end, we provide analysis, appraisals, recommendations, counsel and information concerning the activities and programs reviewed. The underlying basis for our objectives is to promote effective control at a reasonable cost.

Policy:

1. The City Auditor shall report to the Mayor and has unlimited access to City Administration and City Council. These reporting relationships ensure independence, promote comprehensive audit coverage and assure adequate consideration of audit recommendations.
2. Audit Services has the authority to audit all areas of the City and shall have full and complete access to all city activities, records, property and personnel related to the performance of its duties.
3. The City Auditor shall prepare an annual audit plan, identifying the most productive and essential audit projects. Audits should be planned to leverage the work of external audits and consulting projects.
4. The scope of internal auditing encompasses the examination and evaluation of the adequacy and effectiveness of the organization's system of internal control and the quality of performance in carrying out assigned responsibilities. The scope of internal auditing includes, but is not limited to:
 - Reviewing the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information.
 - Reviewing the systems established to ensure compliance with those policies, plans, procedures, laws and regulations that could have significant impact on operations and reports, and determining whether the organization is in compliance.
 - Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets.
 - Reviewing and appraising the economy and efficiency with which resources are employed.
 - Reviewing operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations are being carried out as planned.
 - Performing special reviews and/or investigations as requested by the City Administrator or the Mayor.

5. At the conclusion of each audit, a written audit report will be prepared and issued by the City Auditor and distributed as appropriate. The director responsible for the activity reviewed shall respond to any recommendations. This response may be prior to the report being issued and therefore included in the body of the report itself, or responses may be made directly to the Mayor and City Administrator within 30 days of the issuance of the report. The response will indicate what actions have been or will be taken regarding specific report findings and recommendations.
6. The City Auditor shall establish a system to follow-up on reported audit findings and recommendations. The follow-up system shall track all significant recommendations from past audits and reviews. The purpose of this follow-up system is to ensure that past audit issues are satisfactorily resolved; to preserve the value of past audit and consulting work; and to provide information for the annual audit plan.
7. The City Auditor shall coordinate internal auditing efforts with those of the City's external auditors and outside audit consultants. The City Auditor shall participate in the planning and coordination of all audits and reviews by external auditors and outside agencies.
8. The Audit Services Department shall follow the Institute of Internal Auditors (IIA) Professional Practices Framework which includes the IIA International Standards for the Professional Practice of Internal Auditing and the Internal Auditors (IIA) Code of Ethics. In conjunction with the above, the department shall also follow the standards and guidelines included in the Government Auditing Standards, 2007 Revision, as published by the United States General Accountability Office (GAO). These standards, referred to as generally accepted government auditing standards or GAGAS, pertain to auditors' professional qualifications, the quality of their audit work, the performance of field work and the characteristics of meaningful reporting.
9. Objectivity is essential to the audit staff in the proper fulfillment of its duties. Performance of line responsibilities by internal auditors may compromise their objectivity. Accordingly, Audit Services staff will have no direct responsibility or authority for any of the activities or operations under review.
10. Audit Services will make every effort to accommodate the departments' or agencies' daily operations in scheduling and conducting reviews.

Contact: Audit Services

Attached documents for item Police Quarterly Report. (Oral)

MEMORANDUM

TO: Bill Foster, Mayor
Tish Elston, City Administrator

FROM: Charles "Chuck" Harmon, Chief of Police

DATE: October 10, 2012

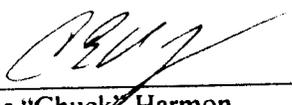
SUBJECT: September Uniform Crime Report (UCR)

The attached graphs and tables depict UCR crime trends through September 2012. Compared with 2011, the City's total index crime was down 4.9%. The City's total violent crime was down 9.9%. Property crime was down 3.9%

Total index crime through September 2012 in the Midtown Economic Development Area was down 8.3% when compared with the same period last year. Violent crime in Midtown was down 5.3%. Property crime in the Midtown area was down 9.4%.

There were three murders that occurred in September. A 44-year-old man was fatally stabbed by his 46-year-old wife during an argument at 1763 57th Terrace South. The suspect was arrested and charged with second degree murder. A 36-year-old man and a 51-year-old man were both fatally shot during a burglary at 2635 4th Avenue North. A 36-year-old man was arrested and charged with two counts of first degree murder. An additional homicide is being added for July after a ruling of homicide came back from the Medical Examiner's Office. A 59-year-old man died from injuries received after being hit by a 24-year-old man during an argument. This case was closed exceptionally.

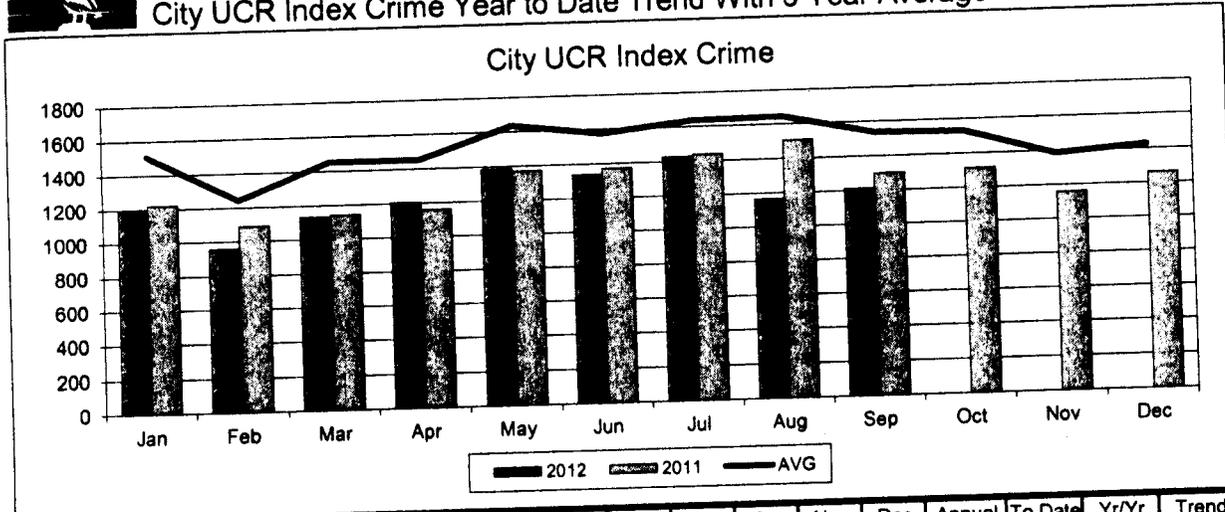
We saw a decrease of 4.9% in the City's total crime index in 2012 when compared with 2011. This level of UCR index crime is 19.4% below the five-year average.


Charles "Chuck" Harmon
Chief of Police

CEH:ble

cc. City Council Members
Richard Mussett, Senior Administrator
Janis Ford
Accreditation

St. Petersburg Police Uniform Crime Report (UCR)
City UCR Index Crime Year to Date Trend With 5 Year Average*



	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	To Date	Yr/Yr	Trend	
Homicide	2012	0	0	0	3	1	2	2	1	3					12	12/11	-33.3%	
	2011	4	2	2	0	3	2	3	1	1	1	1	1	1	21	18	12/Avg	-20.0%
	AVG	2	1	2	2	2	1	2	1	2	1	1	1	1	18	15	12/Avg	-20.0%
																130	12/11	-20.7%
Forcible Sex**	2012	10	11	21	24	16	18	7	10	13					443	12/11	-14.1%	
	2011	27	17	19	18	16	16	16	18	17	19	20	18	221	164	12/Avg	-40.9%	
	AVG	27	20	25	23	25	23	23	26	28	27	21	24	292	220	12/Avg	-40.9%	
																443	12/11	-14.1%
Robbery	2012	61	42	50	44	55	49	55	41	46					443	12/11	-14.1%	
	2011	51	47	49	57	56	61	78	65	54	75	62	67	720	516	12/Avg	-33.7%	
	AVG	76	62	67	77	80	72	89	73	72	78	77	77	898	668	12/Avg	-33.7%	
																1154	12/11	-6.4%
Agg Assault	2012	102	81	148	124	139	116	223	108	113					1154	12/11	-6.4%	
	2011	150	172	139	143	133	119	152	121	104	133	86	118	1570	1233	12/Avg	-23.0%	
	AVG	159	153	175	159	180	169	172	170	161	164	143	152	1957	1498	12/Avg	-23.0%	
																1739	12/11	-9.9%
Subtotal Violent	2012	173	134	219	195	211	185	287	160	175					1739	12/11	-9.9%	
	2011	232	238	209	218	208	198	247	205	176	228	169	204	2532	1931	12/Avg	-27.5%	
	AVG	264	236	269	260	287	265	286	270	263	268	241	254	3163	2400	12/Avg	-27.5%	
																2106	12/11	-17.9%
Burglary	2012	260	169	194	252	271	222	238	249	251					6520	12/11	1.1%	
	2011	276	224	212	229	271	317	335	381	321	293	280	273	3412	2566	12/Avg	-26.4%	
	AVG	320	270	323	316	326	342	344	365	334	318	298	303	3859	2940	12/Avg	-26.4%	
																6520	12/11	1.1%
Larceny	2012	703	609	657	703	804	845	821	680	698					664	12/11	0.9%	
	2011	644	543	642	651	822	777	796	844	729	737	660	699	8544	6448	12/Avg	-7.9%	
	AVG	784	613	736	742	869	823	849	867	797	812	739	745	9376	7080	12/Avg	-7.9%	
																664	12/11	0.9%
Auto Theft	2012	64	48	63	56	99	87	81	79	89					664	12/11	0.9%	
	2011	69	84	79	62	71	82	61	77	73	56	49	84	847	658	12/Avg	-47.4%	
	AVG	141	122	122	135	153	145	157	143	145	131	107	123	1624	1263	12/Avg	-47.4%	
																9290	12/11	-3.9%
Subtotal Property	2012	1027	824	914	1011	1174	1154	1140	1008	1038					9290	12/11	-3.9%	
	2011	989	851	933	942	1164	1176	1192	1302	1123	1086	989	1056	12803	9672	12/Avg	-17.7%	
	AVG	1245	1005	1182	1193	1347	1310	1351	1374	1275	1261	1144	1171	14858	11282	12/Avg	-17.7%	
																11029	12/11	-4.9%
Index Total	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	To Date	Yr/Yr	Trend	
	2012	1200	958	1133	1206	1385	1339	1427	1168	1213					11029	12/11	-4.9%	
	2011	1221	1089	1142	1160	1372	1374	1439	1507	1299	1314	1158	1260	15335	11603	12/Avg	-19.4%	
	AVG	1509	1241	1451	1453	1634	1575	1636	1645	1539	1529	1366	1425	18023	13683	12/Avg	-19.4%	

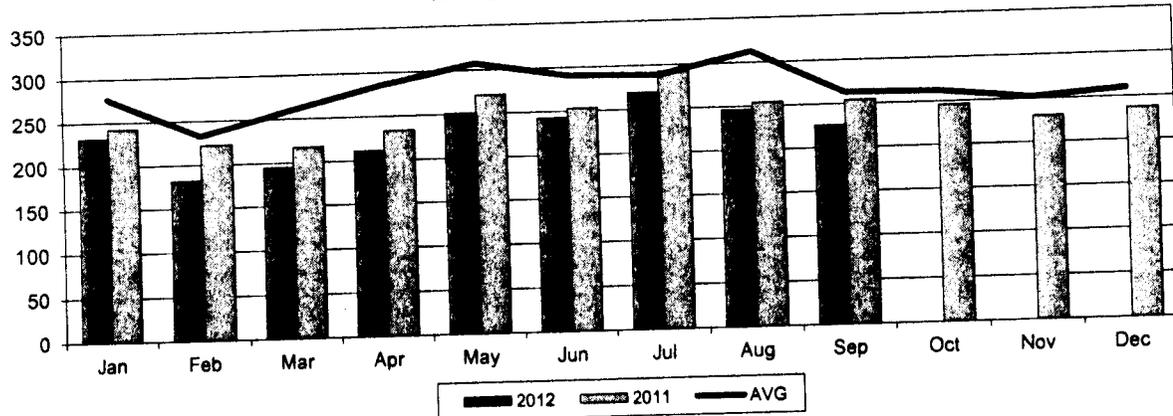
* Mean of five years (2007-2011).

** In addition to Forcible Rape & Attempted Rape, Forcible Sex includes Forcible Sodomy and Fondling.

St. Petersburg Police Uniform Crime Report (UCR)
Midtown UCR Index Crime Year to Date Trend With 5 Year Average*



Midtown UCR Index Crime



	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	To Date	Yr/Yr	Trend
Homicide	2012	0	0	0	0	0	0	0	0	0	0	0	0	8	8	12/11	-100.0%
	2011	1	1	2	0	1	1	1	1	0	0	0	0	7	7	12/Avg	-100.0%
	AVG	1	0	1	1	1	0	1	1	1	0	0	0	26	26	12/11	4.0%
Forcible Sex**	2012	2	4	4	4	4	4	2	1	1				45	25	12/11	-44.7%
	2011	4	0	2	3	1	3	6	4	2	5	12	3	63	47	12/Avg	-44.7%
	AVG	7	3	4	5	5	4	5	7	7	5	6	5	63	47	12/Avg	-44.7%
Robbery	2012	19	7	12	10	12	11	10	17	16				114	114	12/11	-3.4%
	2011	7	15	7	15	11	17	24	7	15	23	12	12	165	118	12/Avg	-32.9%
	AVG	19	16	17	21	19	18	23	21	16	18	15	16	219	170	12/Avg	-32.9%
Agg Assault	2012	35	28	53	49	61	45	56	45	44				554	436	12/11	-4.6%
	2011	69	55	48	57	42	42	57	39	27	47	31	40	682	534	12/Avg	-22.1%
	AVG	63	50	60	58	66	62	59	61	55	49	42	57	682	534	12/Avg	-22.1%
Subtotal Violent	2012	56	39	69	63	77	60	68	63	61				772	587	12/11	-5.3%
	2011	81	71	59	75	55	63	88	51	44	75	55	55	971	757	12/Avg	-26.6%
	AVG	89	69	82	85	90	85	88	90	79	72	63	79	971	757	12/Avg	-26.6%
Burglary	2012	69	38	33	50	49	51	59	51	49				725	561	12/11	-18.7%
	2011	64	46	43	49	72	58	81	82	66	50	55	59	717	552	12/Avg	-18.7%
	AVG	58	51	56	63	66	65	66	70	57	54	54	57	717	552	12/Avg	-18.7%
Larceny	2012	99	97	83	92	108	124	130	116	108				957	957	12/11	-0.7%
	2011	83	93	100	99	127	115	114	106	127	114	115	105	1298	964	12/Avg	-3.2%
	AVG	104	92	101	111	121	118	111	128	103	114	115	104	1322	989	12/Avg	-3.2%
Auto Theft	2012	7	8	10	6	17	8	12	16	7				91	91	12/11	-28.3%
	2011	14	12	15	10	17	17	10	15	17	7	5	17	156	127	12/Avg	-58.6%
	AVG	25	21	21	27	30	23	24	25	24	22	20	20	282	220	12/Avg	-58.6%
Subtotal Property	2012	175	143	126	148	174	183	201	183	164				1497	1497	12/11	-9.4%
	2011	161	151	158	158	216	190	205	203	210	171	175	181	2179	1652	12/Avg	-15.0%
	AVG	187	163	178	202	217	206	201	223	184	190	189	180	2320	1781	12/Avg	-15.0%
Index Total	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	To Date	Yr/Yr	Trend
	2012	231	182	195	211	251	243	269	246	225				2053	2053	12/11	-8.3%
	2011	242	222	217	233	271	253	293	254	254	246	230	237	2952	2239	12/Avg	-18.4%
	AVG	276	232	260	286	307	291	289	312	263	262	252	280	3290	2516	12/Avg	-18.4%

* Mean of five years (2007-2011).

** In addition to Forcible Rape & Attempted Rape, Forcible Sex includes Forcible Sodomy and Fondling.

Attached documents for item City Council Voting Module from Option Technologies Interactive.

**SAINT PETERSBURG CITY COUNCIL
Report
Meeting of November 1, 2012**

To: The Honorable Leslie Curran, Chair and Members of City Council
From: Louis Moore, Director, Procurement and Supply Management
Subject: City Council Voting Module

Louis Moore

Objective

Approving the purchase of a City Council Voting Module from Option Technologies Interactive at a total cost of \$2,430.

Proposal

The Procurement Department received a quotation for a Council voting module. The voting module is designed to tabulate votes using a 5-button wireless keypad. The software will be installed on the City Clerk's laptop and communication received through a USB port. This will allow the City Clerk to prepare, administer and count votes for Council motions on resolutions, ordinances and other actions.

Voting devices are tracked by Council Member. A Council Member may change their vote while polling is open. Only the last vote from each Council Member is recorded and tabulated. Once all the votes have been recorded the Clerk will do an oral presentation (roll call) of how each member voted. If during the roll call any member claims that their vote was improperly recorded, they will have the opportunity to change their vote. After roll call and after any necessary changes are made the Clerk will indicate whether the motion has passed or failed.

The Administration recommends:

OptionPower Voting Module	\$2,140
30 KP Capacity License	
Council Voting Module Software License	
Micro CRS5000 Wireless Keypads (15)	
CRS941 Base Station	
Soft sided carrying case	
Client Web Training	245
Shipping	45
Total	2,430

Action

The Administration recommends that City Council review the proposal and instruct staff accordingly.

LM:ca

A RESOLUTION ACCEPTING THE QUOTE AND APPROVING THE PURCHASE OF A VOTING MODULE TO BE USED TO PREPARE, ADMINISTER AND COUNT VOTES FOR CITY COUNCIL MOTIONS FROM OPTION TECHNOLOGIES INTERACTIVE L.L.C. INC. AT A TOTAL COST NOT TO EXCEED \$2,430; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Procurement & Supply Management Department received one quote for a voting module to be used to prepare, administer and count votes for City Council motions; and

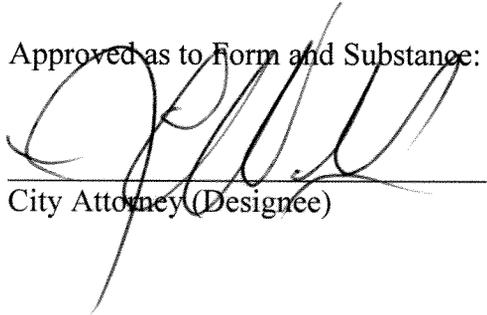
WHEREAS, City Council has decided to purchase this product; and

WHEREAS, in view of City Council's decision, the Administration recommends approval of this purchase.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the quote and purchase of a voting module to be used to prepare, administer, and count votes for City Council motions from Option Technologies Interactive, L.L.C. at a total cost not to exceed \$2,430 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Tourist Development Council. (Chair Curran) (Oral)

Attached documents for item Tampa Bay Regional Planning Council. (Vice-Chair Newton)

Attached documents for item Update on Pinellas Suncoast Transit Authority (PSTA), Metropolitan Planning Organization (MPO) and Tampa Bay Area Regional Transportation Authority (TBARTA). (Councilmember Danner) (Oral)

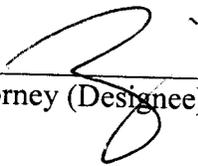
2012-512

A RESOLUTION RECOMMENDING THE APPOINTMENT OF ROBERT THOMPSON TO THE METROPOLITAN PLANNING ORGANIZATION (MPO) CITIZEN ADVISORY BOARD; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that Robert Thompson is hereby recommended to be appointed to the Metropolitan Planning Organization (MPO) Citizen Advisory Board.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

E-7

11-1-12

Attached documents for item International Relations Committee. (Councilmember Kennedy) (Oral)

Attached documents for item Resolution setting 10:00 p.m. as the latest time (“cutoff time”) for co-sponsored events to be held in Vinoy Park on or after January 2, 2013; and amending City Council Resolution No. 2012-441 to reflect the new cutoff time for approvals for events schedu

MEMORANDUM

TO: City Council Chair and Members of City Council

FROM: Charles Gerdes, Chair and Members of the Co-Sponsored Events Committee
Richard B. Badgley, Senior Assistant City Attorney

DATE: November 1, 2012

SUBJECT: Status of Approvals for 11:00 P.M. Closing of Events in Vinoy Park for 2012-2013

At the last meeting of the Committee, the Committee requested a memo setting out the actions taken by City Council regarding Co-Sponsored Events for 2012-2013.

City Council has adopted four resolutions dealing with Co-Sponsored Events for 2012-2013.

Two of the resolutions (Res. No. 2012 - 307 and 2012 - 308) approve co-sponsored status to groups of events scheduled between October 2012 and May 2013. According to the Parks and Recreation Department, the events that requested a closing time of 11:00 p.m. are all among those that requested the dispensing of alcohol.

Resolution 2012-308 authorizes the dispensing of alcohol (subject to the Police Dispensing Protocol) as follows:

1) Vinoy Park for Ribfest to be held November 9, 10 and 11, 2012 between the hours of 11:00 a.m. and 11:00 p.m. on November 9 and 10, and 1:00 p.m. and 10 p.m. on November 11.

2) North Straub Park for Chillounge Night to be held November 17, 2012, between the hours of 6:00 p.m. and 11:00 p.m.

Resolution 2012-441 authorizes the dispensing of alcohol (subject to the Police Dispensing Protocol) as follows:

1) Spa Beach for Pandora-Fuse Events to be held October 18, 2012 between the hours of 6:00 p.m. and 10:00 p.m.

2) Vinoy Park for Ribfest to be held November 9, 10 and 11, 2012 between the hours of 11:00 a.m. and 11:00 p.m. on November 9 and 10 and 11:00 a.m. and 10 p.m. on November 11.

3) North Straub Park For Chillounge Night to be held November 17, 2012 between the hours of 6:00 p.m. and 11:00 p.m.;

4) Vinoy Park for 97x Next Big Thing to be held December 1, 2012 between the hours of 10:00 a.m. and 11:00 p.m.

5) Vinoy Park for Funkfest 2013 to be held March 30, 2013 between the hours of 11:00 a.m. and 11:00 p.m.

6) Vinoy Park for Festivals Of Speed to be held April 7, 2013 between the hours of 11:00 a.m. and 5:00 p.m.

7) Vinoy Park for Tampa Bay Bluesfest to be held April 12, 13 and 14 2013 between the hours of 11:00 a.m. and 11:00 p.m. on April 12 and 13 and 11:00 a.m. and 10:00 p.m. on April 14.

8) Vinoy Park for 97x Backyard BBQ to be held May 5, 2013 between the hours of 11:00 a.m. and 9:00 p.m.

Of those approved by City Council, the following events are scheduled in Vinoy Park and have an approved closing time of 11:00 p.m. on at least one night (subject to the Police Dispensing Protocol):

1) Vinoy Park for Ribfest to be held November 9, 10 and 11, 2012 between the hours of 11:00 a.m. and 11:00 p.m. on November 9 and 10 and 11:00 a.m. and 10 p.m. on November 11.

2) Vinoy Park for 97x Next Big Thing to be held December 1, 2012 between the hours of 10:00 a.m. and 11:00 p.m.

3) Vinoy Park for Funkfest 2013 to be held March 30, 2013 between the hours of 11:00 a.m. and 11:00 p.m.

4) Vinoy Park for Tampa Bay Bluesfest to be held April 12, 13 and 14 2013 between the hours of 11:00 a.m. and 11:00 p.m. on April 12 and 13 and 11:00 a.m. and 10:00 p.m. on April 14.

Attached documents for item Ordinance approving final year-end adjustments to the City of St. Petersburg Operating and Capital Improvement Budgets for the Fiscal Year ending September 30, 2012; approving the final amended Budget for the Fiscal Year ending September 30, 2012 by incor

ST. PETERSBURG CITY COUNCIL

Meeting of November 19, 2012

TO: City Council Chair and City Council Members

SUBJECT: An Ordinance Enacting Year-End Appropriation Adjustments – FY12 Operating Budgets & Capital Improvement Program Budgets & Adjustments to the FY13 Budget

EXPLANATION / COST FUNDING ASSESSMENT INFORMATION:

This agenda item transitions budgets from the year just closed to the new budget year. For FY12, it adjusts budgets that exceeded annual appropriations and commits and assigns funds in the General Operating Fund for specific purposes. It also provides adjustments (supplemental appropriations) to the FY13 budget. Council is asked to approve an ordinance to enact these changes, as required by the Charter.

The agenda item is divided into three major parts. Each part may involve several types of transactions including appropriation transfers or supplemental appropriations. This item is subdivided into the sections of the Ordinance giving a detailed description of the provisions within the Ordinance and reasons for each budget modification.

Back-up for the Ordinance is covered in Parts I, II, and III

Part I describes transactions which will clean up and finalize the **FY12 budget** (Ordinance Sections 1-5). The final accounting transactions for FY12 are being posted, requiring some adjustments to the **FY12** appropriations for both operations and capital projects. Additional appropriations are necessary to authorize expenditures in excess of budgeted amounts, even if related revenues are available to cover these expenses. State law requires that any budgetary adjustments to the prior year budget be made within 60 days of the close of the fiscal year.

Part II recommends commitments and assignments of funds remaining in the General Operating Fund at the close of **FY12** for a variety of purposes for **FY13** and the future, as has been the practice for the past several years. Commitments and assignments are not legal commitments to expend funds set-aside in the various categories and require appropriation by City Council in order to do so. These appear in Section 6 of the Ordinance.

Part III provides for supplemental appropriations to the **FY13** Budget, including re-appropriation of unexpended **FY12** monies and transfers, Ordinance Sections 7-9.

ATTACHMENTS: Ordinance for Council Action

APPROVALS:

Administrative: _____

Budget: _____

**PRELIMINARY YEAR-END APPROPRIATION ADJUSTMENTS
FY12 OPERATING BUDGETS &
CAPITAL IMPROVEMENT PROGRAM BUDGETS**

This report presents recommendations for budget adjustments in various funds. Expenditure and revenue estimates are based on financial data through October 29, 2012 and may require further adjustment. Budget adjustments are only required for entities that exceed previous appropriations for the entity as a whole. While some appropriations are made at the departmental level, such as the Fire Department, others are made at the administration level. For example, an appropriation would be required for the Leisure & Community Services Administration only if the expenditures exceed the total appropriations for all departments within the administration. The Budget Ordinance is the guiding document for these requirements.

Supplemental appropriations are supported either by unanticipated revenue or by resources from the balances of the fund specified. Supplemental appropriations increase the total amounts authorized in their funds.

PART I: FY12 APPROPRIATION ADJUSTMENTS

Ordinance Section 1

GENERAL OPERATING FUND – Appropriation Transfers

From: Budget Department-Contingency	(\$316,000)	Appropriation transfers are needed to move the funds budgeted in the General Fund contingency for the Police step increases. Funding for the Police step increases was budgeted in the FY12 contingency, and now needs to be moved.
To: Police Department	316,000	

GENERAL OPERATING FUND – Supplemental Appropriations

Police	788,352	Overages include Social Security (\$201K) related to Overtime; (\$359K) for Vehicle and Accident Repairs; and Fuel (\$228K) due to increase in fuel prices. All line item overages are not detailed here as they are offset by lines which were under budget.
Coliseum Subsidy	37,000	A supplemental appropriation is needed because of higher than budgeted benefits and event costs based on requirements of actual events conducted during FY12.
Pier Subsidy	(31,000)	A reduced subsidy is needed due to lower costs for contract employees.
Sunken Gardens	(97,000)	A reduced subsidy is needed due to increased revenue from events.
Port Subsidy	90,000	An increase in the subsidy is needed due to lower revenue from dock and wharf charges.
Tropicana Field Subsidy	221,000	An increase in the Tropicana Field subsidy is needed due to reduced revenues for events.
Golf Course Loan	21,000	A transfer to the Golf Course is needed because the reduced revenues received this year negatively impacted the fund balance. The Golf Course Fund is an enterprise fund and the Golf Course will repay the General Fund from future earnings.

Jamestown Subsidy	188,000	A supplemental appropriation is needed due to higher than budgeted facility repairs and maintenance, lower revenue, and an accounts receivable write off. This subsidy corrects the negative fund balance at the end of FY12 in the Jamestown Fund.
Legal	476,000	A supplemental appropriation is needed for Legal and Fiscal expenses (\$106,408) for expert witnesses, costs for medical records subpoenaed for court, etc.; Salaries and Benefits (\$341,804) for support to other departments will be accounted for differently in the 2013 budget to avoid overages.
Budget	2,329,400	A supplemental appropriation is needed because citywide salary savings of \$2.3 million was budgeted in this department. The actual salary savings for the General Fund departments that were under budget was approximately \$1.6 million, which is reflected in the individual

SPECIAL DISCUSSION OF GENERAL FUND RESULTS AND IMPACT OF RNC

Currently, the General Fund is \$1.053 million over the expense budget and \$3.911 million under the budgeted revenue. Adjusting this imbalance for the \$1.571 million planned use of fund balance in the 2012 Budget and the RNC reimbursement described below (\$1.282 million) produces a \$5.253 difference between FY12 revenues and expenditures.

At the end of the third quarter of FY12, a report was made to the BFT indicating a projected year-end use of Fund Balance of \$5.2 million, for the following reasons:

- Planned use of \$1.5 million from the General Fund Balance when the FY12 budget was adopted;
- \$2.3 million salary savings built into the Budget Department's budget, which was not expected to be achieved due to low turnover and the need to fill vacancies essential to continued service delivery;
- Higher than expected fuel and vehicle maintenance costs of \$446,000;
- Budgeting issues in Legal and City Council totaling \$359,000.
- An estimate of \$580,000 of unreimbursed RNC expenses, as no agreements with Tampa had been signed at the time the report was prepared.

While salary savings of \$2.3 million was budgeted in the Budget Department and that amount was not totally achieved, under-expenditure of budgeted salaries in the various departments of the General Fund was approximately \$1.6 million, resulting in achievement of almost 70% of the savings target.

Higher fuel costs and vehicle maintenance are reflected throughout the operating budgets, but the greatest impact on the General Fund was in the Police Department, where a high percentage of the General Fund's vehicles are required. Overall, General Fund fuel costs were \$401,835 higher than budgeted.

As noted above, Legal expenses were up, and the remaining large contributor to the expense overages was the overtime and related benefits cost for the Police Department, predominantly attributable to the additional hours for late night policing downtown.

We are just completing our requests for reimbursement to the City of Tampa for the RNC under the agreements signed on August 10, 2012. Those requests are being summarized for Council under a separate memorandum, which will be accompanied by the remaining requests for reimbursement to Tampa. A summary of the RNC numbers follows:

\$ 364,630 for allowable salary/benefits costs under the Mutual Aid Agreement (9/28/12)

- \$ 826,206 for equipment, supplies, overtime/benefits costs during the Trop Event weekend under the Interlocal Agreement (9/25 & 9/28/12)
- \$ 7,675 corrections for Fire salary/benefits allowable under the Mutual Aid Agreement (to be submitted; will increase the \$364,630 request to \$372,305)
- \$ 4,221 corrections for Fire & other overtime/benefits expenses under the Interlocal Agreement (to be submitted; will increase the \$826,206 request to \$830,427)
- \$ 33,825 for Police training costs incurred on an overtime basis and eligible for reimbursement under the Mutual Aid Agreement on a funds available basis; October 2012 request)
- \$ 45,628 for additional staffing expenses incurred prior to the Trop Event weekend and eligible for reimbursement under the Interlocal Agreement on a funds available basis plus School Board invoice for utility surcharge at John Hopkins (October 2012 request)

The total reimbursement sought under the two agreements exceeds \$1.282 million.

The major categories of revenues that have not achieved the budgeted level for 2012 are:

- Utility Tax: (\$1,384,419)
- Franchise Tax: (\$943,527)
- Uncollectible Charges: (\$827,909)

ENTERPRISE & SPECIAL REVENUE OPERATING FUNDS – Supplemental Appropriations

These appropriations cover expenditures which exceeded budget. In some cases, revenue also exceeded the budget. The net impact of these revenue and expenditure variances will be covered from the fund balance in each individual fund.

Local Option Tax Revenue	34	A supplemental appropriation is needed to reflect final transfers from this fund to the General Fund.
Utility Tax Revenue	924	A supplemental appropriation is needed to reflect final transfers from this fund to the General Fund.
Excise Tax Revenue	280,403	A supplemental appropriation is needed to reflect final transfers from this fund to the General Fund.
Community Redevelopment District	614,057	Currently, two funds are used for the Downtown Redevelopment District. A supplemental appropriation is needed to close this fund and transfer to the Downtown Redevelopment Fund so that the two funds can be consolidated.
School Crossing Guard	92,992	This fund records the revenue collected from the parking ticket surcharge. A supplemental appropriation is needed to transfer the additional revenue to the General Operating Fund to reimburse part of the cost of the crossing guard program.
American Recovery & Reinvestment Fund	44,200	A supplemental appropriation is needed to expend grant revenue received.
Mahaffey Theater	472,000	A supplemental appropriation is needed because of higher costs from events and advertising. The increased expenses for events were offset by increased revenue.
Coliseum	31,000	A supplemental appropriation is needed because of higher than budgeted benefits and event costs based on requirements of actual events conducted during FY12.

Sunken Gardens	16,000	A supplemental appropriation is needed because of maintenance costs from Tropical Storm Debby and additional cost of resale merchandise. Revenues exceeded expenses in this fund for the year.
Stormwater	633,500	An insufficient amount was charged to projects to recover costs for salary and benefits and equipment usage.
Sanitation	973,100	Budget overages include Fuel (\$380K), demolition (\$151K), processing and trucking costs (\$163K), and Repair and maintenance costs on vehicles (\$268K). The department is under budget in Overtime by about \$352K. All line item overages are not detailed here as they are offset by lines which were under budget.
Airport	5,000	A supplemental appropriation is needed because of higher than budgeted costs for facility repairs and maintenance.
Marina	258,000	A supplemental appropriation is needed because of higher costs associated with commodities for resale, fuel costs, and credit card fees. Most of the added expense is offset by increased revenue.
Golf Courses	62,000	A supplemental appropriation is needed due to higher costs for resale items. Expenses exceeded revenues due to weather conditions causing lower than expected green fees and driving range fee collection.
Jamestown	134,400	A supplemental appropriation is needed due to higher than expected facility repairs and maintenance. This item just sets the appropriation for their over expenditure. The first item, on page 3, takes care of the Jamestown Fund balance.

Ordinance Section 2

CAPITAL IMPROVEMENT FUNDS – Supplemental Appropriations

General Capital Improvement Fund	(25,000)	Neighborhood Partnership Grants FY12 Project (13237)	This rescission is needed to fund the transfer of funds in FY13 to the General Fund.
General Capital Improvement Fund	(31,000)	Neighborhood Plans Update FY11 Project (12841)	This rescission is needed to fund the transfer of funds in FY13 to the General Fund.
General Capital Improvement Fund	90,000	Jamestown Apartments Renovations Phase I (11237)	A supplemental appropriation is needed to provide matching funds from the unappropriated balance of the General Capital Improvement Fund.
General Capital Improvement Fund	(407,000)	Police CAD, RMS, Mobile Project (C110231)	This rescission is needed to fund part of the Police CAD Mobile Upgrade Project (13714).
Neighborhood & Citywide Infrastructure	(16,000)	Neighborhood Partnership Grants FY12 Project (13237)	This rescission is needed to fund the transfer of funds in FY13 to the General Fund.
Neighborhood & Citywide Infrastructure	37,585	Play Equipment Replacement FY12 Project (13252)	These funds are needed to replace worn and damaged equipment.

Recreation & Culture	65,000	Play Equipment Replacement FY13 Project (13252)	These funds are needed to replace worn and damaged equipment.
Transportation Impact Fees	(100,000)	Traffic Safety Program FY09 Project (12109)	This will fund part of the Traffic Signal Control Software Project.
Water Resources	17,343.10	DIS New Main Extension FY12 Project (13341)	A supplemental appropriation is needed for New Water Main Extension to cover additional construction costs. to extend water service to new customers. Demand exceeded the budget and overage may be covered by available funds in 13342 (DIS Main Relocation FY12).
Water Resources	(17,343.10)	DIS Main Relocation FY12 Project (13342)	Rescission to cover overage of funds in above project.
Water Resources	288,826.11	DIS Taps Meters Backflows FY12 Project (13345)	A supplemental appropriation is needed to cover additional construction costs driven by customer requests. Funding is coming from the close out of ASM CMMS FY 2007 Project (11440) and the three following rescissions.
Water Resources	(3,392.89)	REC Ser Taps & Backflow FY12 Project (13347)	Rescission to cover overage of funds in another project (13345).
Water Resources	(50,000)	REC Flushing Appurtenance FY12 Project (13353)	Rescission to cover overage of funds in another project (13345).
Water Resources	(208,865.02)	REC Main Extension FY12 Project (13354)	Rescission to cover overage of funds in another project (13345).
Water Resources	(1,000,000)	REC PCCP Replacement FY12 Project (13355)	A rescission is needed to reduce the budget because the bids received were lower than anticipated.
Water Resources	0	NE Aerator Equipment Replacement FY12 Project (13382)	Expand scope of work related to this project to include Design of Headworks Rehabilitation, Clarifier #3 Drive Replacement, RAS Piping Modifications, and Filter Influent Piping Modifications; no additional budget required at this time.
Airport	21	Airport Apron Construction Project (12477)	A supplemental appropriation is needed to match the grant funds associated with this project.

Ordinance Section 3

INTERNAL SERVICE FUNDS – Increased Authorizations

Fleet Management	665,200	A supplemental appropriation is needed for part of the higher than budgeted R/M Materials - Equipment costs (\$396K) due
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		to the age of the fleet and delayed replacement of vehicles which increases maintenance costs. Fuel is also over budget by \$269K. All line item overages are not detailed here as they are offset by lines which were under budget.
Health Insurance	2,157,000	A supplemental appropriation is needed due to higher claims than expected, primarily in the second quarter of 2012 fiscal year (last quarter of the plan year).
Equipment Replacement	49,800	A supplemental appropriation is needed to transfer the FY11 contribution the Fire Department made for replacement mobile data computers to the Technology & Infrastructure Fund.

Since the books for the City have not been closed at this point, all of the numbers are preliminary. Final numbers will be provided prior to Council action on or before November 19, 2012.

Ordinance Section 4

Ordinance 49-H is hereby amended by incorporating into said Ordinance all appropriations and adjustments to the operating and capital improvement budgets pertaining to the fiscal year ending September 30, 2012 made by previous resolution, and all supplemental appropriations and adjustments contained in this Ordinance, which pertain to the Fiscal Year ending September 30, 2012. Ordinance Number 49-H as amended as provided herein shall constitute the final budget for the Fiscal Year ending September 30, 2012.

PART II: COMMITMENTS AND ASSIGNMENTS OF FUND BALANCES FOR FY12 YEAR END

Ordinance Section 5

Each year City Council has committed a portion of the General Operating Fund balance that exceeds the target balance for specific purposes. Administration recommends the commitment and assignments of the following amounts totaling \$1.292 million within the General Operating Fund balance as of September 30, 2012. Many of these commitments were planned in preparing the FY13 Budget and include amounts requested for re-appropriation during FY12.

OPERATING RE-APPROPRIATIONS \$1,191,973
This commitment provides for funds to be rolled over for purchases that could not be made in the previous year due to timing or other issues.

LAND SALE PROCEEDS \$0
This commitment was created to provide a funding source for acquiring property. Proceeds from the sale of City properties valued at less than \$20,000 are deposited in the General Operating Fund and are to be used for acquiring property according to Resolution 2002-126 adopted by City Council on February 21, 2002.

QUALIFIED TARGET INDUSTRY (QTI) TAX REFUND PROGRAM \$100,000
This commitment was established to provide the City's share over the next five years for the QTI program, which provides funds to local businesses for the purpose of stimulating economic growth and employment.

TECHNOLOGY \$0
 This category is kept in reserve to address current and future technology needs including but not limited to hardware, software, and other technology related items. This has not been funded since the establishment of the Technology and Infrastructure Fund.

ENERGY CONSERVATION \$0
 This category provides for projects to address future environmental and energy conservation issues. Grant funds are sought for most projects in this area.

PART III: FY12 CHANGES TO GENERAL OPERATING FUND, ENTERPRISE FUNDS, SPECIAL REVENUE FUNDS, INTERNAL SERVICE FUNDS, CIP FUND BUDGETS & TRANSFERS FOR ART IN PUBLIC PLACES

Ordinance Section 6

RE-APPROPRIATION OF FY12 ENCUMBRANCES

Encumbrances are funded with fund balance from each respective fund. All of these amounts were previously appropriated in FY12 and have legal commitments for expenditure that will occur in FY13. These include the unspent portion of existing contracts. Actual encumbrances may be more or less after all the financial transactions are posted.

General Operating Fund

Police	296,387
Fire	28,891
City Development Administration	21,549
Leisure and Community Services Administration	588,804
General Government Administration	49,305
Public Works Administration	<u>207,037</u>
Total General Fund	1,191,973

All Other Funds

Stormwater Utility Operating	25,923
Sanitation Operating	303,913
Sanitation Equipment Replacement	305,104
Airport Operating	9,337
Marina Operating	43,367
Golf Course Operating	16,751
Jamestown Complex	24,850
Port Operating	1,375
Emergency Medical Services	7,264
Local Housing Assistance	117,400
Parking	136,778
Law Enforcement	19,615
Community Development Block Grant	137,782
Emergency Shelter Grant	31,480
HOME Program	375,622
Neighborhood Stabilization Program	682,366
Community Housing Donation	120,000
Building Permit Special Revenue	11,404
Pier Operating	12,549
Coliseum Operating	8,880
Sunken Gardens	14,424

Police Grant	660
Fleet Management	282,467
Equipment Replacement	423,184
Municipal Office Buildings	5,884
Information & Communication Services	242,166
Technology & Infrastructure	109,012
Supply Management	3,177
Billing & Collections	17,897
Total Other Funds	<u>3,490,631</u>

Ordinance Section 7

SUPPLEMENTAL APPROPRIATIONS

All supplemental appropriations are funded with fund balance from each respective fund. Most of these amounts (grants) were previously appropriated in FY12 and have legal commitments for expenditures that will occur in FY13. In some cases (Equipment Replacement and Technology Funds), the appropriation is needed so that the FY13 budget is adjusted for expenditures that will occur in FY13.

GENERAL OPERATING FUND – FY13 Supplemental Appropriations

Legal	103,408.99	A supplemental appropriation is needed to cover costs in the case of City v. Wachovia. The funds were appropriated in FY12, but the case has not come to a conclusion.
Community Services	7,500	A supplemental appropriation is needed to roll over the remaining contribution from Sun Trust.
Parks & Recreation	35,716.70	A supplemental appropriation is needed to roll over unspent grant funds.
Real Estate & Property Management	6,000	A supplemental appropriation is needed to roll over the balance of the FY12 funds to support demolition of structure that was acquired in FY12. Demolition was originally planned immediately after the acquisition; however the Police Department requested use of the property through the end of September 2012. Demolition has been requested but service will not be complete until FY13.
Police	35,602.17	A supplemental appropriation is needed to roll over unspent Pedestrian Safety Grant funds (18,760.02), and unspent funds for the contract with CASA (16,842.15).
Fire	50,874	A supplemental appropriation is needed to roll over funds to purchase protective gear (40,000) and replacement servers that have exceeded their useful life (10,874).
Downtown Enterprises Facilities	80,866.97	A supplemental appropriation is needed to roll over the ticket revenue from International Baseball (46,266.97) and the balance of the unspent money for the Al Lang Maintenance Project (34,600).

OTHER FUNDS – FY13 Supplemental Appropriations

Arts & Cultural Programs	50,000	A supplemental appropriation is needed to rollover unspent funds for arts consulting.
Local Housing Assistance	971,088	A supplemental appropriation is needed to rollover unspent grant funds.
Law Enforcement	175,823	A supplemental appropriation is needed to rollover unspent grant funds.
Downtown Redevelopment District	163,745	A transfer to the General Capital Improvement for funding the Plaza Parkway FY12 Project (\$36,203) and the Mahaffey Theater Mechanical Plant Project (\$127,542)
Community Development Block Grant	199,979	A supplemental appropriation is needed to rollover unspent grant funds.
Emergency Shelter Grant	61,342	A supplemental appropriation is needed to rollover unspent grant funds.
HOME Program	2,255,216	A supplemental appropriation is needed to rollover unspent grant funds.
Neighborhood Stabilization Program	3,838,483	A supplemental appropriation is needed to rollover unspent grant funds.
Community Housing Trust	200,537	A supplemental appropriation is needed to rollover unspent grant funds.
Police Grant Trust	320,151	A supplemental appropriation is needed to rollover unspent grant funds for the JAG 2010 (\$137,564.56) and JAG 2011 (\$182,586.02) grants.
International Sports Donation	13,114	A supplemental appropriation is needed to rollover unspent donations from the prior year.
Water Resources	186,088.20	A supplemental appropriation is needed to rollover unspent grant funds for the Toilet Rebate Grant (\$33,734.37), Sensible Sprinkling Grant (\$2,641.51) and the Toilet Replacement Bulk Grant (\$94,020.56), as well as, to cover POs that were inadvertently closed (\$55,691.58) and therefore not included in the FY12 encumbrance rollovers in Section 6 of this ordinance.
Technology & Infrastructure	127,392	An increase in the authorization level of this internal service fund is needed to purchase mobile data computers for the Fire Department. Contributions have been made by the department for replacement of this equipment.

CAPITAL IMPROVEMENT FUNDS – FY13 Supplemental Appropriations

General Capital Improvement Fund	(672,458)	AW Park/Civic Plaza Project (11020)	A rescission is needed to use unspent money to fund the Mahaffey Theater Mechanical Plant Project.
General Capital Improvement Fund	800,000	Mahaffey Theater Mechanical Plant Project (12889)	Funding for this appropriation comes from a transfer from the Downtown Redevelopment Revenue Fund (\$127,542) and a rescission from the AW Park/Civic Plaza Project (\$672,458).
General Capital Improvement Fund	36,203	Plaza Parkway FY12 Project (13290)	A supplemental appropriation of \$36,203 is needed to cover the costs of the final components of the Bayshore Drive Phase I project. Funding is available from TIF revenues held in fund 1105 (Downtown Redevelopment District Fund).
General Capital Improvement Fund	240,897.98	Transfer to the Equipment Replacement Fund	The Fleet Petro Storage Tank Project (10720) closed out in FY12 with \$240,897.98 remaining. This project was funded by transfers from the Equipment Replacement Fund (5002). This will transfer the unspent funds from the project back to the Equipment Replacement Fund.
Neighborhood & Citywide Infrastructure	(75,000)	Wayfaring Signage FY05 (10107)	A rescission is needed to fund the Monuments Structural Rehab/Improvement Project (TBD).
Neighborhood & Citywide Infrastructure	75,000	Monuments Structural Rehab/Improvement Project (TBD)	A supplemental appropriation is needed to fund this project. The funding is coming from a rescission in the Wayfaring Signage Project (10107).
Neighborhood & Citywide Infrastructure	(840,000)	4 th Street Business District Project (C120402)	A rescission of unencumbered funds will be used for the Central Avenue Improvements Project. Funds are available due to FDOT permitting fewer medians.
Neighborhood & Citywide Infrastructure	1,114,500	Central Ave Improvements Project (TBD)	A supplemental appropriation to fund components of the Central Avenue Plan. Funding is from the rescission from the 4 th Street Business District Project and the closeout of the Entry Signage Project.
Transportation Impact Fees	140,703	Downtown Intersection & Pedestrian Facilities FY13 Project (13765)	A supplemental appropriation is needed to consolidate funding into one project, funding comes from the closeout of prior year projects.
City Facilities	(200,000)	MSC Garage Improvements Project (10615)	A rescission is needed because the project will be completed under the original budgeted amount.

Water Resources	754	BABs TBD Project (13305)	A supplemental appropriation to match the exact amount of BABs proceeds.
Water Resources	19,358	BABs TBD Project (13305)	A supplemental appropriation to spend the interest earned.
Water Resources	246	Super BABs TBD Project (13306)	A supplemental appropriation to match the exact amount of Super BABs proceeds.
Water Resources	71,317	Super BABs TBD Project (13306)	A supplemental appropriation to spend the interest earned.

Ordinance Section 8

TRANSFERS TO THE ART IN PUBLIC PLACES FUND

Certain capital improvement construction projects within the City are required by ordinance to make transfers to the Art in Public Places Fund. The amount to be transferred is equal to 1% of the project's construction costs up to \$2,500,000 and 0.5% for costs between \$2,500,000 and \$7,500,000 with a maximum transfer of \$50,000. The following transfers, totaling \$18,950 to the Art in Public Places Fund, is based on FY12 transactions:

Recreation & Culture Capital Improvement Fund \$18,950

Approval of the attached ordinance is requested.

ORDINANCE NO.

AN ORDINANCE APPROVING FINAL YEAR-END ADJUSTMENTS TO THE CITY OF ST. PETERSBURG OPERATING AND CAPITAL IMPROVEMENT BUDGETS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012; APPROVING THE FINAL AMENDED BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012 BY INCORPORATING INTO THE AFOREMENTIONED FINAL AMENDED BUDGET ALL ADJUSTMENTS AND APPROPRIATIONS CONTAINED IN THIS ORDINANCE AND ALL ADJUSTMENTS AND APPROPRIATIONS PREVIOUSLY MADE BY RESOLUTION FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012; APPROVING YEAR-END COMMITMENTS, ASSIGNMENTS, AND APPROPRIATIONS FROM THE GENERAL FUND BALANCE AS OF SEPTEMBER 30, 2012 FOR INCLUSION IN THE BUDGET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1: The following appropriation transfers and supplemental appropriations to the City of St. Petersburg operating budget for the Fiscal Year ending September 30, 2012 are approved from the fund balance of each respective operating fund listed below:

General Operating Fund Appropriation Transfers	
From: Budget Department Contingency	(316,000)
To: Police Department	316,000
Supplemental Appropriations	
General Operating Fund	
General Government Administration	\$3,234,400
Police	788,352
Local Option Tax Revenue	34
Utility Tax Revenue	924
Excise Tax Revenue	280,403
Community Redevelopment District	614,057
School Crossing Guard	92,992
American Recovery & Reinvestment Fund	44,200
Mahaffey Theater	472,000
Coliseum	31,000
Sunken Gardens	16,000
Stormwater	633,500
Sanitation	973,100
Airport	5,000

Marina	258,000
Golf Courses	62,000
Jamestown	134,400

Section 2: The following appropriation adjustments (numbers in parentheses denote reduced appropriations) to the City of St. Petersburg capital improvement program (CIP) budget for the Fiscal Year ending September 30, 2012 are approved from the fund balance of each respective CIP fund listed below:

General Capital Improvement Fund	
Neighborhood Partnership Grants FY12 Project	(25,000)
Neighborhood Plans Update FY11Project	(31,000)
Jamestown Apartments Renovations Phase I Project	90,000
Police CAD, RMS, Mobile Project	(407,000)
Neighborhood & Citywide Infrastructure Fund	
Neighborhood Partnership Grants FY12 Project	(16,000)
Play Equipment Replacement FY12 Project	37,585
Recreation & Culture Fund	
Play Equipment Replacement FY12 Project	65,000
Transportation Impact Fees	
Traffic Safety Program FY09 Project	(100,000)
Water Resources Fund	
DIS New Main Extension FY12 Project	17,343.10
DIS Main Relocation FY12 Project	(17,343.10)
DIS Taps Meters Backflows FY12 Project	288,826.11
REC Ser Taps & Backflows FY12 Project	(3,392.89)
REC Flushing Appurtenance FY12 Project	(50,000)
REC Main Extension FY12Project	(208,865.02)
REC PCCP Replacement FY12Project	(1,000,000)
Airport	
Airport Apron Construction Project	21

Section 3: The following increases to the Internal Service Fund authorizations are approved for the Fiscal Year ending September 30, 2012:

Fleet Management	665,200
Health Insurance	2,157,000
Equipment Replacement	49,800

Section 4: Ordinance No. 1033-G is hereby amended by incorporating into said Ordinance all appropriations and adjustments to the operating and capital improvement budgets pertaining to the Fiscal Year ending September 30, 2012 made by previous resolution, and all supplemental appropriations and adjustments contained in this Ordinance which pertain to the Fiscal Year ending September 30, 2012. Ordinance No. 1033-G, as amended as provided herein, shall constitute the final budget for the Fiscal Year ending September 30, 2012.

Section 5: The following amounts are established as Commitments and Assignments for future appropriation in the General Operating Fund Balance which commitments can be changed by a resolution of City Council:

Operating Re-appropriations	\$1,191,973
Budget Land Sale Proceeds	0
Qualified Target Industry (QTI) Tax Refund Program	100,000
Technology	0
Energy Conservation	0

Section 6: The following amounts encumbered during FY 2012 are re-appropriated for the Fiscal Year ending September 30, 2013 from the fund balance of the respective funds:

General Operating Fund:	
Police	\$296,387
Fire	28,891
City Development Administration	21,549
Leisure and Community Services Administration	588,804
General Government Administration	49,305
Public Works Administration	207,037
Stormwater Utility Operating	25,923
Sanitation Operating	303,913
Sanitation Equipment Replacement	305,104
Airport Operating	9,337
Marina Operating	43,367
Golf Course Operating	16,751
Jamestown Complex	24,850
Port Operating	1,375
Emergency Medical Services	7,264
Local Housing Assistance	117,400
Parking	136,778
Law Enforcement	19,615
Community Development Block Grant	137,782
Emergency Shelter Grant	31,480
HOME Program	375,622
Neighborhood Stabilization Program	682,366
Community Housing Donation	120,000
Building Permit Special Revenue	11,404
Pier Operating	12,549
Coliseum Operating	8,880
Sunken Gardens	14,424
Police Grant	660
Fleet Management	282,467
Equipment Replacement	423,184
Municipal Office Buildings	5,884
Information & Communication Services	242,166
Technology & Infrastructure	109,012

Supply Management	3,177
Billing & Collections	17,897

Section 7: The following supplemental appropriations are approved from the fund balances of the respective funds for the operating and capital improvement budgets for the Fiscal Year ending September 30, 2013:

General Operating Fund:	
Police	\$ 35,602.17
Fire	50,874
Parks & Recreation	35,716.70
Real Estate & Property Management	6,000
Legal	103,408.99
Community Services	7,500
Downtown Enterprises Facilities	80,866.97
Arts & Culture Programs	50,000
Local Housing Assistance	971,088
Law Enforcement	175,823
Downtown Redevelopment District	163,745
Community Development Block Grant	199,979
Emergency Shelter Grant	61,342
HOME Program	2,255,216
Neighborhood Stabilization Program	3,838,483
Community Housing Trust	200,537
Police Grant Trust	320,151
International Sports Donation	13,114
Water Resources	186,088.20
Technology & Infrastructure	127,392
General Capital Improvement	
AW Park/Civic Plaza Project	(672,458)
Mahaffey Theater Mechanical Plant Project	800,000
Plaza Parkway FY12 Project	36,203
Transfer to Equipment Replacement Fund	240,897.98
Neighborhood & Citywide Infrastructure	
Wayfaring Signage FY05 Project	(75,000)
Monuments Structural Rehab/Improvement Project	75,000
4 th Street Business District Project	(840,000)
Central Ave Improvements Project	1,114,500
Transportation Impact Fees	
Downtown Intersection & Pedestrian Facilities FY13 Project	140,703
City Facilities	
MSC Garage Improvements Project	(200,000)
Water Resources Capital Projects	
BABs Project	20,112
Super BABs Project	71,563

Section 8: The transfer from the following fund is approved to the Art in Public Places Fund based on projects meeting the City Code Percent for the Arts criteria:

Recreation & Culture Capital Improvement Fund \$18,950

Section 9: All appropriations contained in this Ordinance regarding the Budget for Fiscal Year ending September 30, 2013 may be amended in accordance with the City Code or as provided for in Ordinance No. 49-H.

Section 10: In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective after the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED BY DEPARTMENT:

Budget Department

APPROVED AS TO FORM AND SUBSTANCE:

City Attorney

ST. PETERSBURG CITY COUNCIL

Meeting of November 13, 2012

TO: City Council Chair and City Council Members

SUBJECT: An Ordinance Enacting Year-End Appropriation Adjustments – FY12 Operating Budgets & Capital Improvement Program Budgets & Adjustments to the FY13 Budget

EXPLANATION / COST FUNDING ASSESSMENT INFORMATION:

This agenda item transitions budgets from the year just closed to the new budget year. For FY12, it adjusts budgets that exceeded annual appropriations and commits and assigns funds in the General Operating Fund for specific purposes. It also provides adjustments (supplemental appropriations) to the FY13 budget. Council is asked to approve an ordinance to enact these changes, as required by the Charter.

The agenda item is divided into three major parts. Each part may involve several types of transactions including appropriation transfers or supplemental appropriations. This item is subdivided into the sections of the Ordinance giving a detailed description of the provisions within the Ordinance and reasons for each budget modification.

Back-up for the Ordinance is covered in Parts I, II, and III

Part I describes transactions which will clean up and finalize the **FY12 budget** (Ordinance Sections 1-5). The final accounting transactions for FY12 are being posted, requiring some adjustments to the **FY12** appropriations for both operations and capital projects. Additional appropriations are necessary to authorize expenditures in excess of budgeted amounts, even if related revenues are available to cover these expenses. State law requires that any budgetary adjustments to the prior year budget be made within 60 days of the close of the fiscal year.

Part II recommends commitments and assignments of funds remaining in the General Operating Fund at the close of **FY12** for a variety of purposes for **FY13** and the future, as has been the practice for the past several years. Commitments and assignments are not legal commitments to expend funds set-aside in the various categories and require appropriation by City Council in order to do so. These appear in Section 6 of the Ordinance.

Part III provides for supplemental appropriations to the **FY13** Budget, including re-appropriation of unexpended **FY12** monies and transfers, Ordinance Sections 7-9.

ATTACHMENTS: Ordinance for Council Action

APPROVALS:

Administrative: _____

Budget: _____

Attached documents for item Requesting City Council support a resolution to allow Municipal Referenda for Local-Option Sales Tax for Transportation. (Councilmember Kennedy)

COUNCIL AGENDA

NEW BUSINESS ITEM

TO: The Mayor and Members of City Council

DATE: October 18, 2012

COUNCIL

DATE: **November 1, 2012**

RE: Resolution to Support Municipal Referenda for Local-Option Sales Tax
for Transportation

ACTION DESIRED:

Respectfully requesting City Council support a resolution to allow Municipal Referenda for Local-Option Sales Tax for Transportation.

See Attachment

Jim Kennedy
City Council

**Citrus County Transportation
Planning Organization**

3600 W. Sovereign Path, Suite 140
Lecanto, FL 34461
352/527-5239; fax: 352/527-5252

Hernando County MPO

20 North Main St.
Room 262 Brooksville, FL 34601
352/754-4057 fax: 352/754-4420

Hillsborough County MPO

601 East Kennedy Blvd.
18th Floor Tampa, FL 33602
813/272-5940 fax: 813/272-6258

Pasco County MPO

West Pasco Government Center
8731 Citizens Drive, Suite 320
New Port Richey, FL 34654
727/847-8140 fax: 727/847-8084

Pinellas County MPO

600 Cleveland St., Suite 750
Clearwater, FL 33755
727/464-8200 fax: 727/464-8201

Polk County TPO

330 West Church St, Drawer TS05
Bartow, FL 33830
863/534-6000 fax: 863/534-6471

Sarasota/Manatee MPO

7632 15th St. E.
Sarasota, FL 34243
941/359-5772 fax: 941/359-5779

**Florida Department of
Transportation District 1**

801 North Broadway Ave.
Bartow, FL 33830
800/292-3368 fax: 863/534-7172

**Florida Department of
Transportation District 7**

11201 N. McKinley Dr.
Tampa, FL 33612
800/226-7220 fax: 813/975-6443

**Tampa Bay Regional
Planning Council**

400 Gateway Center Blvd., Suite 100
Pinellas Park, FL 33782
727/570-5151; fax: 727/570-5118

**Southwest Florida Regional
Planning Council**

1296 Victoria Ave.
Fl. Myers, FL 33901
239/338-2550; fax 239/338-2560

**Withlacoochee Regional
Planning Council**

1241 S W 10th St
Ocala, FL 34474-2798
352/732-1315; fax: 352/732-1319

**Central Florida
Regional Planning Council**

PO Box 2089
Bartow, FL 33831-2089
800/297-8041; fax: 941/534-7138

Florida's Turnpike Enterprise

P.O. Box 1409
Land O'Lakes, FL 34639
813/558-1117

**Tampa Bay Area Regional
Transportation Authority**

3802 Spectrum Blvd, Suite 127
Tampa, FL 33612
813/977-485; fax: 813/977-4862



West Central Florida Metropolitan Planning Organizations

Chairs Coordinating Committee

September 24, 2012

Council Member Jim Kennedy
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731-2842



Dear Council Member Kennedy:

RE: Legislation Allowing Municipal Referenda for Local-Option Sales Tax for Transportation

Transportation infrastructure is key to attracting and retaining private investment in the community. Tampa Bay's transportation system has been cited as a major concern by not-for-profit organizations attempting to recruit businesses to our region.

We hope to talk with you about an opportunity to address this concern in the 2013 session of the Florida Legislature.

The West Central Florida MPO Chairs Coordinating Committee (CCC) supports the concept of allowing large municipalities to place a referendum on the ballot to levy a sales tax for transportation. Current Florida law allows only county governments to hold such a referendum. Hillsborough County held a referendum in 2010 which was not approved countywide, but was approved by a majority of City of Tampa residents. The CCC supports allowing the major cities, or groups of cities with combined populations of at least 150,000, to place such a question before their voters.

You may be aware how serious are the challenges faced by local governments in meeting infrastructure needs. The value of the gas tax, which is a flat tax per gallon rather than a percent of sales, has continued to decline in real terms. The gas tax is a primary source of transportation funds for many local governments in Florida. Without adjustments for inflation, and with continued improvements in vehicle fuel efficiency reducing gas consumption, the buying power of the gas tax is about half of what it was in 1993.

And when vehicle fuel efficiency requirements increase again in 2020, revenues could be reduced by half again. Alternatives to the gas tax to support our transportation infrastructure must be examined. As federal and state governments scale back and re-focus resources on key national and statewide strategic investments, local governments have been and are likely to continue to be more and more responsible for basic transportation infrastructure. Local governments need options to keep our communities and economies moving.

Clearly, we need to have a robust discussion locally about whether and how much to invest. But at this time, major cities like the City of Tampa or St. Petersburg are not enabled even to begin the conversation.

I have attached the statute governing the Charter County and Regional Transportation System surtax, with a potential change for your consideration, and some background information concerning the mounting crisis in transportation infrastructure. I look forward to discussing this with you in the coming year. Please feel free to contact me or Hillsborough County MPO Director Ramond Chiaramonte if you have questions.

Best Wishes,

A handwritten signature in black ink that reads "John C. Druzbeck". The signature is written in a cursive, flowing style.

Commissioner John Druzbeck
Chair

cc: Howard Glassman, Florida MPO Advisory Council
Allison Payne, Florida League of Cities
Stuart Rogel, Tampa Bay Partnership

Enclosures

JD:ba

LOCAL OPTION MUNICIPAL SALES TAX SURCHARGE
OPTION ONE: CITIES OF GREATEST POPULATION

212.055. Discretionary sales surtaxes; legislative intent; authorization and use of proceeds

It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties or municipalities authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(1) Charter county, municipality and regional transportation system surtax.—

(a) Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under chapter 343 or chapter 349 may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county that will be subject to the surtax or by a charter amendment approved by a majority vote of the electorate of the county. Each municipality with a population of at least 150,000 people, or consortium of municipalities with a combined population of at least 150,000 people, and each municipality which has the greatest population of any municipality in its county, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the municipality or municipalities. In the event that the surtax is proposed to be levied by a consortium of municipalities, such municipalities shall enter into an interlocal agreement pursuant to chapter 163 addressing the use of the proceeds of such surtax prior to it being placed on the ballot. As used in this subsection, the term "municipality" shall be deemed to also refer to a consortium of municipalities as appropriate.

(b) The total rate in any county or municipality shall be up to 1 percent. In the event that the surtax has been levied within a county or municipality an additional surtax may still be levied by any county or municipality authorized to do so by this subsection provided that the total of all levies does not exceed 1 percent.

(c) The proposal to adopt a discretionary sales surtax as provided in this subsection and to create a trust fund within the county accounts or the municipal accounts if levied by a municipality shall be placed on the ballot in accordance with law at a time to be set at the discretion of the governing body.

(d) Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the county commission, governing body of a municipality or governing bodies of a consortium of municipalities levying the surtax deems appropriate:

1. Deposited by the county or municipality in the case of a surtax levied by a municipality in the trust fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system in the case of a surtax levied by a county, on-demand transportation services, and related costs of a fixed guideway rapid transit system;

2 Remitted by the governing body of the county or municipality in the case of a surtax levied by a municipality to an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the county or municipality in the case of a surtax levied by a municipality, for the operation and maintenance of a bus system, for the operation and maintenance of on-demand transportation services, for the payment of principal and interest on existing bonds issued for the construction of such roads or bridges, and, upon approval by the county commission or governing body of a municipality levying the surtax, such

proceeds may be pledged for bonds issued to refinance existing bonds or new bonds issued for the construction of such roads or bridges;

3. Used by the county or municipality in the case of a surtax levied by a municipality for the development, construction, operation, and maintenance of roads and bridges in the county or the municipality; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county or municipality levying the surtax for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges and no more than 25 percent used for nontransit uses; and

4. Used by the county or municipality in the case of a surtax levied by a municipality for the planning, development, construction, operation, and maintenance of roads and bridges in the county or the municipality; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, operation, and maintenance of on-demand transportation services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges; and such proceeds may be pledged by the governing body of the county or municipality levying the surtax for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county levying the surtax may distribute proceeds from the tax to a municipality, or an expressway or transportation authority created by law to be expended for the purpose authorized by this paragraph. Any county that has entered into interlocal agreements for distribution of proceeds to one or more municipalities in the county shall revise such interlocal agreements no less than every 5 years in order to include any municipalities that have been created since the prior interlocal agreements were executed.

(e) As used in this subsection, the term "on-demand transportation services" means transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature.

3

1 Cent Municipal Optional Sales Tax

MPOAC
Revenue Study
Policy Brief

Recommendation: Allow cities and consortiums of cities over 150,000 or the largest municipality in a county to impose up to a one cent local option sales surtax (not to exceed one cent city & charter county tax combined).

Rationale: Under current Florida Statute, Charter Counties and those included in a Regional Transportation Authority district may elect to impose a one percent sales tax on items up to \$5,000 with revenues being available for transportation uses. This option would extend that flexibility to cities with a population of 150,000 or more but could not be duplicative of any County transportation sales tax. For example, today Miami-Dade County voters approved a one-half percent sales tax. If the City of Miami wanted to put this in place, it would be limited to an additional one-half percent. In counties without a city of a population of 150,000, the option would be available to the largest municipality in that county based on the latest available census. If fully implemented, it could generate approximately \$830 million to cities in total.

Discussion: An optional municipal sales tax for transportation would give the residents of municipalities the ability to approve tax increases for urban transportation solutions that lack the support of suburban and rural residents who reside in unincorporated areas.

Municipal transportation needs sometimes differ from those of unincorporated county areas. Large municipalities often identify transit options as the most viable solution to growing urban transportation needs, whereas unincorporated suburban and rural areas more frequently identify road and highway improvements as the transportation priority. As a result of these differing perceptions of transportation needs, countywide referendums that propose urban transit solutions face a greater risk of voter opposition than if the referendum were limited to the urban municipalities. For example, in 2011 a one half percent sales tax referendum in Hillsborough County that designated 75% of the proceeds to be used for light rail and other urban transit projects and 25% for road and highway improvements was defeated, while it was supported by a majority of residents within the City of Tampa.

Estimates of revenue generated should be considered as an approximation due to limited available data on the level of sale taxes within each county that is attributable to sales within the municipal boundaries. Sales tax revenues can vary significantly in counties depending upon where a majority of sales taxes are collected. For example, unincorporated Orange County is much higher than Orlando due to sales tax collections at amusement centers, while the City of Tallahassee appears to have a higher per capital sales tax collection rate than the surrounding county. Residents from unincorporated areas would be subject to the tax when making purchases within municipal boundaries. While the assessment of a different sales tax rate within a city and the surrounding county may result in some changes in purchasing behaviors, the impact should not be material due to the small incremental difference.

It is proposed that the sum of this municipal surtax and a charter county surtax would not exceed 1 percent in total. For example, currently Miami-Dade and Jacksonville-Duval Counties assess a ½ percent charter county surtax. Thus, any tax imposed by a city within these counties would be limited to an additional ½ percent. This recommendation also assumes the current limitation of surtaxes of up to \$5,000 on purchases would be retained.

Based on the 2010 Census, 69 municipalities would qualify for the local option municipal sales tax surcharge; 11 municipalities with populations in excess of 150,000 and in the largest municipality in 58 counties which do not have a city with a population of 150,000 or more. There are two municipalities with populations greater than 150,000 in both Miami-Dade County (Miami, Hialeah) and Broward County (Ft. Lauderdale, Pembroke Pines). In addition, it is proposed that municipalities within a county could form consortiums to propose jointly a municipal sales tax surcharge either with an existing eligible municipality or if their combined population exceeds the 150,000 threshold.

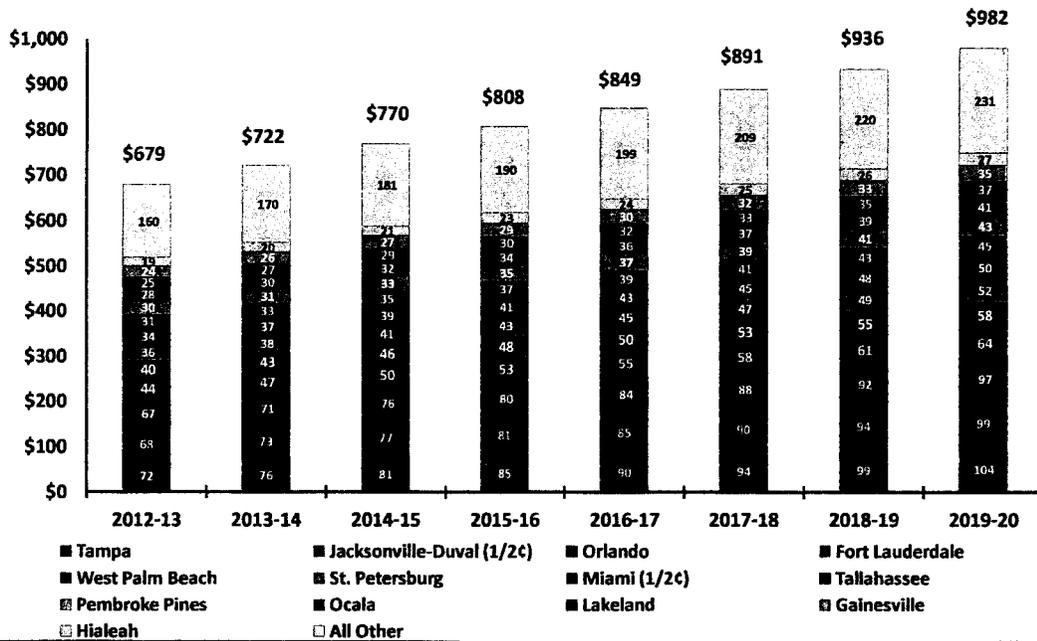
MPOAC Revenue Study Estimated Revenue Yields*

Revenue Option: One Cent Local Option Municipal Sales Tax

8 Year Total: \$6,637 million (maximum)

Annual Average: \$830 million (maximum)

**One Cent Local Option Municipal Sales Tax
For Cities With Population > 150,000 and Largest City in County
Approximate Net Revenue - In \$ Millions**



REVENUE STUDY ADVISORY COMMITTEE

*The MPOAC Revenue Study calculations were prepared using Florida Revenue Estimating Conference (REC) data and assumptions as of October 2011. Subsequent REC estimations may result in changes to the funding levels generated by this option. Accordingly the revenue estimates displayed above should be considered approximate funding levels for the purpose of evaluating additional revenue alternatives.



CITY OF ST. PETERSBURG

MEMORANDUM

TO: Leslie Curran, City Council Chair, District 4

FROM: Jim Kennedy, City Council Member, District 2

DATE: October 26, 2012

SUBJECT: Legislation Allowing Municipal Referenda for Discretionary Sales Surtax for Transportation

Commissioner John Druzbeck, Chair of the West Central Florida Metropolitan Planning Organizations Chairs Coordinating Committee, recently sent me a letter regarding proposed changes to Section 212.055 of the Florida Statutes, Charter County and Regional Transportation System Surtax (letter attached). If passed by the Florida Legislature, this proposed legislation would enable large municipalities, or groups of municipalities, to place a referendum on the ballot to levy a discretionary sales surtax for transportation projects.

The proposed legislation would give the residents of larger cities such as St. Petersburg and Tampa the ability to approve tax increases for urban transportation solutions such a light rail or premium bus service, which may lack the support of residents who reside in unincorporated areas or other cities in the county. I recommend that the St. Petersburg City Council adopt the attached resolution in support of the proposed legislation.

Resolution No. 2012- _____

A RESOLUTION SUPPORTING THE LEGISLATION PROPOSED BY THE WEST CENTRAL FLORIDA METROPOLITAN PLANNING ORGANIZATIONS CHAIRS COORDINATING COMMITTEE TO AMEND SECTION 212.055 OF THE FLORIDA STATUTES FOR THE PURPOSE OF ENABLING LARGE MUNICIPALITIES TO PLACE A REFERENDUM ON THE BALLOT TO LEVY A DISCRETIONARY SALES SURTAX FOR TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Under Section 212.055 of the Florida Statutes, charter counties and those included in a regional transportation authority district may elect to impose a discretionary sales surtax with a rate up to one percent, subject to approval by a majority vote of the electorate of the county, with revenues being available for transportation uses; and

WHEREAS, the West Central Florida Metropolitan Planning Organizations Chairs Coordinating Committee ("CCC") supports the concept of allowing large municipalities, or groups of municipalities with combined populations of at least 150,000, to place a referendum on the ballot to levy a discretionary sales surtax for transportation; and

WHEREAS, an optional municipal sales tax for transportation would give the residents of municipalities the ability to approve tax increases for urban transportation solutions that lack the support of suburban and rural residents who reside in unincorporated areas; and

WHEREAS, it is proposed that the sum of a municipal surtax for transportation and a charter county surtax for transportation would not exceed one percent in total; and

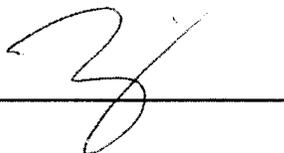
WHEREAS, the CCC has drafted a document that includes recommended changes to the language in Section 212.055 of the Florida Statutes to enable a municipal surtax for transportation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that City Council supports the concept embodied in CCC's proposed changes to Section 212.055 of the Florida Statutes which has the purpose of enabling the City by itself or in combination with other municipalities in Pinellas County to enact a municipal surtax for transportation.

This Resolution shall become effective immediately upon its adoption.

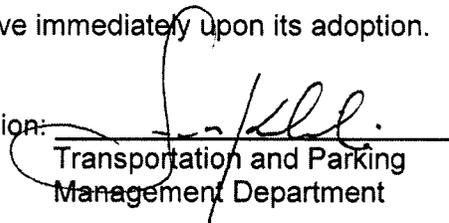
Approvals:

Legal: _____



Administration: _____

Transportation and Parking
Management Department



Budget: _____

Attached documents for item Requesting City Council support a resolution requesting the legislature restore the City's local home rule powers limiting smoking in public places. (Councilmember Nurse)

COUNCIL AGENDA NEW BUSINESS

To: The Honorable Members of City Council

Date: October 19, 2012

Council Date: November 1, 2012

RE: Home Rule – Smoking Ordinance

Background:

The Florida Legislature has passed legislation which prohibits local governments from limiting smoking in public places. This is a violation of home rule.

Action Requested:

Pass the attached resolution requesting the legislature restore the city's local home rule powers which will allow us to better protect our citizens.

**Karl Nurse
City Council Member**

Sample Resolution for Florida Municipalities to Restore Local Control

Whereas numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer; and

Whereas the 2006 U.S. Surgeon General's report, *"The Health Consequences of Involuntary Exposure to Tobacco Smoke,"* concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; smokefree workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace, and evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry; and

Whereas the World Health Organization has determined that there is no safe level of exposure to secondhand tobacco smoke, a pollutant that causes serious illness in adults and children, and in 2007 declared that there is indisputable evidence that implementing 100% smokefree environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke; and

Whereas the National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of 53,000 Americans annually; and

Whereas the Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen; and

Whereas the California Air Resources Board has identified secondhand smoke as a toxic air contaminant, an outdoor air pollutant which may cause and/or contribute to death or serious illness; and

Whereas outdoor tobacco smoke levels measured in outdoor cafes and restaurant and bar patios near smokers rival levels of indoor tobacco smoke, and nonsmokers spending six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smokefree outdoor area;

Whereas secondhand smoke is particularly hazardous to individuals with cardiovascular disease, individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease, and elderly people; and

Whereas children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, physical and cognitive developmental abnormalities, and cancer; and

Whereas data consistently demonstrates that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks *and* that smokefree laws reduce heart attacks; and

Whereas local governments have both the right and the responsibility to adopt laws that protect the health and safety of their residents; and

Whereas the people in local communities should have the right to protect themselves against the harmful effects of secondhand smoke; and

Whereas more than 3,500 local governments throughout the country have successfully implemented smokefree air laws to protect people against the harmful effects of secondhand smoke; and

Whereas the tobacco industry, in an effort to negate such local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate tobacco; and

Whereas preemptive state laws have a devastating effect on tobacco control efforts and on the public health of the states' residents and workers; and

Whereas the vast majority of states do not preempt local smokefree air legislation; and

Whereas multiple states have successfully overturned preemption and restored local control to enact and enforce smokefree air laws; and

Whereas Florida has had a preemptive state law since 1985, which prohibits local governments from enacting laws that restrict smoking in any indoor or outdoor settings, such as workplaces and public places, or that restrict the marketing, advertising, and point of sale of tobacco products; and

Whereas 64.4% of the U.S. population lives in cities or states with smokefree bar laws, while Florida bars remain smoke-filled and their employees and patrons remain unprotected from secondhand smoke because of the preemptive state law; and

Whereas protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by smokefree air laws; and

Whereas the Florida Legislature should not deprive local governments of the authority to protect people from the harmful effects of secondhand smoke;

Now, therefore, be it resolved that the _____ [*Municipal Entity*] urges the Florida Legislature to repeal the state's preemption of local smokefree air and other tobacco-related laws, and restore the right of local governments to enact and enforce smokefree air and other tobacco-related laws.

And be it further resolved that the _____ [*Municipal Entity*] strongly encourages other local governmental entities in Florida to adopt similar resolutions.

_____	_____
Name	Title
_____	_____
Signature	Date

2012-514

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ST. PETERSBURG, FLORIDA
URGING THE FLORIDA LEGISLATURE TO
REPEAL THE STATE'S PREEMPTION OF
LOCAL SMOKEFREE AIR AND OTHER
TOBACCO-RELATED LAWS, AND RESTORE
THE RIGHT OF LOCAL GOVERNMENTS TO
ENACT AND ENFORCE SMOKEFREE AIR
AND OTHER TOBACCO-RELATED LAWS;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer; and

WHEREAS, the 2006 U.S. Surgeon General's report, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*," concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; smokefree workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace, and evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry; and

WHEREAS, the World Health Organization has determined that there is no safe level of exposure to secondhand tobacco smoke, a pollutant that causes serious illness in adults and children, and in 2007 declared that there is indisputable evidence that implementing 100% smokefree environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke; and

WHEREAS, the National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of 53,000 Americans annually; and

WHEREAS, the Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen; and

WHEREAS, the California Air Resources Board has identified secondhand smoke as a toxic air contaminant, an outdoor air pollutant which may cause and/or contribute to death or serious illness; and

WHEREAS, outdoor tobacco smoke levels measured in outdoor cafes and restaurant and bar patios near smokers rival levels of indoor tobacco smoke, and nonsmokers spending six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smokefree outdoor area; and

WHEREAS, secondhand smoke is particularly hazardous to individuals with cardiovascular disease, individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease, and elderly people; and

WHEREAS, children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, physical and cognitive developmental abnormalities, and cancer; and

WHEREAS, data consistently demonstrates that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smokefree laws reduce heart attacks; and

WHEREAS, local governments have both the right and the responsibility to adopt laws that protect the health and safety of their residents; and

WHEREAS, the people in local communities should have the right to protect themselves against the harmful effects of secondhand smoke; and

WHEREAS, more than 3,500 local governments throughout the country have successfully implemented smokefree air laws to protect people against the harmful effects of secondhand smoke; and

WHEREAS, the tobacco industry, in an effort to negate such local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate tobacco; and

WHEREAS, preemptive state laws have a devastating effect on tobacco control efforts and on the public health of the states' residents and workers; and

WHEREAS, the vast majority of states do not preempt local smokefree air legislation; and

WHEREAS, multiple states have successfully overturned preemption and restored local control to enact and enforce smokefree air laws; and

WHEREAS, Florida has had a preemptive state law since 1985, which prohibits local governments from enacting laws that restrict smoking in any indoor or outdoor settings such as workplaces and public places, or that restrict the marketing, advertising, and point of sale of tobacco products; and

WHEREAS, 64.4% of the U.S. population lives in cities or states with smokefree bar laws, while Florida bars remain smoke-filled and their employees and patrons remain unprotected from secondhand smoke because of the preemptive state law; and

WHEREAS, protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by smokefree air laws; and

WHEREAS, the Florida Legislature should not deprive local governments of the authority to protect people from the harmful effects of secondhand smoke.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council urges the Florida Legislature to repeal the state's preemption of local smokefree air and other tobacco-related laws, and restore the right of local governments to enact and enforce smokefree air and other tobacco-related laws.

BE IT FURTHER RESOLVED that the City Council of the City of St. Petersburg, Florida strongly encourages other local governmental entities in Florida to adopt similar resolutions.

Approved as to content:

City Attorney (designee)

Attached documents for item Referring to the Public Services & Infrastructure Committee to discuss installing a plaque in memory of a long time City employee, Ron Williams at the Marina. (Vice-Chair Newton)

COUNCIL AGENDA NEW BUSINESS

To: The Honorable Members of City Council

Date: October 23, 2012

Council Date: November 15, 2012

RE: Installing a Plaque in Memory of Ron Williams

Action Requested:

Respectfully requesting a referral to the Public Services and Infrastructure Committee to discuss installing a plaque in memory of a long time City employee, Ron Williams at the Marina.

**Wengay Newton
City Council Member**

Attached documents for item Arts Funding Committee. (10/11/12)

**St. Petersburg City Council
ARTS FUNDING COMMITTEE**

Committee Report for October 11, 2012, 11am

Members & Alternates Present: Chair Leslie Curran, Vice Chair Bill Dudley, Council member Jeff Danner, Council member Steve Kornell (alternate)

Also present: Council member Gerdes, Council member Kennedy, John Collins, Judith Powers Jones

Support Staff: Elizabeth Brincklow, Macall Dyer, Elizabeth Herendeen

Call to Order and Roll Call

Approval of Agenda Approved

Approval of Minutes: **September 13, 2012**
Approved

A. Discussion – Chair Leslie Curran opened the meeting with a brief discussion on the committee’s search for dedicated revenue sources for an endowment for the arts. She generally summarized the actions of the committee since its inception in April 2010. The committee requested a final report document be prepared and presented as part of the final Arts Funding Committee Report. Additionally, John Collins was asked to give a status report on the Arts Alliance as part of the committee report.

The members acknowledged that the Committee will sunset on October 15, 2012 and did not move to extend the term.

B. Discussion -
There was no new business.

C. Next Meeting -
None. This committee sunsets.

C. Adjournment

Attached documents for item Youth Services Committee. (10/18/12)

St. Petersburg City Council
Youth Services Committee Meeting
Committee Report October 18, 2012

Members and Alternates: Councilmember Bill Dudley, Chair; Councilmember Steve Kornell, Vice Chair; Councilmembers Charlie Gerdes, Karl Nurse (alternate)

Councilmembers also in attendance: Jim Kennedy, Leslie Curran, Jeff Danner

Support Staff: Youth Services Committee - Sherry McBee, Parks and Recreation Director

- A. Call to Order and Roll Call – Councilmember Bill Dudley, Youth Services Committee Chair
The meeting was called to order at 8:30 a.m.
- B. Approval of minutes for Youth Services Committee
The minutes for the meeting of September 20, 2012 were approved as submitted.
- C. St. Petersburg Public Library System’s Youth Programs
Library Director, Laurel Gustafson provided an overview of the literacy issues in our community and the significant role that the library plays in the development of reading skills. Data was provided showing the scope of illiteracy in our community and the resulting impact on success in schools and lost productivity. Library staff members Mary Beth Lindsay and Mika Nelson provided more detailed information regarding the variety of library services and programs that are offered to children and families in our community to encourage reading and use of libraries.
- D. Update on Pinellas School System
Lori Matway provided an update concerning the activities and direction of the new school superintendent, Dr. Grego. He is currently in the process of visiting every school in the county. Some of the issues that have already been identified for future discussion include the possibility of longer school days and differentiated pay for teachers at challenged schools. There was also discussion regarding the need for completion of sidewalks at some of our elementary schools, specifically Melrose and Sexton. Tish Elston indicated that Administration was already working on these issues. Lori also shared information about her efforts in partnership with schools to implement more “walking school buses.”
- E. Dates for future meetings:
 1. Thursday, Nov. 1 @ 2:00 p.m. – Joint BFT Meeting to review Economics of Poverty Report
 2. Thursday, Nov. 15 @ 8:30 a.m.
- F. Adjournment
The meeting was adjourned at 9:46 a.m.

Attached documents for item Budget, Finance & Taxation Committee. (10/25/12)

**St. Petersburg City Council
BUDGET, FINANCE & TAXATION COMMITTEE**

Committee Report for October 25, 2012

Members: Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Steve Kornell;
Wengay M. "Newt" Newton Sr.; Karl Nurse and Leslie Curran
(alternate).

Support Staff: Melinda Jenzarli, Senior Auditor, Audit Services
Jennifer Millet, Collection Officer, Billing & Collections

**Call to Order and Roll Call
Approval of Agenda
Approval of Minutes**

1. New/Deferred Business

a. Utilities System Refunding Revenue Bonds-Series 2012

Anne Fritz, Finance Director, introduced Jay Glover from Public Financial Management, Inc. (PFM, Inc.) who provided a brief presentation on the refunding of existing debt entered into in 2003 with a 10 year call period. Mr. Glover noted that given the historically low interest rates there is an opportunity to issue new debt. Mr. Glover explained the funds would be put in an escrow to pay the bonds off on the call date of October 1, 2013. Mr. Glover stated given the current market conditions they are expecting the City to experience \$2 million in net present value debt service saving or \$150,000 per year through the maturity date of 2033.

A motion was made and passed to forward a resolution to full Council for approval.

Mr. Glover continued his presentation with the second part of the transaction which is for new money financing. These funds would be used to finance capital projects specifically the decommissioning of the Albert Whitted Waste Water Facility. Mr. Glover stated based on preliminary figures from Water Resources, in FY 2013 they have a need for \$38.3 million of new money proceeds. Mr. Glover explained they are proposing the City issue bonds for these projects for the next fiscal year. The transaction would be done on a 30 year basis with a payback period of 30 years which is consistent with the City's prior utility financings. Mr. Glover stated they are projecting an interest rate of 3.96% on the transaction based on today's current market rates.

After a brief discussion a motion was made and passed to forward a resolution to full Council for approval.

2. New Business Item Referrals

None

3. Reports
None

4. Next Meeting Agenda Tentative Issues

November 1, 2012

- a. Joint BFT/Youth Services follow-up meeting to the Economic Impact of Poverty Presentation

November 8, 2012

- a. Priority Hiring (Moore/Williams)
b. Quarterly Lease Report (Grimes)

November 13, 2012

- a. Budget clean up and 4th Quarter Financial Report

5. Adjournment - meeting adjourned at 8:34 a.m.

**St. Petersburg City Council
BUDGET, FINANCE & TAXATION COMMITTEE**

REVISED

Committee Report for October 25, 2012

Members: Chair James R. "Jim" Kennedy, Jr.; Vice-Chair Steve Kornell;
Wengay M. "Newt" Newton Sr.; Karl Nurse and Leslie Curran
(alternate).

Support Staff: Melinda Jenzarli, Senior Auditor, Audit Services
Jennifer Millet, Collection Officer, Billing & Collections

Call to Order and Roll Call
Approval of Agenda
Approval of Minutes

1. New/Deferred Business

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A resolution for Council approval will be submitted to City Council, on the December 6, 2012 Agenda, regarding the refunding of existing debt, Public Utility Revenue Refunding Bonds, Series 2012B, and new financing, Public Utility Revenue Bonds, Series 2012 A.

2. New Business Item Referrals

None

H-3

3. Reports

None

4. Next Meeting Agenda Tentative Issues

November 1, 2012

- a. Joint BFT/Youth Services follow-up meeting to the Economic Impact of Poverty Presentation**

November 8, 2012

- a. Priority Hiring (Moore/Williams)**
- b. Quarterly Lease Report (Grimes)**

November 13, 2012

- a. Budget clean up and 4th Quarter Financial Report**

5. Adjournment - meeting adjourned at 8:34 a.m.

Attached documents for item Public Services & Infrastructure Committee. (10/25/12)

City of St. Petersburg
Public Services & Infrastructure Committee

Meeting of October 25, 2012 – 9:15
City Hall, Room 100

Members: Chair Bill Dudley; Vice-Chair Leslie Curran
Council Members: Jeff Danner and Charlie Gerdes

Support Staff: Derek Kilborn, primary staff support; Evelyn Rosetti, backup staff support; David Dickerson, backup staff support

Others Present: Council Members James Kennedy and Karl Nurse; Tish Elston, City Administrator; Mark Winn, Chief Assistant City Attorney; Joshua Johnson, Director, Housing and Community Development; Bruce Grimes, Director, Property and Real Estate Management; Brian Shuford, Director of Government Affairs, Pinellas Realtor Organization.

- A. Call to Order and Roll Call – 9:18 a.m.
- B. Approval of Agenda (4 – 0)
- C. Approval of Minutes
 - 1. Minutes of October 11, 2012 (4 – 0)
- D. New & Continued Business
 - 1. *Special Assessment Lien Modification Program*

Discuss a proposed Special Assessment Lien Modification program (“Program”) to encourage private investment and improvement of blighted properties within St. Petersburg that have existing City Special Assessment Liens. The Program provides for an expedited process for settlement.

Opening Discussion and Presentation

Chair Bill Dudley opened the meeting and introduced CM Karl Nurse, who subsequently provided a background on the item. CM Nurse narrowed his introduction to a focus on special assessment liens by referencing the hundreds of properties with special assessment liens on them and specifically, the more than 300 properties where special assessment liens exceed the value of the property. CM Nurse expressed an interest in learning about opportunities to reduce or eliminate special assessment liens and interest as an incentive for new investment through redevelopment and development.

Bruce Grimes presented details of the proposed special assessment lien modification program beginning with authorizations under Florida statute and city code, continuing with the procedures for filing an application and concluding with a description of the four (4) proposed options for reducing or eliminating special assessment liens and interest.

Committee and Staff Discussion

Committee Members expressed the following:

- A general concern about the proposal to waive the affirmation of ownership through December 31, 2013 to waive the rehab or new construction requirement through and December 31, 2016. Citing an understanding that this effort was to present a short-term solution in response to existing market conditions, the extended time period may not provide the immediate benefit that was anticipated among several committee members.
- Mr. Grimes indicated that most of the affected properties are located in south St. Petersburg. Despite the fact that real estate markets are slowly improving, activity within the Midtown neighborhoods remains stalled. As a consequence, financial institutions aren't lending money for investment in these areas and where possible, buyers are having a hard time meeting the minimum down payment requirements. The 2016 deadline reflects the amount of time anticipated before these neighborhoods return to normal lending activity.
- **The Committee unanimously approved a motion to modify the proposed deadline from December 31, 2016 to December 13, 2013 and permit an annual renewal thereafter.**
- A general discussion about the implications of Option C where the just/market value of the property is less than the special assessment lien principal amount owed. In this instance, the program requires payment on the principal equal to the just market value of the property. (For e.g., if the just market value equals \$5,000, then the principal owed will be \$5,000.) Several Committee members saw this as a possible disincentive and inquired about completely waiving the principal.
 - Mr. Grimes responded that waiving the principal in total might increase the flipping of property thereby rewarding bad ownership.
 - A suggestion was presented that if the property is substantially redeveloped or developed, this could be conditionally arranged so that the principal would be waived in total, following completion of the project.
- A general discussion about whether the City could treat properties owned by "absentee landlords" differently than those which are owner-occupied. Mark Winn explained that this is difficult and likely indefensible.
- A general discussion about how to market the program once implemented. Brian Shuford, Director of Government Affairs, Pinellas Realtor Organization, indicated their willingness to assist.
- **The Committee unanimously endorsed the proposal with amendment to the deadline schedule.**

E. Next Meeting.

1. *November 8, 2012* - Cameras for Public Safety

F. Adjournment. Meeting Adjourned at 10:12 am.

Resolution No. 2012 - _____

A RESOLUTION APPROVING THE POLICIES AND PROCEDURES SET FORTH IN EXHIBIT "A" ATTACHED HERETO, ("POLICIES AND PROCEDURES") ESTABLISHING A SPECIAL ASSESSMENT LIEN MODIFICATION PROGRAM THAT AUTHORIZES THE MAYOR OR HIS DESIGNEE TO TAKE THE ACTIONS SET FORTH THEREIN ON REQUESTS FOR RELIEF FROM SPECIAL ASSESSMENT LIENS PURSUANT TO THE POLICIES AND PROCEDURES; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION AND THE POLICIES AND PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council desires to address the economic burden placed on properties within the City by City Code Enforcement Board Liens ("City Code Liens") and Special Assessment Liens which are not the result of current owners, or potential purchasers of the property to provide an incentive for property owners to maintain and improve their properties; and

WHEREAS, on March 4, 2010 City Council through the adoption of City Council Resolution No. 2010-104 established a limited amnesty program, through September 30, 2010, for certain special assessments which allowed upon the payment of the principal amount due, the waiver of interest amounts owed or to accept conveyance of certain property encumbered by Special Assessment Liens; and

WHEREAS, after a detailed staff discussion with the Public Service and Infrastructure Committee ("PSI") in 2011, staff identified two processes that could be implemented on a permanent basis to release City Code Liens and Special Assessment Liens to allow property owners the ability to economically maintain and improve their properties; and

WHEREAS, the first of these processes envisioned with PSI would authorize Administration, to enter into a Code Lien Waiver Agreement for release of City Code Liens with the potential new owner of a property within St. Petersburg that has existing City Code Liens, under certain conditions and subject to specific terms, which process was established February 2, 2012, by City Council through adoption of City Council Resolution No. 2012-82; and

WHEREAS, the second process envisioned with PSI was the development of a settlement procedure for Special Assessment Liens where the combined amounts due for Special Assessment Liens and interest were a detriment to the redevelopment of the property; and

SPECIAL ASSESSMENT LIEN MODIFICATION PROGRAM

POLICY:

The Mayor or his Designee, (the Person Officially Designated ("POD")) is authorized to settle and release Special Assessment Liens by waiving interest on Special Assessment Liens upon the payment of the principal amount due, and in certain instances release all or a portion of the principal amounts, or accept conveyance of certain real property encumbered by City Special Assessment Liens in accordance with this Special Assessment Lien Modification Program ("Program").

The intent of the Program is to promote reinvestment and revitalization of property by providing a property owner reasonable relief from burdensome accumulated interest on existing Special Assessment Liens provided the property is currently being maintained in accordance with the City Code (i.e. has no active codes enforcement cases).

PROCEDURES:

A. APPLICATION & INFORMATIONAL NOTICE. All applications shall be made by the owner of the property ("Applicant") through the POD (currently the City Billing and Collections Department).

1. The Applicant shall be informed that the City of St. Petersburg has no power or authority to compromise, reduce, abate, or cancel special assessments and/or interest imposed pursuant to Chapter 170 of the Florida Statutes, which consist of the following:

<u>CODE:</u>	<u>TYPE</u>
1	SSA (SANITARY SEWER)
2	AIA (AREA IMPROVEMENT)
3	SPA (PAVING)
4	SWA (SIDEWALK)
6	SDA (DRAINAGE)
8	DRG (DREDGE)
10	SEA (SEAWALL)

The property owner at the time these assessments were imposed was afforded the opportunity to protest the above-described special assessments at a public hearing during the assessment procedure prior to confirmation of the special assessment by City Council. These categories of special assessments, as confirmed by City Council, remain a lien on the real property even if the property is subsequently conveyed to a new owner. After the confirmation of the special assessments by City Council, the property owner's sole recourse for any challenge to special assessments imposed pursuant to F.S. 170.01 and/or interest thereon is through the court system.

2. Notwithstanding the above, the City of St. Petersburg is authorized to make changes to those special assessments that are not imposed pursuant to F.S. 170.01. These assessments include the following:

<u>CODE:</u>	<u>TYPE</u>
5	LCA (LOT CLEARING)
7	DEM (DEMOLITION)
7	SBA (SECURE AND BOARD)
7	INS (INSPECTION)

B. SPECIAL ASSESSMENT LIEN REVIEW PROCESS.

1. Applications.

- 1.1. The application shall be made on a standardized form provided by the POD (currently the Billing and Collections Department).
- 1.2. Applications shall require an application fee of \$250 to defer administrative costs of the program payable at the time of application.
- 1.3. **Any waiver or forgiveness of interest or principal, either full or partial, shall cause the property to be subject to Article IV. Chapter 17.5 – Accessibility in Housing Constructed with Public Funds of the St. Petersburg City Code.** This condition will be noted in the land management system by the POD (currently Construction Services & Permitting) to ensure that the requirement is met on any future new construction occurring on the property.

2. Application, Affirmation, and Options

- 2.1. **Applicant Affirmation:** All Applicants must affirm that Applicant was not, at the time the Special Assessment Lien(s) was incurred:
 - 2.1.1. An owner of the Property;
 - 2.1.2. An agent or other representative of the owner of the Property
 - 2.1.3. Related to the owner of the Property; or
 - 2.1.4. An officer, director, employee or agent of an entity that owned the Property.
- 2.2. **Option A. - Interest Waiver upon payment of all Special Assessment Lien Principal:** The following Criteria shall be utilized to waive interest and release Special Assessment Liens upon the completion of substantive rehab or new construction on the Property as evidenced by final inspection or certificate of occupancy and the payment of all Special Assessment Lien principal amounts:
 - 2.2.1. City shall waive the interest portion of Special Assessment Liens (except for capital improvement assessments pursuant to Chapter 170, F.S.) upon payment of Principal amount;

- 2.2.2. Only interest accrued on Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be waived. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application; and
- 2.2.3. Property is currently being maintained in accordance with the City Code.
- 2.2.4. All applications received by the POD prior to December 31, 2013, unless extended by action of City Council, will not require rehab or new construction as a precondition of the Special Assessment Liens being released.
- 2.2.5. Notwithstanding the above, for all applications received by the POD seeking relief under this Section 2.2 prior to December 31, 2013; the Applicant Affirmation shall not be required and interest accrued during the Applicant's ownership can be waived.

2.3. Option B - Alternative Application (Offer of Deed in Lieu of Paying Special Assessment Liens).

In lieu of making an application for release of Special Assessment Liens, the owner may offer to convey the property to the City, and the City may accept conveyance of the property in lieu of paying the Special Assessment Liens where:

- 2.3.1 There is *clear unencumbered title* as demonstrated by the Applicant.
- 2.3.2 There is approval of the conveyance by the Real Estate & Property Management Department ("Real Estate") in accordance with City Real Estate policy, including but not limited to investigation of items that would disqualify the property from being conveyed to the City, including but not limited to substantive real estate taxes owed, title concerns, contamination, property in litigation or bankruptcy proceeding); and
- 2.3.3 The Mayor, or the City Administrator authorizes Real Estate to proceed with the acquisition without additional City Council action including the payment of reasonable and customary closing related costs and real estate taxes.

NOTE: The City may accept a property with real estate taxes owed in situations where there is a public purpose for the property, it is located within an area that the city is acquiring property, or any other reason where the acquisition of the property would benefit the City. Accepting the conveyance of property in lieu of payment can also provide new infill housing opportunities as the current market rebounds, however, a funding source for payment of any real estate taxes, title insurance, and reasonable closing costs would need to be identified.

2.4. Option C - Principal Reduction when the Just/Market Value is less than the Special Assessment Lien principal amount: The POD is authorized to reduce the principal amount for certain specific instances subject to conditions using the following criteria:

- 2.4.1. Applicant must have planned new construction, substantive rehab, or development that will increase the tax base, result in job creation, or have other significant economic benefit to the City to support the request to waive any principal. Any release authorized will be effective only upon completion of the substantive rehab,

new construction or development presented as evidenced by a final inspection, certificate of occupancy or similar documentation. An agreement for the release of Special Assessment Liens will be used if necessary.

2.4.2. Applicant may apply for a reduction or release of principal in situations where the current Pinellas County Property Appraiser's market value of a vacant parcel of land is less than the Special Assessment Lien amount. In such case, the Applicant would pay the principal amount of the Special Assessment Lien or the Pinellas County Property Appraiser's market value or a state certified independent real estate appraiser's market value of the property, whichever is less, in full settlement of the Special Assessment Lien with interest and any principal released upon completion of substantive rehab or new construction and compliance with all terms of an agreement to release said Special Assessment Liens, subject to any such appraisals being reviewed by Real Estate prior to acceptance.

2.4.3. Release of any principal amount greater than \$10,000 shall require approval of City Council.

2.5. Option D - Removal of Principal and Interest on Special Assessment Liens and recommendation of release of Code Enforcement Board Liens. The POD may approve removal of the principal and interest amounts subject to a Development Agreement for Release of Special Assessment Liens ("Development Agreement") in accordance with the following:

2.5.1. The intent of this section is to encourage new residential construction to facilitate owner-occupied single-family housing.

2.5.2. If an application under this Option D is approved, the Development Agreement shall require an administrative fee of \$1,000 payable at the time of execution of the Development Agreement.

2.5.3. Only Special Assessment Liens levied on the property prior to Applicant's acquisition of the property shall be considered. Any additional Special Assessment Liens levied under the current ownership must be paid in full (principal and interest) prior to or contemporaneous with making application.

2.5.4. Any authorized release of Special Assessment Liens will be effective only upon completion of the construction of the proposed residence within one (1) year from the date of the Agreement and in compliance with all terms of said Development Agreement that will be administered by the POD (currently Housing & Community Development department).

2.5.5. The Development Agreement shall require Applicant to make the subject property Applicant's homesteaded principal residence and Applicant shall occupy the property prior to the release of Special Assessment Liens or Code Enforcement Board Liens on the property. Alternatively, if Applicant does not intend to make the subject property Applicant's homesteaded residence, the property must be conveyed to a New Owner who will make the property the New Owner's homesteaded principal residence.

2.5.6. In no event will the City liens and assessments be released if the subject property will be used as a rental property.

Attached documents for item Housing Services Committee. (10/25/12)

ST. PETERSBURG CITY COUNCIL
Housing Services Committee Report
Council Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

FROM: Housing Services Committee: Leslie Curran, Committee Chair, Karl Nurse, Committee Vice-Chair, Wengay Newton, Councilmember, Bill Dudley, Councilmember, Jeff Danner, Councilmember, Alternate, Charlie Gerdes, Councilmember

RE: Housing Services Committee Meeting of October 25, 2012

New Business:

Update of the Jamestown rehabilitation project, Dave Metz, Director, Downtown Facilities

Mr. Metz began the discussion with the disclosure that Raul Quintana will bring an award forward for Jamestown 1 on November 19, 2012 at the City Council meeting. The occupancy rate at Jamestown currently stands at 93%, with the exception of the 16 units being held for renovations. The Dwight Jones Center is completed and was done with grant dollars. The Pinellas Urban League completed eleven (11) units with weatherization improvements.

Phase II of improvements to Jamestown will be less comprehensive than the first phase and bids are expected to be returned shortly. Initially 52 units of Jamestown were identified for rehabilitation with 38 that were identified as in need of immediate assistance. If addressed at once, the 38 units would require expenditures in excess of \$2 million dollars.

The Committee Chair asked whether additional funding is being pursued and whether we can look into borrowing funds from the reserve. Mr. Metz responded that Administration is looking for grant funding, and Housing is looking to see if it has additional funding that may be utilized to address the rehabilitation needs. In addition, the issue of people sleeping in the park adjacent to Jamestown was briefly discussed with a response by Donald Crawford that the police have been informed of the situation.

Action: No action taken.

Update of NSP-1 and NSP-3, Stephanie Lampe, Sr. Housing Development Coordinator

Ms. Lampe discussed that there are currently three (3) properties that are under contract for sale, with four (4) units that remain to be sold. The issue of most concern currently is the impending expenditure deadline which requires that the City expend \$170,000 of the NSP-1 funding prior to March 3, 2013. This will be accomplished with the final draw and completion of the Fountainview Apartments. The NSP-3 Program has an expenditure deadline of March 9, 2013, where \$1,854,567 has to be expended. Staff of Housing is working with other City Staff to expend funding. A substantial amendment of the Annual Action Plan for FY 2010-2011 will be brought forward to Full Council as a public hearing item at City Council's November 19, 2012 meeting. Ms. Lampe discussed the strategies that are proposed for amending and that the Administration has proposed approving the Melrose Mercy Neighborhood as the third Area of Greatest Need (AOGN) of the NSP-3 Program.

Vice-Chair Nurse asked whether Homes for Independence has been successful in acquiring units it identified. Ms. Lampe responded that to date they have not been successful because they have been running into situations where the property owners were selling to cash buyers. HFI has requested and received a letter from the City which advises property owners that HFI is able to pay immediately for properties to be acquired.

Vice-Chair Nurse asked whether NSP-3 properties once acquired and demolished which meets a national objective could be donated to a non-profit for development. Ms. Lampe responded that she would have to research that information with HUD.

Councilmember Gerdes asked why was there such a difference between the original demolition budget and the proposed revised demolition budget. Ms. Lampe responded that the proposed revision is based upon previous acquisitions and demolition as opposed to just demolition without acquisition.

Action: No action taken.

Presentation of Zynergy Homes by Councilmember Wengay Newton and Mr. John Tsavaris, President and CEO

Councilmember Newton began the discussion by introducing Mr. John Tsavaris the Chief Executive Officer of Zynergy Homes, a builder of energy efficient Net-Zero Homes that are built with Styrofoam on the interior covered in hardy board. Mr. Tsavaris discussed that his family has been in the homebuilding business for 50 years. He provided a handout to members of the Committee which showed that he produces two floor plans, both designed to fit on 50 foot wide lots.

Mr. Tsavaris discussed that once the slab is down, the studs and walls can be installed in two days. The home constructed will be one that is sealed that will maintain the temperature that the homeowner seeks at a nominal cost. All materials are manufactured locally in Pinellas County. The target prices of the homes are \$150,000. The Federal Housing Administration and others are offering interest rates of 3.8%. The developer can put a prospective homeowner in a home for under \$900 per month, and has a national lender that supports his product. He is only allowed to construct a home when he has a buyer who is qualified and the lender approves the loan. No speculative building is approved. The home the developer builds are free of deed restrictions, homeowner association fees, and other requirements.

The developer would like to include veterans in the population that will purchase his homes. A home could be built within 30 to 60 days and have it pre-valued as part of the closing. The AC system only put out air if someone is in the room. Systems are high SEER (18-20). Units will be less than ¾ ton. The developer does not have a model that is built, but expects to have one constructed early next year.

Councilmember Nurse made a comment that the City's housing stock was built in the 1920's, 1950's and 1970's, and he wanted to know what could the City do to help the developer? Councilmember Newton also wanted to know whether NSP lots could be donated to assist in the development of affordable housing. Ms. Lampe discussed that after meeting the slum and blight removal national objective, she would have to inquire from HUD what other requirements would have to be met. However, she did respond that the City proposes that the homes constructed now and in the future is built at a cost of no more than \$120,000.

In concluding Mr. Tsavaris discussed that part of the roof on the homes are made of tin. The shingles installed are 50 year shingles, and that first time homebuyers receive a 30% tax credit for purchasing the homes, and the purchase price includes all appliances.

Action: A motion was made to have staff find a way to assist the developer with his first home.

Update of the Mayor's Advancing Neighborhood through Schools (ANTS) Program which will be conducted in the Melrose Mercy Neighborhood, Susan Ajoc, Director, Community Services

Ms. Ajoc began the discussion by providing an overview of the Advancing Neighborhood Through Schools (ANTS). She discussed that ANTS is similar to Operation Commitment and provided an overview of how the City will utilize all of its resources from various departments to implement the program. Ms. Ajoc discussed the report that has been issued to the Committee and its similarities to Operation Commitment identifies projects in process or that have been recently completed, whether it is through capital improvement program, demolitions and a priority area in Melrose Mercy has been identified just like Operation Commitment, which gives us the opportunity to focus those resources on a particular neighborhood. This gives us the opportunity to maximize those resources in the neighborhood and enable us to ability to determine whether we need to change some of our processes, or change the process to fit the need. She discussed that the role of government is to create an environment to include, water systems, roads, sidewalks, better zoning, and land use that tells us how to create a better community with different housing types, services, businesses, schools, arts and culture. How do we move from one area to the next? What is the role of our services of police and fire? What are our incentives to entice businesses to come to the community?

The potential partners in Melrose Mercy are our schools, institutions of higher learning, residents and property owners are going to be critical. Our service providers including our hospitals and businesses are going to be critical. The area will consist of the area within the boundaries of 16th Street through 22nd Street, 18th Avenue South and north to Interstate 275 consisting of 208 Acres and 2,000 people, with the highest land use as residential.

The Community Services Department will be the lead entity during the implementation of the program and will meet with stakeholders this evening. The neighborhood association will be reforming. The department will conduct an educational campaign to discuss what will be done in the community. The department has secured volunteer opportunities of area residents, the faith based community, and other organizations. The objective is to re-engage the neighborhood, to get them involved in things that have already been done, and things that are being done can be sustained. She discussed the African American Heritage and that staff from the Economic Development Department is working with the association to develop that and we are looking to create a volunteer opportunity to look at the Fannie Ponder House and Happy Workers to raise awareness of this project going forward and to get people involved in the community to make a difference. The mission statement from the neighborhood plan that the community prepared states: "a community focused on rebuilding and revitalizing in order to restore pride and faith in this neighborhood so that this would empower the exchange structure for the future of this community".

Mayor Foster discussed that schools are a major part of this process because neighborhood schools are at the epicenter of the process. There is no better way to experience this but through the eyes of a child at their level. This is not reinventing the wheel, but to breathe life into Melrose Mercy by utilizing all of the City's resources.

Vice-Chair Nurse responded that this is good and that we cannot turn neighborhoods around by ourselves. We need everyone involved. This particular neighborhood has had 18 homes rehabilitated during the past year with four currently undergoing rehabilitation.

Councilmember Dudley responded that schools have always been the focus of neighborhoods and going back to this concept makes sense. Additional discussions were conducted with everyone in agreement that this was a good start and that this was the direction in which the City needed to move.

Action: No action taken.

Councilmember Newton introduced Debbie Johnson, Chief Executive Director of the Pinellas Housing Authority who discussed her agency's Family Self Sufficiency (FSS) Program. The purpose of the program is to identify goals over a 5-year period where it will be able to help public housing assisted persons who receive vouchers to utilize Housing Choice Vouchers to purchase homes. Ms. Johnson discussed that her agency has 90 clients who are in the FSS Program and will be eligible to purchase a home. She discussed the vision that she has that fits with ANTS for the youth of public housing who she would like to see break the cycle of having to continue depending on public housing. If we can find a way to give children the opportunity to taste, feel and see some of the things that we do to give them the passion to succeed.

Next meeting: To be held December 27, 2012.

Topics:

Update of the NSP-1 and NSP-3 Programs

Committee Members
Leslie Curran, Chair
Karl Nurse, Vice-Chair
Wengay Newton, Councilmember
Bill Dudley, Councilmember
Charlie Gerdes, Councilmember
Jeff Danner, (Alternate)

Attached documents for item Executive Action on Foreclosure Registry Ordinance 48-H.

MEMORANDUM

TO: The Honorable Leslie Curran, Chair, and Members of City Council

FROM: Mark Winn, Chief Assistant City Attorney 
Gary Bush, Codes Compliance Assistance Department Director 

DATE: Meeting of November 1, 2012

SUBJECT: Foreclosure Registry Ordinance

The following information is offered as clarification on the proposed ordinance and suggested amendments relating to a foreclosure registry. It is the intent of this memorandum to clarify what City Administration understands as the purpose of the proposed registry, coupled with staff perspective on important facets of the ordinance.

Purpose of Registry:

Staff's understanding of the registry's purpose is to help with vacant, abandoned, foreclosed homes. The registry would require lenders in the process of repossessing the collateral on a loan to register important contact information with the City. The contact information would be used for quicker, more direct communication between the City and the mortgagee of the property. This relationship is vital as many of the vacant homes in foreclosure have been abandoned by the owner. Once direct communication is established, the City expects to gain added compliance on certain property issues relating to overgrowth and securing. Although these issues can be resolved by City resources, they are resolved at the expense of the City. In addition, while the costs for resolving the violation are placed on the property as an assessment, the costs are not immediately recovered. In order to implement and process the registry, administration proposes an annual fee of \$125 per registration to cover the cost of administering the ordinance. If Council approves the proposed Foreclosure Registry Ordinance, it is also recommended that Council approve the attached resolution related to the annual fee required to administer the program.

Original Ordinance:

In September 2012, Codes Compliance staff compared the 4,053 properties in foreclosure to the 4,924 active cases for the department. There are currently open codes cases on 347 properties on the foreclosed list. Therefore, of the 4,053 properties in foreclosure, 8.56% currently have an active codes case. Some caution should be exercised while reviewing these statistics, as Codes staff did not inspect all of the properties on the foreclosure list; therefore it would be judicious to hold some caution toward the idea that out of all foreclosed properties in the City 8.56% have a code violation. Had the entire population of foreclosed homes been inspected, the percentage could have fluctuated. Furthermore, regardless of the percentage, cases on foreclosed homes consume a great deal of codes staff time. These properties continuously need inspection/service although many of the properties have been abandoned and owners no longer maintain them.

An article published in *Business Insider* on 10/4/2012 stated that there had been a decrease, albeit small, in foreclosed homes across the country. Florida, however, was the exception. August 2012

brought an 11 percent increase in the inventory of foreclosed properties. The article also highlighted the State's lengthy legal process as a potential cause of the growing inventory.

According to recent data compiled by *RealtyTrac*, for the quarter ending Sept. 30, one in every 117 Florida homes was in some sort of foreclosure action (more than double the national average) and the foreclosure rate was up 14 percent from the same period last year. Florida also led the nation for foreclosures in September; a position last held in April 2005.

This information illustrates the lagging nature of the foreclosure issue in the State and highlights the idea that the number of foreclosed homes will not be dwindling in the near future. If Council were to pass an ordinance that requires all properties in foreclosure to register, City staff could immediately contact the mortgagee/servicer with important information. Any issues that are noted with a property, by Codes, Police or citizens, can be directly conveyed to a contact with the authority to act on behalf of an interested party. This will not replace the normal notification process; it will supplement the notices and allow for information to be received by appropriate, potentially capable persons. This would be the preferred registry of the Codes Department.

Under this ordinance, the burden of the work is on the Bank and/or service provider. They would be responsible for keeping up with their collateral (property), ensuring it is properly registered or unregistered, and keeping the City apprised of the status of the property. This ordinance would set expectations when a property is inspected by posting the property vacant and identify a contact person that could be reached to identify maintenance issues. It allows staff to immediately contact someone regarding the property and ensure notices are received. Under this ordinance, the purpose of the registry as described above is achieved.

Proposed Ordinance with Amendments: Several changes to the Original Ordinance have been proposed and incorporated in the proposed ordinance, and one that has been discussed is not included.

First Mortgage Holder Only Required To Register

Codes staff agrees with this amendment. The first/primary mortgage holder should be responsible for registering the property and any subordinate mortgage holders should be exempt.

Sunset and Review

Codes staff agrees with this amendment. A designated review of the program will allow for consideration of best practices and program enhancements.

Consultant proposed changes

The consultant who spoke at the last meeting has suggested several changes which are incorporated. One, expands who must register to include mortgagees who have initiated default on a vacant property and another which requires mortgagee 'investors', like Fannie Mae, to maintain participation in the registry after the foreclosure is completed and they have title to the property.

Clarification and Typos

Several other clarifications were made to existing language and typos corrected.

Properties with Code Violations and In Foreclosure Required To Register

This amendment is not preferred by Codes Staff. It adds another step between the property and a contact person. Currently, staff inspects a property and notifies the owner of record of any issues. A

notice is also sent to the attorney that filed the Lis Pendens with Pinellas County. It has been of rare occasion that the attorney for the mortgagee has notified its client of pending violations, let alone resolved an issue with the property. Under this type of registry, Staff would still need to locate a contact to inform them of pending violations, as well as the required registration. This leaves staff in the current predicament regarding a contact and it seems to contradict the purpose of the registry previously discussed at Council Housing Committee meetings.

Potential Consultant Involvement

RSA Consulting Group, LLC and VacantRegistry.com have expressed interest in assisting the City with the implementation of the ordinance and registry. Staff will evaluate the need for such assistance and will follow City procedures required to obtain the services of consultants, if such assistance is necessary.

Attachments: Original Ordinance
 Proposed Ordinance with amendments
 Registry Ordinance Fee Resolution

Cc: Mayor Foster
 John Wolfe
 Tish Elston
 Rick Mussett

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE CREATION OF A FORECLOSURE REGISTRY; PROVIDING FOR REGISTRATION FOR ALL PROPERTIES IN FORECLOSURE; PROVIDING MAINTENANCE AND SECURITY REQUIREMENTS FOR ALL PROPERTIES IN FORECLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG, FLORIDA DOES ORDAIN:

SECTION 1. Legislative Findings, Intent and Purpose.

(A) The City Council of the City of St. Petersburg, Florida finds that property may remain in the foreclosure process for months or years prior to foreclosure sale or other resolution of the foreclosure proceedings, and that such property may be abandoned at any time during the foreclosure proceedings, often without warning or notice or even if not abandoned may not be properly maintained.

(B) The City Council of the City of St. Petersburg, Florida finds that property that is not properly maintained is unsightly, unsafe and has a negative impact on the community. The City Council of the City of St. Petersburg, Florida hereby declares that all property in the City of St. Petersburg that has been foreclosed upon or is the subject of foreclosure actions or proceedings and is not properly maintained is a public nuisance, the abatement of which, pursuant to the City's police power, is hereby declared to be necessary for the health, safety and welfare of the citizens of the City of St. Petersburg.

(C) It is the intent and purpose of this Ordinance to protect and preserve public safety, security, and quiet enjoyment of occupants of abutting property and neighborhoods to prevent blighted and unsecured residences by (i) identifying properties in foreclosure; (ii) requiring all mortgagees, including lenders, trustees, and service companies, to register property that has been foreclosed upon or are the subject of foreclosure actions or proceedings; and (iii) regulating the maintenance of property that has been foreclosed upon and are owned by the foreclosing entity, or are the subject of foreclosure actions or proceedings.

SECTION 2. The St. Petersburg City Code is hereby amended by adding new sections, Chapter 8, Division 2, Subdivision III, Sections 8-145 thru 8-148, to read as follows:

Chapter 8
Division 2
Subdivision III

SECTION 8-145. DEFINITIONS. For the purpose of this Subdivision, the following definitions shall apply unless the context clearly indicates and requires a different meaning.

“Days” means calendar days.

“Foreclosure” means the legal process by which a parcel, tract, lot or other defined area of property, placed as security for a real estate loan, is prepared for sale by the mortgagee to satisfy the debt if the borrower/mortgagor defaults. This definition shall include all processes, activities and actions, by whatever name, associated with this process.

“Local” means within the boundaries of the City of St. Petersburg, Florida.

“Local Agent” means the agent designated by the mortgagee upon registration as required under this Subdivision.

“Mortgagee” means the creditor, including but not limited to, trustees; service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor’s rights, interests or obligations under the mortgage agreement. For purposes of this Subdivision only, the term mortgagee does not apply to governmental entities.

“Owner” means every person, entity, or service company, who alone or severally with others:

- 1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including, but not limited to, a mobile home park; or
- 2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- 3) is a mortgagee in possession of any such property, or is a mortgagee with actual control of access to the property by any means including, but not limited to, changing locks or putting on a lock box; or
- 4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

“Property(ies) In Foreclosure” means any property in the City that is the subject of a foreclosure action or proceeding, is the subject of a foreclosure sale where the title was obtained by the mortgagee involved in the foreclosure, and/or has been transferred under a deed in lieu of foreclosure or otherwise to the mortgagee.

“Property” means any real property, or portion thereof, located in the City, including buildings or structures situated on the property. For purposes of this Subdivision only, property does not include property owned or subject to the control of the City or any of its governmental bodies, and does not include individual units in condominium ownership in accordance with Chapter 718 of the Florida Statutes, or other individual units in common-interest communities where all exterior elements and common areas are jointly owned and maintenance is the joint responsibility of a community association.

**SECTION 8-146. REGISTRATION OF PROPERTIES IN FORECLOSURE;
DUTY TO PROVIDE WRITTEN NOTICE OF PROPERTIES IN FORECLOSURE.**

(a) Within ten (10) days of the filing of a lis pendens and/or an action to foreclose upon a mortgage or similar instrument, the foreclosing mortgagee shall register with the POD, on forms provided by the POD, all properties in foreclosure. For property for which a lis pendens and/or an action to foreclose upon a mortgage or similar instrument has been instituted prior to the effective date of this Subdivision (_____, 2012), and which has not yet been registered pursuant to this Subdivision, the foreclosing mortgagee shall register such property within sixty (60) days of the effective date. All registrations shall state the property address; the owner’s name, mailing address, and telephone number; the foreclosing mortgagee’s name, mailing address, and telephone number; and the local agent’s name, mailing address, telephone number and email address. If the mailing address is a post office box, a physical address shall also be provided. If at any time during the pendency of the foreclosure action, the owner vacates the property, or the property is not occupied by the owner at the time of commencement of the foreclosure action, the foreclosing mortgagee shall designate a local individual or local property management company as the local agent responsible for the security and maintenance of the property. In the event a local agent is required, the registration shall also certify that the property was inspected by the local agent.

(b) All property registrations are valid for one (1) calendar year. An annual registration fee established by the City Council by adoption of a resolution, shall accompany each registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration.

(c) Once the property is no longer in foreclosure or is sold to a person or entity other than the mortgagee, the mortgagee shall provide proof of sale or written notice of termination of the foreclosure proceedings to the POD on forms provided by the POD .

(d) Any mortgagee that has registered a property under this Subdivision shall report any change of information contained in the registration within ten (10) days of the change. There is no fee for modifications to registrations.

SECTION 8-147. MAINTENANCE AND SECURITY REQUIREMENTS.

(a) All owners are responsible for maintaining their properties in foreclosure in accordance with the provisions of this Subdivision and all other applicable City codes and ordinances.

(b) All owners are responsible for maintaining their properties in foreclosure in a secure manner so as not to be accessible to unauthorized persons.

(c) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the any structure. Broken windows shall be secured by reglazing or replacing of the window Any excavations, swimming pools or other attractive nuisances shall be secured or eliminated. All securing activities shall be accomplished as required and in compliance with the Florida Building Codes and local ordinances, including but not limited to required permitting and inspections.

(d) If the owner of the property in foreclosure is not living in the property, the property shall be posted with the name and twenty-four (24) hour contact telephone number of the mortgagee's local agent. The posting shall be clearly visible from the street. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY:

TO REPORT ANY PROBLEMS OR CONCERNS CALL:

(e) Compliance with this Subdivision does not relieve the owner of any applicable obligations set forth elsewhere in the City Code or within any covenants, conditions and restrictions and/or homeowner's association rules and regulations.

(f) It shall be an ordinance violation to fail to comply with any of the provisions of this subdivision.

SECTION 3. Severability.

If any section, phrase, sentence, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Effective Date.

In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the 15th business day after adoption. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to Content and Form:

City Attorney (Designee)

By: _____

Assistant City Attorney

Legal: 00164320.doc v. 8.1 clean

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE CREATION OF A FORECLOSURE REGISTRY; PROVIDING FOR REGISTRATION FOR ALL PROPERTIES IN FORECLOSURE; PROVIDING MAINTENANCE AND SECURITY REQUIREMENTS FOR ALL PROPERTIES IN FORECLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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(B) The City Council of the City of St. Petersburg, Florida finds that property that is not properly maintained is unsightly, unsafe and has a negative impact on the community. The City Council of the City of St. Petersburg, Florida hereby declares that all property in the City of St. Petersburg that has been foreclosed upon or is the subject of foreclosure actions or proceedings and is not properly maintained is a public nuisance, the abatement of which, pursuant to the City's police power, is hereby declared to be necessary for the health, safety and welfare of the citizens of the City of St. Petersburg.

(C) It is the intent and purpose of this Ordinance to protect and preserve public safety, security, and quiet enjoyment of occupants of abutting property and neighborhoods to prevent blighted and unsecured residences by (i) identifying properties in foreclosure; (ii) requiring all mortgagees, including lenders, trustees, and service companies, to register property that has been foreclosed upon or are the subject of foreclosure actions or proceedings; and (iii) regulating the maintenance of property that has been foreclosed upon and are owned by the foreclosing entity, or are the subject of foreclosure actions or proceedings.

SECTION 2. The St. Petersburg City Code is hereby amended by adding new sections, Chapter 8, Division 2, Subdivision III, Sections 8-145 thru 8-148, to read as follows:

Chapter 8
Division 2
Subdivision III

SECTION 8-145. DEFINITIONS. For the purpose of this Subdivision, the following definitions shall apply unless the context clearly indicates and requires a different meaning.

“Days” means calendar days.

“Foreclosure” means the legal process by which a parcel, tract, lot or other defined area of property, placed as security for a real estate loan, is prepared for sale by the mortgagee to satisfy the debt if the borrower/mortgagor defaults. This definition shall include all processes, activities and actions, by whatever name, associated with this process.

“Local” means within the boundaries of the City of St. Petersburg, Florida.

“Local Agent” means the agent designated by the mortgagee upon registration as required under this Subdivision.

“Mortgagee” means the creditor, including but not limited to, trustees; service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor’s rights, interests or obligations under the mortgage agreement. For purposes of this Subdivision only, the term mortgagee does not apply to governmental entities, second mortgage holders (unless the first mortgage has been satisfied), or other persons or entities with an inferior lien position to a first mortgage.

“Owner” means every person, entity, or service company, who alone or severally with others:

- 1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including, but not limited to, a mobile home park; or
- 2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- 3) is a mortgagee in possession of any such property, or is a mortgagee with actual control of access to the property by any means including, but not limited to, changing locks or putting on a lock box; or
- 4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

“Property(ies) In Foreclosure” means any property in the City that is the subject of a foreclosure action or proceeding by the first mortgage holder, is the subject of a foreclosure sale where the title was obtained by the mortgagee involved in the foreclosure, and/or has been transferred under a deed in lieu of foreclosure or otherwise to the mortgagee.

“Property” means any real property, or portion thereof, located in the City, including buildings or structures situated on the property. For purposes of this Subdivision only, property does not include property owned or subject to the control of the City or any of other governmental bodies, and does not include individual units in condominium ownership in accordance with Chapter 718 of the Florida Statutes, or other individual units in common-interest communities where all exterior elements and common areas are jointly owned and maintenance is the joint responsibility of a community association.

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**SECTION 8-146. REGISTRATION OF PROPERTIES IN FORECLOSURE;
DUTY TO PROVIDE WRITTEN NOTICE OF PROPERTIES IN FORECLOSURE.**

(a) Within ten (10) days of the filing of a lis pendens and/or an action to foreclose upon a mortgage or similar instrument regardless of occupancy, or within ten (10) days after the mortgagee has notified the borrower of default and the mortgagee finds evidence that the property is vacant, the mortgagee shall register with the POD, on forms provided by the POD, all properties in foreclosure. For property for which a lis pendens and/or an action to foreclose upon a mortgage or similar instrument has been instituted prior to the effective date of this Subdivision (October __, 2012), and which has not yet been registered pursuant to this Subdivision, the foreclosing mortgagee shall register such property within sixty (60) days of the effective date. All registrations shall state the property address; the owner’s name, mailing address, and telephone number; the foreclosing mortgagee’s name, mailing address, and telephone number; and the local agent’s name, mailing address, telephone number and email address. If the mailing address is a post office box, a physical address shall also be provided. If at any time during the pendency of the foreclosure action, the owner vacates the property, or the property is not occupied by the owner at the time of commencement of the foreclosure action, the foreclosing mortgagee shall designate a local individual or local property management company as the local agent responsible for the security and maintenance of the property. In the event a local agent is required, the registration shall also certify that the property was inspected by the local agent.

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(b) All property registrations are valid for one (1) calendar year. An annual registration fee established by the City Council by adoption of a resolution, shall accompany each registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration.

(c) Once the property is no longer in foreclosure or is sold to a person or entity other than the mortgagee or the mortgagee’s investor (this entity would be an entity which had some financial interest in the original mortgage and to which a property is transferred as a result of the foreclosure, eg Fannie Mae, Freddie Mac), the mortgagee shall provide proof of sale or written notice of termination of the foreclosure proceedings to the POD on forms provided by the POD .

(d) Any mortgagee that has registered a property under this Subdivision shall report any change of information contained in the registration within ten (10) days of the change. There is no fee for modifications to registrations.

(e) The City may contract with an entity to implement this Subdivision III, and, if so,

any reference to the POD herein shall include the entity the City contracts with for that purpose.

SECTION 8-147. MAINTENANCE AND SECURITY REQUIREMENTS.

(a) All owners are responsible for maintaining their properties in foreclosure in accordance with the provisions of this Subdivision and all other applicable City codes and ordinances.

(b). All owners are responsible for maintaining their properties in foreclosure in a secure manner so as not to be accessible to unauthorized persons.

(c) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the any structure. Broken windows shall be secured by reglazing or replacing of the window Any excavations, swimming pools or other attractive nuisances shall be secured or eliminated. All securing activities shall be accomplished as required and in compliance with the Florida Building Codes and local ordinances, including but not limited to required permitting and inspections.

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TO REPORT ANY PROBLEMS OR CONCERNS CALL:

(e) Compliance with this Subdivision does not relieve the owner of any applicable obligations set forth elsewhere in the City Code or within any covenants, conditions and restrictions and/or homeowner's association rules and regulations.

SECTION 8-148. SUNSET AND REVIEW.

Eighteen months after the effective date of this Ordinance, City Council shall initiate a review of the impacts of this Subdivision III. This Subdivision III shall terminate and be of no further force and effect as of the second (2nd) anniversary of the effective date of this Ordinance unless extended by ordinance and, if not extended, shall automatically be removed from the City Code by the codifier.

SECTION 3. Severability.

If any section, phrase, sentence, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence, or portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Deleted: (f) It shall be an ordinance violation to fail to comply with any of the provisions of this subdivision.¶

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Approved as to Content and Form:

City Attorney (Designee)

By: _____
Assistant City Attorney

Legal: 00164320.doc v. 8.1 clean

Resolution No. 2012 - _____

A RESOLUTION PROVIDING THAT THE ANNUAL REGISTRATION FEE FOR REGISTRATION OF PROPERTIES IN FORECLOSURE IN ACCORDANCE WITH ORDINANCE 48-H SHALL BE \$125.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City Council has enacted Ordinance 48-H providing for registration by mortgagees of properties in foreclosure; and

WHEREAS, Ordinance 48-H provides, inter alia, that all property registrations are valid for one (1) calendar year and that an annual registration fee established by the City Council by adoption of a resolution, shall accompany each registration form; and

WHEREAS, City Council has determined that an annual registration fee in the amount of \$125.00 is appropriate.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the annual registration fee for registration of properties in foreclosure in accordance with Ordinance 48-H shall be \$ 125.00.

This resolution shall become effective immediately upon its adoption.

Approvals:

Legal: _____ Administration: _____

ORDINANCE NO. 48-H

Revised version

AN ORDINANCE RELATING TO THE CREATION OF A FORECLOSURE REGISTRY; PROVIDING FOR REGISTRATION FOR ALL PROPERTIES IN FORECLOSURE; PROVIDING MAINTENANCE AND SECURITY REQUIREMENTS FOR ALL PROPERTIES IN FORECLOSURE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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“Days” means calendar days.

“Foreclosure” means the legal process by which a parcel, tract, lot or other defined area of property, placed as security for a real estate loan, is prepared for sale by the mortgagee to satisfy the debt if the borrower/mortgagor defaults. This definition shall include all processes, activities and actions, by whatever name, associated with this process.

“Local” means within the boundaries of the City of St. Petersburg, Florida.

“Local Agent” means the agent designated by the mortgagee upon registration as required under this Subdivision.

“Mortgagee” means the creditor, including but not limited to, trustees; service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor’s rights, interests or obligations under the mortgage agreement. For purposes of this Subdivision only, the term mortgagee does not apply to governmental entities, second mortgage holders (unless the first mortgage has been satisfied), or other persons or entities with an inferior lien position to a first mortgage.

“Owner” means every person, entity, or service company, who alone or severally with others:

- 1) has legal or equitable title to any dwelling, dwelling unit, mobile dwelling unit, building, structure, or parcel of land, vacant or otherwise, including, but not limited to, a mobile home park; or
- 2) has care, charge or control of any dwelling, dwelling unit, mobile dwelling unit, building, structure or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
- 3) is a mortgagee in possession of any such property, or is a mortgagee with actual control of access to the property by any means including, but not limited to, changing locks or putting on a lock box; or
- 4) is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property.

“Property(ies) In Foreclosure” means any property in the City that is the subject of a foreclosure action or proceeding by the first mortgage holder, is the subject of a foreclosure sale where the title was obtained by the mortgagee involved in the foreclosure, and/or has been transferred under a deed in lieu of foreclosure or otherwise to the mortgagee.

“Property” means any real property, or portion thereof, located in the City, including buildings or structures situated on the property. For purposes of this Subdivision only, property does not include property owned or subject to the control of the City or any of other governmental bodies, and does not include individual units in condominium ownership in accordance with Chapter 718 of the Florida Statutes, or other individual units in common-interest communities where all exterior elements and common areas are jointly owned and maintenance is the joint responsibility of a community association.

**SECTION 8-146. REGISTRATION OF PROPERTIES IN FORECLOSURE;
DUTY TO PROVIDE WRITTEN NOTICE OF PROPERTIES IN FORECLOSURE.**

(a) Within ten (10) days of the filing of a lis pendens and/or an action to foreclose upon a mortgage or similar instrument regardless of occupancy, or within ten (10) days after the mortgagee has notified the borrower of default and the mortgagee finds evidence that the property is vacant, the mortgagee shall register with the POD, on forms provided by the POD, all properties in foreclosure. For property for which a lis pendens is pending and/or an action to foreclose upon a mortgage or similar instrument is pending which had been instituted prior to the effective date of this Subdivision (November 1, 2012), and which has not yet been registered pursuant to this Subdivision, the foreclosing mortgagee shall register such property within sixty (60) days of the effective date. All registrations shall state the property address; the owner’s name, mailing address, and telephone number; the foreclosing mortgagee’s name, mailing address, and telephone number; and the local agent’s name, mailing address, telephone number and email address. If the mailing address is a post office box, a physical address shall also be provided. If at any time during the pendency of the foreclosure action, the owner vacates the property, or the property is not occupied by the owner at the time of commencement of the foreclosure action, the foreclosing mortgagee shall designate a local individual or local property management company as the local agent responsible for the security and maintenance of the property. In the event a local agent is required, the registration shall also certify that the property was inspected by the local agent.

(b) All property registrations are valid for one (1) calendar year. An annual registration fee established by the City Council by adoption of a resolution, shall accompany each registration form. Subsequent annual registrations and fees are due within thirty (30) days of the expiration of the previous registration.

(c) Once the property is no longer in foreclosure or is sold to a person or entity other than the mortgagee or the mortgagee’s investor (this entity would be an entity which had some financial interest in the original mortgage and to which a property is transferred as a result of the foreclosure, eg Fannie Mae, Freddie Mac), the mortgagee shall provide proof of sale or written notice of termination of the foreclosure proceedings to the POD on forms provided by the POD .

(d) Any mortgagee that has registered a property under this Subdivision shall report any change of information contained in the registration within ten (10) days of the change. There is no fee for modifications to registrations.

(e) The City may contract with an entity to implement this Subdivision III, and, if so, any reference to the POD herein shall include the entity the City contracts with for that purpose.

SECTION 8-147. MAINTENANCE AND SECURITY REQUIREMENTS.

(a) All owners are responsible for maintaining their properties in foreclosure in accordance with the provisions of this Subdivision and all other applicable City codes and ordinances.

(b) All owners are responsible for maintaining their properties in foreclosure in a secure manner so as not to be accessible to unauthorized persons.

(c) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the any structure. Broken windows shall be secured by reglazing or replacing of the window Any excavations, swimming pools or other attractive nuisances shall be secured or eliminated. All securing activities shall be accomplished as required and in compliance with the Florida Building Codes and local ordinances, including but not limited to required permitting and inspections.

(d) If the owner of the property in foreclosure is not living in the property, the property shall be posted with the name and twenty-four (24) hour contact telephone number of the mortgagee’s local agent. The posting shall be clearly visible from the street. The posting shall contain the following language:

THIS PROPERTY IS MANAGED BY:

TO REPORT ANY PROBLEMS OR CONCERNS CALL:

(e) Compliance with this Subdivision does not relieve the owner of any applicable obligations set forth elsewhere in the City Code or within any covenants, conditions and restrictions and/or homeowner’s association rules and regulations.

SECTION 8-148. SUNSET AND REVIEW.

Eighteen months after the effective date of this Ordinance, City Council shall initiate a review of the impacts of this Subdivision III. This Subdivision III shall terminate and be of no further force and effect as of the second (2nd) anniversary of the effective date of this Ordinance unless extended by ordinance and, if not extended, shall automatically be removed from the City Code by the codifier.

SECTION 3. Severability.

If any section, phrase, sentence, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence,

or portion shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Effective Date.

In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the 15th business day after adoption. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to Content and Form:

City Attorney (Designee)

By: _____

Assistant City Attorney

Legal: 00165358



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table. I/1
①

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Barbara Heck
 ADDRESS: 106 Giralda Blvd NE
 REPRESENTING: Myself - Neighborhood Advocate
 AGENDA ITEM NO. : I-1
 FOR: _____ AGAINST: _____

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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②

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: ARON DEWICK
 ADDRESS: 2001 47th Ave N
 REPRESENTING: _____
 AGENDA ITEM NO. : I-1
 FOR: _____ AGAINST: _____

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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③

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Kofi Hunt
 ADDRESS: 9100 MLK ST N
 REPRESENTING: Executive Action on Foreclosure
 AGENDA ITEM NO. : I-1
 FOR: Passage _____ AGAINST: _____

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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I1
④

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Brian Shuford
 ADDRESS: 4540 Ulmerton Rd
 REPRESENTING: Pinellas Realtor Org
 AGENDA ITEM NO. : I-2
 FOR: _____ AGAINST: X

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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⑤

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Judy Landon
 ADDRESS: 4231-18th ST N
 REPRESENTING: Harris Park
 AGENDA ITEM NO. : I-1
 FOR: ✓ _____ AGAINST: _____

NOV 01 2012 **3 MINUTE TIME LIMIT**

573



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I1
⑥

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Tom Darnell
 ADDRESS: 6767 N. Wickham Rd. #400 Melbourne
 REPRESENTING: vacantregistry.com 32940
 AGENDA ITEM NO. : Legal - Item 1 - Foreclosure registry
 FOR: ✓ _____ AGAINST: _____

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

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7

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: KURT DONLET
 ADDRESS: 2036 CENTRAL AVE
 REPRESENTING: MYSELF 33712
 AGENDA ITEM NO.: I1 - FORECLOSURE REGIS
 FOR: X AGAINST: _____

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

I1
8

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Kevin Batdorf
 ADDRESS: 1801 Nevada Avenue
 REPRESENTING: Self
 AGENDA ITEM NO.: I-1
 FOR: _____ AGAINST: ✓

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table.

I1
9

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Nick Allen
 ADDRESS: 1181 Cordova Blvd. NE.
 REPRESENTING: PRO
 AGENDA ITEM NO.: I-1
 FOR: _____ AGAINST: ✓

3 MINUTE TIME LIMIT



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table. I 1
10

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: MIKE GALLEY
 ADDRESS: 542 Lewis Blvd SE
 REPRESENTING: CONA
 AGENDA ITEM NO.: I-1 Foreclosure Registry
 FOR: X AGAINST: _____

3 MINUTE TIME LIMIT

573



If you wish to speak on a PUBLIC HEARING item or an APPEAL HEARING item listed on your agenda, please fill out this card and place in the box on the center table. I 1
11

CITY OF ST. PETERSBURG, PUBLIC HEARING

NAME: Winnie Foster
 ADDRESS: 311 57th Ave So
 REPRESENTING: Sojourner Truth
 AGENDA ITEM NO.: 48-H
 FOR: ✓ AGAINST: _____

NOV 01 2012

3 MINUTE TIME LIMIT

573

Attached documents for item Retention of Outside Counsel for BP Oil Spill.

MEMORANDUM

TO: Honorable Leslie Curran, Chair, and Members of City Council

FROM: Mark Winn, Chief Assistant City Attorney
Jane E. Wallace, Assistant City Attorney 

DATE: October 25, 2012

RE: Meeting on November 1, 2012
Retention of Outside Counsel for BP Oil Spill

The City Attorney's Office recently researched law firms and consulting services that are undertaking contingency representation of governmental entities to investigate and potentially litigate on behalf of the City of St. Petersburg the recovery of loss of revenue and other damages related to the April 20, 2010, Deepwater Horizon explosion in the Gulf of Mexico.

The law firms of The Penton Law Firm, Trenam Kemker, and Ventura, Ribeiro & Smith have formed a consortium which provides these services. These firms have the necessary qualifications and experience. These firms have retained local economist Walter Klages, PhD, of the Klages Group as an expert. These firms have agreed to a proposed attorney fee which is an 18% contingency fee of the recovery, through and including any appeals. No attorneys' fees or costs will be due if no recovery is made. Attorneys of Ventura, Ribeiro & Smith and Trenam Kemker are residential property and business owners in our community.

The City Attorney's Office has recommended to the Mayor and the Mayor has agreed to appoint and to retain the consortium consisting of The Penton Law Firm, Trenam Kemker, and Ventura, Ribeiro & Smith, subject to City Council confirmation, to perform investigation and legal services on behalf of the City of St. Petersburg related to the recovery of loss of revenue and other damages from the April 20, 2010, Deepwater Horizon explosion in the Gulf of Mexico.

If there is a recovery, attorneys' fees and costs associated with these services may exceed the limitation set forth in Resolution 83-737. The City Attorney's Office is asking City Council to approve the attached resolution which confirms the Mayor's appointment and retention of The Penton Law Firm, Trenam Kemker, and Ventura, Ribeiro & Smith to perform investigation and legal services related to the recovery of loss of revenue and other damages from the April 20, 2010, Deepwater Horizon explosion in the Gulf of Mexico and authorizes payment for this representation to be paid from the recovery.

If you have any questions regarding this matter, please feel free to call me.

Attachment

I-2

A RESOLUTION CONFIRMING THE APPOINTMENT AND RETENTION OF THE PENTON LAW FIRM, TRENAM KEMKER, AND VENTURA, RIBEIRO & SMITH AS SPECIAL LEGAL COUNSEL TO THE CITY TO PERFORM LEGAL SERVICES RELATED TO THE RECOVERY OF LOSS OF REVENUE AND OTHER DAMAGES RELATED TO THE APRIL 20, 2010, DEEPWATER HORIZON EXPLOSION IN THE GULF OF MEXICO; AUTHORIZING PAYMENT FOR SUCH SERVICES; AND PROVIDING AN EFFECTIVE DATE.

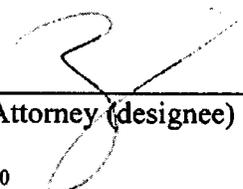
BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the appointment by the Mayor and the retention of the consortium consisting of The Penton Law Firm, Trenam Kemker, and Ventura, Ribeiro & Smith as Special Legal Counsel to the City to perform legal services related to the recovery of loss of revenue and other damages related to the April 20, 2010, Deepwater Horizon explosion in the Gulf of Mexico is hereby confirmed.

BE IT FURTHER RESOLVED that pursuant to Section 3.06 of the City Charter, the services to be performed by the Special Legal Counsel will be as delegated by the City Attorney.

BE IT FURTHER RESOLVED that the City Council of the City of St. Petersburg authorizes payment of attorneys' fees and costs for these services to be paid from any recovery in accordance with a contingency fee agreement approved by the City Attorney.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon its adoption.

Approved as to form and content:



City Attorney (designee)

00163010

Attached documents for item Confirming the appointment of Michael Dema as an Assistant City Attorney.

MEMORANDUM

TO: The Honorable Leslie Curran, Chair and Members of City Council

FROM: John C. Wolfe, City Attorney 

DATE: October 25, 2012

RE: Vacant Assistant City Attorney Position

With the departure of Erica Smith, our Office is an attorney short of our normal strength. I have recommended, and the Mayor has appointed, an individual whom we feel is highly qualified for the open position. Michael Dema is a 2011 Stetson University graduate who has been admitted to the Florida Bar and has been in private practice for the past year. Michael has a Masters Degree in Environment Studies from Brown University and, before entering law school, worked for a local environmental consultant for more than five years.

I am asking you to confirm the appointment of Michael Dema as an Assistant City Attorney to take effect upon his first day of employment which is expected to be Monday, November 5, 2012. Michael's resume is attached for your information.

If you have any questions, please call either Mark Winn or me.

Attachments

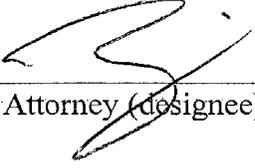
c: Mayor Bill Foster
Tish Elston

A RESOLUTION OF THE CITY COUNCIL OF
ST. PETERSBURG, FLORIDA CONFIRMING
THE APPOINTMENT OF MICHAEL DEMA AS
AN ASSISTANT CITY ATTORNEY; AND
PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that
this Council confirms the appointment by the Mayor, made upon the recommendation of the City
Attorney, of Michael Dema as an Assistant City Attorney.

This resolution shall take effect immediately upon its adoption.

Approved as to form and content:



City Attorney (designee)

Attached documents for item Additional Information

OPEN FORUM SIGN-UP

Council Meeting Date: 11-1-12

Note: Individuals wishing to address City Council must be a Business Owner, Live within the City, Own Property or be a City Employee.

Please Print

<u>Name</u>	<u>Address</u>	<u>Subject</u>
1. ✓ Tom Tito	622-12 th Ave S	RNC expenses.
2. ✓ Vince Cooks	Pine Lakes Point	Early voting parking
3. ✓ DAVID MYERS	481 SW BIRDEN	EXCISE REFORM
4. ✓ Momma Tee Kaster	963 27 th N/S	Prayer for City
5. ✓ Skinnie Foster	311 57 th Ave S	Forclosure Registry
6. Michael Pastreich	420 Second Street	Arts Funding
7.		
8.		
9.		
10.		
11.		
12.		
13.		

Attached documents for item City Council convenes as Community Redevelopment Agency.

Attached documents for item Resolution of the St. Petersburg Community Redevelopment Agency (CRA) finding "The Residences at 330 - 3rd Street South," located at 330 - 3rd Street South, consistent with the Intown Redevelopment Plan, as reviewed in Community Redevelopment Agency Repor



Community Redevelopment Agency
Meeting of November 1, 2012

CRA Case File: IRP 12-09c

REQUEST

Review of proposed plan to construct the "Residences at 330 3rd Street South", an 18-story, 357-unit apartment complex with approximately 6,600-SF of commercial at 330 3rd Street South for consistency with the Intown Redevelopment Plan.

APPLICANT INFORMATION

Applicant Osprey S.F. Properties, LLC
7600 Grand River, Suite 120
Brighton, MI 48114

Representative R. Donald Mastry, Esq.
Trenam Kemker
200 Central Avenue, Suite 1600
St. Petersburg, FL 33701

Architect Rachel Cardello
ADD Inc.
1 Biscayne Tower, Suite 1670
2 S. Biscayne Blvd
Miami, FL 33131

OVERVIEW OF PROJECT (see Attachments)

The "Residences at 330 3rd Street South" (Project) is an eighteen-story apartment tower with 357 units located south of the University Village shopping center and north of the The Madison on 4th Avenue South. Along with 6,600 SF of commercial space, the Project will have 148 1BR units, 177 2BR units and 32 3BR units, at an average rental rate of approximately \$1400/unit and yield a density of 124 DUs/acre and a 3.45 FAR. Floors two through 17 will consist solely of residential units, while the 18th floor will have an outdoor pool and deck, outdoor fitness and lounge area and an enclosed clubroom, fitness area and other amenity spaces.

The apartment tower is oriented to the southwest corner of the site, with the main entrance from 3rd Street South, and includes pedestrian oriented uses such as a lobby, lounge, leasing office, back of house functions and five residential units. The ground-floor units will have a private court yard with direct pedestrian access to 4th Avenue South.

The Project site is bisected by a 20-ft wide ingress/egress and utility easement for which the applicant is seeking a vacation in order to provide access to the resident's garage parking, loading, drop-off, dumpsters as well as outdoor plaza and a dog park. The easement vacation is scheduled for hearing before the DRC in October and City Council in November.

The proposed 4-story parking garage will be located north of the existing easement along the north side of the property abutting the shopping center. On its 3rd Street South elevation, the garage will be lined with four bays of commercial space totaling 6,600 SF. The garage will contain the code-required resident parking as well as 68 spaces for guests and the public that are physically separated. Ingress/egress to the garage for Project residents is located off the eastern edge of the easement and secured with a vehicular gate, while access for the public is availed from 2nd Street South. A sidewalk is proposed between the parking garage and north property line that will allow pedestrians to traverse from 3rd Street South to 2nd Street South.

Floors two through 18 of the residential tower will cantilever over the private vehicular drive along 3rd Street South to provide access into the parking garage. Pedestrian access to the building will be from the abutting streets.

The site plan for the Project, along with a 0.5 FAR bonus request, was administratively approved by Development Review Services staff on July 30, 2012. The 0.5 bonus was granted for screening the garage from floors one through four on both 2nd Street South and 3rd Street South. Final approval will be needed from City Council to vacate the easement bisecting the site from 2nd Street South to 3rd Street South.

This is the second development proposed for the site in the last ten years. In the mid 2000s, the Environmental Development Commission approved a 250-unit site plan on the property (see 07-3100012 and 08-3100024).

CONSISTENCY WITH INTOWN REDEVELOPMENT PLAN

The Intown Redevelopment Plan (IRP) requires the Community Redevelopment Agency to evaluate a development proposal to ensure its proposed use and design are consistent with the Plan.

Plan Emphasis

The Project is located within the University Park area of Intown, and is designated for "Residential" which is one of the four focus areas of the IRP, the others being the Core, Webb's City, and Stadium Complex. The zoning for the site is DC-1, which does allow multifamily dwellings with a floor area ratio of more than 7.0. The "Residences at 330 3rd Street South" with a proposed FAR of 3.45, is therefore consistent with the Intown Redevelopment Plan.

Design Criteria

Design criteria in the IRP that pertain to this project include:

- *architectural, aesthetic and functional integration of buildings within a project;*
- *provision of architectural variety to the area and uses that generate street level activities;*
- *sensitivity to adjacent existing development; and*
- *provision of support service retail.*

The apartment tower is designed with seven discernible bays on its two principal facades that break down the building mass and provide a rhythmic flow to the design. In addition, the design integrates recesses and balcony projections into all four façades that further reduces the 18-story building's mass. The southwest portion of the tower, with its ample glazing and rooftop hood, will be the visual focal point of the structure. The first floor of the tower and retail liner building will have ample amount of glazing to help create a more transparent façade along the street level. The remaining portion of the building has incorporated a significant amount of glazing, leaving very little blank façade.

The proposed architectural style of the building will be contemporary and add variety to its surroundings, which are characterized by Mediterranean Revival-inspired, historic wood vernacular and Craftsman, 1960s modernism, newer 21st century designs and commercial architectural styles.

The Project is also sensitive and compatible with surrounding development. Although significantly taller than its adjoining neighbors to the north, south and west, the Project is similar in height to the 14-story Hilton located to the east. In addition, the Sage and The Beacon, each a block away and twelve and ten stories respectively, have heights and mass compatible with the Project. Moreover, the attention to ground-floor level design on all sides, including provision of retail on 3rd Street South, makes the Project consistent with the pedestrian-oriented and mixed-use development goals in the downtown center.

SUMMARY AND RECOMMENDATION

Administration recommends approval of the attached resolution finding the "Residences at 330 3rd Street South" consistent with the Intown Redevelopment Plan as reflected in report IRP 12-9c based on preliminary plans submitted for review subject to the following conditions:

1. Final building plans must be reviewed and approved by CRA staff.
2. Project must comply with all Development Review Services' conditions of approval for File No. 31-000032.
3. City Council must approve vacating the ingress/egress and utility easement that bisects property.

EXHIBIT A

Site Data

Location	330 3 rd Street South 19/31/17/93450/000/0020; 19/31/17/93450/000/0030; and 19/31/17/93450/000/0040
Redevelopment Area	Intown Redevelopment Area
Zoning District	DC-1
Existing Land Use	Vacant/Surface Parking
Proposed Uses	Multifamily Apartments with minor Retail
Site Area	125,290 SF, or 2.88 AC
Proposed Project FAR	3.45 FAR
Existing FAR	0.0 FAR
Permitted FAR	3.0 FAR base/over7.0 with bonuses/public hearing.

	Square Footage	Percent of Site
BUILDING COVERAGE		
Existing	0 SF	0%
Proposed	67,059 SF	53.5%
OPEN GREEN SPACE		
Existing	125,290 SF	100%
Proposed	25,439 SF	20.3%

Building Height

Existing: 0 **Proposed:** 200 ft (18 stories) **Permitted:** 300 ft

CRA RESOLUTION NO.

A RESOLUTION OF THE ST. PETERSBURG COMMUNITY REDEVELOPMENT AGENCY FINDING THE "Residences at 330 3rd Street South" (330 3rd Street South) CONSISTENT WITH THE INTOWN REDEVELOPMENT PLAN AS REVIEWED IN THE COMMUNITY REDEVELOPMENT AGENCY REPORT (IRP 12-09c); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Community Redevelopment Agency of the City Council of the City of St. Petersburg has adopted the Intown Redevelopment Plan and established development review procedures for projects constructed within designated redevelopment areas; and

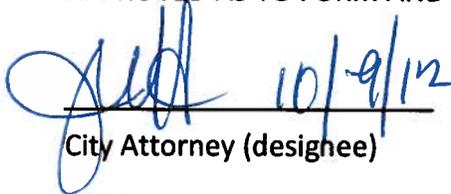
WHEREAS, the Community Redevelopment Agency has reviewed the "Residences at 330 3rd Street South" as described and reviewed in CRA Review Report No. IRP 12-09c.

BE IT RESOLVED that the Community Redevelopment Agency of the City of St. Petersburg, Florida, finds the "Residences at 330 3rd Street South" consistent with the Intown Redevelopment Plan, with the following conditions:

1. Final building plans must be reviewed and approved by CRA staff.
2. Project must comply with all Development Review Services' conditions of approval for File No. 31-000032.
3. City Council must approve vacating the ingress/egress and utility easement that bisects property.

This resolution shall become effective immediately upon its adoption.

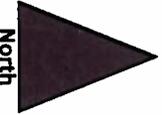
APPROVED AS TO FORM AND CONTENT



City Attorney (designee)

 10-5-12

Dave Goodwin, Director Date
Planning & Economic Development Department



North

City File #
IRP 12-9b

330 3rd Street South



Project Site



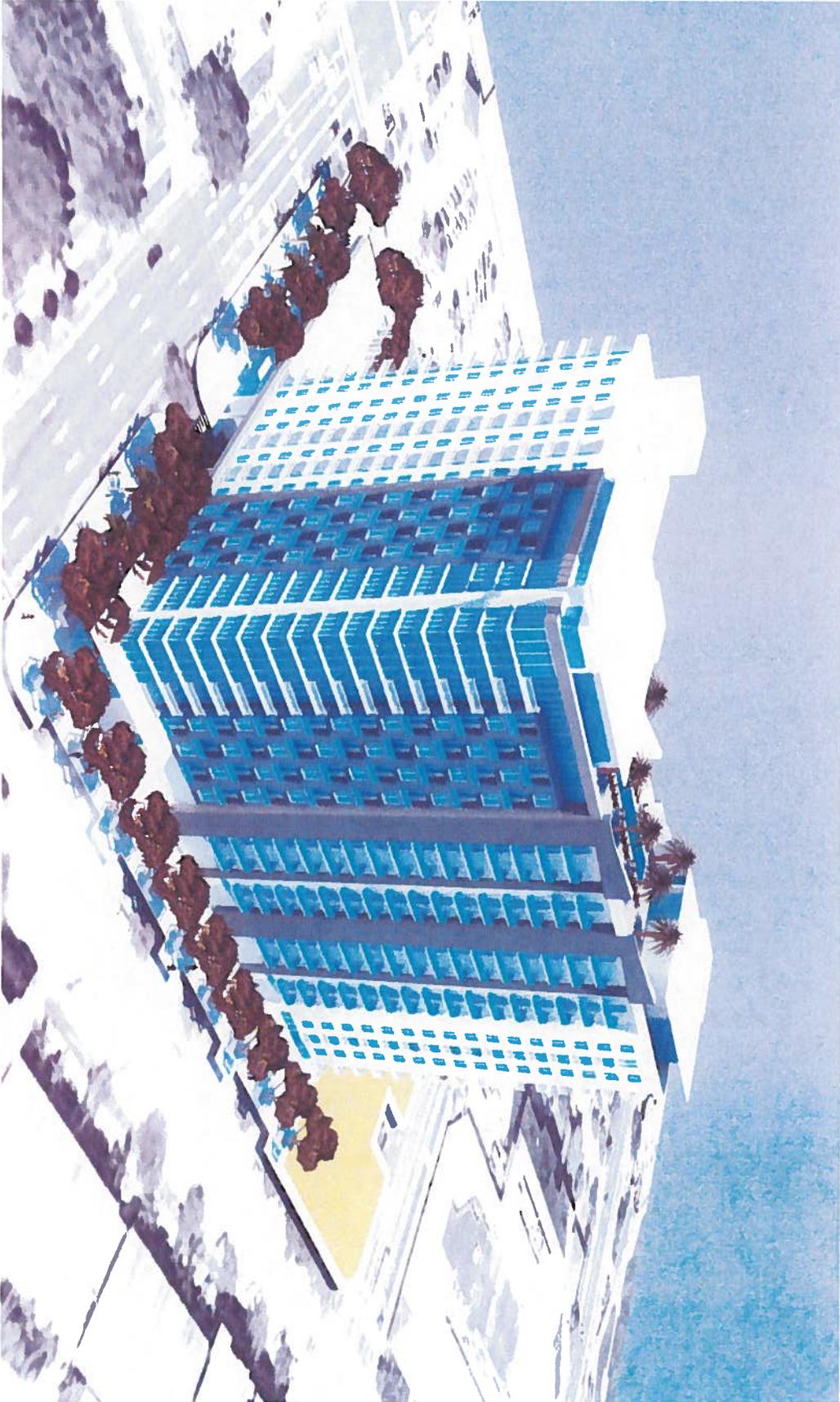
Attachment 2
Aerial View



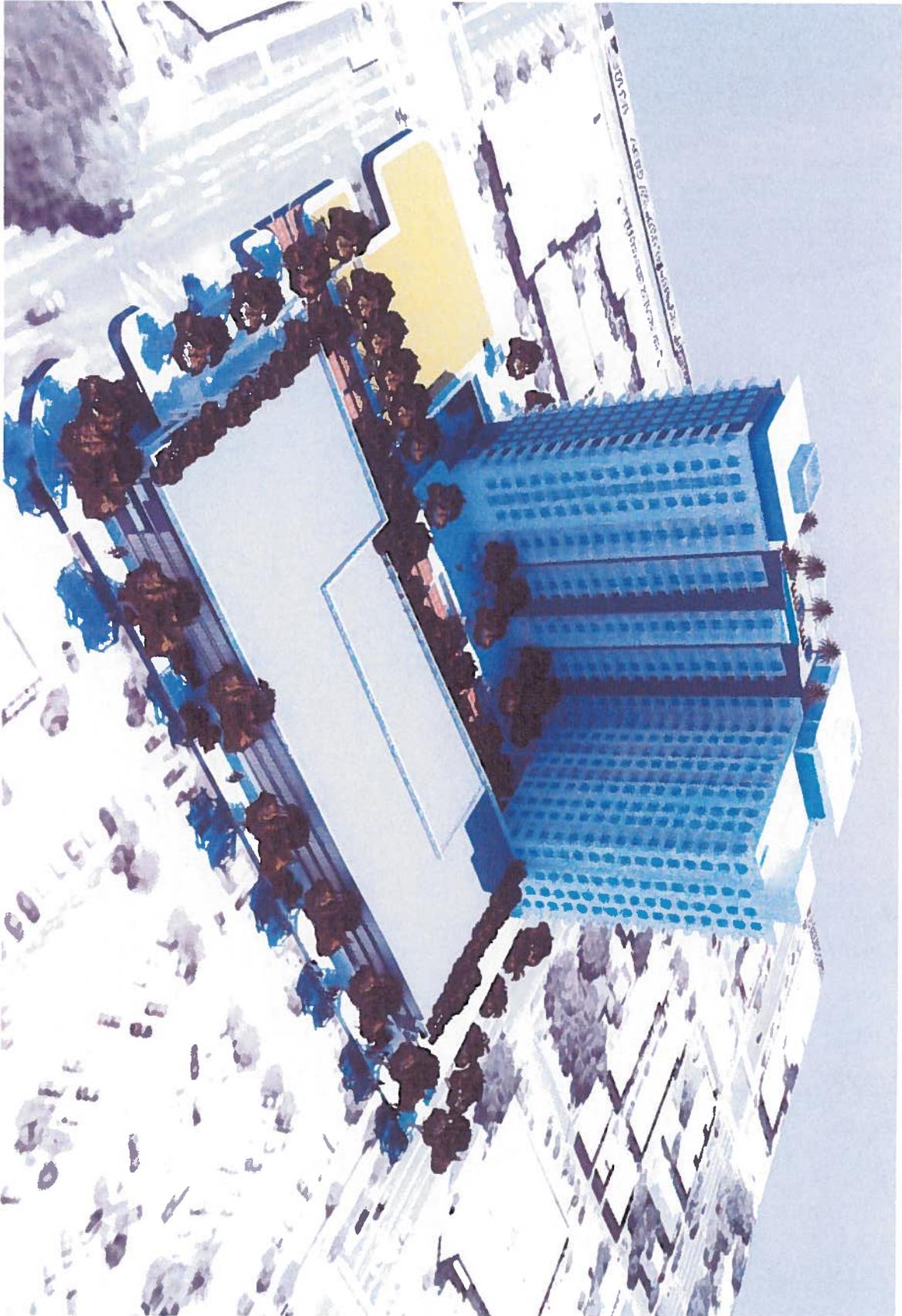
Attachment 3
View from Southwest



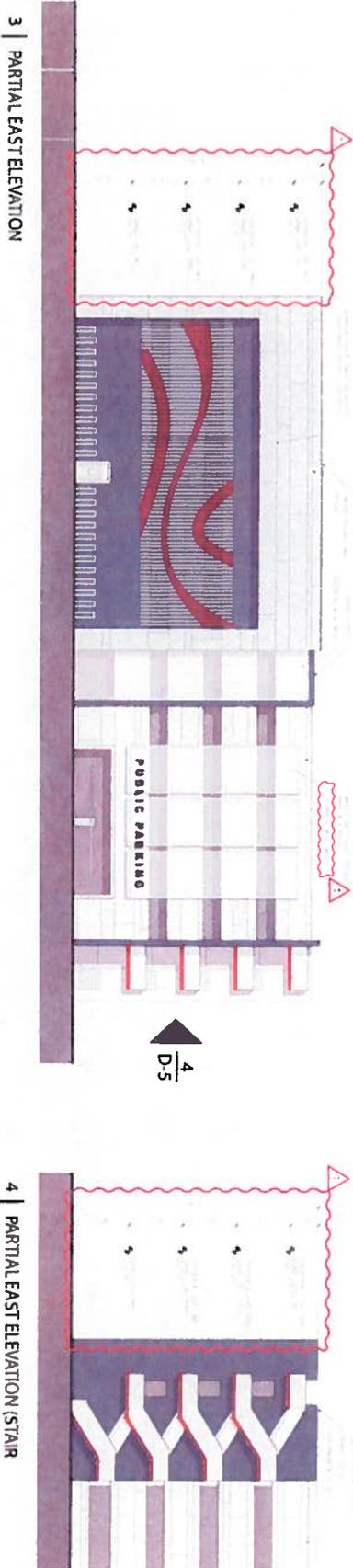
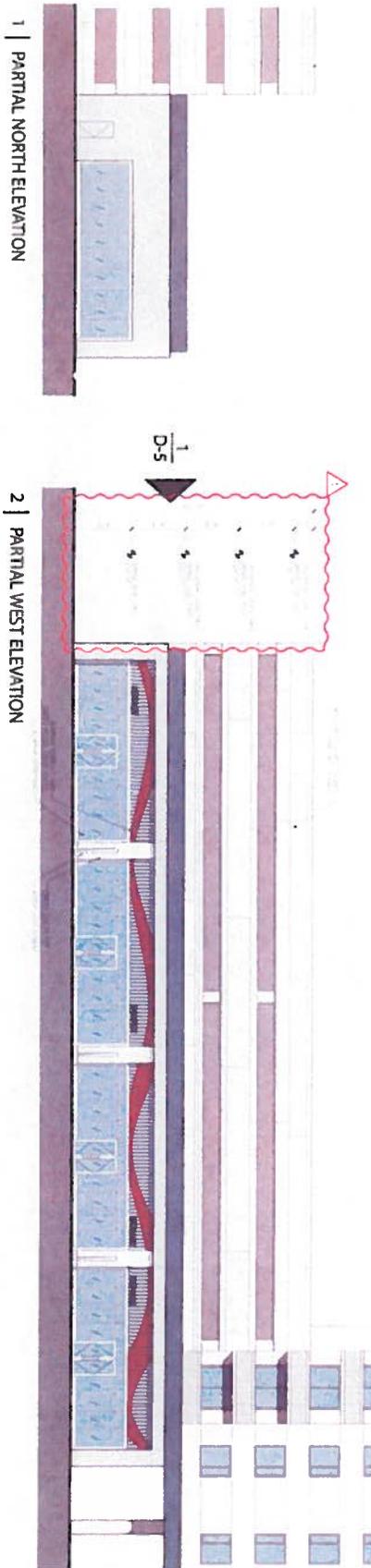
Attachment 4
Perspective View from Southwest



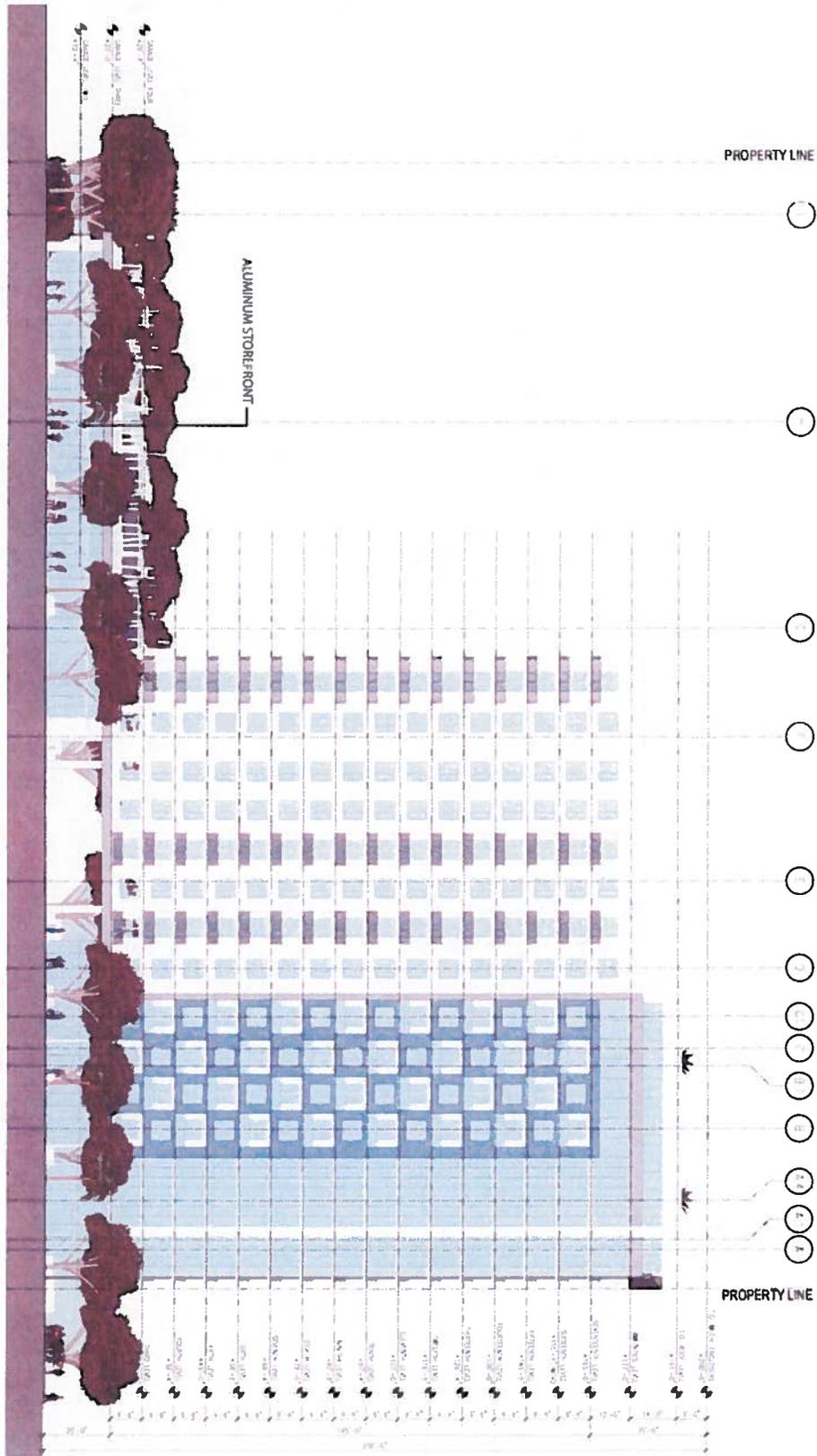
Attachment 5
Perspective View from Northeast



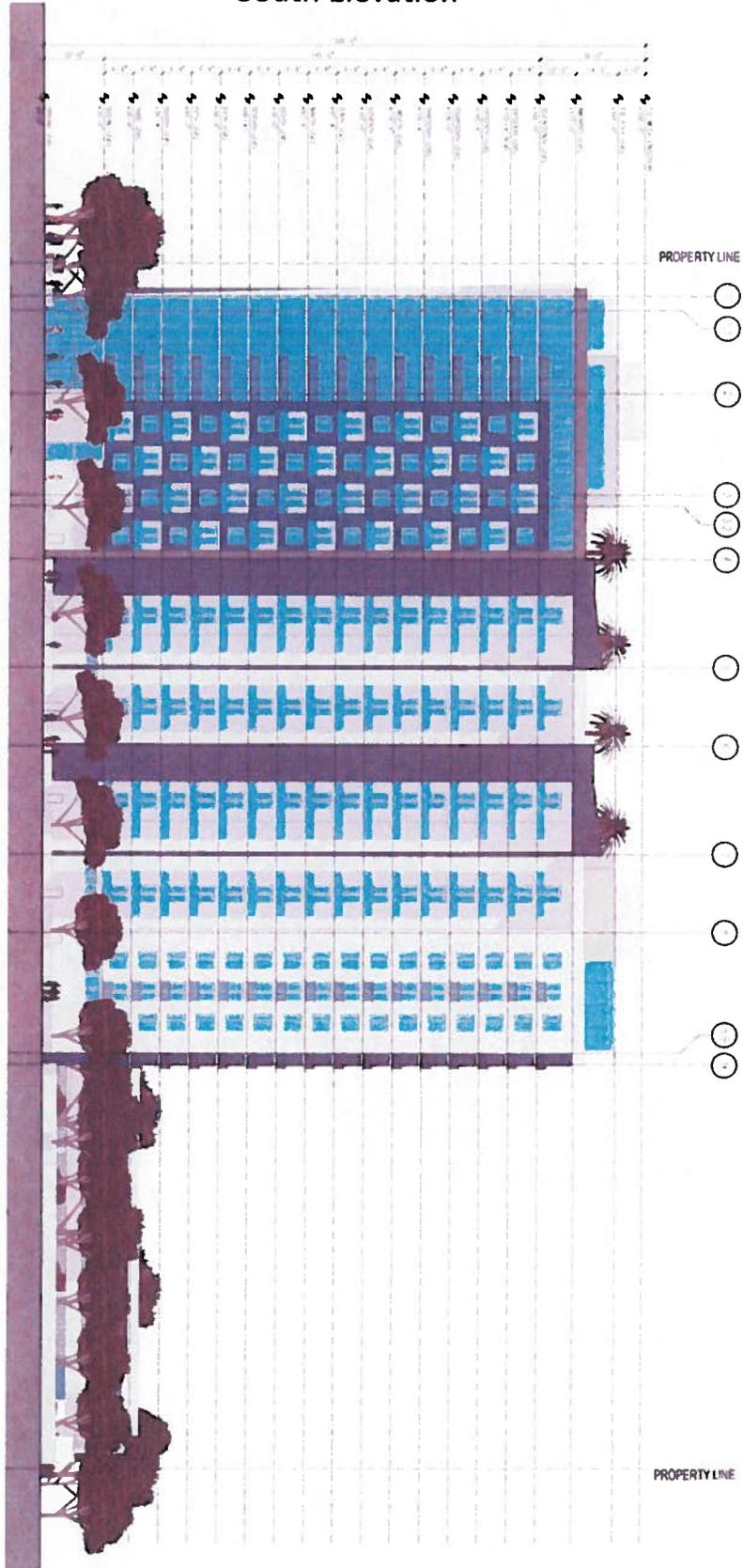
Attachment 6 Garage Elevations



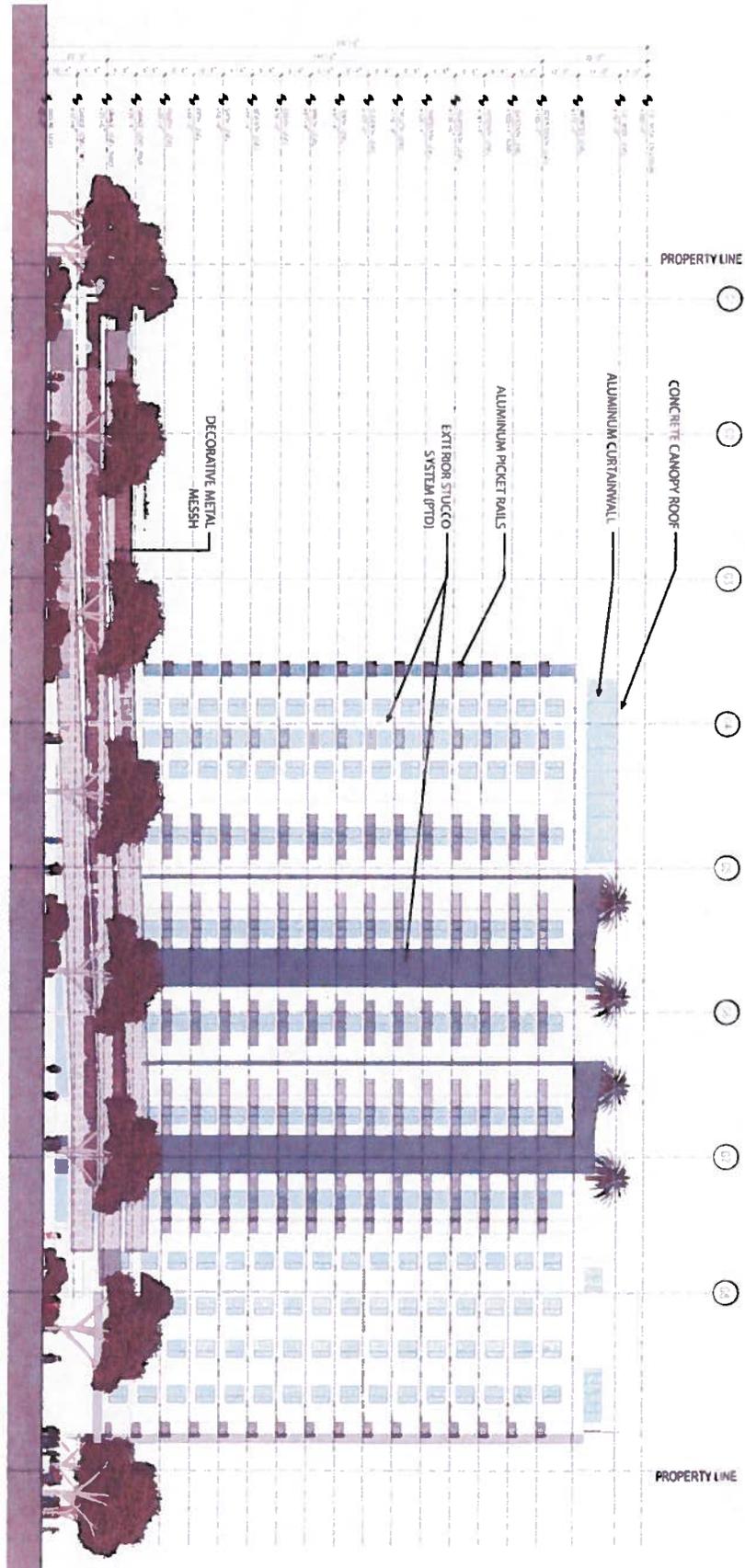
Attachment 7 West Elevation



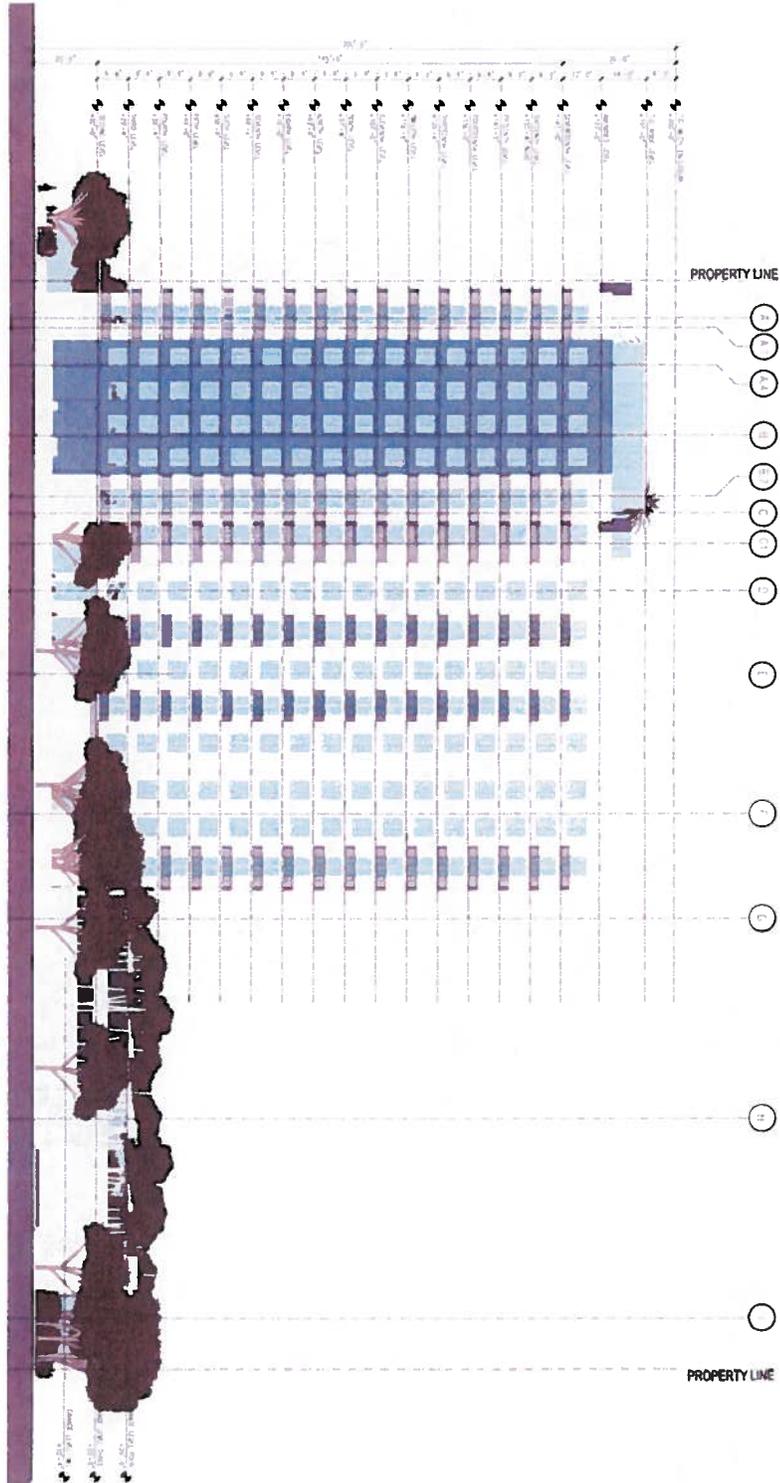
Attachment 8 South Elevation



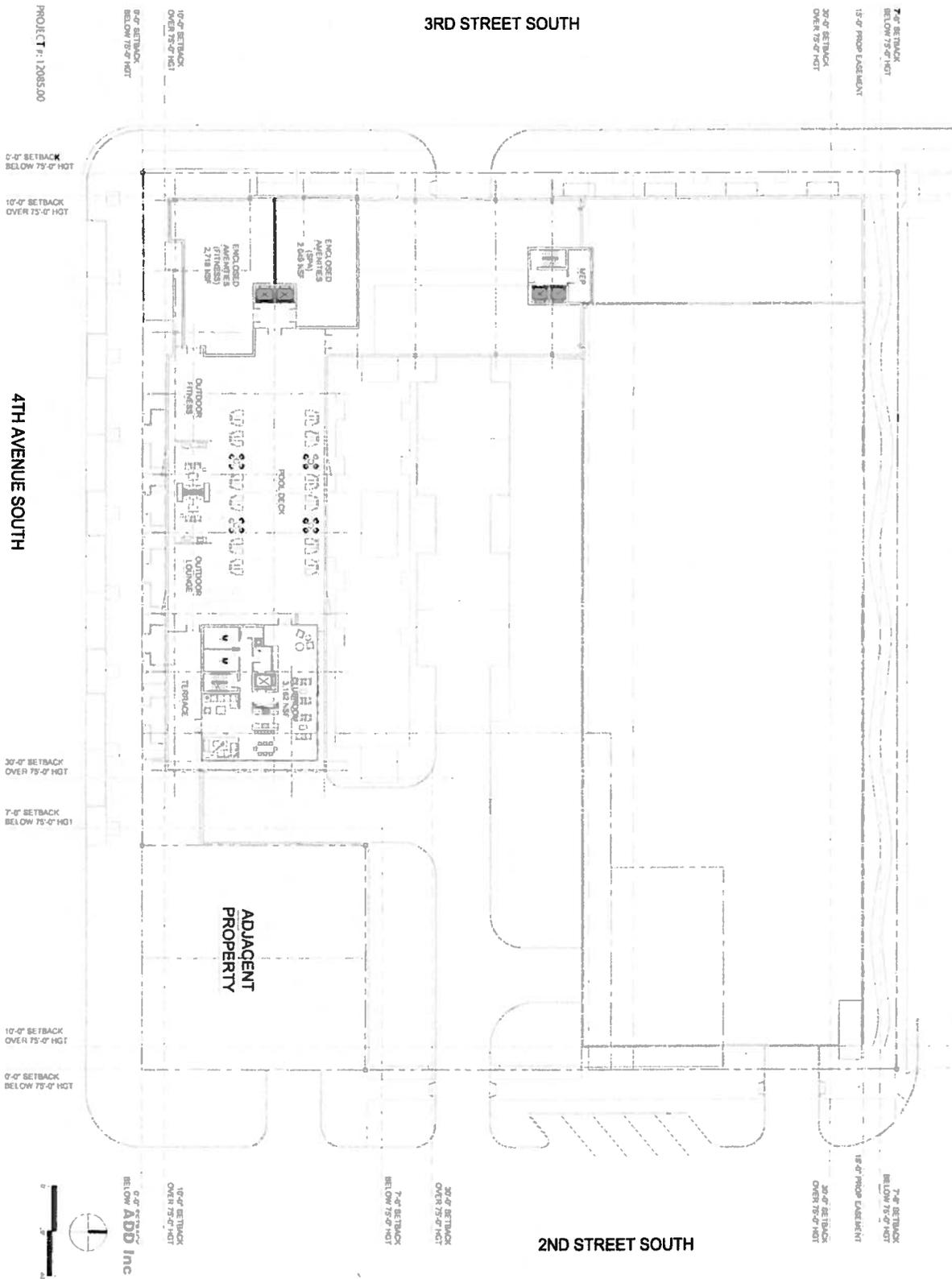
Attachment 9 North Elevation



Attachment 10 East Elevation



Attachment 13 Amenity Deck



3RD STREET SOUTH

4TH AVENUE SOUTH

2ND STREET SOUTH

ADJACENT
PROPERTY

PROJECT # 12085.00



ADD Inc

Attached documents for item Adjourn Community Redevelopment Agency.

Attached documents for item Approving the purchase of two replacement fire rescue vehicles from Wheeled Coach Industries, Inc. for the Fire Department at a total cost of \$333,078.

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 1, 2012

To: The Honorable Leslie Curran, Chair and Members of City Council

Subject: Approving the purchase of two replacement fire rescue vehicles from Wheeled Coach Industries, Inc. for the Fire Department at a total cost of \$333,078.

Explanation: This purchase is being made from Florida Sheriffs Association Bid No. 11-10-1202. The vendor will furnish and deliver two Type I Ambulances “patient transport capable” medical module mounted on a 20,000 lbs. GVWR chassis with 6.7L 260hp Cummins engine and Allison 2200 electronic transmission. The equipment includes upgraded A/C external condenser & second compressor, aluminum rims, additional side scene lighting, inverter and LED lighting package.

The ambulances will be stationed at Station No. 3 Palmetto Park Fire Station and Station No. 10 Ponce De Leon and will be used to respond to emergency medical calls. The new vehicles have life expectancies of 7 years. These new units are replacing two 6 year old vehicles. The old vehicles will be placed in reserved status.

The Procurement Department, in cooperation with the Fire Department, recommends for award utilizing Florida Sheriffs Association Bid 11-10-1202:

Wheeled Coach Industries, Inc..... \$333,078

Ambulance, 2013 Freightliner M2 “MAV” Chassis, with Wheeled Coach body (base)	2 EA	@	\$139,500	\$279,000
Options				
LED Lighting Package	2 EA	@	3,200	6,400
Custom Graphics including Chevron	2 EA	@	2,900	5,800
Additional Side Scene Lighting	2 EA	@	2,500	5,000
Paint Red	2 EA	@	2,300	4,600
Upgrade A/C external condenser and second compressor	2 EA	@	1,750	3,500
Inverter	2 EA	@	1,450	2,900
Aluminum Rims	2 EA	@	1,350	2,700
Howler Siren	2 EA	@	1,300	2,600
Front Facing LED scene lights	2 EA	@	1,200	2,400
Air Horn w/ switching	2 EA	@	1,100	2,200
Additional shelves & compartment upgrades	2 EA	@	805	1,610
LED Domes	2 EA	@	800	1,600
72” Headroom in Patient Area	2 EA	@	750	1,500
Custom Width exterior compartments	2 EA	@	700	1,400
LED Load lights	2 EA	@	600	1,200
Attendant Seat with 3 point harness	2 EA	@	600	1,200
Custom interior cabinet layout	2 EA	@	550	1,100
Electric Lock Bio-Hazard compartment	2 EA	@	400	800

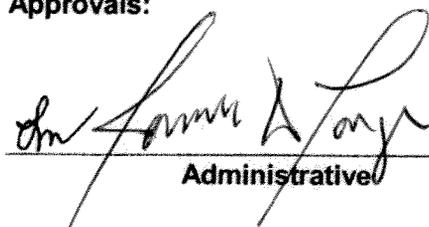
Intercom	2 EA @	400	800
Dri-Dek in compartment Bottoms	2 EA @	400	800
Cast Speakers in Bumper ILOS	2 EA @	250	500
Two Antenna Bases	2 EA @	174	<u>348</u>
			\$333,078

The vendor has met the specifications, terms and conditions of the Florida Sheriffs Association Bid No. 11-10-1202 effective through December 31, 2012. This purchase is made in accordance with Section 2-243 (e) of the City Code which authorizes the Mayor or his designee to purchase from the Sheriffs Association and Florida Association of Counties negotiated purchase programs for vehicles.

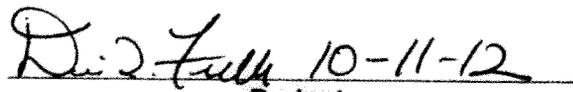
Cost/Funding/Assessment Information: Funds are available in the Emergency Medical Services Fund (1009), Fire Department (1501513) for FY13.

Attachments: Price History
Resolution

Approvals:



Administrative



Budget

Price History

070-03 Fire and Rescue Vehicles, Ambulance

<u>Item No.</u>	<u>Description</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>% Change</u>
1	Fire Rescue Vehicle, Ambulance (base price) 6.7 L Engine	\$123,093.00	\$128,238.00	\$134,501.00	\$139,500.00	4%

A RESOLUTION APPROVING THE PURCHASE OF TWO REPLACEMENT FIRE RESCUE VEHICLES FROM WHEELED COACH INDUSTRIES, INC. AT A TOTAL COST OF \$333,078 FOR THE FIRE DEPARTMENT UTILIZING FLORIDA SHERIFFS ASSOCIATION BID NO. 11-10-1202; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to replace two six-year old fire rescue vehicles that have reached the end of their economic useful life; and

WHEREAS, the Mayor is authorized to purchase vehicles from the Sheriffs Association and Florida Association of Counties negotiated purchase programs for vehicles pursuant to Section 2-241(f) of the City Code; and

WHEREAS, Wheeled Coach Industries, Inc. has met the specifications, terms and conditions of Florida Sheriffs Association Bid No. 11-10-1202; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Fire Department, recommends approval of this purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the purchase of two fire rescue vehicles from Wheeled Coach Industries, Inc. at a total cost of \$333,078 for the Fire Department utilizing Florida Sheriffs Association Bid No. 11-10-1202 is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Eva Andujar - Fwd: Re: CM Newton question

From: Tish Elston
To: Tenison, Judy; Wright, Kewa
Date: 10/25/2012 2:57 PM
Subject: Fwd: Re: CM Newton question
CC: Andujar, Eva

Judy & Kewa: Please distribute to all Councilmembers as a follow up to Councilmember Newton's Question regarding November 1st Agenda item C-1. Thanks. Tish

>>> Steve Girk 10/25/2012 1:58 PM >>>

The plan would be to auction two vehicles currently in reserve that have the greatest fiscal impact to the fleet. Two current front line rescues would then join the reserve pool. This would maintain our reserve rescue fleet at 6 rescues above our front line number. Hope this helps.

Steven C. Girk
Acting Rescue Division Chief
St. Petersburg Fire & Rescue
400 Dr. M.L.K. Jr. Street South
St. Petersburg, FL 33701-4472
727-893-7664 (office)
727-235-5451 (mobile)
727-551-3112 (fax)
steve.girk@stpete.org

>>> Tish Elston 10/25/2012 1:55 PM >>>

After the Nov. 1 approval of 2 replacement rescue vehicles, how many will we have in reserve? Are we adding, or will we sell two existing reserves? Tish

Attached documents for item Renewing a blanket purchase agreement with AGC Electric, Inc., a sole source supplier, for pedestrian crosswalk rectangular rapid flashing beacon (RRFB) assemblies for the Transportation & Parking Department at an estimated annual cost of \$200,000.

SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 1, 2012

To: The Honorable Leslie Curran, Chair and Members of City Council

Subject: Renewing a blanket purchase agreement with AGC Electric, Inc., a sole source supplier, for pedestrian crosswalk rectangular rapid flashing beacon (RRFB) assemblies for the Transportation & Parking Department at an estimated annual cost of \$200,000.

Explanation: On December 1, 2011, City Council approved the renewal of a blanket purchase agreement for pedestrian crosswalk rectangular rapid flashing beacon (RRFB) assemblies. Under the renewal of contract clause, the city reserves the right to extend the agreement for two additional one-year periods if mutually agreeable. This is the second one-year renewal. AGC Electric, Inc. is the sole distributor in Florida for Stop Experts.

This purchase is made in accordance with Section 2-241 (d) of the Sole Source Procurement of the Procurement Code, which authorizes City Council to approve the purchase of a supply or service over \$100,000 without competitive bidding if it has been determined that the supply or service is available from only one source.

The systems alert motorists with flashing amber warning beacons that is push-button activated by pedestrians. In addition, an infrared motion sensor detects nearby pedestrians and alerts them of the crosswalk system in both English and Spanish. LED lights at the crosswalk also illuminate the pedestrian's path at night.

The vendor maintains, repairs and replaces existing crosswalk assemblies as needed. When damaged or destroyed by accident, the city seeks a claim against the insurance provider of the involved party to cover the cost of replacement. No new assemblies are planned for this renewal period.

The Procurement Department in cooperation with the Transportation & Parking Department recommends for renewal:

AGC Electric, Inc.....\$200,000

AGC Electric, Inc. has agreed to hold prices firm under the terms and conditions of Blanket Purchase Agreement No. 165231 dated March 15, 2011. The renewal will be effective from date of approval through December 31, 2013 and will be binding only for actual services received.

Cost/Funding/Assessment Information: Funds have been appropriated in the Transportation Impact Fees CIP Fund (3071), Traffic Safety Program FY13 Project (13766).

Attachments: Sole Source
Resolution

Approvals:


Administrative


Budget

CITY OF ST. PETERSBURG
REQUEST FOR SOLE SOURCE

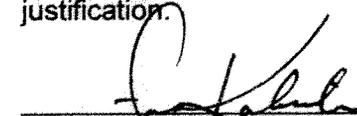
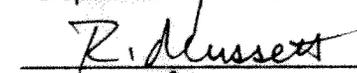
Department: Transportation & Parking Requisition No. _____
Check One: Sole Source Proprietary Specifications
Proposed Vendor: Stop Experts, Incorporated
Estimated Total Cost: \$150,000

Description of Items (or Services) to be purchased: _____
Complete Crosswalk Enhancers- for several locations as needed throughout the year.

Purpose of Function of items: _____
Pedestrian activated Rectangular Flashing Beacons to enhance pedestrian crosswalks by warning motorists that a pedestrian is attempting to cross the roadway at the marked crosswalk.

Justification for Sole Source of Proprietary specification: _____
The City received special "Permission to Experiment" from the Federal Highway Administration and FDOT to review the effect this traffic control devise has on motorist yielding compliance. This supplier is currently the only manufacturer that provides this system including the options required. Now approved by FHWA in the MUTCD for "Interim Approval," the system is now the only such product on FDOT Approved Products list.

I hereby certify that in accordance with Section 2-232(d) of the City of St. Petersburg Purchasing Code, I have conducted a good faith review of available sources and have determined that there is only one potential source for the required items per the above justification.

	_____	<u>10-26-10</u>	_____
Department Director		Date	
	_____	<u>11-1-10</u>	_____
Administrator/Chief		Date	
	_____	_____	_____
Louis Moore, Director		Date	
Purchasing and Materials Management			

A RESOLUTION APPROVING THE SECOND ONE-YEAR RENEWAL OPTION OF AN AGREEMENT WITH AGC ELECTRIC, INC. A SOLE SOURCE SUPPLIER, AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$200,000 FOR PEDESTRIAN CROSSWALK RECTANGULAR RAPID FLASHING BEACON ASSEMBLIES FOR THE TRANSPORTATION & PARKING DEPARTMENT; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, On October 6, 2011, City Council approved the award of a one-year agreement (Blanket Agreement) with three one-year renewal options to AGC Electric, Inc. for pedestrian crosswalk rectangular rapid flashing beacon assemblies; and

WHEREAS, on December 1, 2011, City Council approved the first one-year renewal option of the Agreement; and

WHEREAS, the City desires to exercise the second one-year renewal option of the Agreement; and

WHEREAS, AGC Electric, Inc. has agreed to hold its prices firm under the terms of the Agreement; and

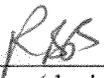
WHEREAS, the Procurement & Supply Management Department, in cooperation with the Transportation & Parking Department, recommends approval of the renewal of this Agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the second one-year renewal of the Agreement (Blanket Agreement) with AGC Electric, Inc., a sole source supplier, at an estimated annual cost not to exceed \$200,000 for pedestrian crosswalk rectangular rapid flashing beacon assemblies is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction; and

BE IT FURTHER RESOLVED that this renewal will be effective through December 31, 2013.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (designee)

Eva Andujar - Fwd: Re: Agenda Question from Council - RRFB's

From: Tish Elston
To: Tenison, Judy; Wright, Kewa
Date: 10/25/2012 5:45 PM
Subject: Fwd: Re: Agenda Question from Council - RRFB's
CC: Andujar, Eva; Frederick, Michael; Kubicki, Joe; Moore, Louis

Please provide the following to all Council in response to questions raised by several Councilmembers at today's agenda review in reference to item C-2. Thanks. Tish

>>> Michael Frederick 10/25/2012 3:45 PM >>>
Joe,

We currently have 42 RRFB units installed throughout the City.

Since that start of the program in April of 2006 we have had a total of 6 units hit by vehicles, at a total cost of \$75,355. That averages out to 1 per year and funding was provided through the annual sole source contract.

Funding to replace was provided through TIF and replaced by Insurance when possible. I'm aware that 3 have been paid and the others are still being processed. (for some reason it takes quite a while for insurance companies to reimburse).

We currently have 3 or 4 of the older units not working and need to be replaced with the newer components. The contractor has just received the new controller boards and will have them refitted, at no cost to the City in 2-weeks. This is over and above his obligation, as the service warrantee has expired. He has also committed to replacing all the older units with the newer components over the next few months at no expense to the City.

Mike

>>> Tish Elston 10/25/2012 1:57 PM >>>
RE pedestrian flashing sign parts C-2. How many sign locations do we have now. Are there problems with them working? We already discussed the damage issues. Please reply and I will distribute to all Council. Tish

Attached documents for item Awarding three-year blanket purchase agreements to Apollo Construction & Engineering Services, Inc. and Ross Plumbing & Heating, Inc. for plumbing services and repairs at an estimated annual cost of \$152,500.

SAINT PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

To: The Honorable Leslie Curran, Chair and Members of City Council

Subject: Awarding three-year blanket purchase agreements to Apollo Construction & Engineering Services, Inc. and Ross Plumbing & Heating, Inc. for plumbing services and repairs at an estimated annual cost of \$152,500.

Explanation: The Procurement Department received three bids for plumbing services and repairs to cover facilities leased and owned by the city.

The vendors will provide services such as new installations, repair and replacement of valves, seals and washers, drains, waste and water pipes, fire sprinkler lines, water heaters, toilets, faucets, sinks and opening stopped drains. The primary users are Engineering and Capital Improvements, Water Resources, Downtown Enterprise Facilities, Parks and Recreation, Police, and Fire departments.

Bidders were asked to provide labor rates on a time and materials basis. The labor rates include labor, travel, tools, equipment and overhead. The material will be billed at cost plus 15 percent. Multiple awards are recommended due to the diverse scope and quantity of work. This will ensure that vendors are available when and where they are needed.

The Procurement Department recommends for award:

Plumbing Services and Repairs.....\$152,500

Apollo Construction & Engineering Services, Inc. (SBE)
Ross Plumbing & Heating, Inc.

The vendors have met the terms and conditions of Bid No. 7348 dated September 6, 2012. Apollo Construction & Engineering Services, Inc. and Ross Plumbing & Heating, Inc. have both done business with the city in the past and have performed satisfactorily. Apollo Construction & Engineering Services, Inc. is also a certified SBE. Blanket purchase agreements will be issued and will be binding only for actual services rendered. Amounts paid to awardees pursuant to these agreements shall not exceed a combined total of \$152,500 annually. The contracts will be effective from date of award through October 31, 2015 with two one-year renewal options.

Cost/Funding/Assessment Information: Funds have been previously appropriated in the General Fund (0001)[\$34,000], Fire Department, Fire Administration (1501485), Library Department, Library Administration (2001133), Parks & Recreation Department, Parks Administration (1902333), and the Police Department, Administrative Services Administration (1401385); Water Resources Operating Fund (4001)[\$23,000], Water Resources Department, Water Resources Administration (4202045); Marina Operating Fund (4041)[\$10,000]; Municipal Office Building Fund (5005) [\$5,000]; City Hall & Annex (3602613) and Municipal Services Center (3602617) and in various capital improvement projects in the Recreation and Culture Capital Improvement Fund (3029)[\$22,000], City Facilities and Capital Improvement Fund (3031)[\$10,000] and the Marina Capital Projects Fund (4043)[\$5,000].

Attachments: Bid Tabulation
Price History
Resolution

Approvals:

John R. Mussett 10-16-12
Administrative

Don 2. Fuly 10-12-12
Budget
For Hij Mahorke

City of St. Petersburg
Bid Tabulation
 Procurement and Supply Management

Item No.	Title	Days	Hours	EAU	UOM	Apollo Construction & Engineering Services, Inc.			Ross Plumbing & Heating, Inc.			McGill Plumbing, Inc.					
						Ruskin, FL	St. Petersburg, FL	Largo, FL	St. Petersburg, FL	Largo, FL	St. Petersburg, FL	Largo, FL					
						Terms: Net 30	Terms: Net 30	Terms: 2%/10, Net 30									
						Delivery: Not Specified	Delivery: Not Specified	Delivery: 1 Day									
						Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour	Labor Rate per Hour		
						Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price	Extended Price		
1	Licensed Master Plumber	Monday - Friday	8:00 AM - 5:00 PM	300	HRS	\$20.00	\$45.00	\$45.00	\$13,500.00	\$45.00	\$45.00	\$45.00	\$13,500.00	\$45.00	\$45.00	\$45.00	\$13,500.00
		Monday - Friday	5:01 PM - 7:59 AM	100	HRS	20.00	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00
		Weekends & Holidays	8:00 AM - 5:00 PM	100	HRS	20.00	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00
		Weekends & Holidays	5:01 PM - 7:59 AM	50	HRS	20.00	45.00	45.00	2,250.00	45.00	45.00	45.00	2,250.00	45.00	45.00	45.00	2,250.00
2	Licensed Journeyman Plumber	Monday - Friday	8:00 AM - 5:00 PM	300	HRS	67.35	45.00	45.00	13,500.00	45.00	45.00	45.00	13,500.00	45.00	45.00	45.00	13,500.00
		Monday - Friday	5:01 PM - 7:59 AM	100	HRS	85.24	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00
		Weekends & Holidays	8:00 AM - 5:00 PM	100	HRS	85.24	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00	45.00	45.00	45.00	4,500.00
		Weekends & Holidays	5:01 PM - 7:59 AM	50	HRS	85.24	45.00	45.00	2,250.00	45.00	45.00	45.00	2,250.00	45.00	45.00	45.00	2,250.00
3	Plumber's Helper/Apprentice	Monday - Friday	8:00 AM - 5:00 PM	300	HRS	28.25	25.00	25.00	7,500.00	25.00	25.00	25.00	7,500.00	25.00	25.00	25.00	7,500.00
		Monday - Friday	5:01 PM - 7:59 AM	100	HRS	28.25	25.00	25.00	2,500.00	25.00	25.00	25.00	2,500.00	25.00	25.00	25.00	2,500.00
		Weekends & Holidays	8:00 AM - 5:00 PM	100	HRS	28.25	25.00	25.00	2,500.00	25.00	25.00	25.00	2,500.00	25.00	25.00	25.00	2,500.00
		Weekends & Holidays	5:01 PM - 7:59 AM	50	HRS	28.25	25.00	25.00	1,250.00	25.00	25.00	25.00	1,250.00	25.00	25.00	25.00	1,250.00
Plumbing Repair Services to be performed at Cosme Water Treatment Plant																	
4	Licensed Master Plumber	Monday - Friday	8:00 AM - 5:00 PM	80	HRS	20.00	58.00	58.00	4,640.00	58.00	58.00	58.00	4,640.00	58.00	58.00	58.00	4,640.00
5	Licensed Journeyman Plumber	Monday - Friday	8:00 AM - 5:00 PM	80	HRS	67.35	58.00	58.00	4,640.00	58.00	58.00	58.00	4,640.00	58.00	58.00	58.00	4,640.00
6	Plumber's Helper/Apprentice	Monday - Friday	8:00 AM - 5:00 PM	80	HRS	28.25	33.00	33.00	2,640.00	33.00	33.00	33.00	2,640.00	33.00	33.00	33.00	2,640.00
SubTotal:							\$77,300.50		\$75,170.00		\$87,975.00		\$87,975.00		\$96,015.50		\$96,015.50
SBE Discount:							3,865.03		0		0		0		1,959.50		1,959.50
Total:							\$73,435.48		\$75,170.00		\$87,975.00		\$87,975.00		\$96,015.50		\$96,015.50
7	Option Equipment, Drain Clearing:						\$50.00	\$20.00	\$145.00								

\$50.00 per hour \$20.00 per hour \$145.00 per hour

Price History
910-60 Plumbing Repair Services

Item No.	Description	2009	2010	2011	2012	% Change
1.	Licensed Master Plumber, M-F, 8:00-5:00	\$30.00	\$30.00	\$30.00	\$20.00*	(34%)
2.	Licensed Master Plumber, M-F, 5:01-7:59	35.00	35.00	35.00	20.00*	(43%)
3.	Licensed Master Plumber, W & H, 8:00-5:00	35.00	35.00	35.00	20.00*	(43%)
4.	Licensed Master Plumber, W & H, 5:01-7:59	35.00	35.00	35.00	20.00*	(43%)
5.	Licensed Journeyman Plumber, M-F, 8:00-5:00	40.00	40.00	40.00	45.00*	13%
6.	Licensed Journeyman Plumber, M-F, 5:01-7:59	45.00	45.00	45.00	45.00*	-
7.	Licensed Journeyman Plumber, W & H, 8:00-5:00	45.00	45.00	45.00	45.00*	-
8.	Licensed Journeyman Plumber, W & H, 5:01-7:59	45.00	45.00	45.00	45.00*	-
9.	Plumber's Helper/Apprentice, M-F, 8:00-5:00	25.00	25.00	25.00	25.00*	-
10.	Plumber's Helper/Apprentice, M-F, 5:01-7:59	25.00	25.00	25.00	25.00*	-
11.	Plumber's Helper/Apprentice, W & H, 8:00-5:00	25.00	25.00	25.00	25.00*	-
12.	Plumber's Helper/Apprentice, W & H, 5:01-7:59	25.00	25.00	25.00	25.00*	-
13.	Licensed Master Plumber, M-F, 8:00-5:00	30.00	30.00	30.00	20.00*	(34%)
14.	Licensed Journeyman Plumber, M-F, 8:00-5:00	60.00	60.00	60.00	58.00*	4%
15.	Plumber's Helper/Apprentice, M-F, 8:00-5:00	28.25	28.25	28.25	28.25*	-

*Lowest labor rate per hour between both vendors.

A RESOLUTION ACCEPTING THE BIDS AND APPROVING THE AWARD OF THREE-YEAR AGREEMENTS (BLANKET AGREEMENTS) WITH TWO ONE-YEAR RENEWAL OPTIONS TO APOLLO CONSTRUCTION & ENGINEERING SERVICES, INC. AND ROSS PLUMBING & HEATING INC FOR PLUMBING SERVICES AND REPAIRS AT AN ESTIMATED ANNUAL COST NOT TO EXCEED \$152,500; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THESE TRANSACTIONS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Procurement & Supply Management Department received three bids for plumbing services and repairs for facilities leased and owned by the City pursuant to Bid No. 7348 dated September 6, 2012; and

WHEREAS, Apollo Construction & Engineering Services, Inc. and Ross Plumbing & Heating Inc have met the requirements of Bid No. 7348; and

WHEREAS, the Procurement & Supply Management Department recommends approval of these awards.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the bids are accepted and the award of three-year agreements (Blanket Agreements) with two one-year renewal options to Apollo Construction & Engineering Services, Inc. and Ross Plumbing & Heating Inc at an estimated annual cost not to exceed \$152,500 for plumbing services and repairs are hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate these transactions; and

BE IT FURTHER RESOLVED that these agreements will be effective through October 31, 2015.

This resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Approving the purchase of a replacement 20-passenger paratransit vehicle from LBS South, LLC for the Parks and Recreation Department at a total cost of \$111,270.

**SAINT PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 1, 2012**

To: The Honorable Leslie Curran, Chair and Members of City Council

Subject: Approving the purchase of a replacement 20-passenger paratransit vehicle from LBS South, LLC for the Parks and Recreation Department at a total cost of \$111,270.

Explanation: This purchase is being made from Florida Department of Transportation Contact No. TRIPS-11-CA-LBS. The vendor will furnish and deliver one passenger vehicle with 6.4 diesel engine, 19,500 GVWR, foldaway seat, side wheelchair lift, securement and camera systems, exterior remote controlled mirrors and public address system. This vehicle will be used to transport participants with special needs to and from recreational programs, events and trips.

The new vehicle with life expectancy of 10 years or more is replacing a 12 year old vehicle with original purchase price of \$46,446. The old vehicle has reached the end of its economic useful life and will be sold at public auction.

The Procurement Department, in cooperation with the Fleet Management Department, recommends for award utilizing Florida Department of Transportation Contact No. TRIPS-11-CA-LBS:

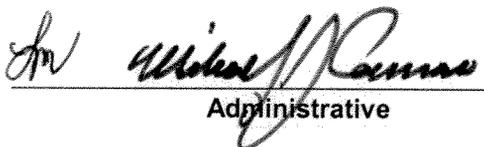
LBS South, LLC.....				\$111,270
Bus, 20-Passenger, 28', Champion Model on International Chassis with Maxx Force Engine (MF7) 2013 (base)	1 EA	@	94,555	94,555
Options:				
Foldaway Seating	20 EA	@	275	5,500
Securement System	8 EA	@	475	3,800
Side Wheelchair Lift, Ricon Model No. S5510 or latest	1 EA	@	4,250	4,250
Camera System, Model Seon 2	1 EA	@	1,765	1,765
Remote Controlled Mirrors, Exterior	1 EA	@	825	825
Reverse Camera & Monitor Backing System, Model ASA	1 EA	@	275	275
Public Address System, Model REI	1 EA	@	300	<u>300</u>
				\$111,270

LBS South, LLC has met the specifications, terms and conditions of the Florida Department of Transportation Contact No. TRIPS-11-CA-LBS effective through June 30, 2013. This purchase is made in accordance with Section 2-243 (e) of the City Code which authorizes the Mayor or his designee to purchase supplies from a competitively bid proposal or contract secured by the State, County or municipal government.

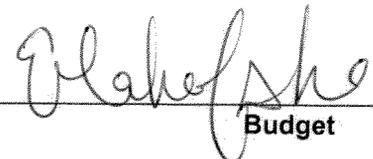
Cost/Funding/Assessment Information: Funds have been previously appropriated in the Equipment Replacement Fund (5002), Fleet Management Department, Fleet Mechanical Costs (8002527).

Attachments: Resolution

Approvals:



Administrative



Budget

A RESOLUTION APPROVING THE PURCHASE OF A REPLACEMENT 20-PASSENGER PARATRANSIT VEHICLE FROM LBS SOUTH, LLC AT A TOTAL COST OF \$111,270 FOR THE PARKS AND RECREATION DEPARTMENT UTILIZING FLORIDA DEPARTMENT OF TRANSPORTATION CONTRACT NO. TRIPS-11-CA-LBS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to replace a 12-year old vehicle that has reached the end of its economic useful life; and

WHEREAS, the Mayor is authorized to purchase supplies from competitively bid proposals or contracts secured by the State, County or municipal government pursuant to Section 2-243(e) of the City Code; and

WHEREAS, LBS South, LLC has met the specifications, terms and conditions of Florida Department of Transportation Contract No. TRIPS-11-CA-LBS; and

WHEREAS, the Procurement & Supply Management Department, in cooperation with the Fleet Management Department, recommends approval of this purchase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida that the purchase of a replacement paratransit vehicle from LBS, LLC at a total cost of \$111,270 for the Parks and Recreation Department utilizing Florida Department of Transportation Contract No. TRIPS-11-CA-LBS is hereby approved and the Mayor or Mayor's Designee is authorized to execute all documents necessary to effectuate this transaction.

This Resolution shall become effective immediately upon its adoption.

Approved as to Form and Substance:



City Attorney (Designee)

Attached documents for item Approval of Arts Advisory Committee recommendations for FY2013 funding of \$178,187.01 for Arts and Cultural Grants for the period of October 1, 2012 through September 30, 2013; approving a supplemental appropriation in the amount of \$3,187.01 from the una

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: Approval of Arts Advisory Committee recommendations for FY2013 funding of \$178,187.01 for Arts and Cultural Grants for the period of October 1, 2012 through September 30, 2013; approving a supplemental appropriation in the amount of \$3,187.01 from the unappropriated balance of the General Fund.

EXPLANATION: The Arts Advisory Committee ("Committee") had several meetings to review the process of determining eligibility for arts and culture grants, the method for apportioning available funds, and the submission of eligible applicants for arts and culture grants for FY2013. The Committee consists of twelve (12) members, one of whom is a City Council member and the others are individuals who exhibit an interest in and support arts and culture in the community.

The Committee met as the grants panel on September 10, 2012. The Committee reviewed applications of the 22 eligible arts and cultural organizations and recommended the method of allocating funds be based upon the applicants' average score. All 22 applicants received an average score of 70 or above to qualify for funding.

The FY2013 Adopted Budget includes \$175,000 for grants for arts and cultural organizations. Additionally, \$3,187.01 that had been awarded in FY2012 to Juneteenth was not distributed due to the cancellation of the event. The Arts Advisory Committee met on October 8, 2012 and voted unanimously to roll the funds over into the FY2013 allocation. Therefore the total funding available for arts and culture grants for FY2013 is \$178,187.01. The agencies and grant award are set forth in the Grant Award List, which is attached hereto.

RECOMMENDATION: Administration recommends approval of the arts and culture grant awards as recommended by the Arts Advisory Committee.

COST/FUNDING/ASSESSMENT INFORMATION: \$175,000 have been previously appropriated in the General Fund – Special Projects (0003), Marketing and Communications Department, Administration (230-1749), FY2013 Arts Grants Funding Project (13798), \$3,187.01 will be available from a supplemental appropriation from the unappropriated balance of the General Fund for FY2013.

ATTACHMENTS: Resolution and Grant Award List

APPROVALS: Administrative: R. Blissett 10-15-12 BH 10/15/12
Budget: [Signature]
Legal: MP
(As to consistency with attached legal documents)

Resolution No. _____

A RESOLUTION APPROVING FUNDING FOR VARIOUS ARTS AND CULTURAL AGENCIES IN AN AMOUNT NOT TO EXCEED \$178,187.01 FOR THE PERIOD OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO AFFECT THE INTENT OF THIS RESOLUTION WITH EACH AGENCY; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$3,187.01 FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Petersburg authorizes financial assistance to Arts and Cultural agencies in the community; and

WHEREAS, the Arts Advisory Committee has reviewed all eligible agencies and presented its recommendations in an amount not to exceed \$178,187.01 for the period of October 1, 2012, through September 30, 2013; and

WHEREAS, each eligible agency is a voluntary non-profit corporation which is open to the public and is dedicated to a valid public purpose; and

WHEREAS, funds will be provided from the Fiscal Year 2013 Operating Budget in the General Fund – Special Projects, Marketing and Communications Department and \$3,187.01 rolled over from the FY2012 allocation to the same fund.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that on the advice of the Arts Advisory Committee the following agencies be funded, as listed below, for the period October 1, 2012 through September 30, 2013.

Agencies & Funding for FY2013
22 Agencies

Al Downing Tampa Bay Jazz	3,506.49
American Stage	11,551.00
Boys and Girls - Royal Theater	9,305.05
Creative Clay	12,285.15

EMIT	3,539.65
Family Resources	12,473.74
Florida Craftsmen	12,473.74
Florida West Ballet	3,241.22
freeFall Theatre	9,346.50
Great Explorations	11,719.39
Mahaffey Theater Foundation	3,813.20
Master Chorale	8,807.67
Morean Arts Center	11,746.33
Museum of Fine Arts	12,635.39
Second Time Arounders	3,440.17
SPIFFS - St. Petersburg International Folk Fair Society	9,305.05
St. Petersburg City Theatre	9,507.11
St. Petersburg Clearwater Film Society / Sunscreen Film Festival	3,398.73
St. Petersburg Opera Company	9,429.39
St. Petersburg Preservation	3,481.62
Studio@620	9,657.36
Tampa Bay Symphony	3,523.07

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute all documents necessary to affect the intent of this resolution with each agency.

BE IT FUTHER RESOLVED that there is hereby approved from the increase in the unappropriated balance of the General Fund, resulting from these additional revenues, the following supplemental appropriation for FY 2013.

General Fund Special Project 0003	
Marketing and Communications	\$3,187.01

This Resolution shall become effective immediately upon its adoption.

LEGAL:

M. Wall My
City Attorney (Designee)

APPROVED BY:

M. Scud For Beth Herendeen
Beth Herendeen, Director
Marketing and Communications

BUDGET:

for Quinn for Denise Labrie

Attached documents for item Authorizing the Mayor or his designee to execute a Second Amendment to the September 21, 2009 Lease Agreement with Comas Enterprises, Inc. that operates a Cold Stone Creamery franchise in a space located at 1961 - 4th Street North, St. Petersburg, within

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair and Members of City Council

SUBJECT: A resolution authorizing the Mayor, or his designee, to execute a Second Amendment to the September 21, 2009 Lease Agreement with Comas Enterprises, Inc. that operates a Cold Stone Creamery franchise in a space located at 1961 - 4th Street North, St. Petersburg, within the City-owned Sunken Gardens building; and to execute all documents necessary to effectuate same; and providing an effective date.

EXPLANATION: Real Estate & Property Management received a request from Comas Enterprises, Inc. ("Tenant"), for additional assistance in managing its lease obligations due to the current economy. The Tenant is currently leasing approximately 2,068 square feet of space for the operation of a Cold Stone Creamery franchise located at 1961 - 4th Street North, St. Petersburg, within the City-owned Sunken Gardens building ("Premises") and is a local, family-owned, privately held corporation. The principal, Eric Comas, is a St. Petersburg resident who lives within a few blocks of the Premises.

In recognition of the economic climate and in an effort to retain this local business after reviewing its gross income stream, a First Amendment to the Lease Agreement ("First Amendment") was negotiated and executed by the Tenant and the City on November 2, 2011, in accordance with City Council Resolution No. 2011-429, that provided for the following changes:

- A term that expires on October 31, 2014, with one (1) five (5) year renewal option
- A Base Rent of \$12.00 per square foot
- A Percentage Rent of ten percent (10%) of sales above a break point of \$20,000

All other terms and conditions contained in the Lease Agreement remained in full force and effect.

The amended terms, however, did not provide the needed relief the Tenant required to maintain a viable business, and consequently, the Tenant attempted to sell the business that was permissible in the Lease, as amended. The Tenant received one proposal conditioned upon the City agreeing to amend the rent for the proposed new owner to approximately \$6.76 per square foot including property taxes and Common Area Maintenance ("CAM") that Administration could not support.

However, in analyzing the proposed new owner's offer, staff reviewed the rent the Tenant has paid the City since 2009 and found that the effective rent has been as high as 20% - 24% of taxable sales in some months with a total annual rent averaging in excess of 17% of sales. For the Tenant, this presents an uneconomical rent, since the industry rent standards are in the 5% - 7% range with total occupancy expenses of 10% - 12% maximum range. Accordingly, the Tenant proposed a restructure of the rent to a pure percentage rent basis (plus applicable sales tax). Under the Tenant's proposal, a fixed monthly amount sufficient to pay the annual real estate taxes and CAM fees would be paid along with 10% of the Tenant's monthly sales. While providing relief to the Tenant during the

current economic recession as the business sales improve to its former volume, the percentage rent to the City would increase the total rent payment to the City. This could result in rents approximating the original rent amounts.

Therefore, in an effort to maintain this locally owned business at this location, Administration has re-negotiated with the Tenant and proposes the following changes to the amended Lease.

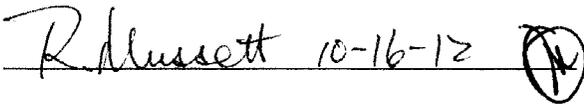
- 10% straight percentage rent, based upon monthly gross sales.
- A fixed payment of \$375.00 per month for the Tenant's pro rata share of the annual real estate taxes and CAM fee.

Based upon current sales records, the total rent payment should equate to a rent of approximately \$10.00 per square foot to the City. All other terms and conditions contained in the Lease Agreement, as amended, which are not modified by the Second Amendment, shall remain in full force and effect. Based on a projection of the current year, the reduction in annual cash flow to the City is (\$29,200-\$21,800) \$7,400.

RECOMMENDATION: Administration recommends that City Council adopt the attached resolution authorizing the Mayor, or his designee, to execute a Second Amendment to the September 21, 2009 Lease Agreement with Comas Enterprises, Inc. that operates a Cold Stone Creamery franchise in a space located at 1961 - 4th Street North, St. Petersburg, within the City-owned Sunken Gardens building; and to execute all documents necessary to effectuate same; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Resolution

APPROVALS: Administration: R. Russell 10-16-12 
Budget: N/A
Legal: RSC
(As to consistency w/attached legal documents)

Legal: 00164185.doc V. 2

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A SECOND AMENDMENT TO THE SEPTEMBER 21, 2009 LEASE AGREEMENT WITH COMAS ENTERPRISES, INC. THAT OPERATES A COLD STONE CREAMERY FRANCHISE IN A SPACE LOCATED AT 1961 - 4th STREET NORTH, ST. PETERSBURG, WITHIN THE CITY-OWNED SUNKEN GARDENS BUILDING; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate & Property Management received a request from Comas Enterprises, Inc. ("Tenant"), for additional assistance in managing its lease obligations due to the current economy; and

WHEREAS, the Tenant is currently leasing approximately 2,068 square feet of space for the operation of a Cold Stone Creamery franchise located at 1961 - 4th Street North, St. Petersburg within the City-owned Sunken Gardens building ("Premises") and is a local, family-owned, privately held corporation; and

WHEREAS, the principal, Eric Comas, is a St. Petersburg resident who lives within a few blocks of the Premises; and

WHEREAS, in recognition of the economic climate and in an effort to retain this local business after reviewing its gross income stream, a First Amendment to the Lease Agreement ("First Amendment") was negotiated and executed by the Tenant and the City on November 2, 2011, in accordance with City Council Resolution No. 2011-429, that provided for the following changes:

- A term that expires on October 31, 2014, with one (1) five (5) year renewal option
- A Base Rent of \$12.00 per square foot
- A Percentage Rent of ten percent (10%) of sales above a break point of \$20,000; and

WHEREAS, all other terms and conditions contained in the Lease Agreement remained in full force and effect; and

WHEREAS, the amended terms, however, did not provide the needed relief the Tenant required to maintain a viable business, and consequently, the Tenant attempted to sell the business that was permissible in the Lease, as amended; and

WHEREAS, the Tenant received one proposal conditioned upon the City agreeing to amend the rent for the proposed new owner to approximately \$6.76 per square foot including property taxes and Common Area Maintenance ("CAM") that Administration could not support; and

WHEREAS, in analyzing the proposed new owner's offer, staff reviewed the rent the Tenant has paid the City since 2009 and found that the effective rent has been as high as 20% - 24% of taxable sales in some months with a total annual rent averaging in excess of 17% of sales; and

WHEREAS, , this presents an uneconomical rent for the Tenant, since the industry rent standards are in the 5% - 7% range with total occupancy expenses of 10% - 12% maximum range; and

WHEREAS, the Tenant proposed a restructure of the rent to a pure percentage rent basis (plus applicable sales tax), including a fixed monthly amount sufficient to pay the annual real estate taxes and CAM fees that would be paid along with 10% of the Tenant's monthly sales; and

WHEREAS, while providing relief to the Tenant during the current economic recession as the business sales improve to its former volume, the percentage rent to the City would increase the total rent payment to the City, which could result in rents approximating the original rent amounts; and

WHEREAS, in an effort to maintain the business at this location, Administration has re-negotiated with the Tenant and proposes the following changes to the amended Lease:

- 10% straight percentage rent, based upon monthly gross sales
- A fixed payment of \$375.00 per month for the pro rata share of the annual real estate taxes and CAM fee; and

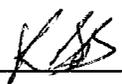
WHEREAS, based upon current sales records, the total rent payment should equate to a rent of approximately \$10.00 per square foot to the City; and

WHEREAS, all other terms and conditions contained in the Lease Agreement, as amended, which are not modified by the Second Amendment, shall remain in full force and effect.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his designee, is authorized to execute a Second Amendment to the September 21, 2009 Lease Agreement with Comas Enterprises, Inc. that operates a Cold Stone Creamery franchise in a space located at 1961 - 4th Street North, St. Petersburg, within the City-owned Sunken Gardens Building; and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



City Attorney (Designee)

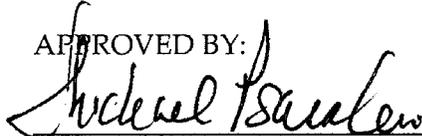
Legal: 00164185.doc V. 2

APPROVED BY:



David M. Metz, Director
Downtown Enterprise Facilities

APPROVED BY:



FOR Bruce E. Grimes, Director
Real Estate & Property Management

Attached documents for item Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$168,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); and approving a supplemental appropriation in the amount

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$168,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); approving a supplemental appropriation in the amount of \$168,000 from the unappropriated balance in the Water Resources Capital Projects Fund (4003), resulting from this rescission, to the WRL 46th Avenue North (62-80 St N) Road Widening Project (11115); (Engineering Project No. 06102-111; Oracle No. 11115); and providing an effective date.

EXPLANATION: On January 24, 2008, City Council approved the execution of a Joint Project Agreement (JPA) between the City of St. Petersburg and Pinellas County in the estimated amount of \$785,148. The agreement provided for the County's contractor to relocate City Water Mains as required on the County's 46th Avenue North Road Widening from 80th Street to 62nd Street North Project.

The JPA work consisted of mobilization, maintenance of traffic, removing and replacing approximately 4,144 linear feet of 4", 6", 8" and 12" diameter ductile iron water mains and approximately 3,013 LF of 0.75 and 1 inch diameter water services lines, fire hydrants, and related appurtenances in conflict with the County's road widening and drainage construction. 46th Avenue has been improved from a rural road section with open drainage ditches to an urban section with curb inlets and improved pedestrian access.

The work has been completed and the final JPA project construction cost, including required 5% fee to the County for construction and administrative services; and the interest due to the City on the funds held on deposit, is \$953,642.70. Prior payments to the County pursuant to the agreement are \$786,492.31. The final amount due to the County for the relocation of the City's Water Mains is \$167,150.39.

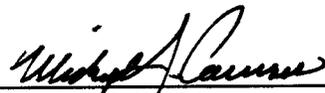
RECOMMENDATION: Administration recommends approving a Resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$168,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); and approving a supplemental appropriation in the amount of \$168,000 from the unappropriated balance in the Water Resources Capital Projects Fund (4003), resulting from this rescission, to the WRL 46th Avenue North (62-80 St N) Road Widening Project (Engineering Project No. 06102-111; Oracle No. 11115); and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after a rescission in the amount of \$168,00 in the Water Resources Capital Projects Fund (4003) in the amount of \$168,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358) and a supplemental appropriation in the amount of \$168,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from this rescission, to the WRL 46th Avenue North (62-80 St N) Road Widening Project (11115).

ATTACHMENTS: Resolution

APPROVALS:

bfl



Administrative



Budget

RESOLUTION NO. _____

A RESOLUTION RESCINDING AN UNENCUMBERED APPROPRIATION IN THE WATER RESOURCES CAPITAL PROJECTS FUND (4003) IN THE AMOUNT OF \$168,000 FROM THE WRL FDOT US19 WHITNEY RD FY12 PROJECT (13358); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$168,000 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECTS FUND (4003), RESULTING FROM THIS RESCISSION, TO THE WRL 46TH AVENUE NORTH (62-80 ST N) ROAD WIDENING PROJECT (11115) (ENGINEERING PROJECT NO. 06102-111; ORACLE NO. 11115); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 24, 2008, City Council approved the execution of a Joint Project Agreement (JPA) between the City of St. Petersburg and Pinellas County in the estimated amount of \$785,148 providing for the County's contractor to relocate City Water Mains as required on the County's 46th Avenue North Road Widening from 80th Street to 62nd Street North Project; and

WHEREAS, the work has been completed and the final JPA project construction cost, including required 5% fee to the County for construction and administrative services; and the interest due to the City on the funds held on deposit, is \$953,642.70; and

WHEREAS, prior payments to the County pursuant to the agreement are \$786,492.31; and

WHEREAS, the final amount due to the County for the relocation of the City's Water Mains is \$167,150.39.

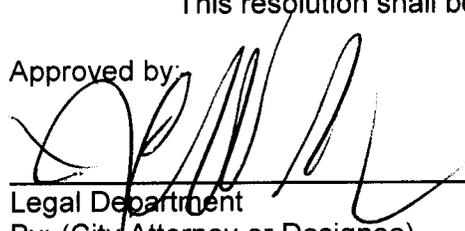
NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$168,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358) is hereby rescinded; and

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from this rescission, the following supplemental appropriation for Fiscal Year 2013:

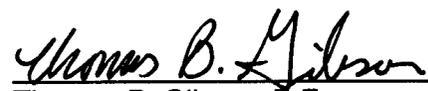
<u>Water Resources Capital Projects Fund (4003)</u>	
WRL 46 th Avenue North (62-80 St N) Road Widening Project (11115)	\$168,000

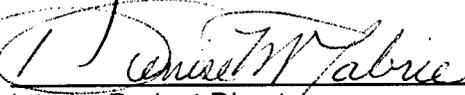
This resolution shall become effective immediately upon its adoption.

Approved by:


Legal Department
By: (City Attorney or Designee)

Approved by:


Thomas B. Gibson, P.E.
Engineering Director


Interim Budget Director

Eva Andujar - Re:

From: Thomas Gibson
To: Elston, Tish; Kornell, Steve
Date: 10/31/2012 11:32 AM
Subject: Re:
CC: Andujar, Eva; Connors, Michael; Kubicki, Joe; Labrie, Denise; Teniso...

CM Kornell,

With regard to item CB-7, the following additional information is provided. 46th Avenue North, from 80th to 62nd Street was a narrow paved two lane road without curbs, and drainage was by open ditches. Roads without curbs, and with open ditches are often referred to as a rural road cross section.

The roadway is within unincorporated Pinellas County, and the City of St. Petersburg provides water service to this area. The City and other utility owners are obligated to relocate utilities when requested to do by the County. 46th Avenue North is part of the County major road network, and they have implemented transportation and traffic flow improvements funded by the Penney for Pinellas. Work included including widening the road, adding bike lanes, adding curbs, sidewalks, and below ground drainage systems. This was a paved road that was upgraded as part of the Pinellas County transportation program, and property owners were not assessed for the cost of the improvements.

Historically, in St. Petersburg, the original road construction consisting of road base and asphalt or brick paving was either completed by a developer as part of the land development, or the City by special assessment. However most lands were platted and developed with dirt roads. Most of our brick streets were constructed by special assessment in the 1920's and 1930's. Post war development was rapid, and many neighborhoods were platted and built out with dirt or shell roads. Later City Councils in the 1960's through the 1980's mandated that all residential streets be paved through the Special assessment process. From 1960 to 1993, the City constructed hundreds of miles of asphalt paved streets within existing neighborhoods with funding by special assessments. State statutes allow municipalities to assess the cost of local improvements to the benefitting property owners. Some low volume residential streets were exempted from the mandatory assessments, because the residents successfully appealed to City council that the work was not needed. City policies require special assessments for paving unpaved alleys, residential streets, and dredging local waterways and canals.

Major maintenance of asphalt streets is required every 15 to 20 years, and this resurfacing is performed at no cost to the property with funding from the Penny. Penny, TIF, and Federal Highway grant funds are used for transportation improvements to the major streets, which have been previously paved. Hope this explanation helps, please let me know if additional information is required.

Thomas B. Gibson, P.E.
 Engineering Director
 City of St. Petersburg
 Engineering & Capital Improvements Department
 727-893-7295 >>> Tish Elston 10/31/2012 8:44 AM >>>

No problem, Steve. I was going to call you this morning. First, Consent 10 is definitely a report now. I will see if I can get you an answer for Consent 7 from Tom Gibson. Afterward you can let me know if you still want to pull it to reports.

Monday we issued the first Budget Cleanup Report, which is New Ordinance F-1. We integrated some numbers into the report from the requests we were doing for the RNC. In proofing that information yesterday, we found that I had picked up a number that duplicated the equipment reimbursement we had already requested from Tampa, so the discussion in the Monday Budget cleanup report had wrong numbers. Budget had also found a

couple additional errors, so late yesterday we issued a Corrected Budget Cleanup Report and Ordinance. Please review it instead of the original delivered Monday.

Denise and I are available most of today if you would like us to walk you through the Cleanup Report and Ordinance. The only time we are not available is 1:30-3, when we have a Budget Director candidate interview.

Finally, late yesterday afternoon I issued a status report on our RNC requests for reimbursement. The final request is being delivered to Tampa today and we are still revising our initial submission on forms Tampa supplied after we had already made our September request. You will see in my report that we are submitting some corrections to the September requests as we transfer the data to the new forms.

Please let me know if you would like us to walk you through any of these. Thanks. Tish

>>> Steve Kornell 10/30/2012 10:40 PM >>>

Hi Tish - I was sick last Thursday and missed agenda review. I have a few questions and a couple of items I would like pulled to report.

B-7 It talks about paving portions of 46th Avenue that are "rural" in nature. I was wondering if the homeowners were assessed for this. I have a similar road in Lakewood and was told there is no way the city will pay to pave a public road.

I would like B-7 and B-10 pulled to report (I believe B-10 has already been pulled to report and just want to make sure it stays that way. If not, I would like to pull it to report.

As always, thanks so much and my apologies for the late notice.

Steve

Eva Andujar - Re:

From: Tish Elston
To: Kornell, Steve
Date: 10/31/2012 8:44 AM
Subject: Re:
CC: Andujar, Eva; Gibson, Thomas; Labrie, Denise; Tenison, Judy

No problem, Steve. I was going to call you this morning. First, Consent 10 is definitely a report now. I will see if I can get you an answer for Consent 7 from Tom Gibson. Afterward you can let me know if you still want to pull it to reports.

Monday we issued the first Budget Cleanup Report, which is New Ordinance F-1. We integrated some numbers into the report from the requests we were doing for the RNC. In proofing that information yesterday, we found that I had picked up a number that duplicated the equipment reimbursement we had already requested from Tampa, so the discussion in the Monday Budget cleanup report had wrong numbers. Budget had also found a couple additional errors, so late yesterday we issued a Corrected Budget Cleanup Report and Ordinance. Please review it instead of the original delivered Monday.

Denise and I are available most of today if you would like us to walk you through the Cleanup Report and Ordinance. The only time we are not available is 1:30-3, when we have a Budget Director candidate interview.

Finally, late yesterday afternoon I issued a status report on our RNC requests for reimbursement. The final request is being delivered to Tampa today and we are still revising our initial submission on forms Tampa supplied after we had already made our September request. You will see in my report that we are submitting some corrections to the September requests as we transfer the data to the new forms.

Please let me know if you would like us to walk you through any of these. Thanks. Tish

>>> Steve Kornell 10/30/2012 10:40 PM >>>

Hi Tish - I was sick last Thursday and missed agenda review. I have a few questions and a couple of items I would like pulled to report.

B-7 It talks about paving portions of 46th Avenue that are "rural" in nature. I was wondering if the homeowners were assessed for this. I have a similar road in Lakewood and was told there is no way the city will pay to pave a public road.

I would like B-7 and B-10 pulled to report (I believe B-10 has already been pulled to report and just want to make sure it stays that way. If not, I would like to pull it to report.

As always, thanks so much and my apologies for the late notice.

Steve

Attached documents for item Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$123,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); and approving a supplemental appropriation in the amount

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$123,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); approving a supplemental appropriation in the amount of \$123,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from this rescission, to the WRL Gandy Overpass FY11 Project (12944), FPID #416838-1-52-01. (Engineering Project No. 10043-111; Oracle No. 12944); and providing an effective date.

EXPLANATION: On March 18, 2010, City Council approved the execution of a Utility Work by Highway Contractor Agreement (UWHCA) and a Deferred Utility Relocation Loan Agreement between the City of St. Petersburg and the Florida Department of Transportation (FDOT) in the estimated amount of \$230,000. The agreement provided for the FDOT's contractor to relocate City Water Mains as required along Gandy Blvd. from Pelican Sound to Gandy Bridge, with the initial cost of the work to be borrowed from the FDOT and repaid by the City after work is completed. The work has been completed and the appropriation of funds is now required to satisfy the loan granted to the City under the Deferred Utility Relocation Loan Agreement.

The UWHCA work consisted of mobilization, maintenance of traffic, and removing and replacing approximately 1,600 linear feet of the City's 6" and 8" diameter ductile iron water mains, water services, fire hydrants, and related appurtenances in conflict with the retaining walls, paved trails, and boardwalks constructed to improve bicycle and pedestrian access along Gandy Boulevard, east of 4th Street. The relocation work was completed at a total construction cost of \$118,385.69. The City is also obligated to pay interest on the loan with variable interest based upon the State of Florida overnight investment yield. The loan interest is \$4,238.29, and the total reimbursable cost for the project is \$122,623.98, including interest and principal.

RECOMMENDATION: Administration recommends Approving a resolution rescinding an unencumbered appropriation in the Water Resources Capital Projects Fund (4003) in the amount of \$123,000 from the WRL FDOT US19 Whitney Rd FY12 Project (13358); approving a supplemental appropriation in the amount of \$123,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from this rescission, to the WRL Gandy Overpass FY11 Project (12944); FPID #416838-1-52-01. (Engineering Project No. 10043-111; Oracle No. 12944) and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available after a rescission in the Water Resources Capital Projects Fund (4003) in the amount of \$123,000 from the WRL FDOT US19 Whitney Rd Project (13358) and a supplemental appropriation in the amount of \$123,000 from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the rescission, to the WRL Gandy Overpass FY11 Project (12944).

ATTACHMENTS: Resolution

APPROVALS:
bfl



Administrative
TBG



Budget

RESOLUTION NO. _____

A RESOLUTION RESCINDING AN UNENCUMBERED APPROPRIATION IN THE WATER RESOURCES CAPITAL PROJECTS FUND (4003) IN THE AMOUNT OF \$123,000 FROM THE WRL FDOT US19 WHITNEY RD FY12 PROJECT (13358); APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$123,000 FROM THE UNAPPROPRIATED BALANCE OF THE WATER RESOURCES CAPITAL PROJECTS FUND (4003), RESULTING FROM THIS RESCISSION, TO THE WRL GANDY OVERPASS FY11 PROJECT (12944), FPID #416838-1-52-01. (ENGINEERING PROJECT NO. 10043-111; ORACLE NO. 12944); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 18, 2010, City Council approved the execution of a Utility Work by Highway Contractor Agreement (UWHCA) and a Deferred Utility Relocation Loan Agreement between the City of St. Petersburg and the Florida Department of Transportation (FDOT) in the estimated amount of \$230,000; and

WHEREAS, the agreement provided for the FDOT's contractor to relocate City Water Mains as required along Gandy Blvd. from Pelican Sound to Gandy Bridge; and

WHEREAS, the agreement also provided for the initial cost of the work to be borrowed from the FDOT and repaid by the City after work is completed; and

WHEREAS, the work has been completed at a total construction cost of \$118,385.69 and the appropriation of funds is now required to satisfy the loan granted to the City under the Deferred Utility Relocation Loan Agreement; and

WHEREAS, the City is also obligated to pay interest on the loan with variable interest based upon the State of Florida overnight investment yield. The loan interest is \$4,238.29, and the total reimbursable cost for the project is \$122,623.98, including interest and principal.

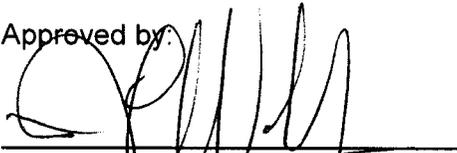
NOW THEREFORE, BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the unencumbered appropriation of the Water Resources Capital Projects Fund (4003) in the amount of \$123,000 for the WRL FDOT US19 Whitney Rd FY12 Project (13358) is hereby rescinded; and

BE IT FURTHER RESOLVED that there is hereby approved from the unappropriated balance of the Water Resources Capital Projects Fund (4003), resulting from the rescission, the following supplemental appropriation for Fiscal Year 2013:

<u>Water Resources Capital Projects Fund (4003)</u>	
WRL Gandy Overpass FY11 Project (12944)	\$123,000

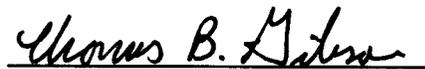
This resolution shall become effective immediately upon its adoption.

Approved by:



Legal Department
By: (City Attorney or Designee)

Approved by:



Thomas B. Gibson, P.E.
Engineering Director



Interim Budget Director

Attached documents for item Approving the minutes of the City Council meetings held July 12, July 19 and July 26, 2012.

ST. PETERSBURG CITY COUNCIL
Consent Agenda
Meeting of November 1, 2012

TO: City Council Chair & Members of City Council

SUBJECT: City Council Minutes

EXPLANATION: City Council minutes of July 12, July 19 and July 26, 2012 are submitted for your approval.

A RESOLUTION APPROVING THE
MINUTES OF THE CITY COUNCIL
MEETINGS HELD JULY 12, JULY 19 AND
JULY 26, 2012 AND PROVIDING AN
EFFECTIVE DATE.

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that the minutes of the City Council meetings held on July 12, July 19 and July 26, 2012 are hereby approved.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM
AND SUBSTANCE:

City Attorney or Designee

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JULY 12, 2012, AT 8:32 A.M.

Chair Leslie Curran called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, William H. Dudley, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr. and Jeff Danner. Mayor Bill Foster, City Administrator Tish Elston, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, Mark Lawson Special Counsel with Bryant Mille Olive, City Clerk Eva Andujar, Deputy City Clerk Cathy Davis and Assistant to the City Clerk Pat Beneby were also in attendance.

Councilmember Kornell moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that and approve the agenda as amended:

- INFO D-4 Ordinance 34-H relating to the provision of fire protection services in St. Petersburg and authorizing the imposition and collection of fire service assessments against property throughout the City.
- (a) Annual Assessment Resolution
- (b) Revenue Note Resolution
- INFO D-5 Ordinance 082-HL approving the re-designation and expansion of the local landmark boundaries of the Maximo Park Archaeological Site, located at 6600 - 34th Street South. (City File HPC 12-90300002)
- ADD E-5 Pinellas Planning Council. (Councilmember Kennedy) (Oral)
- ADD G-1 Referring to the Public Services & Infrastructure Committee for consideration small scale urban farming in St. Petersburg. (Councilmember Nurse)
- INFO H-1 Co-Sponsored Events Committee. (6/19/12)

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

7/12/12

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. David McKalip, 431 Southwest Boulevard North, spoke in opposition to any increase in fire fees, recycling, etc. He suggested the City cut employee pensions and benefits which are out of line with the private sector.
2. Thomas Grizzard, 1677 Connecticut Avenue NE, expressed the need for traffic control during high water events such as Tropical Storm Debby.

City Attorney John Wolfe stated that the Police Chief has asked him to draft an ordinance to provide the Police Department with the necessary tools to address traffic control during such events.

3. Chris Dailey, 1528 Delaware Avenue NE, Vice President Shore Acres Civic Association, commented on high water events in Shore Acres and vehicles driving through the neighborhood at high rates of speed causing wakes. He stated this is an enforcement issue and offered to develop a plan to address this problem.
4. Matt Florell, 114 17th Avenue North, commented on red light cameras and accuracy problems (many of which are physically impossible) found after a review of detailed information provided by the City. He found dozens of malfunctions of equipment and human review has not weeded out these types of citations. Stated he also found a report that indicated imbedded sensors in the pavement of each lane could register false calls over half of the time with 1/3 being multiple triggers from the same vehicle.
5. Kathleen Ford, 7477 18th Street NE, spoke concerning our waterfront, parks and the Pier. She stated the Pier process is flawed as it should have gone before the voters as indicated in the City Charter and requested Council put the Pier issue, The Lens, etc. on this year's ballot.
6. Amos Miers, 1000 Central Avenue, runs the Free Speech Project and commented on the City's hosting of a RNC event on August 26. He outlined alternative solutions to the ways cities typically handle national security events and provided them via letters and e-mails to Council and the Mayor. He expressed concern with the current plan which infringes on individuals' rights, etc. He requested Council not close the area surrounding Tropicana Field.

Chair Curran indicated she could not find any of his e-mails and stated that if Mr. Miers wants to attend this afternoon's meeting concerning the RNC he can do so (his business is located within the RNC Zone).

7. Ray Wunderlick, 1063 43rd Avenue North, provided Council with an update on the maintenance and cleanup efforts concerning Booker Creek, Little Bayou Wilderness Park (it should be made a preserve), etc. He spoke in support of Councilmember Nurse's New Business Item concerning urban farming and the expansion of Maximo Park (proposed Ordinance 082-HL).
8. Beth Connor, St. Petersburg, commented on snipe signs and requested that a particular company (unnamed) be fined for illegal placement of signs in the community.

Councilmember Nurse moved with the second of Councilmember Kornell that the following resolutions be adopted:

- 12-312 Awarding a contract to Zenith Lighting, Inc. in the amount of \$150,659 for the Mahaffey Theater Lighting project. (Engineering & Capital Improvements Project No. 12218-019)
- 12-313 Authorizing the Mayor or his designee to execute an Underground Conversion Agreement with Florida Power Corporation d/b/a Progress Energy Florida Inc., a Florida corporation, for the installation, operation and maintenance of underground electrical service, at a cost not to exceed \$200,000, within the Tangerine Avenue Community Redevelopment Area.
- 12-314 Authorizing the Mayor or his designee to execute a five (5) year Lease Agreement with West Florida Helicopters, Inc., a Florida for profit corporation, for the use of $\pm 4,350$ square feet of space in Hangar No. 1 and $\pm 7,000$ square feet of space in Hangar No. 4 at Albert Whitted Airport located at 107 Eighth Avenue Southeast, St. Petersburg; and to execute all documents necessary to effectuate same. (Requires affirmative vote of at least six (6) members of City Council.)
- 12-315 Authorizing the Mayor or his designee to execute an annual Master Agreement and up to three one-year options between the City of St. Petersburg and Adams Design, Inc., Cardno TBE, Interflow Engineering, Inc., Kissinger Campo & Associates, Inc., Land & Water Engineering Science, Inc., and URS Corporation to furnish professional engineering services for Stormwater Management, Transportation & Bridge Improvements Projects.
- 12-316 Authorizing the Mayor or his designee to execute a Local Agency Program Agreement between the City of St. Petersburg, Florida ("City"), and the State of Florida Department of Transportation ("FDOT") for participation by FDOT in the design activities of the City of St. Petersburg On Street Bicycle Lanes Project ("Project") in an amount not to exceed \$40,175; and authorizing a supplemental appropriation in the amount of \$40,175 from the increase in the unappropriated balance of the Bicycle/Pedestrian Safety Grants CIP Fund (3004), resulting from these additional revenues, to the City of St. Petersburg On Street Bicycle Lanes Project (TBD). (FDOT Financial Project No. 424532 1 38 01)

7/12/12

12-317 Approving minutes of April 2, April 4, April 5, April 12, and April 19, 2012 City Council meetings.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 1038-V and Zoning Official Philip Lazzara made a presentation. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 1038-V, entitled:

PROPOSED ORDINANCE NO. 1038-V

AN ORDINANCE APPROVING A VACATION OF THE ALLEY LOCATED EAST OF 24TH STREET SOUTH AND WEST OF THE PINELLAS TRAIL, IMMEDIATELY SOUTH OF THE PROPERTY LOCATED AT 2342 EMERSON AVENUE SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 27-H. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Kennedy moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 27-H, entitled:

7/12/12

PROPOSED ORDINANCE NO. 27-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT MAXIMO PARK TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO JUNE 30, 2033, AS A PREREQUISITE FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE BOAT RAMP IMPROVEMENTS AT MAXIMO PARK; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 28-H. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Kennedy moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 28-H, entitled:

7/12/12

PROPOSED ORDINANCE NO. 28-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT LAKE MAGGIORE PARK TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO SEPTEMBER 30, 2032, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE BOAT RAMP IMPROVEMENTS AT LAKE MAGGIORE PARK; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

The Clerk read the titles of proposed Ordinances 29-H, 30-H, 31-H, 32-H and 33-H. The Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinances 29-H, 30-H, 31-H, 32-H and 33-H, entitled:

7/12/12

PROPOSED ORDINANCE NO. 29-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT GRANDVIEW PARK TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO SEPTEMBER 30, 2032, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE BOAT RAMP IMPROVEMENTS AT GRANDVIEW PARK; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 30-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT DEMENS LANDING TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO SEPTEMBER 30, 2032, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE

7/12/12

BOAT RAMP IMPROVEMENTS AT DEMENS LANDING; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 31-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT CRISP PARK TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO SEPTEMBER 30, 2032, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE BOAT RAMP IMPROVEMENTS AT CRISP PARK; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE..

PROPOSED ORDINANCE NO. 32-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT NORTHEAST EXCHANGE CLUB COFFEE POT PARK TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO SEPTEMBER 30, 2032, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE BOAT RAMP IMPROVEMENTS AT NORTHEAST EXCHANGE CLUB COFFEE POT PARK; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE..

PROPOSED ORDINANCE NO. 33-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(c)(5)A., ST. PETERSBURG CITY CHARTER, AUTHORIZING THE RESTRICTIONS CONTAINED IN A SITE DEDICATION (“SITE DEDICATION”) DEDICATING THE BOAT RAMP PROJECT AREA (“PROJECT AREA”) AT BAY VISTA PARK TO THE PUBLIC AS A BOATING ACCESS FACILITY FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC FROM THE DATE OF EXECUTION OF THE SITE DEDICATION BY THE CITY TO SEPTEMBER 30, 2032, AS A REQUIREMENT FOR RECEIPT OF THE FLORIDA FISH AND WILDLIFE CONSERVATION

7/12/12

COMMISSION (“FFWCC”) GRANT FROM THE FLORIDA BOATING IMPROVEMENT PROGRAM, BOATING AND WATERWAYS SECTION FOR THE BOAT RAMP IMPROVEMENTS AT BAY VISTA PARK; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE A SITE DEDICATION FOR THE PROJECT AREA FOR A PERIOD ENDING SEPTEMBER 30, 2032, AND ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 34-H. City Attorney John Wolfe stated the City will conduct a combined public hearing on proposed Ordinance 34-H and the Fire Service Annual Assessment resolution; all speakers will be provided three minutes on the proposed ordinance and three minutes on the resolution.

Special Counsel Mark Lawson, with Bryant Miller Olive, made a presentation. Mr. Lawson provided the Clerk, for the record, with a copy of the updated Executive Summary: Overview of Simplified Fire Assessment Apportionment Strategy, City of St. Petersburg, prepared by Real Estate Research Consultants, a Affidavit from the Tampa Bay Times concerning the June 20, 2012 notice concerning today’s public hearing which was also placed on the City’s website; an Affidavit indicating that the updated assessment rate for each parcel in the City was posted and made available on the internet at a publically accessible address or at the City Clerk’s office for citizen review of the consequences of the assessment. Mr. Lawson reviewed the enabling process before Council today and reviewed, in detail, the fire assessment Tiers comprised of \$0.23 per thousand dollars of improvements or fraction thereof (Tier 1) plus \$75 per each parcel with a PIN (Tier 2 readiness to serve fee). He reviewed provision(s) in the proposed Ordinance which provide modifications for hardship considerations and the ability to administratively delete small parcels from the tax rolls.

Mr. Wolfe summarized resolution (a) which places the assessment in effect (based on a maximum improvement value of \$10,000,000 per tax parcel) and resolution (b) which authorizes the issuance of a Fire Service Assessment Revenue Note, in a principal amount not to exceed \$900,000, to borrow money to purchase a Fire ladder truck (Council would approve or not approve). The City will file a validation, authorized by the resolution, as soon as possible and the process should be completed in time for Council’s final FY 2013 Budget public hearing. Council can at that time decide to increase the tax rate or use the fire assessment fee or a combination of the two revenue sources.

Mayor Foster stated this is a \$10 million revenue source and it can be fire readiness, increase in the millage rate, use of reserves or a combination of all three. Mayor Foster recommended Council approve the Fire Assessment (Readiness) Fee and stated he is still looking at ways to reduce the fixed portion of the Fee to \$65; this is a revenue source not in flux with market conditions and is equitable. If the Fire Assessment Fee is not approved, the Mayor stated he will recommend increasing the millage rate to 6.7742 to generate the same amount of revenue as the Fire Assessment Fee. Following Council discussion, the Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Vince Cocks, 2950 63rd Avenue South, spoke in opposition to the Fire Assessment fee and cited institutions and organizations such as Menorah Manor, John Knox, Florida Blood Centers, Boley, St. Vincent de Paul, Museum of Fine Arts which will now be taxed and some of them provide services to the community.
2. Tom Tito, 622 12th Avenue South, spoke in opposition to the Fire Assessment fee and provided Council with a copy of a tax study in Florida. He requested Council provide an exemption for rental properties.
3. Dr. Moses Green, 3620 38th Avenue South, representing Friendship Missionary Baptist Church, spoke in opposition to the Fire Assessment fee. He urged Council to reconsider this issue and commented on the burden that would be placed upon the poor in the community.

Chair Curran closed the public hearing. Councilmember Kennedy moved with the second of Councilmember Danner that the following resolution be adopted:

BE IT RESOLVED By the city Council of the City of St. Petersburg, Florida, that proposed Ordinance 34-H, entitled:

PROPOSED ORDINANCE NO. 34-H

AN ORDINANCE RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES, AND PROGRAMS IN THE CITY OF ST. PETERSBURG, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE SERVICE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE CITY; PROVIDING CERTAIN DEFINITIONS; ESTABLISHING THE PROCEDURES FOR IMPOSING AND COLLECTING FIRE SERVICE ASSESSMENTS; PROVIDING THAT FIRE SERVICE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY EQUAL IN RANK AND

DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE ISSUANCE OF OBLIGATIONS SECURED BY ASSESSMENTS; PROVIDING FOR VARIOUS RIGHTS AND REMEDIES OF THE HOLDERS OF SUCH OBLIGATIONS; PROVIDING THAT SUCH OBLIGATIONS WILL NOT CREATE A GENERAL DEBT OR OBLIGATION OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Danner. Kennedy. Dudley. Curran. Nurse. Nays. Newton. Gerdes. Kornell. Absent. None. Councilmember Kennedy moved with the second of Councilmember Danner that the following resolution be adopted:

12-318 A resolution of the City Council of St. Petersburg, Florida, relating to the availability and funding of Fire protection and related essential services within the City; providing for the imposition of special assessments within the City to fund, in part, the services, facilities and programs associated with the continual readiness to provide Fire protection; identifying benefits, burdens and costs to be assessed; establishing the method of apportioning benefits, burdens and costs among specially benefited property; adopting an assessment roll; providing the method of collection; and providing for associated policy direction.

Roll call. Ayes. Danner. Kennedy. Dudley. Curran. Nurse. Nays. Newton. Gerdes. Kornell. Absent. None. Councilmember Kennedy moved with the second of Councilmember Dudley that the following resolution be adopted:

12-319 A resolution of the City Council of the City of St. Petersburg, Florida authorizing the issuance of its Fire Service Assessment Revenue Note, Series 2012, in the principal amount of not to exceed \$900,000 to fund the acquisition of certain capital equipment of the City; providing that the Series 2012 Note shall be a limited obligation of the City payable solely from certain special assessments as provided herein; providing for the rights and remedies for the owner of the Series 2012 Note; making certain covenants and agreements in connection therewith.

Roll call. Ayes. Danner. Kennedy. Dudley. Curran. Nurse. Nays. Newton. Gerdes. Kornell. Absent. None.

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The meeting was recessed at 11:34 a.m.

The meeting was reconvened at 11:46 a.m. with all members present.

The Clerk administered the oath to those present wishing to present testimony in connection with the quasi-judicial proceedings.

The Clerk read the title of proposed Ordinance 082-HL approving the re-designation and expansion of the local landmark boundaries of the Maximo Park Archaeological Site, located at 6600 34th Street South (City File HPC 12-90300002). Historic Preservationist III Kim Hinder, representing the City who is the applicant, made a PowerPoint presentation. The Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

1. Beth Connors, St. Petersburg, complimented staff who worked over the years to preserve Maximo Park. She was one of three applicants opposed to the City retroactively receiving a Certificate of Appropriateness for a Disc Golf Course, a use she does not believe is appropriate. She provided comments concerning an opportunity for a Heritage & Archaeological Tour "Trail of American Indian" sites with the state and to connect Maximo Park with an African American History Tour with the City.

Due to technical difficulties the meeting was recessed at 12:02 p.m.

The meeting was reconvened at 1:08 p.m. with all members present.

2. Ray Wunderlich, 1063 43rd Avenue North, spoke in support of the proposed ordinance.

Cross examination and rebuttal were waived buy Ms. Hinder. Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the city Council of the City of St. Petersburg, Florida, proposed Ordinance 082-HL, entitled:

PROPOSED ORDINANCE NO. 082-HL

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, RE-DESIGNATING THE MAXIMO PARK ARCHAEOLOGICAL SITE (LOCATED AT 6600 34TH STREET SOUTH) WITH EXPANDED BOUNDARIES AS A LOCAL LANDMARK AND ADDING THE PROPERTY TO THE LOCAL REGISTER PURSUANT TO SECTION 16.30.070, CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with an oral report, Councilmember Danner moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the city Council of the City of St. Petersburg, Florida, that Council receive the oral update on the Pinellas Suncoast Transit Authority (PSTA), the Metropolitan Planning Organization (MPO) and the Tampa Bay Area Regional Transportation Authority (TBARTA) presented by Councilmember Danner.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with a report item concerning City Sports Programming, CDA Administration & Finance Director Joe Zeoli presented a brief sports video, provided Council with statistics on various emerging programs including the Rock n Roll Half Marathon (over 50% of the participants were from outside the county) which generated a reported economic impact of \$7.8 million (the race delivered over 4,200 hotel rooms). The East West Shrine Football Game was carried live with over 18,000 in attendance and filled over 6,500 rooms, etc. Next year's game is scheduled to be held at Tropicana Field on January 19, 2013. Mr. Zeoli discussed International Spring Baseball and stated that Team Canada is interested in practicing in St. Petersburg for the International Baseball Classic. Sports Marketing Consultant Jim Neader provided an update on the East West Shrine Football game and stated the next three games will be played in St. Petersburg. Mayor Foster provided comments.

No action was taken in connection with an oral report item concerning the Tourist Development Council which was deferred by Chair Curran to the July 26, 2012 Council agenda.

In connection with a report item concerning Waste Pro of Florida, Inc., Public Works Administrator Michael Connors made a presentation. Councilmember Kennedy moved with the second of Councilmember Nurse that the following resolution be adopted:

12-320 Accepting a proposal from Waste Pro of Florida, Inc. for subscription based curbside recycling services for the Sanitation Department at an estimated annual cost of \$72,000.

Roll call. Ayes. Newton. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. Danner. Curran. Absent. None.

7/12/12

In connection with an oral report concerning the Pinellas Planning Council, Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the city Council of the City of St. Petersburg, Florida, that Council receive the Pinellas Planning Council oral report presented by Councilmember Kennedy.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

The Clerk read the title of proposed Ordinance 36-H. Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, July 26, 2012, at 6:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 36-H, entitled:

PROPOSED ORDINANCE NO. 36-H

AN ORDINANCE TN ACCORDANCE WITH SECTION 1.02(C)(3), ST. PETERSBURG CITY CHARTER, AUTHORIZING THE GRANT OF A PUBLIC UTILITY EASEMENT TO FLORIDA POWER CORPORATION D/B/A PROGRESS ENERGY FLORIDA, INC., A FLORIDA CORPORATION, AT THE PORT OF ST. PETERSBURG LOCATED AT 250 - 8TH AVENUE SOUTHEAST, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with a new business item, Councilmember Kornell moved with the second of Councilmember Kennedy that the following resolution be adopted:

7/12/12

BE IT RESOLVED By the city Council of the City of St. Petersburg, Florida, that Council refer consideration of small scale urban farming in St. Petersburg to the Public Services & Infrastructure Committee and that staff provide the Committee with an update on Community Gardens.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with a Co-Sponsored Events Committee report, Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

12-321 Approving Co-Sponsored Event Status "in name only" for Local Shopper, LLC ("Local Shopper") for an event entitled Shopapalooza 2012 to be held November 17, 2012, in South Straub Park from 10:00 a.m. to 6:00 p.m., in accordance with City Council Resolution No. 2000-562, as amended ("Resolution 2000-562"), provided all City fees are paid 10 days prior to the event taking place; waiving the six (6) month requirement of Section "D" of Resolution. 2000-562, as to Local Shopper; waiving the payment of the waiver fee required by City Council Resolution No. 2009-353 as to Local Shopper; waiving the non-profit requirement of City Council Resolution No. 2000-562(a) 8 as to Local Shopper; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this Resolution.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Newton. Absent. None. Councilmember Gerdes moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the city Council of the City of St. Petersburg, Florida, that Council receive and file the June 19, 2012 Co-Sponsored Events Committee report presented by Councilmember Gerdes.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Newton. Absent. None.

In continuation with the open forum portion of the agenda, the Chair asked if there were any persons present wishing to be heard. The following person(s) came forward:

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9. Dan Harvey, 1425 Central Avenue, commented on Major League Baseball Commissioner Bud Selig's comments made during the All Star Baseball Game and stated we need to continue to market this issue. He suggested that Pier meetings not conflict with baseball games to increase attendance and asked why we are accepting the Pier petitions if they are not legal.

There being no further business, the meeting was adjourned at 3:17 p.m.

Leslie Curran, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JULY 19, 2012, AT 3:00 P.M.

Chair Leslie Curran, called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, Jr., William H. Dudley, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr. and Jeff Danner. Mayor Bill Foster, City Administrator Tish Elston, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, City Clerk Eva Andujar and Deputy City Clerk Amelia Preston were also in attendance.

Councilmember Danner moved with the second of Councilmember Gerdes that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council approve the agenda as revised with the addition of a Presentation on the Lens Design for a new Pier by Lisa Wannemacher.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with a Preservation Presentation on the Dali Museum, Executive Director Hank Hine highlighted the programs that are underway with their partners TampaBay.com and the Tampa Bay Times and recognized Andy Courtney who was also present. Mr. Hine commented briefly on two of their programs relating to preservation of the art work in their great collection and the celebration of our town which has been expanded to the Tampa Bay area. The presentation also covered a contest where the community can submit their favorite picture of something they treasure in the community. He shared information on the summer camp, Mobile Dali Museum vehicle that travels to each school and other educational opportunities that will be forthcoming.

In connection with the On Top of Your Game Awards to St. Petersburg Catholic High School Baseball Team, Councilmember Gerdes highlighted their record where they ended the season as one of the top four teams in the State of Florida and represented the City of St. Petersburg as both District and Regional Champs. They had five players named to Class 5-3A-All State Team, one player named to all Suncoast and eight players were named all county and ten seniors on the team are college bound. Councilmember Gerdes introduced Head Coach John Vigue who thanked Mayor and Council for the recognition and presented On Top of Your Game Certificates to the following players: Andrew Eisenbrei, Will Gerdes, Tyler Langford, Jacob McFadden, John Miller, Ryan Mueller, Collin Okeeffe, Tito Santos and Mason Maziarka. Councilmember Gerdes presented On Top of Your Game Certificates to Head Coach John Vigue and Assistant Coach Tom Kidwell.

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In connection with a presentation, Councilmember Kornell recognized Ms. Jodi Watkins, representing Camden Lakes Apartments, and Ms. Linda Chichester, representing Carlton Arms Apartments, for completing the Police Department's Apartment Community Crime Reduction Program. Bill Proffitt, Police Community Awareness Manager, commented briefly on the Program and presented Certificates of Completion to Ms. Watkins and Ms. Chichester. Council expressed support for this excellent program.

In connection with the "Bring Me to Bayfront" Campaign Program, Kanika Jelks Tomalin, Vice President of Strategic Planning and Affairs for Bayfront Medical Center, thanked Council for the opportunity to update the community on the Trauma Center/Joint Pediatric Center Program operated by both hospitals for more than 25 years. The Bayfront Medical Center has experienced a dramatic shift since November when two new centers opened in the area without their knowledge adversely impacting their Trauma Center which serves our community. Ms. Tomalin highlighted the Bay Flight Transport Program that has provided service to over 2,500 patients yearly, they are one of three sites in the United States that train Special Forces Medics for combat response and they are especially proud of the services their hospitals provide to our residents. Ernie Stenberg, Chief Administrative Officer for All Children's Hospital commented on the Joint Pediatric Program and shared that they are one of two free standing hospitals in the State designated as a Trauma Center. He also expressed the need for their transport system to remain in place. He introduced two of the Trauma Surgeons Dr. Rick Harmal, Jr. with All Children's Hospital Center and Chief Administrator Steven Epsteins with Bayfront Medical Center who also expressed their support of the Joint Campaign. Mayor and Council thanked them for being a great asset and Partner with the City of St. Petersburg.

In connection with a proclamation recognizing the August 4, 2012 Back to School Care Fair, Mayor Foster presented the Proclamation to Samantha Haighler Nevins, President, with the Junior League of St. Petersburg. Ms. Nevins stated the event will be held at the Johnnie Ruth Clark Health Center, 1344 22nd Street South, St. Petersburg, FL. An invitation was extended for each Councilmember to come and participate. Council thanked them for the service they provide to the community.

In connection with the Grand Central District Florida Main Street Program of the Month Designation, Councilmember Danner presented a Sunshine Ambassador Award to Ms. Lauren Ruiz and shared that Secretary of State Ken Detzner announced that Grand Central District Main Street in the City of St. Petersburg was selected as the Florida Main Street Program of the Month for June 2012. He stated the selection of this award was based on the District's involvement and active participation.

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In connection with a presentation on the Lens Design for the New Pier, Ms. Lisa Wannemacher with Wannemacher and Jensen Architects, partners with Michael Maltzan Architecture, Inc and Architect Tom Leader, made a PowerPoint presentation which included information on the Downtown Waterfront Master Plan, highlighted the Pier Advisory input along with the process followed to get to the design phase. Ms. Wannemacher commented on Option # 4 that was recommended, reflected the proposed reduction in cost for the subsidy of 83% and shared that changes were made as a result of the input that has been received on the proposed design of the New Lens.

No action was taken in connection with new business items concerning the status of the signature verification by the Supervisor of Elections and a request that Legal draft an Emergency Ordinance to place the Voteonthepier.com Political Action Committee's question concerning the Pier on the November ballot. Prior to the meeting, Council was provided with information from the Supervisor of Elections office that the required number of valid petition signatures has been obtained. Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 2, 2012, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 37-H, entitled:

PROPOSED ORDINANCE NO. 37-H

AN ORDINANCE OF THE CITY OF St PETERSBURG PROVIDING FOR FINDINGS; PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012 TO PRESENT TO THE VOTERS ONE OR MORE NONBINDING REFERENDUM QUESTIONS REGARDING THE ST. PETERSBURG MUNICIPAL PIER; PROVIDING FOR THE FORM OF THE TITLES AND THE QUESTIONS TO APPEAR ON THE BALLOT; PROVIDING FOR THE NONBINDING NATURE OF THE QUESTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

The Clerk read the title of proposed Ordinance 37-H. Roll call. Ayes. Nurse. Newton. Gerdes. Dudley. Kornell. Nays. Danner. Kennedy. Curran. Councilmember Newton moved with the second of Councilmember Kornell that the following resolution be adopted:

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BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council schedule a Committee of the Whole to discuss the question(s) concerning the Pier to be placed on the November 6, 2012 ballot.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None. Development Coordination Director Chris Ballestra commented on the four recent input session held on the Pier and the need for additional public input. At the Chair's request, the Mayor stated he would put Ms. Wannemacher's Lens presentation (without Council discussion) on the City's website and television station.

The meeting was recessed at 6:08 p.m.

The meeting was reconvened at 6:33 p.m. with the following members present: Chair Curran and Councilmembers Newton, Danner, Gerdes, Kennedy, Dudley and Nurse. Absent. Councilmember Kornell.

In connection with a Legal item concerning the Fiscal Year 2013 Budget, Interim Budget Director Richard Bulger made a PowerPoint presentation and reviewed: the Property Taxes Proposed Millage Rates & Operating Budget, Historical Millage Rate which peaked at 8.8000 mills in FY 1991 and pointed out that the 6.6000 millage rate in FY07 generated \$223.657 million and the proposed FY13 6.7742 millage rate will generate \$211.044 million. Mr. Bulger also reviewed the Rollback Rate and the FY13 Budget Highlights (limited salary increases to meet contract requirements; all pools, libraries, recreation centers remain open; social services & arts funding maintained; no cuts in the Codes Department; no cuts to sworn personnel in Police or Fire; added funds for some positions that were previously grant funded in the Police Department, etc. and continued review of operations for efficiencies). The Mayor's Recommended Budget is on the City website. Councilmember Gerdes moved with the second of Councilmember Danner that the following resolutions be adopted:

- 12-322 A Resolution adopting a proposed millage rate of 6.7742 mills necessary to fund a tentative budget, other than the portion of said budget to be funded from sources other than Ad valorem Taxes for Fiscal Year 2013.
- 12-323 A Resolution fixing a date for public hearings, September 13 and September 27, 2012, at 6:00 p.m., upon the tentative budget and proposed millage rats for Fiscal Year 2013.
- 12-324 A Resolution re-adopting Fiscal Policies for Fiscal Year 2013.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Nurse. Nays. None. Absent. Kornell.

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In connection with a Legal item, Chief Assistant Mark Winn made a presentation. Councilmember Kennedy moved with the second of Councilmember Danner that the following resolution be adopted:

12-325 A Resolution of the City Council of St. Petersburg, Florida confirming the appointment of Fred Lyon and the Lyon Firm as special Legal Counsel for the city of St. Petersburg to continue to assist the City of St. Petersburg to continue to assist in the preparation of a Construction Manager at Risk Contract for the New Pier and to assist in the negotiations with the selected Construction manager in an amount not to exceed \$15,000.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Curran. Nurse. Nays. Newton. Absent. Kornell.

The Clerk read the title of proposed Ordinance 38-H. Councilmember Dudley moved with the second of Councilmember Danner that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 2, 2012, at 9:00 a.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinance 38-H, entitled:

PROPOSED ORDINANCE NO. 38-H

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, REGULATING ACTIVITIES IN THE CITY OF ST. PETERSBURG RELATED TO THE 2012 REPUBLICAN NATIONAL CONVENTION; DESIGNATING GEOGRAPHIC BOUNDARIES, DATES AND TIMES FOR AN EVENT ZONE; DESIGNATING A PUBLIC VIEWING AREA AND A PARADE ROUTE; TEMPORARILY SUSPENDING THE ISSUANCE OF CERTAIN PERMITS; PROVIDING FOR REASONABLE TIME, PLACE AND MANNER REGULATIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED, CARRIED OR USED IN THE CITY OF ST. PETERSBURG; PROVIDING FOR PROHIBITIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED, CARRIED OR USED IN THE EVENT ZONE; PROVIDING FOR PROHIBITIONS CONCERNING MATERIALS AND OBJECTS THAT MAY BE POSSESSED IN THE PUBLIC VIEWING

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AREA AND PARADE ROUTE; PROVIDING FOR A PROHIBITION ON PLACING OBJECTS IN THE RIGHT OF WAY; PROVIDING FOR A PROHIBITION ON RAPPELLING; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; CREATING A TEMPORARY SECURITY FENCE PERMIT PROCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TEMPORARY SUSPENSION OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

Assistant City Attorney Mark Winn made a brief presentation, discussed the ACLU letter and stated the ordinance language will be further clarified prior to second reading. Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Nurse. Nays. None. Absent. Kornell.

There being no further business, the meeting was adjourned at 7:23 p.m.

Leslie Curran, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk

REGULAR SESSION OF THE CITY COUNCIL HELD AT CITY HALL

THURSDAY, JULY 26, 2012, AT 3:02 P.M.

Chair Leslie Curran called the meeting to order with the following members present: Charles Gerdes, James R. Kennedy, William H. Dudley, Steven Kornell, Karl Nurse, Wengay M. Newton, Sr. and Jeff Danner. City Administrator Tish Elston, City Attorney John Wolfe, Chief Assistant City Attorney Mark Winn, City Clerk Eva Andujar and Deputy City Clerk Amelia Preston were also in attendance.

Councilmember Danner moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council move Consent Items CB-14 and CB-15 to Reports, amend G-5, page four to renumber (8) (g) to (8) (f), and approve the agenda as amended:

- MOVE C-11 Authorizing the Mayor or his designee to execute a Mentor Recruitment and Training Agreement with the Pinellas County Education Foundation, Inc. in the amount of \$58,000 and all other documents necessary to effectuate this transaction. *[Moved to Reports as E-6]*
- ADD C-13 Approving the distribution of \$293,518 of Edward Byrne Memorial JAG Program funds for projects in Pinellas County, and authorizing the Mayor or his designee to execute a letter to the Office of Criminal Justice Grants acknowledging the City's approval of the distribution and use of these funds, and all other documents necessary to effectuate this approval.
- ADD E-4 Tourist Development Council. (Chair Curran) (Oral)
- ADD E-5 Pinellas Planning Council. (Councilmember Kennedy) (Oral)
- INFO G-1 Public Services & Infrastructure Committee. (7/12/12)
- INFO G-2 Budget, Finance & Taxation Committee. (7/19/12)

INFO G-3 Housing Services Committee. (7/19/12)

- (a) Resolution rescinding unencumbered appropriations in the Housing Capital Improvement Program ("HCIP") Fund (3000) for the following projects: HCIP Developer Recycling Project (11755) in the amount of \$146,487.32; Developer Recycling Project (12039) in the amount of \$37,697.39; and Neighborhood Housing Strategy Project (C801211) in the amount of \$55,000; approving a supplemental appropriation in the amount of \$239,184.71 from the increase in the unappropriated balance of the HCIP Fund (3000), resulting from these rescissions, to the Jamestown Rehabilitation Project (13653); and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

INFO H-1 Settlement of Police Pension Overpayments.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None. Chair requested an update report on the recent pursuits within the City limits from the Police Department.

In connection with the Open Forum portion of the agenda, the following person(s) came forward:

1. Jesse Dorr, 435 12th Avenue North, spoke concerning three properties (427, 445, and 449 12th Avenue North) surrounding her property which are vacant and in a state of disrepair. Homeless are living in the 449 property and she and neighbors feel the neighborhood is becoming less safe. She requested the City's assistance.
2. Amos Miers, 1000 Central Avenue, stated he is opposed to RNC Ordinance and that there are alternative ways to address public safety for the RNC. There are laws in place to handle those who choose to behave in ways that endanger public safety. He asked to meet with Council individually to find a positive solution; asked Council to reject the proposed RNC ordinance.
3. Dan Harvey, 1425 Central, discussed the Pier issue, the Committee of the Whole and Thursday's public hearing. He stated the City should look at the possibility of another project and does not support preserving the current Pier. He suggested several questions for the ballot.
4. Duncan McClellan, St. Petersburg, commented on the importance of the arts and asked Council to approve the recommendations of the Public Arts Commission (Report Item E-2).

5. Mary Ann Murphy, 5471 4th Street South, Public Arts Commission Chair, requested Council approve the Report and Recommendations from the Public Arts Commission (Report Item E-2).

Councilmember Danner moved with the second of Councilmember Kennedy that the following resolutions be adopted:

- 12-326 Awarding a contract to Augustine Construction, Inc. in the amount of \$158,794.75 for the construction of center medians along SR 698/U.S.92 (4th Street North) from 5th Avenue to 30th Avenue North, Center Medians - Phase 2 Project. (Engineering Project No. 05107-210; Oracle No. C120402)
- 12-327 Renewing blanket purchase agreements for electrical supplies with Consolidated Electrical Distributors, Inc. d/b/a CED/Raybro; and Mayer Electric Supply Company, Inc. at an estimated annual amount of \$110,000.
- 12-328 Approving the amended Public Schools Interlocal Agreement between the City of St. Petersburg, the Pinellas County Board of County Commissioners, the Pinellas County School Board and 12 other municipalities that have public schools within their jurisdictions to eliminate school concurrency requirements as provided by the Community Planning Act of 2011; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this approval.
- 12-329 Authorizing the Mayor or his designee, to execute a five (5) year License Agreement with the University of South Florida Board of Trustees ("USF"), a public body corporate, to utilize certain City-owned submerged lands in Bayboro Harbor, described herein, to operate the USF College of Marine Science Moorage. *(Requires an affirmative vote of at least six (6) members of City Council.)*
- 12-330 Approving the assignment of the Sublease Agreement between the City of St. Petersburg and Ridge Rock Partners, LLC ("Ridge Rock") for the easterly ½ portion of JDMU Parcel No. 6, located at 1701 3rd Avenue South, from Ridge Rock to Jagged Peak, Inc.
- 12-331 Authorizing the Mayor or his designee to accept the conveyance of an unimproved parcel of land located at approximately 840 13th Avenue South, St. Petersburg, under the Neighborhood Stabilization Program III, subject to the required Environmental Review Record report result being a Finding of No Significant Impact; to pay real estate taxes not to exceed \$1,800; to pay special assessment liens not to exceed \$5,503.91; to waive the accumulated outstanding special assessment interest; to pay closing related costs not to exceed \$2,000; to improve and sell the property in accordance with the requirements of the Department of Housing and Urban Development, and Section 2301(d)(2) of the Housing and Economic Recovery Act of 2008.

- 12-332 Authorizing the Mayor or his designee to execute a First Amendment to the Lease Agreement, for space at Albert Whitted Airport, by and between the City of St. Petersburg, Florida and Avis Rent A Car System, LLC, a foreign limited liability company registered in the State of Florida; and to execute all documents necessary to effectuate same. *(Requires affirmative vote of at least six (6) members of City Council.)*
- 12-333 Authorizing the Mayor or his designee to execute a Lease Agreement with the Silver Raiders Corporation, a Florida not-for-profit corporation, for the use of the concession stand/restrooms and storage/press box buildings within the James "J.C." Turner Fields on the southwestern portion of City-owned Bartlett Park located at 642 22nd Avenue South, St. Petersburg, Florida for a period of thirty-six (36) months, at an aggregate rent of \$36.00; to waive the reserve for replacement requirement; and to execute all documents necessary to effectuate same. *(Requires affirmative vote of at least six (6) members of City Council.)*
- 12-334 Confirming the reappointment of James R. Hobbs, Jr., Robert K. Doyle and Gary A. Patterson as regular members to the Investment Oversight Committee to serve two-year terms ending March 31, 2014.
- 12-335 Approving a supplemental appropriation in the amount of \$5,250 from the unappropriated balance of the Law Enforcement Fund (1023), to the Police Department, Federal Justice Forfeiture (140-2858) for the purchase of seven iPads; and authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction.
- 12-336 Approving minutes of May 3, May 10, and May 17, 2012 City Council meetings.
- 12-337 Approving the distribution of \$293,518 of Edward Byrne Memorial JAG Program funds for projects in Pinellas County, and authorizing the Mayor or his designee to execute a letter to the Office of Criminal Justice Grants acknowledging the City's approval of the distribution and use of these funds, and all other documents necessary to effectuate this approval.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Curran. Kornell. Nurse. Nays. None. Absent. Dudley.

The Clerk read the titles of proposed Ordinances 1039-V and 39-H. Building Official Rick Dunn responded to questions from Council concerning proposed Ordinance 39-H. Councilmember Danner moved with the second of Councilmember Kennedy that the following resolution be adopted:

7/26/12

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Thursday, August 16, 2012, at 3:00 p.m., or as soon thereafter as the same may be heard, be set as the time for the public hearing on proposed Ordinances 1039-V and 39-H, entitled:

PROPOSED ORDINANCE NO. 1039-V

AN ORDINANCE APPROVING A VACATION OF THE WESTERN 180 FEET OF A 14 FOOT WIDE EAST-WEST ALLEY IN THE BLOCK BOUND BY 34TH STREET SOUTH, 3RD AVENUE SOUTH, 33RD STREET SOUTH AND CARLISLE AVENUE SOUTH; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.

PROPOSED ORDINANCE NO. 39-H

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 12 RELATING TO FEES CHARGED FOR DEVELOPMENT REVIEW SERVICES, CONSTRUCTION SERVICES, FIRE DEPARTMENT SERVICES AND OTHER SERVICE FEES; AMENDING CHAPTER 28 RELATING TO PUBLIC VEHICLE CERTIFICATE AND PUBLIC DRIVER FEES TO BE CONSISTENT WITH CHAPTER 12; AMENDING CHAPTER 20 RELATING TO FIRE ALARM RENEWAL FEES; AND PROVIDING AN EFFECTIVE DATE.

Roll call. Ayes. Newton. Danner. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. Gerdes. Absent. None.

In connection with a report item concerning a CASA Program Agreement Update, Councilmember Kennedy introduced Ms. Tuesdi Fenter Dyer with Community Action Stops Abuse, Inc. (CASA) who made a presentation. She reviewed how calls are addressed, training videos being prepared in conjunction with the Police Department to provide them a better understanding of the dynamics of domestic violence. She also discussed injunction violations, information that should be included in Police reports to assist CASA increase services to victims, ongoing CASA staff training, efforts being made to help children respond to bullying, etc. Council provided comments and thanked CASA for their service to the community.

7/26/12

In connection with a report item concerning the Public Arts Commission, Arts & International Relations Manager Elizabeth Brincklow made a presentation and introduced Mr. Eric Lang Peterson, Arts Appraiser. Mr. Peterson provided comments concerning the City's investment, approximately \$2 million, in the 73 pieces of art now in the Public Art Collection. Councilmember Kennedy moved with the second of Councilmember Gerdes that the following resolution be adopted:

12-338 Requesting the City Attorney's Office draft an ordinance amending Section 5-59 of the St. Petersburg City Code to add a subsection that provides for the proceeds from any claims made on the Public Arts Collection Insurance Policy be deposited in the Art in Public Places Fund for repair or replacement of damaged pieces in the City's Public Art Collection.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None. Councilmember Nurse moved with the second of Councilmember Gerdes that the following resolution be adopted:

12-339 Approving the deaccession of Beach Balls, the 3 piece glass ceramic tile sculpture located outside the North Shore Pool Complex, from the City's Public Art Collection.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None. Councilmember Kornell moved with the second of Councilmember Danner that the following resolution be adopted:

12-340 Requesting the City Attorney's Office draft an ordinance amending Section 5-56 of the St. Petersburg City Code to change the percent of art formula pursuant to the Public Art Commission's recommendation.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with a report item concerning the Lease and Development Agreement for the Historic Manhattan Casino, City Development Senior Administrator Rick Mussett provided background information on the lease, etc. Real Estate & Property Management Director Bruce Grimes made a presentation on the lease with Sylvia's Restaurant. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

- 12-341 Authorizing the Mayor, or his Designee, to select Urban Development Solutions, Inc., a Florida non-profit corporation, as the successful proposer and to execute a Lease and Development Agreement for Historic Manhattan Casino ("Premises") for the lease and development of the Premises for the purposes of constructing, operating and maintaining a Sylvia's, Queen of Soul Food, Restaurant of Harlem, New York on the first floor of the building together with a banquet and community use area on the second floor of the building or an alternative use acceptable to the City Council in its sole discretion; and to pay not more than \$300,000 for permanent improvements to the buildout of the first floor of the building, exclusive of any tenant improvements, or furniture, fixtures and equipment; rescinding an unencumbered appropriation in the Recreation & Cultural Capital Improvement Fund (3029) in the amount of \$100,000 from the Coliseum Land Acquisition Fund (12577); approving a transfer in the amount of \$100,000 from the Recreation & Culture Capital Improvement Fund (3029) to the Neighborhood & Citywide Infrastructure Capital Improvement Fund (3027); approving a supplemental appropriation in the amount of \$100,000 from the Unappropriated Balance of the Neighborhood & Citywide Infrastructure Capital Improvement Fund (3027), resulting from this rescission and transfer, to the Manhattan Improvements Project (12116); and to execute all documents necessary to effectuate same.

Mr. Larry Newsome with Urban Development Solutions, Inc. responded to questions from Council concerning the use of tax credits; tax credits were used to finance the development of Sweetbay

The meeting was recessed at 5:17 p.m.

The meeting was reconvened at 5:18 p.m. with all members present.

In continuation with the report item concerning the Lease and Development Agreement for the Historic Manhattan Casino, the Clerk conducted roll call on Resolution 2012-341. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In connection with a report item concerning the Tourist Development Council, Councilmember Danner moved with the second of Councilmember Newton that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the Tourist Development Council oral report presented by Chair Curran.

Roll call. Ayes. Newton. Danner. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. Gerdes.

7/26/12

In connection with a report item concerning the Pinellas Planning Council, Councilmember Kennedy moved with the second of Councilmember Danner that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive the Pinellas Planning Council oral report presented by Councilmember Kennedy.

Roll call. Ayes. Newton. Danner. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. Gerdes.

In connection with a report item concerning a Mentor Recruitment and Training Agreement, Education & Government Services Director Lori Matway made a presentation and introduced staff member Joyce Alderman. Councilmember Nurse moved with the second of Councilmember Newton that the following resolution be adopted:

12-342 Authorizing the Mayor or his designee to execute a Mentor Recruitment and Training Agreement with the Pinellas County Education Foundation, Inc. in the amount of \$58,000 and all other documents necessary to effectuate this transaction.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Curran. Kornell. Nurse. Nays. None. Absent. None.

In response to Chair Curran's request for an update on the recent Police pursuits within the City, Police Major Phillip Beahn made a presentation concerning the July 24 Childs Park pursuit which resulted in no damages to Police cruisers or injury to our officers; a civilian vehicle was sideswiped during the short pursuit. On July 23, after several calls concerning residential break-ins, the Supervisor authorized pursuit of the suspects after they deliberately attempted to drive into our officers. A minor collision with another vehicle occurred in the vicinity of 15th Avenue & 4 Street N, the pursuit continued and the suspect ran a red light at 9th Avenue North where it struck a west bound vehicle which in turn collided with two north bound vehicles stopped at the intersection. All four suspects were apprehended, the pursuit lasted five minutes with speeds of 40-50 mph with a maximum speed of 70 mph reported along a portion of 22 Avenue North.

The meeting was recessed at 5:38 p.m.

The meeting was reconvened at 6:15 p.m. with the following members present: Council Vice Chair Newton and Councilmembers Danner, Gerdes, Kennedy, Dudley, Kornell and Nurse. Absent. Council Chair Curran.

In connection with public hearings confirming preliminary assessments, the Vice Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Danner moved with the second of Councilmember Kornell that the following resolutions be adopted:

- 12-343 Confirming and approving preliminary assessment rolls for Lot Clearing No. 1505 and providing for an interest rate of 12% per annum on unpaid assessments
- 12-344 Assessing the costs of securing listed on Securing Building Nos. 1166 (SEC 1166) as liens against the respective real property on which the costs were incurred; providing that said liens have a priority as established by City Code Section 8-270; providing for an interest rate of 12% per annum on unpaid balances; and authorizing the Mayor to execute and record Notices of Lien(s) in the public records of the County.
- 12-345 Assessing the costs of demolition listed on Building Demolition No. 394 (DMO 394) as liens against the respective real property on which the costs were incurred; providing that said liens have a priority as established by City Code Section 8-270; providing for an interest rate of 12% on unpaid balances; and authorizing the Mayor to execute and record Notices of Lien(s) in the public records of the County.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran.

In connection with public hearings concerning the Fy2011/2012 and 2012/2013 Annual Action Plans, Senior Housing Development Coordinator Stephanie Lampe made a presentation. Housing & Community Development Director Joshua Johnson provided comments and responded to questions. Councilmember Kennedy moved with the second of Councilmember Danner that the following resolutions be adopted:

- 12-346 Approving a Substantial Amendment to the FY2011/2012 Annual Action Plan ("Amendment") to reduce the HOME Investment Partnership Program ("HOME") funds currently available in the Homebuyer Assistance Program by the amount of \$101,490, to reduce the HOME funds currently available in the Rehabilitation Assistance Program by \$134,636, and to reprogram funds recaptured from prior HOME Community Housing Development Organizations ("CHDO") contract allocations (2007/08, 2008/09, 2009/10) in the amount of \$279,364, for a total combined reduction of \$515,490; to increase the HOME funds available for Tenant Based Rental Assistance Program funding amount by \$230,490, to increase the HOME funds available for Habitat for Humanity of Pinellas County by \$60,000 and to add a Homes for Independence, Inc. CHDO Project in the amount of \$225,000 for a combined increase of \$515,490; and authorizing the Mayor or his designee to submit the Amendment to the U.S. Department of Housing and Urban Development and to execute all documents necessary to implement this resolution and the Amendment.

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12-347 Approving the FY 2012/2013 Annual Action Plan ("Plan"); authorizing the Mayor or his designee to submit said Plan to The U.S. Department of Housing and Urban Development ("HUD") and to execute all documents and contracts necessary for implementation of the Plan.

The Vice Chair asked if there were any persons present wishing to be heard and there was no response. Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran.

The Clerk read the Title of proposed Ordinance 36-H. The Vice Chair asked if there were any persons present wishing to be heard and there was no response. Councilmember Kennedy moved with the second of Councilmember Dudley that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that proposed Ordinance 36-H, entitled:

PROPOSED ORDINANCE NO. 36-H

AN ORDINANCE IN ACCORDANCE WITH SECTION 1.02(C)(3), ST. PETERSBURG CITY CHARTER, AUTHORIZING THE GRANT OF A PUBLIC UTILITY EASEMENT TO FLORIDA POWER CORPORATION D/B/A PROGRESS ENERGY FLORIDA, INC., A FLORIDA CORPORATION, AT THE PORT OF ST. PETERSBURG LOCATED AT 250 - 8TH AVENUE SOUTHEAST, ST. PETERSBURG; AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

be adopted on second and final reading.

Downtown Enterprise Facilities Director David Metz responded to questions. Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran.

In connection with a Legal item concerning a Settlement of Police Pension Overpayments, City Attorney John Wolfe and Human Resources Director Gary Cornwell made a presentation. Councilmember Danner moved with the second of Councilmember Gerdes that the following amendment be adopted:

7/26/12

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that if the retirees agree not to pursue further legal action against the City concerning the difference in pension, the City will waive repayment of the amount already received in error and the retirees can avail themselves of the one of the following three options: 1) change their payment option or beneficiary, 2) move their drop retirement date forward or 3) with permission of the City, retirees can return to work to earn the additional pension service necessary to adjust their benefit to the amount currently being paid in error.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran. Councilmember Nurse moved with the second of Councilmember Gerdes that the following resolution be adopted:

12-348 Approving the Settlement of Police Pension Overpayments as amended.

Roll call. Ayes. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. Newton. Absent. Curran.

In connection with a Public Services & Infrastructure Committee report, Councilmember Dudley moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the July 12, 2012 Public Services & Infrastructure Committee report presented by Councilmember Dudley.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran.

In connection with a Budget, Finance & Taxation Committee report, Councilmember Kennedy moved with the second of Councilmember Kornell that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the July 19, 2012 Budget, Finance & Taxation Committee report presented by Councilmember Kennedy.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran.

In connection with a Housing Services Committee report, Councilmember Nurse moved with the second of Councilmember Gerdes that the following resolution be adopted:

7/26/12

12-349 Resolution rescinding unencumbered appropriations in the Housing Capital Improvement Program ("HCIP") Fund (3000) for the following projects: HCIP Developer Recycling Project (11755) in the amount of \$146,487.32; Developer Recycling Project (12039) in the amount of \$37,697.39; and Neighborhood Housing Strategy Project (C801211) in the amount of \$55,000; approving a supplemental appropriation in the amount of \$239,184.71 from the increase in the unappropriated balance of the HCIP Fund (3000), resulting from these rescissions, to the Jamestown Rehabilitation Project (13653); and authorizing the Mayor or his designee to execute all documents necessary to effectuate this resolution.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran. Councilmember Nurse moved with the second of Councilmember Kennedy that the following resolution be adopted:

BE IT RESOLVED By the City Council of the City of St. Petersburg, Florida, that Council receive and file the July 19, 2012 Housing Services Committee report presented by Councilmember Nurse.

Roll call. Ayes. Newton. Danner. Gerdes. Kennedy. Dudley. Kornell. Nurse. Nays. None. Absent. Curran.

There being no further business, the meeting was adjourned at 7:33 p.m.

Leslie Curran, Chair-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Eva Andujar, City Clerk

Attached documents for item Resolution setting 10:00 p.m. as the latest time (“cutoff time”) for co-sponsored events to be held in Vinoy Park on or after January 2, 2013; and amending City Council Resolution No. 2012-441 to reflect the new cutoff time for approvals for events schedu

Attached documents for item Accepting a \$15,000 grant from the Juvenile Welfare Board in support of the St. Petersburg College Allstate Center's Inner-City Operation to Recruit Public Safety ("iCORPS") initiative; approving a supplemental appropriation in the amount of \$15,000 from

St. Petersburg City Council
Consent Agenda
Meeting of November 1, 2012

TO: The Honorable Leslie Curran, Chair, and Members of City Council

SUBJECT: A resolution accepting a \$15,000 grant from the Juvenile Welfare Board in support of the St. Petersburg College Allstate Center's Inner-City Operation to Recruit Public Safety ("iCORPS") initiative; approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund - Special Projects (0003) resulting from these additional revenues to the Police Department, Fiscal Support Services (140-1389); and a supplemental appropriation in the amount of \$15,000 from the unappropriated balance of the Law Enforcement Fund (1023) to the Police Department, Local Law Enforcement Fund (140-2857) to provide a total of \$30,000 to partially fund the 2012 iCORPS summer camp; authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: The St. Petersburg College Allstate Center produced a proactive summer camp in 2011 in response to the tragic loss of three St. Petersburg police officers to engage inner-city youth and public safety personnel in a positive hands-on experience. The Inner-City Operation to Recruit Public Safety Initiative ("iCORPS") was attended by over 100 at-risk youth from the city's recreation centers. The objectives of the iCORPS camp were to: improve the perception between at-risk youth and public safety officers, encourage youth in at-risk communities to further their education and consider careers in public safety, build confidence and self-esteem leading to a reduction in crime in targeted community, and identify youth who are likely to become involved in criminal activity and divert them from illegal behaviors. Through Pre- and Post tests administered to each camper at the beginning and end of the camp experience, the measurable results supported the objectives with positive outcomes. Due to its success, SPC Allstate Center again requested financial assistance from the city and Juvenile Welfare Board to produce the iCORPS summer camp in 2012.

The City has been offered a \$15,000 ("Grant") from the Juvenile Welfare Board ("JWB") to match the City's support of the St. Petersburg College ("SPC") Allstate Center's Inner-City Operation to Recruit Public Safety Initiative ("iCORPS") summer camp.

The Administration requests that City Council accept the Grant and appropriate those funds and \$15,000 from the Law Enforcement Fund to partially fund the second year of the iCORPS summer camp produced by the St. Petersburg College Allstate Center, for a total contribution to SPC of \$30,000.

The Law Enforcement Fund may be used to support community-based programs for the costs associated with drug and crime prevention education, job skills programming, or other nonprofit community-based programs or activities that are formally approved by the chief law enforcement officer (e.g., chief of police). All expenditures must be supportive of and consistent with a law

enforcement effort, policy, and/or initiative. This programming meets these requirements.

RECOMMENDATION: The administration recommends that City Council adopt the attached resolution accepting a \$15,000 grant from the Juvenile Welfare Board in support of the St. Petersburg College Allstate Center's Inner-City Operation to Recruit Public Safety ("icorps") initiative; approving a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund - Special Projects (0003) resulting from these additional revenues to the Police Department, Fiscal Support Services (140-1389); and a supplemental appropriation in the amount of \$15,000 from the unappropriated balance of the Law Enforcement Fund (1023) to the Police Department, Local Law Enforcement Fund (140-2857) to provide a total of \$30,000 to partially fund the 2012 icorps summer camp; authorizing the Mayor or his designee to execute all documents necessary to effectuate this transaction; and providing an effective date.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available to partially fund the 2012 iCORPS summer camp produced by St. Petersburg College Allstate Center after acceptance of the Grant, and a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund - Special Projects (0003) resulting from the Grant funds to the Police Department, Fiscal Support Services (140-1389); and an additional supplemental appropriation of \$15,000 from the Law Enforcement Fund (1023) to the Police Department, Local Law Enforcement Fund (140-2857).

Approvals:

Administration:



Budget:



Legal: 00164105.doc v. 3

Resolution No. 2012-_____

A RESOLUTION ACCEPTING A \$15,000 GRANT FROM THE JUVENILE WELFARE BOARD IN SUPPORT OF THE ST. PETERSBURG COLLEGE ALLSTATE CENTER'S INNER-CITY OPERATION TO RECRUIT PUBLIC SAFETY ("iCORPS") INITIATIVE; APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$15,000 FROM THE INCREASE IN THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND - SPECIAL PROJECTS (0003) RESULTING FROM THESE ADDITIONAL REVENUES TO THE POLICE DEPARTMENT, FISCAL SUPPORT SERVICES (140-1389); AND A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$15,000 FROM THE UNAPPROPRIATED BALANCE OF THE LAW ENFORCEMENT FUND (1023) TO THE POLICE DEPARTMENT, LOCAL LAW ENFORCEMENT FUND (140-2857) TO PROVIDE A TOTAL OF \$30,000 TO PARTIALLY FUND THE 2012 iCORPS SUMMER CAMP; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has been offered a \$15,000 ("Grant") from the Juvenile Welfare Board ("JWB") to match the City's support of the St. Petersburg College ("SPC") Allstate Center's Inner-City Operation to Recruit Public Safety Initiative ("iCORPS") summer camp; and

WHEREAS, City Council has been asked to accept the Grant; and

WHEREAS, the Administration has requested a supplemental appropriation in the amount of \$15,000 from the increase in the unappropriated balance of the General Fund - Special Projects (0003) resulting from these additional funds to the Police Department, Fiscal Support Services (140-1389); and

WHEREAS, the Administration has requested an additional appropriation of \$15,000 from the Law Enforcement Fund (1023) to the Police Department, Local Law Enforcement Fund (140-2857) to match the JWB Grant to partially fund the 2012 iCORPS summer camp produced by SPC Allstate Center, for a total contribution to SPC of \$30,000; and

WHEREAS, the Administration will use the funds to improve the perception between at-risk youth and public safety officers, encourage youth in at-risk communities to further their education and consider careers in public safety, build confidence and self-esteem leading to a reduction in crime in targeted community, and identify youth who are likely to become involved in criminal activity and divert them from illegal behaviors; and

WHEREAS, the supplemental appropriations set forth above are required to fund the City's participation in iCorps for 2012-2013

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the \$15,000 grant ("Grant") from the Juvenile Welfare Board in support of the St. Petersburg College Allstate Center's Inner-City Operation to Recruit Public Safety Initiative is accepted; and

BE IT FURTHER RESOLVED that there is hereby approved the following supplemental appropriation from the increase in the unappropriated balance of the General Fund - Special Projects (0003) resulting from the the Grant revenues for Fiscal Year 2013:

General Fund - Special Projects (0003)
Police Department, Fiscal Support Services (140-1389) \$15,000
;and

BE IT FURTHER RESOLVED that there is hereby approved the following supplemental appropriation from the unappropriated balance of the Law Enforcement Fund (1023) for Fiscal Year 2013:

Law Enforcement Fund (1023)
Police Department, Local Law Enforcement Fund (140-2857) \$15,000;
;and

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to executed all documents necessary to effectuate this transaction.

This Resolution shall take effect immediately upon its adoption.

Approvals:

Legal:

Budget:

Administration:

Legal: 00164103.doc v. 5

Attached documents for item Code Enforcement Board

Attached documents for item Community Preservation Commission

Attached documents for item Planning & Visioning Commission

Attached documents for item City Beautiful

Attached documents for item Commission on Aging